



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 December 2, 2021, at 8:30 a.m., at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

INVOCATION

1. Mayor Anthony Williams

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

CONSENT AGENDA AND PUBLIC COMMENTS

All items listed in the Consent Agenda are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion or presentation of these items unless otherwise requested by a Council Member. In the event one or more Council Members remove an item from the consent Agenda for separate discussion or presentation, the item or items removed will be considered in numerical order as part of the Regular Agenda and shall include a public hearing.

After the Council Members have requested any item on the consent Agenda be considered separately, the public comment period will be held. The public comment section of the consent agenda allows members of the public to present any ideas or information to the City Council and staff, and also allows for public comment on the consent agenda items not otherwise pulled for separate consideration. Neither the City Council nor staff will engage in discussion with the public during the public comments unless the item is listed on the Council agenda.

Members of the public will have a total time limit of three (3) minutes to speak during the public comments section.

2. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on November 18, 2021 **(Shawna Atkinson)**
3. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter **(Shawna Atkinson)**
 - Abilene Housing Authority
 - Abilene-Taylor County Child Advocacy Center Board
 - Civil Service Commission
 - Development Corporation of Abilene
 - Keep Abilene Beautiful
 - Landmarks Commission
 - Neighborhood Services Advisory Board
4. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Modifying and Extending the Declaration of Local Disaster (COVID-19) **(Robert Hanna)**
5. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Stop Loss Insurance Coverage for Health Plan Year 2022 **(Pamela Williams)**
6. **Resolution:** Receive a Report, Hold a Discussion and Take Action to Approve the Maximum Fares and Charges of Taxicabs under Chapter 31 of the Code of Ordinances, "Vehicles for Hire". **(Don Green)**
7. **Resolution:** Receive a Report, Hold a Discussion and Take Action to Approve a Resolution to Authorize Expenditures that May Exceed \$50,000 with Miscellaneous Vendors the City uses in FY22 **(Don Green)**
8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding Bid to Justice Construction for accessibility renovations to City of Abilene Council Chamber **(Mari Cockerell)**
9. **Resolution:** Receive a Report, Hold a Discussion, and Take Action on Awarding the Rebid for the Purchase of Bulk Citric Acid to be used for Water and Wastewater Treatment Processes During Fiscal Year 2022 **(Rodney Taylor)**
10. **Resolution:** Receive a Report, Hold a Discussion, and Take Action on approval for purchase of a playground for Vaughn-Camp Park from WeBuildFun, Inc. **(Lesli Andrews)**
11. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Take Action on approving an Ordinance establishing the 2022 Standards of Care and Setting a Public Hearing for December 16, 2021 **(Lesli Andrews)**
12. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Take Action on Amending the Fiscal Year 2021-22 Budgets **(Mike Rains)**
13. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Take Action on the Creation of a Reinvestment Zone No. RZ21-1 being approximately 875 acres in Taylor County, Texas **(Robert Hanna)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

14. **Presentation:** Receive a Report and Hold a Discussion and Public Hearing on completion of the AMI Meter Replacement Project and a Tutorial of the Customer Portal (**Rodney Taylor**)
15. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Creating Abilene Neighborhood Empowerment Zone #2, Amending Abilene Neighborhood Empowerment Zone #1, and Creating an Infill Development Plan (**Robert Hanna**)
16. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 17, "Misc Provisions", Article III, "Metal Recycling Entities and Precious Metal Buyers", Section 17-68, "Permit Expiration" of the Abilene Municipal Code (**Shawna Atkinson**)
17. **Ordinance (Final Reading) Z-2021-30:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Hit Ventures LLC to Change Zoning from Agricultural Open Space (AO) to a Neighborhood Retail (NR) District on Approximately 4.51 acres at 3250 Beltway South. (**Tim Littlejohn**)
18. **Ordinance (Final Reading) Z-2021-31:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Jeffrey C. Snead to Change Zoning from Agricultural Open Space (AO) to a General Commercial (GC) District on Approximately 36 Acres of Land at 3658 East Highway 80 in East Abilene. (**Tim Littlejohn**)
19. **Ordinance (Final Reading) Z-2021-32:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From Weatherbee Construction Inc. (Represented By Enprotec/Hibbs & Todd, Engineering Consultants) To Change Zoning From Agricultural Open Space (AO) To A Residential Medium-Density (MD) District On Approximately 14 Acres Of Land at 665 East South 27th Street In Southeast Abilene. (**Tim Littlejohn**)
20. **Ordinance (Final Reading) Z-2021-33:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From Sitzes Brothers LLC (Represented By Enprotec/Hibbs & Todd, Engineering Consultants) To Change Zoning From Residential Multi-Family (MF) To A Planned Development (PD) District Allowing Uses Commensurate With Residential Multi-Family (MF) Zoning As Well As Self-Service Storage, On Approximately 1¼ Acre Of Now-Vacant Land At 3750 Rolling Green Drive, In South Abilene. (**Tim Littlejohn**)
21. **Ordinance (Final Reading) Z-2021-34:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From Christopher Blake Howard (Represented By Jacob & Martin LLC) To Change Zoning From Residential Single-Family (RS-6) To A Residential Single-Family Patio Home (PH) District On Approximately 2.78 Acres Of Now-Vacant Land At 1633 Griffith Road. (**Tim Littlejohn**)
22. **Ordinance (Final Reading) Z-2021-35:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From Broadview Baptist Church (Represented By Les Campbell) To Change Zoning From Residential Single-Family (RS-6) To A Neighborhood Retail (NR) District On 0.3271 Acre Of Land At 2414 South 27th Street In South Central Abilene. (**Tim Littlejohn**)
23. **Ordinance (Final Reading) Z-2021-36:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From Abilene Majestic LLC (Represented By Jacob & Martin LLC) To Amend Terms And Conditions Of Planned Development District Number 77 (PD 77) Specifically As They Affect 1.98 Acre Of Now-Vacant Land At 3850 Catclaw Drive In South Abilene, Expanding The Range Of Allowed Uses There To Include (Minor) Repair And Maintenance Of Automobiles And Small Trucks. (**Tim Littlejohn**)

EXECUTIVE SESSION

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

A. 551.071 (Consultation with Attorney)

1. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
2. City of Abilene v. 3118 South 22nd Street, Abilene, Texas, et al.; Cause No. 11968-D, In the 350th Judicial District Court, Taylor County, Texas; filed October 11, 2019
3. Chandler Brooks v. Taylor County, et al.; Civil Action No. 1:20-cv-00049, In the United States District Court, Northern District of Texas, Abilene Division; filed March 5, 2020
4. John Doe v. Robert Hanna, Individually and as City Manager; Cause No. 28078-B; In the 104th Judicial District Court, Taylor County, Texas; filed July 7, 2020
5. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-004598, In the 53rd Judicial District Court, Travis County, Texas; filed September 1, 2020
6. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
7. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-007028, In the 459th Judicial District Court, Travis County, Texas; filed November 18, 2020
8. Natasha Jones v. City of Abilene, Texas; EEOC Charge of Discrimination, 450-2020-06446; filed September 15, 2020
9. Officer Mark Watson and City of Abilene, Case No. 01-21-0002-5335; Appeal of Indefinite Suspension to Arbitration, filed March 10, 2021
10. Alton H. Smith, Jr. and Alicia Malorie Smith v. City of Abilene, Texas; Cause No. 51055-A, In the 42nd Judicial District Court, Taylor County, Texas; filed March 11, 2021
11. Steve Van Horne, et al. v. City of Abilene, et al.; Cause No. 12530-D, In the 350th Judicial District Court, Taylor County, Texas; filed September 7, 2021
12. Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District, et al.; Cause No. P827783CV, in the 83rd Judicial District Court, Pecos County, Texas; filed September 11, 2020
13. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-21-006299, In the 250th Judicial District Court, Travis County, Texas; filed October 20, 2021
14. Governor's Executive Orders - COVID-19

B. 551.072 (Deliberations about Real Property)

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)

RECONVENE

ADJOURNMENT

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

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 24th day of November, 2021, at 11:35 a.m.

Shawna Atkinson, TRMC, CMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 2. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on November 18, 2021
(*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting Held on November 18, 2021

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 11-18-2021 Minutes - Regular - Morning

CITY COUNCIL MEETING
November 18, 2021 at 8:30 a.m.

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

The City Council of the City of Abilene, Texas met in Regular Session on November 18, 2021, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding, along with, Deputy Mayor Pro-tem Travis Craver, and Councilmembers Shane Price, Lynn Beard, Donna Albus, and Weldon Hurt. Mayor Pro-tem Kyle McAlister was absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

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

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Mayor Williams and the City Council were presented ceremonial gavels from State Senator Lucio

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 8:38 a.m., pursuant to the following of the Open Meetings Act, with the following issues discussed during this session, as listed on the agenda and authorized by the noted Texas Government Code Section:

- 22. A. 551.071 (Consultation with Attorney)
 - 1. Public Comment Law & the Open Meetings Act
- 22. B. 551.074 (Personnel Matters)
 - 1. Public Comment Law & the Open Meetings Act

The Executive Session ended at 9:18 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

PUBLIC COMMENTS

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

- David Swart – spoke about McDonalds and Thanksgiving, congratulated Mayor Williams on his recent awards, and described a flaw he found on the new two-way lanes on North 5th.
- Dorothy Clay – wished everyone a happy Thanksgiving and thanked the Council for their hard and diligent work, and all they have done for the City of Abilene.

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

CONSENT AGENDA

The Consent Agenda consisted of items 3-17. No items were pulled for individual consideration.

Councilmember Hurt moved to approve the consent agenda, consisting of items 3-17. Councilmember Beard seconded the motion. Motion carried.

AYES (6): Mayor Williams, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt
NAYS (0): None
ABSENT (1): Mayor Pro-tem McAlister

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on October 28, 2021, and the Regular Meeting Held on November 4, 2021
4. Resolution: Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter (Board of Building Standards and Library Advisory Board)
[ASSIGNED RESOLUTION NO. 195-2021]
5. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Enter into a Professional Services Agreement with Baker Tilly US, LLP for a Comprehensive Compensation and Classification Study
[ASSIGNED RESOLUTION NO. 196-2021]
6. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid No. 2169 to Teinert Construction for Renovation to the Abilene Convention Center North Plaza
[ASSIGNED RESOLUTION NO. 197-2021]
7. Resolution: Receive a Report, Hold a Discussion and Take Action on renewal of the Water Supply Contract with the Hamby Water Supply Corporation
[ASSIGNED RESOLUTION NO. 198-2021]
8. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing a Contract with Smith Pump Company, Inc. for Repair of Ivie Raw Water Intake Pump #1
[ASSIGNED RESOLUTION NO. 199-2021]
9. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Engineering Services for Maple Street Roadway Improvements Carriage Hills Parkway to Loop 322 to Jacob and Martin
[ASSIGNED RESOLUTION NO. 200-2021]
10. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Amending Chapter 17, "Misc Provisions", Article III, "Metal Recycling Entities and Precious Metal Buyers", Section 17-68, "Permit Expiration" of the Abilene Municipal Code
11. Ordinance (First Reading) Z-2021-30: Receive a Report, Hold a Discussion and Take Action on a Request from Hit Ventures LLC to Change Zoning from Agricultural Open Space (AO) to a Neighborhood Retail (NR) District on Approximately 4.51 acres at 3250 Beltway South
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15. Ordinance (First Reading) Z-2021-34: Receive a Report, Hold a Discussion and Take Action on a Request From Christopher Blake Howard (Represented By Jacob & Martin LLC) To Change Zoning From Residential Single-Family (RS-6) To A Residential Single-Family Patio Home (PH) District On Approximately 2.78 Acres Of Now-Vacant Land At 1633 Griffith Road
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17. Ordinance (First Reading) Z-2021-36: Receive a Report, Hold a Discussion and Take Action on a Request From Abilene Majestic LLC (Represented By Jacob & Martin LLC) To Amend Terms And Conditions Of Planned Development District Number 77 (PD 77) Specifically As They Affect 1.98 Acre Of Now-Vacant Land At 3850 Catclaw Drive In South Abilene, Expanding The Range Of Allowed Uses There To Include (Minor) Repair And Maintenance Of Automobiles And Small Trucks

REGULAR AGENDA

18. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting Tax Abatement Guidelines and Criteria Renewal
[ASSIGNED RESOLUTION NO. 201-2021]

Robert Hanna, City Manager, presented the item. Adoption of the item would renew the City's guidelines and criteria for tax abatements for a two-year period.

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

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

AYES (6): Mayor Williams, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt
NAYS (0): None
ABSENT (1): Mayor Pro-tem McAlister

19. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on amending Chapter 32, "Utilities" of the Abilene Municipal Code, Article III, "Fats, Oils, and Grease"
[ASSIGNED ORDINANCE NO. 63-2021]

Rodney Taylor, Director of Water Utilities, presented the item. Adoption of the item would amend Chapter 32, "Utilities" of the Abilene Municipal Code, Article III, "Fats, Oils, and Grease", adding language to expedite the review and approval process for variances, and adding an appeal process to the City Manager.

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

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

AYES (6): Mayor Williams, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt
NAYS (0): None
ABSENT (1): Mayor Pro-tem McAlister

20. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Section 18-289.1, "Same - During Certain Hours" of the Code of Ordinances Regarding School Zone Areas No Longer in Use
[ASSIGNED ORDINANCE NO. 64-2021]

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would amend Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Section 18-289.1, "Same - During Certain Hours" of the Code of Ordinances regarding school zone areas no longer in use.

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

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

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

NAYS (0): None

ABSENT (1): Mayor Pro-tem McAlister

21. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Section 18-297, "Stopping, standing and parking prohibited," of the Code of Ordinances to install a No Stopping, Standing, Parking Zone on the North and South sides of EN10th Street near Taylor Elementary School
[ASSIGNED ORDINANCE NO. 65-2021]

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would amend Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Section 18-297, "Stopping, standing and parking prohibited," of the Code of Ordinances to install a No Stopping, Standing, or Parking Zone on the North and South sides of EN10th Street near Taylor Elementary School.

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

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

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

NAYS (0): None

ABSENT (1): Mayor Pro-tem McAlister

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 9:35 a.m., pursuant to the following of the Open Meetings Act, with the following issues discussed during this session, as listed on the agenda and authorized by the noted Texas Government Code Section:

22. A. 551.071 (Consultation with Attorney)
1. Sharra Sampson v. City of Abilene
 2. Officer Mark Watson & the City of Abilene
 3. The City of Abilene v. Ken Paxton, Attorney General of Texas
 4. Public Comment Law & the Open Meetings Act

- 22. D. 551.074 (Personnel Matters)
 - 1. Firemen's Pension Fund Board
- 22. F. 551.087 (Business Prospect/Economic Development)
 - 1. DCOA Project Artemis

The Executive Session ended at 10:18 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

- 23. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Agreement with Project Artemis
[ASSIGNED RESOLUTION NO. 202-2021]

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would approve an economic development agreement for Project Artemis.

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

- Samuel Garcia – stated he was not for or against this item, but he wanted to voice his concerns with how the DCOA was handling the redaction of public records.

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

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

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

NAYS (0): None

ABSENT (1): Mayor Pro-tem McAlister

ADJOURNMENT

There being no further business, the meeting adjourned at 10:25 a.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 3.

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

- Abilene Housing Authority
- Abilene-Taylor County Child Advocacy Center Board
- Civil Service Commission
- Development Corporation of Abilene
- Keep Abilene Beautiful
- Landmarks Commission
- Neighborhood Services Advisory Board

GENERAL INFORMATION

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

SPECIAL CONSIDERATIONS

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

FUNDING/FISCAL IMPACT

No cost consideration to the city.

STAFF RECOMMENDATION

(Re)Appointment

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

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

RESOLUTION NO. _____

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

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

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

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

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

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

PASSED this 2nd day of December, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____ EXHIBIT "A"	
Board	Term End Date
<i>Abilene Housing Authority</i>	
Tim Evans [Reappointment]	November 2023
<i>Abilene-Taylor County Child Advocacy Center Board</i>	
Aubri Ward [New]	December 2024
<i>Civil Service Commission</i>	
Blair Schroeder [New]	November 2024
<i>Development Corporation of Abilene</i>	
Sam Vinson [Reappointment]	November 2024
Vic Corley [Reappointment]	November 2024
<i>Keep Abilene Beautiful</i>	
Kyle Tolliver [New]	September 2023 [unexpired term]
<i>Landmarks Commission</i>	
Michael McClellan [Reappointment]	November 2024
<i>Neighborhood Services Advisory Board</i>	
Jori Sechrist [Reappointment]	November 2023

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

- Abilene Housing Authority
- Abilene-Taylor County Child Advocacy Center Board
- Civil Service Commission
- Development Corporation of Abilene
- Keep Abilene Beautiful
- Landmarks Commission
- Neighborhood Services Advisory Board





**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Honorable Mayor and City Council Members

FROM: Robert Hanna, City Manager

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

GENERAL INFORMATION

On November 4, 2021, the City Council issued its Resolution Further Modifying Its Extension of Disaster Declaration, which was effective until December 2, 2021. On July 29, 2021, Governor Abbott issued his Executive Order GA-38 regarding COVID-19. On August 25, 2021, Governor Abbott issued his Executive Order GA-39 regarding vaccine mandates. On October 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 Orders regarding COVID-19.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 25th 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. GA-39
4. proc10282021_COVID
5. Disaster Declaration PPT

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL, CITY OF ABILENE, TEXAS, FURTHER MODIFYING ITS EXTENSION OF DECLARATION OF DISASTER (COVID-19) ISSUED ON ~~NOVEMBER~~OCTOBER ~~414~~, 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-38, and which was effective until October 14, 2021; and

WHEREAS, on October 14, 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 November 4, 2021; and

WHEREAS, on November 4, 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 GA-39, and which was effective until December 2, 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 August 25, 2021, the Governor of the State of Texas issued his Executive Order GA-39, effective until it is modified, amended, rescinded, or superseded by the Governor, which related to vaccine mandates; and

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

WHEREAS, because of the continuing risk of the rapid spread of the COVID-19 virus, the need to protect the most vulnerable members of the community, the intent to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while

enabling essential services and commerce to continue, and the desire to slow the spread of COVID-19 to maximum extent possible, this Order is required; and

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

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

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

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

1. The foregoing recitals as incorporated herein and made findings of fact.
2. That the City Council, effective immediately, hereby renews and continues the local state of disaster for the City of Abilene, Texas, pursuant to Section 418.108(b) of the Texas Government Code.
3. Pursuant to Section 418.108(c) of the Government Code, this renewal and continuation of the declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to Section 418.108(d) of the Government Code, this renewal and continuation of the declaration of a local state of disaster continues activation of the emergency management plan for the City of Abilene. The furnishing of aid and assistance under the declaration is hereby authorized. The appropriate preparedness and response aspects of the plan are continued.
5. The use of all available resources of the City of Abilene that are reasonably necessary to cope with this disaster are hereby authorized.
6. To the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct of City business or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement with would impede the City's emergency response necessary to cope with this declared

disaster, are hereby suspended, but only for the duration of this declared local disaster and only for that limited purpose.

7. Pursuant to Section 418.108(g) of the Government Code, the City of Abilene may control ingress to and egress from a disaster area within the incorporated limits of the City of Abilene and control the movement of persons and the occupancy of premises in that area.
8. Pursuant to Section 122.006 of the Texas Health and Safety Code, the City of Abilene may adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease.
9. The intent of this Order is to protect the physical health and well-being of City of Abilene residents, to protect the financial health and well-being of City of Abilene residents and businesses, and to slow the spread of COVID-19 to the maximum extent possible while safeguarding the Constitutional liberties of City of Abilene residents by utilizing the least restrictive means possible and encouraging the highest level of personal responsibility.

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

10. The City of Abilene hereby adopts and incorporates herein Governor Greg Abbott's Executive Orders GA-38 and GA-39, the same as if they were copied and set-forth at length herein. The City of Abilene will follow and enforce the conditions and restrictions as set forth in GA-38 and GA-39, and adopts and incorporates any further Proclamations modifying, amending or superseding GA-38 or GA-39 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 or GA-39, 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 or GA-39.
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. January 13~~December 2~~, 202~~21~~2 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 ~~2nd~~^{4th} day of ~~November~~December, 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

3:15pm 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 blue ink signature of Gregory S. Davidson, written in a cursive style.

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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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

August 25, 2021

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

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

AUG 25 2021

Secretary of State

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-39 relating to prohibiting vaccine mandates and vaccine passports subject to legislative action.

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

Respectfully submitted,


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
August 25, 2021

EXECUTIVE ORDER GA 39

*Relating to prohibiting vaccine mandates and vaccine passports
subject to legislative action.*

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, I have 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; and

WHEREAS, COVID-19 vaccines are strongly encouraged for those eligible to receive one, but have always been voluntary for Texans; and

WHEREAS, I issued Executive Orders GA-35 and GA-38, addressing COVID-19 vaccines administered under an “emergency use authorization” by prohibiting vaccine mandates from governmental entities and by prohibiting “vaccine passports” from governmental entities and certain others; and

WHEREAS, subsequently, on August 23, 2021, while the legislature was already convened in a special session, the U.S. Food and Drug Administration (FDA) approved one of the COVID-19 vaccines for certain age groups, such that this vaccine is no longer administered under an emergency use authorization for those age groups; and

WHEREAS, while this COVID-19 vaccine is now FDA-approved for certain age groups, others are not yet approved and still are administered under an emergency use authorization; and

WHEREAS, through Chapter 161 of the Texas Health and Safety Code, as well as other laws including Chapters 38 and 51 of the Texas Education Code, the legislature has established its primary role over immunizations, and all immunization laws and regulations in Texas stem from the laws established by the legislature; and

WHEREAS, in other contexts where the legislature has imposed immunization requirements, it has also taken care to provide exemptions that allow people to opt out of being forced to take a vaccine; and

WHEREAS, given the legislature’s primacy and the need to avoid a patchwork of regulations with respect to vaccinations, it is appropriate to maintain the status quo of

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AUG 25 2021

prohibiting vaccine mandates through executive order while allowing the legislature to consider this issue while in session; and

WHEREAS, in this instance, given the legislature's prior actions, maintaining the status quo of prohibiting vaccine mandates and ensuring uniformity pending the legislature's consideration means extending the voluntariness of COVID-19 vaccinations to all COVID-19 vaccinations, regardless of regulatory status; and

WHEREAS, I am also adding this issue to the agenda for the Second Called Session of the legislature that is currently convened so that the legislature has the opportunity to consider this issue through legislation; and

WHEREAS, I will rescind this executive order upon the effective date of such legislation;

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

1. No governmental entity can compel any individual to receive a COVID-19 vaccine. I hereby suspend Section 81.082(f)(1) of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that no governmental entity can compel any individual to receive a COVID-19 vaccine.
2. 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. I hereby suspend Section 81.085(i) of the Texas Health and Safety Code, and any other relevant statutes, 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.
3. 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. No consumer may be denied entry to a facility financed in whole or in part by public funds for failure to provide documentation regarding the consumer's vaccination status for any COVID-19 vaccine.
4. 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.
5. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. 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

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

AUG 25 2021

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.

This executive order supersedes only paragraph No. 2 of Executive Order GA-38, and does not supersede or otherwise affect the remaining paragraphs of Executive Order GA-38. 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 25th
day of August, 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
2PM O'CLOCK

AUG 25 2021



GOVERNOR GREG ABBOTT

October 28, 2021

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

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 PM O'CLOCK

OCT 28 2021

Secretary of State

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 October, 2021.

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

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:20 PM O'CLOCK

OCT 28 2021

Governor Greg Abbott
October 28, 2021

Proclamation
Page 2

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 pm O'CLOCK
OCT 28 2021

ATTESTED BY:



JOE ESPARZA
Deputy Secretary of State

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



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Pamela Williams, Assistant Director

SUBJECT: 5. Resolution: Receive a Report, Hold a Discussion and Take Action on Stop Loss Insurance Coverage for Health Plan Year 2022 (*Pamela Williams*)

GENERAL INFORMATION

The City of Abilene provides medical and prescription insurance coverage to its employees and retirees through its self-funded health plan. To insure against the risk of significant large dollar claims in the plan, the City purchases stop loss insurance coverage each plan year. This is accomplished through a competitive proposal process with qualified carriers coordinated by the City's benefits consultants, McGriff, Seibels & Williams, Inc. Stop loss insurance provides protection at both the individual member level, as well as the aggregate plan level in excess of a certain amount (attachment point). The current 2021 individual stop loss deductible is \$225,000 and the plan's attachment point is 125% of expected claims.

SPECIAL CONSIDERATIONS

Notices were published for RFP #CB-2207 Stop Loss Insurance on October 3, 2021, and October 10, 2021. Proposals were due on October 29, 2021, and evaluated by our consultant, McGriff, Seibels & Williams. Two (2) carriers responded out of fifteen (15) invitations extended to potential carriers. Thirteen (13) vendors declined to quote due to their uncompetitive rates. The most advantageous proposal was received from Blue Cross Blue Shield as follows:

Carrier	Blue Cross Blue Shield
Estimated 2022 Cost	\$808,932.48

The advantages of having stop loss coverage through Blue Cross Blue Shield is that the City's self-insured medical claims are already administered by BCBS, who is already familiar with our

claims experience, and the expected coordination within BCBS will be more streamlined. In addition, should BCBS be awarded a renewal contract for plan year 2022 through the next proposal process, they have committed to having no lasers and a 45% cap on any increase at that time.

FUNDING/FISCAL IMPACT

The stop loss coverage is part of the self-insurance fund budget for fiscal year 2022. The projected cost for stop loss premiums for plan year 2022 is increase from \$770,983.68 to \$808,932.48, a \$37,948.80 (4.9%) increase. The individual stop loss deductible will remain at \$225,000 and the attachment point will remain at 125% of expected claims.

STAFF RECOMMENDATION

It is the recommendation of staff, as well as that of our consultants, McGriff, Seibels & Williams, that the City accept the proposal from Blue Cross Blue Shield.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution
2. City of Abilene 1.1.2022 Stop Loss App
3. Presentation Stop Loss

RESOLUTION NO. _____

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING THE AWARD OF STOP LOSS INSURANCE COVERAGE FOR THE HEALTH
PLAN OF THE CITY OF ABILENE FOR PLAN YEAR 2022.**

WHEREAS, the City of Abilene maintains a self-insured health plan for the medical and prescription medication claims of its employees, and

WHEREAS, it is common industry practice to insure against the risk of large dollar claims of a self-insured health plan by the purchase of stop loss insurance coverage, and

WHEREAS, the current stop loss coverage will expire on December 31, 2021, and

WHEREAS, the City wishes to purchase stop loss coverage for plan year 2022, and

WHEREAS, the City published notices in the Abilene Reporter News for sealed proposals under RFP #CB-2207 Stop Loss Insurance on October 3, 2021 and October 10, 2021, and proposals were due on October 29, 2021, and

WHEREAS, the City of Abilene, through its benefits consultants, McGriff, Seibels & Williams, Inc., received and evaluated the proposals received for said coverage, and

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

PART 1: That the stop loss insurance coverage proposal most advantageous to the City was provided by Blue Cross Blue Shield.

PART 2: That the City Manager, or his designee, is hereby authorized to execute documents with Blue Cross Blue Shield in order to secure stop loss insurance coverage for plan year 2022.

PASSED this 2nd day of December, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



APPLICATION FOR STOP LOSS COVERAGE

Employer Group Name: City of Abilene
Employer Group Address: 555 Walnut St. Room 101
City: Abilene **State of Situs:** TX **Zip Code:** 76901
Account Number: 270460
Employer Group Number(s): 270460
Current Effective Date of Policy 01/01/2022
Current Policy Period: These specifications are for the Policy Period commencing on 01/01/2022 and ending on 12/31/2022

The specifications below shall become effective on the first day of the Policy Period specified above and shall continue in full force and effect until the earliest of the following dates: (1) The last day of the Policy Period; (2) The date the Policy terminates; or (3) The date this Application is superseded in whole or in part by a later executed Application.

A. Aggregate Stop Loss Coverage: ☒ Yes ☐ No
If yes, complete items 1 through 9 below.

1. ☐ New Coverage ☒ Renewal of Existing Coverage

2. Stop Loss Coverage during the current Policy Period:

☐ New Coverage (Select one from below):

☐ Incurred and paid during the Policy Period: Claims incurred and paid from _____ to _____

☐ Incurred with Run-Out: Claims incurred from _____ to _____
and Claims paid from _____ to _____

☐ Run-in coverage: Claims incurred from _____ to _____
and Claims paid from _____ to _____

If coverage is for claims incurred prior to the effective date of the Policy and paid by Policyholder's prior claim administrator, then such claims must be reported by the Policyholder to the Company (Blue Cross and Blue Shield of Texas, a Division of Health Care Service Corporation, a Mutual Legal Reserve Company) and paid by the Policyholder's prior claim administrator by the end of the current Policy Period.

☒ Renewal of Existing Coverage:

☒ Claim Administrator's Claims: Claims incurred on or after the original Effective Date of Policy and paid during the Policy Period.

☐ Incurred with Run-Out: Claims incurred from _____ to _____
and Claims paid from _____ to _____

3. Aggregate Stop Loss Coverage shall apply to:

- ☒ Medical Claims
- ☒ Outpatient Prescription Drug Claims with Company's Pharmacy Benefit Manager
- ☐ Outpatient Prescription Drug Claims with Policyholder's Pharmacy Benefit Manager: _____
- ☐ Dental Claims
- ☐ Other (please specify): _____

4. Average Claim Value: \$916.81 (per Employee per Month)

Attachment Factor: 125% of the Average Claim Value

5. Aggregate Claim Liability and Run-Off Claim Liability Factors

- a. Employer's Claim Liability for each Policy Period shall be the sum of the Monthly amounts obtained by multiplying the number of Individual and Family Coverage Units for each Month by the following factors:

\$_____ for each Coverage Unit

\$_____ for each Family Coverage Unit

*Please use the continuous text field directly below for any other structure (leaving the fields above blank).
Note: you can use the "return" key to create additional rows, if needed:*

\$988.03 Composite

- b. Employer's Run-Off Claim Liability shall be calculated by multiplying the sum average of the total of all Coverage Units during each of the three calendar Months immediately preceding termination by the factors shown below. Settlement for the final accounting period will be described in the section of the Policy entitled SETTLEMENTS.

\$_____ for each Coverage Unit

\$_____ for each Family Coverage Unit

*Please use the continuous text field directly below for any other structure (leaving the fields above blank).
Note: you can use the "return" key to create additional rows, if needed:*

\$244.36 Composite

6. CAP Arrangement ☐ Yes ☒ No

7. Aggregate Stop Loss Claims

- a. The amount of Paid Claims during the current Policy Period, less:

i. Individual (Specific) Stop Loss Claims

ii. Any claims in excess of the Individual (Specific) Stop Loss Claims per Covered Person per Lifetime Maximum

iii. Any claims in excess of the Individual (Specific) Stop Loss Claims maximum Point of Attachment

that exceeds the Aggregate Point of Attachment. The Aggregate Point of Attachment shall equal the sum of the Employer's Claim Liability amounts calculated Monthly as described in item A.5.a. above for the current Policy Period.

- b. In the event of termination at the end of a Policy Period, the Final Settlement Aggregate Point of Attachment shall equal the sum of the Employer's Claim Liability amount for the Final Policy Period and the Employer's Run-Off Claim Liability calculated as described in item A.5.b. above. However, for the current Policy Period the minimum Aggregate Point of Attachment shall be \$10,073,112.

8. Stop Loss Premium (Select one):

☐ Annual Premium (Due on the first day of the current Policy Period): \$_____.

☒ Monthly Premium shall be equal to the amounts obtained by multiplying the number of Individual and Family Coverage Units for a particular Month by:

\$_____ for each Coverage Unit

\$_____ for each Family Coverage Unit

Please use the continuous text field directly below for any other structure (leaving the fields above blank). Note: you can use the "return" key to create additional rows, if needed:

\$3.28 Composite

9. The premium is based upon a current membership of 503 Individual Coverage Units and 441 Family Coverage Units.

B. Individual (Specific) Stop Loss Coverage: ☒ Yes ☐ No

If yes, complete items 1 through 6 below.

1. ☐ New Coverage ☒ Renewal of Existing Coverage

2. Stop Loss Coverage Period:

☐ New Coverage (Select one from below):

☐ Incurred and paid during the Policy Period: Claims incurred and paid from _____ to _____

☐ Incurred with Run-Out: Claims incurred from _____ to _____
and Claims paid from _____ to _____

☐ Run-in coverage: Claims incurred from _____ to _____
and Claims paid from _____ to _____

If coverage is for claims incurred prior to the effective date of the Policy and paid by Policyholder's prior claim administrator, then such claims must be reported by the Policyholder to the Company (Blue Cross and Blue Shield of Texas, a Division of Health Care Service Corporation, a Mutual Legal Reserve Company) and paid by the Policyholder's prior claim administrator by the end of the current Policy Period.

☒ Renewal of Existing Coverage:

☒ Claim Administrator's Claims: Claims incurred on or after the original Effective Date of Policy and paid during the Policy Period.

☐ Incurred with Run-Out: Claims incurred from _____ to _____
and Claims paid from _____ to _____

3. Individual (Specific) Stop Loss Coverage shall apply to:

☒ Medical Claims

☒ Outpatient Prescription Drug Claims with Company's Pharmacy Benefit Manager

☐ Outpatient Prescription Drug Claims with Policyholder's Pharmacy Benefit Manager: _____

☐ Dental Claims

- ☐ Vision Claims
- ☐ Other (please specify): _____

4. Individual (Specific) Stop Loss Claims

- a. For NA who is identified by the health identification (ID) number NA, the amount of Paid Claims during the current Policy Period in excess of the Individual Point of Attachment of \$NA. Such amount shall apply for the current Policy Period.
- b. For each other Covered Person:
The amount of Paid Claims during the current Policy Period in excess of the Individual Point of Attachment of \$225,000 per Covered Person but not to exceed a maximum Point of Attachment of \$ Unlimited per Policy Period. Paid Claims in excess of the maximum point of attachment shall not be eligible to satisfy the Aggregate Point of Attachment. Such amount shall apply for the current Policy Period.

c. Covered Person per Lifetime Maximum:

The Individual (Specific) Stop Loss Claims shall not exceed Unlimited per Covered Person per Lifetime. Paid Claims in excess of the Covered Person per Lifetime Maximum shall not be eligible to satisfy the Aggregate Point of Attachment.

Point of Attachment ☒ Includes Claim Administrator's Provider Access Fee
☐ Excludes Claim Administrator's Provider Access Fee

5. Stop Loss Premium (select one):

☐ Annual Premium (Due on the first day of the current Policy Period): \$_____.

☒ Monthly Premium shall be equal to the amounts obtained by multiplying the number of Individual and Family Coverage Units for a particular Month by:

\$_____ for each Coverage Unit

\$_____ for each Family Coverage Unit

Please use the continuous text field directly below for any other structure (leaving the fields above blank). Note: you can use the "return" key to create additional rows, if needed:

\$68.13 Composite

6. The premium is based upon a current membership of 503 Individual Coverage Units and 441 Family Coverage Units.

Additional Provisions:

A no new laser rate cap applies to the Individual Stop Loss coverage as follows:

-Applies to the next renewal, effective 01/01/2023.

-The change in Individual Stop Loss premium will not exceed 45%.

-The renewal rate cap excludes changes in contract terms, including but not limited to a change in the individual stop loss contract basis or individual stop loss deductible.

-No new lasers, or an increase in existing lasers, will be applied. Existing lasers may be continued unchanged at HCSC's option.

-Is null and void if enrollment varies +/- 20% or more during the contract period.

-Subject to all terms and conditions outlined in the Policy, the most current Exhibit, and any attachments including but not limited to the proposal/renewal documents.

The undersigned person represents that he/she is authorized and responsible for purchasing stop loss coverage on behalf of the Employer. It is understood that the actual terms and conditions of coverage are those contained in Application the Stop Loss Coverage Policy into which this Application shall be incorporated at the time of acceptance by Blue Cross and Blue Shield of Texas, a Division of Health Care Service Corporation, a Mutual Legal Reserve Company ("HCSC"). Upon acceptance, HCSC shall issue a Stop Loss Coverage Policy to the Employer. Upon acceptance of this Application and issuance of the Stop Loss Coverage Policy, the Employer shall be referred to as the "Policyholder."

Colleen Wright
Sales Representative

Signature of Authorized Purchaser

Name of Underwriter

Title of Authorized Purchaser

Signature of Underwriter

Date

INTERNAL USE ONLY	Date Application approved by Underwriting:
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City Council Meeting

December 2, 2021



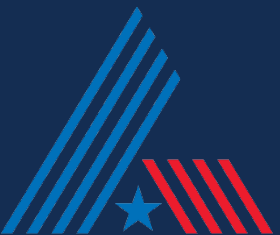
Current Stop Loss Coverage

- Stop Loss with BlueCross BlueShield
 - City has received \$0 year to date, in stop loss reimbursements through September 2021
 - Current Stop Loss Premium approximately \$770,983 based on current headcounts (annualized)
 - No Current lasers
 - Through September 2021 the City has had 0 individuals hit the specific deductible of \$225,000.
- Large Claim History:
 - 2020- 4 individuals hit specific deductible (\$225,000)
 - 2019- 4 individuals hit specific deductible (\$225,000)
 - 2018 – 2 individuals hit specific deductible (\$225,000)
 - 2017 - 4 individuals hit specific deductible (\$190,000)
 - 2016 - 6 individuals hit specific deductible (\$190,000)



Stop Loss Results & Considerations

- McGriff received proposals from 2 stop loss vendors
 - Firm and final fixed costs received from the incumbent carrier as well as one additional proposer
- 13 Vendors declined to quote due to uncompetitive rates
- Quotes were narrowed down based on:
 - Overall fixed costs – premium
 - Contract terms – timeframe where coverage is provided
 - Risk – deductible levels
 - Individual lasers – additional deductibles for named large claimants



Fixed Costs Summary & Analysis

- \$225k Individual Stop Loss - Marketing

Stop Loss Carrier TPA / Network	BCBS-Current BCBS	BCBS - Renewal BCBS	BCBS-Negotiated BCBS	Anthem BCBS
SPECIFIC RETENTION	\$225,000	\$225,000	\$225,000	\$225,000
Contract	24/12	PAID	PAID	24/12
Coverages	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx
Lifetime Maximum Reimbursement	Unlimited	Unlimited	Unlimited	Unlimited
Specific Rates				
Single 503	\$64.26	\$82.25	\$68.13	\$76.90
Family 441	\$64.26	\$82.25	\$68.13	\$76.90
944				
		% Incr.	% Incr.	% Incr.
Specific Monthly Premium	\$60,661.44	\$77,644.00	\$64,314.72	\$72,593.60
Specific Annual Premium	\$727,937.28	\$931,728.00	\$771,776.64	\$871,123.20
		28.0%	6.0%	19.7%
Aggregate Rate				
Composite	\$3.80	\$3.28	\$3.28	\$3.50
Aggregate Monthly Premium	\$3,587.20	\$3,096.32	\$3,096.32	\$3,304.00
Aggregate Annual Premium	\$43,046.40	\$37,155.84	\$37,155.84	\$39,648.00
		-13.7%	-13.7%	-7.9%
AGGREGATE RETENTION				
Contract	24/12	PAID	24/12	24/12
Coverages	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx
Maximum Reimbursement	Unlimited	Unlimited	Unlimited	\$1,000,000
Run-In Limit	n/a	n/a	n/a	n/a
Aggregate Factors				
Single	\$1,146.01	\$988.03	\$988.03	\$1,132.73
Family	\$1,146.01	\$988.03	\$988.03	\$1,132.73
Monthly Attachment Factor	\$1,081,833.44	\$932,700.32	\$932,700.32	\$1,069,297.12
Annual Attachment Factor	\$12,982,001.28	\$11,192,403.84	\$11,192,403.84	\$12,831,565.44
		-13.8%	-13.8%	-1.2%
TOTAL FIXED COSTS		% Incr.	% Incr.	% Incr.
TOTAL MONTHLY STOP LOSS PREMIUM	\$64,248.64	\$80,740.32	\$67,411.04	\$75,897.60
TOTAL ANNUAL STOP LOSS PREMIUM	\$770,983.68	\$968,883.84	\$808,932.48	\$910,771.20
		25.7%	4.9%	18.1%
Increase in Annual Premium	n/a	\$197,900.16	\$37,948.80	\$139,787.52
Firm Through Date				
Lasers		None	None	
Notes			No New Laser Contract 45% Rate cap	

Fixed Costs Summary & Analysis

- \$225k Individual Stop Loss – Recommended Option

Stop Loss Carrier TPA / Network	BCBS-Current BCBS	BCBS-Negotiated BCBS	
SPECIFIC RETENTION	\$225,000	\$225,000	
Contract	24/12	PAID	
Coverages	Medical & Rx	Medical & Rx	
Lifetime Maximum Reimbursement	Unlimited	Unlimited	
Specific Rates			
Single 503	\$64.26	\$68.13	
Family 441	\$64.26	\$68.13	
944			% Incr.
Specific Monthly Premium	\$60,661.44	\$64,314.72	
Specific Annual Premium	\$727,937.28	\$771,776.64	6.0%
Aggregate Rate			
Composite	\$3.80	\$3.28	
Aggregate Monthly Premium	\$3,587.20	\$3,096.32	
Aggregate Annual Premium	\$43,046.40	\$37,155.84	-13.7%
AGGREGATE RETENTION			
Contract	24/12	24/12	
Coverages	Medical & Rx	Medical & Rx	
Maximum Reimbursement	Unlimited	Unlimited	
Run-In Limit	n/a	n/a	
Aggregate Factors			
Single	\$1,146.01	\$988.03	
Family	\$1,146.01	\$988.03	
Monthly Attachment Factor	\$1,081,833.44	\$932,700.32	
Annual Attachment Factor	\$12,982,001.28	\$11,192,403.84	-13.8%
TOTAL FIXED COSTS			% Incr.
TOTAL MONTHLY STOP LOSS PREMIUM	\$64,248.64	\$67,411.04	
TOTAL ANNUAL STOP LOSS PREMIUM	\$770,983.68	\$808,932.48	4.9%
Increase in Annual Premium	n/a	\$37,948.80	
Firm Through Date			
Lasers		None	
Notes		No New Laser Contract 45% Rate cap	



Recommendations / Next Steps

- **RENEW WITH BCBS**
 - Continue with BCBS at \$225,000 specific deductible
 - BCBS is current TPA
 - 4.9% increase on fixed cost from current with no Lasers
- **SIGN CONTRACT**
 - Plan effective 1/1/2022





**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Take Action to Approve the Maximum Fares and Charges of Taxicabs under Chapter 31 of the Code of Ordinances, "Vehicles for Hire". (Don Green)

GENERAL INFORMATION

On December 18, 2014, City Council approved amendments to Chapter 31 of the Code of Ordinances, "Vehicles For Hire". Additionally, Council approved Resolution 37-2014 (included for comparison) setting maximum fares and charges that taxi companies can charge customers and setting the fees the city charges taxi companies to maintain proper licensing and registration to operate.

At the request of two of the taxicab companies, City staff met with the licensed companies to discuss raising the maximum fares and charges. The increased maximum fares and charges give taxi companies the ability to meet rising operating expenses. The increased and additional maximum fares and charges for Council's consideration today are agreed to by the currently-licensed taxi companies. Additionally, the City's licensing and registration fees are removed as this is now addressed separately in the Fees Ordinance.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

City staff worked with the taxi companies to develop and agree to these increased maximum fares and charges and, therefore, recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2021 Taxi Maximum Fares and Charges Resolution
2. 37-2014_Fees_Vehicles for Hire
3. Tax Fares and Charges Presentation (12-2-21)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING
MAXIMUM TAXICAB FARES AND CHARGES UNDER CHAPTER 31, "VEHICLES FOR
HIRE", OF THE CODE OF ORDINANCES**

WHEREAS, Chapter 31, "Vehicles For Hire" of the Code of Ordinances governs the licensing, registration and operations of Taxicabs; and

WHEREAS, under Chapter 31, Council may adjust by resolution the maximum fares and charges Taxis may charge customers; and

WHEREAS, the Taxi companies requested City consideration of an increase to the maximum fares and charges; and

WHEREAS, this resolution replaces Resolution 37-2014 with increased and additional maximum fares and charges, and deletes the City's licensing and registration fees which are handled separately in the City's Fees Ordinance.

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

1. That this Resolution setting maximum Taxi fares and charges is approved.
2. That such fares and charges are listed in Exhibit A of this Resolution.
3. That this Resolution replaces Resolution 37-2014, and takes effect on January 1, 2022.

ADOPTED this 2nd day of December 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____

EXHIBIT A

MAXIMUM FARES

Drop Fee	\$8.00
Fare per Mile Traveled	\$3.00
Charge for Each Additional Adult Passenger	\$1.00
Charge for Each Minute of Driver Wait Time	\$.50
Large Baggage/Suitcase Charge	\$2.00 per Baggage/Suitcase
Non-Service Animal Charge	\$1.00 per Animal

RESOLUTION NO. 37-2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING FEES AND FARES FOR VEHICLES FOR HIRE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council replaced Chapter 31 "Taxis" of the Abilene Code of Ordinances with a revised ordinance "Vehicles for Hire"; and

WHEREAS, the revised Chapter 31 provides that the fees and fares shall be approved by Council as necessary; and

WHEREAS, it is now necessary to update both the fees and fares as part of the revision to Chapter 31.

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

PART 1: That the fee and fares schedule attached hereto as Exhibit A, shall be in all things, approved.

PART 2: That this resolution shall take effect January 1, 2015

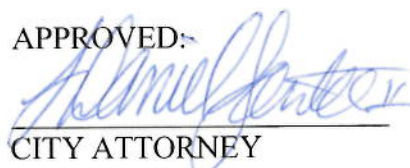
PASSED this 18th day of December, A.D. 2014.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

RESOLUTION # 37-2014

**EXHIBIT A
FEES**

Operator/Owner License Fee	\$100.00 yearly
Vehicle Permit Fee	\$ 25.00 per vehicle
Driver Permit Fee	\$ 25.00 per driver
Replacement Fee of required documents	\$ 5.00

FARES

Maximum Drop Fee	\$ 8.00
Maximum Per Mile	\$ 2.00
Maximum For Each Additional Adult (over 18)	\$ 1.00
Maximum Per Minute Wait Charge, First Five Minutes Free	\$.25
Trip Bag Charge	\$ 2.00

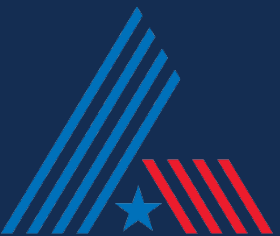
City Council Meeting

December 2, 2021

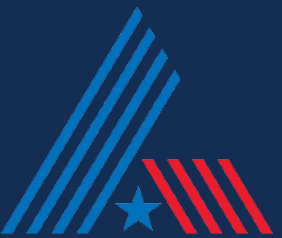


Resolution to Increase Taxi Fares and Charges Maximums

- On December 18, 2014, City Council approved amendments to Chapter 31 of the Code of Ordinances, "Vehicles For Hire".
- Additionally, Council approved Resolution 37-2014 setting maximum fares and charges that taxi companies can charge customers.
- At the request of two of the taxicab companies, City staff met with the licensed companies to discuss raising the maximum fares and charges. The increased maximum fares and charges give taxi companies the ability to meet rising operating expenses.
- Taxi companies may charge customers lower fares and charges, but can't exceed these maximums.



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Take Action to Approve a Resolution to Authorize Expenditures that May Exceed \$50,000 with Miscellaneous Vendors the City uses in FY22 (Don Green)

GENERAL INFORMATION

The City of Abilene must purchase parts and services to repair city vehicles and equipment throughout each fiscal year. It is often difficult for staff to anticipate many purchases in advance and must make such purchases when needed to return City vehicles and equipment to operation in a timely manner. These miscellaneous purchases cumulatively may exceed \$50,000 with a single vendor throughout FY 22.

Purchases that individually exceed \$50,000 will continue to be brought to Council for prior approval. However, through this resolution, the City may purchase parts and services from the following companies, each cumulatively exceeding \$50,000 in FY 22:

Abilene Equipment Center, Alliance Bus Group, Arrow Ford, ASCO Equipment, B&H Photo Supply, Big Country Supply, Bruckner's Truck Center, BTE Body Company, Inc., Corley-Wetsel Freightliner, Creative Bus, Elwood Staffing, Heil of Texas, Karl Klements, Lawrence Hall Chevrolet, Mayfield, MHC, Napa Auto Parts, O'Bar Wrecker Service, O'Reilly Auto Parts, Pannell Industries, Roberts Truck Center, Southern Tire Mart, Unifirst, United Oil, Warren Cat, Western Trailer & Equipment, Wingfoot Commercial Tire, Yellowhouse Machinery

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff has based the list of vendors off of historical purchases that may near or exceed \$50,000 cumulatively for each vendor throughout a Fiscal Year and recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Cumulative Large Purchases Resolution 12-2-21
2. FY22 Cumulative Purchases Presentation (12-2-21)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ABILENE, TEXAS APPROVING PURCHASES OF
PARTS AND SERVICES WITH VARIOUS VENDORS EXCEEDING \$50,000 IN
FISCAL YEAR 2022**

WHEREAS, the City of Abilene has the need to purchase parts and services to repair city vehicles and equipment; and

WHEREAS, the City of Abilene cannot anticipate many purchases in advance and must make such purchases when needed to return its vehicles and equipment to operation in a timely manner; and

WHEREAS, such purchases cumulatively may exceed \$50,000 with a single company throughout FY 22; and

WHEREAS, such purchases that individually exceed \$50,000 will continue to be brought to Council for prior approval; and

WHEREAS, the City may purchase parts and services from the following companies, each cumulatively exceeding \$50,000 in FY 22:

Abilene Equipment Center
Alliance Bus Group
Arrow Ford
ASCO Equipment
B&H Photo Supply
Big Country Supply
Bruckner's Truck Center
BTE Body Company, Inc.
Corley-Wetsel Freightliner
Creative Bus
Elwood Staffing
Heil of Texas
Karl Klements
Lawrence Hall Chevrolet
Mayfield
MHC
Napa Auto Parts
O'Bar Wrecker Service
O'Reilly Auto Parts
Pannell Industries
Roberts Truck Center
Southern Tire Mart
Unifirst
United Oil
Warren Cat
Western Trailer & Equipment
Wingfoot Commercial Tire
Yellowhouse Machinery

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

ABILENE, TEXAS:

PART 1: That City Council approves cumulative purchases exceeding \$50,000 with each of the abovenamed companies in FY 22.

.

PART 2: Individual purchases exceeding \$50,000 will continue to be brought to City Council for approval.

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

ADOPTED this 2nd day of December, 2021

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

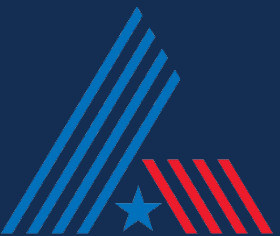
City Council Meeting

December 2, 2021



Vehicles and Equipment Parts and Services Cumulative Purchases Authorization For FY 22

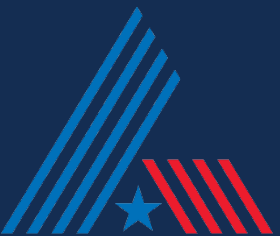
- During the course of each fiscal year City Staff is required to make numerous purchases of materials, services, parts, and equipment from various companies to maintain and repair City vehicles and equipment.
- Many of these purchases are not planned and occur as needed to return the vehicle or equipment to operation.
- This results in cumulative purchases with individual companies exceeding \$50,000 in a Fiscal Year.
- Individual purchases exceeding \$50,000 have been and will continue to be brought to Council for approval consideration.



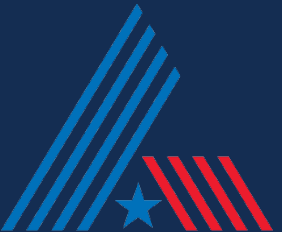
- Cumulative purchases with the following companies may exceed \$50,000 in FY 22:

Abilene Equipment Center, Alliance Bus Group, Arrow Ford, ASCO Equipment, B&H Photo Supply, Big Country Supply, Bruckner's Truck Center, BTE Body Company, Inc.

Corley-Wetsel Freightliner, Elwood Staffing, Heil of Texas, Lawrence Hall Chevrolet, Mayfield, Napa Auto Parts, O'Bar Wrecker Service, O'Reilly Auto Parts, Pannell Industries, Roberts Truck Center, Southern Tire Mart, Summit Truck, Unifirst, United Oil, Warren Cat, Western Trailer & Equipment, Wingfoot Commercial Tire, Yellowhouse Machinery



Questions??





**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Mari Cockerell, Communications Manager

SUBJECT: 8. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid to Justice Construction for accessibility renovations to City of Abilene Council Chamber (Mari Cockerell)

GENERAL INFORMATION

The awarding of a bid comes in response to direction from City Council at its May 13, 2021 meeting to move forward with renovations to City Council Chamber to improve accessibility throughout Chamber and between Chamber and the city manager's executive conference room. Renovations will include full ramp accessibility to the raised dais, removal of lower dais desks, and replacement of the podium so to accommodate individuals at differing heights. Lighting will be improved, and minor cosmetic changes will be made to the front of the dais.

SPECIAL CONSIDERATIONS

The City's Communications Department has been in communication with the Citizen's Advisory Board for People with Disabilities, attending advisory board meetings while this project was in development and sharing plans to make City Council Chamber and the public meetings held within Chamber more accessible to individuals throughout our community. The advisory board has been pleased with plans to make Chamber more physically accessible, along with plans to subsequently provide sign language interpretations of public meetings as a result of changes and upgrades made during this renovation process.

Design work for the City Council Chamber accessibility renovation project was completed by Parkhill, and competitively bid and advertised on October 24 and October 31, 2021. Bids were received and evaluated on November 10, 2021.

FUNDING/FISCAL IMPACT

The construction contract with Justice Construction is in the amount of \$195,500, with a 90 day completion timeline. Funding source is the PEG (Public Education Government) fund.

STAFF RECOMMENDATION

Staff recommends approval of award of bid to Justice Construction in the amount of \$195,500.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2021 Resolution Council Chamber Accessibility Renovations
2. CB2210 TABSHEET (1)
3. Justice - Council Chambers contract
4. Chamber reno bid award to Justice Construction

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AWARDING BID TO JUSTICE CONTRUCTION, INC., ABILENE, TEXAS, FOR
ACCESSIBIITY RENOVATIONS TO THE COUNCIL CHAMBERS**

WHEREAS, The awarding of this bid comes in response to direction from City Council at its May 13, 2021 meeting to move forward with renovations to City Council Chamber to improve accessibility throughout Chamber and between Chamber and the city manager's executive conference room; and

WHEREAS, the renovations will include full ramp accessibility to the raised dais, removal of lower dais desks, and replacement of the podium so to accommodate individuals at differing heights; and

WHEREAS, additionally, the lighting will be improved, and minor cosmetic changes will be made to the front of the dais; and

WHEREAS, the design work for the accessibility renovations was completed by Parkhill, and construction of the project was competitively bid; and

WHEREAS, the City's Communications Department has been in communication with the Citizen's Advisory Board for People with Disabilities, attending advisory board meetings while this project was in development and sharing plans to make the Council Chamber more accessible to individuals throughout our community; and

WHEREAS, the Citizen's Advisory Board for People with Disabilities has approved of the plans to make the Council Chamber more accessible for persons with disabilities; and

WHEREAS, Justice Construction, Inc., Abilene, Texas submitted the best value bid in the amount of \$195,500.00 with the bid meeting specifications, and staff recommends awarding the bid to Justice Construction, Inc., Abilene, Texas.

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

PART 1: That the City Council approves awarding this bid to Justice Construction, Inc. in the amount of \$195,500.00.

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

ADOPTED this 2nd day of December, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

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

PAGE
1 OF 1

DEPARTMENT: ADMIN
BID NO.: CB-2210
TIME OF OPENING: 2:00 P.M.
DATE OF OPENING: NOVEMBER 10, 2021

JUSTICE CONSTRUCTION
ABILENE, TX

THE CROWE GROUP, INC
ABILENE, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	ABILENE COUNCIL RENOVATIONS PROJECT				195,500.00		284,000.00								
BASE BID					195,500.00		284,000.00								
DISCOUNT															
TOTAL BID					195,500.00		284,000.00								

*NOTES: INDICATES RECOMMENDED AWARD

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made on the 2nd day of December, 2021 is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and Justice Construction, Inc. of the City of Abilene, State of Texas. ("Contractor").

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

THE AGREEMENT

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

ABILENE COUNCIL CHAMBERS RENOVATIONS PROJECT

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

In consideration of this Work, the City will pay the Contractor the sum of \$195,500.00 (One hundred ninety-five thousand five hundred dollars and zero cents).

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

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

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

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

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

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

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

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

B. Indemnity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONTRACTOR

Name of Contractor:

Justice Construction, Inc.

Signature

Steve P. Justice

Name - Typed or Printed

Owner - President

Title - Typed or Printed

Business Address:

1326 Hwy 83-84

Abilene, Tx 79602

325-695-0427

Business Phone No.

46-1846506

Federal Tax I.D.#

ATTEST: (If Corporation)

Corporate Secretary's Signature

Corporate Seal
(if none, write "None") |

CITY OF ABILENE

Authorized Signature

APPROVED:

City Attorney

ATTEST:

City Secretary

Seal: |

City Council Chamber Accessibility Renovation

Bid No. X to Justice Construction



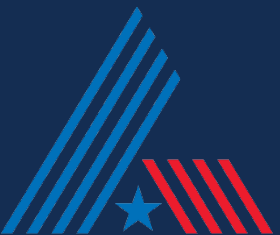
Item summary

City Council gave direction at its May 13, 2021 meeting to move forward with renovations to City Council Chamber to improve accessibility throughout Chamber and between Chamber and the city manager's executive conference room. Renovations will include full ramp accessibility to the raised dais, removal and repositioning of lower dais desks, and replacement of the podium so to accommodate individuals at differing heights. Direction was given for lighting to be improved, carpeting and chairs replaced, and cosmetic changes to be made to the front of the dais.

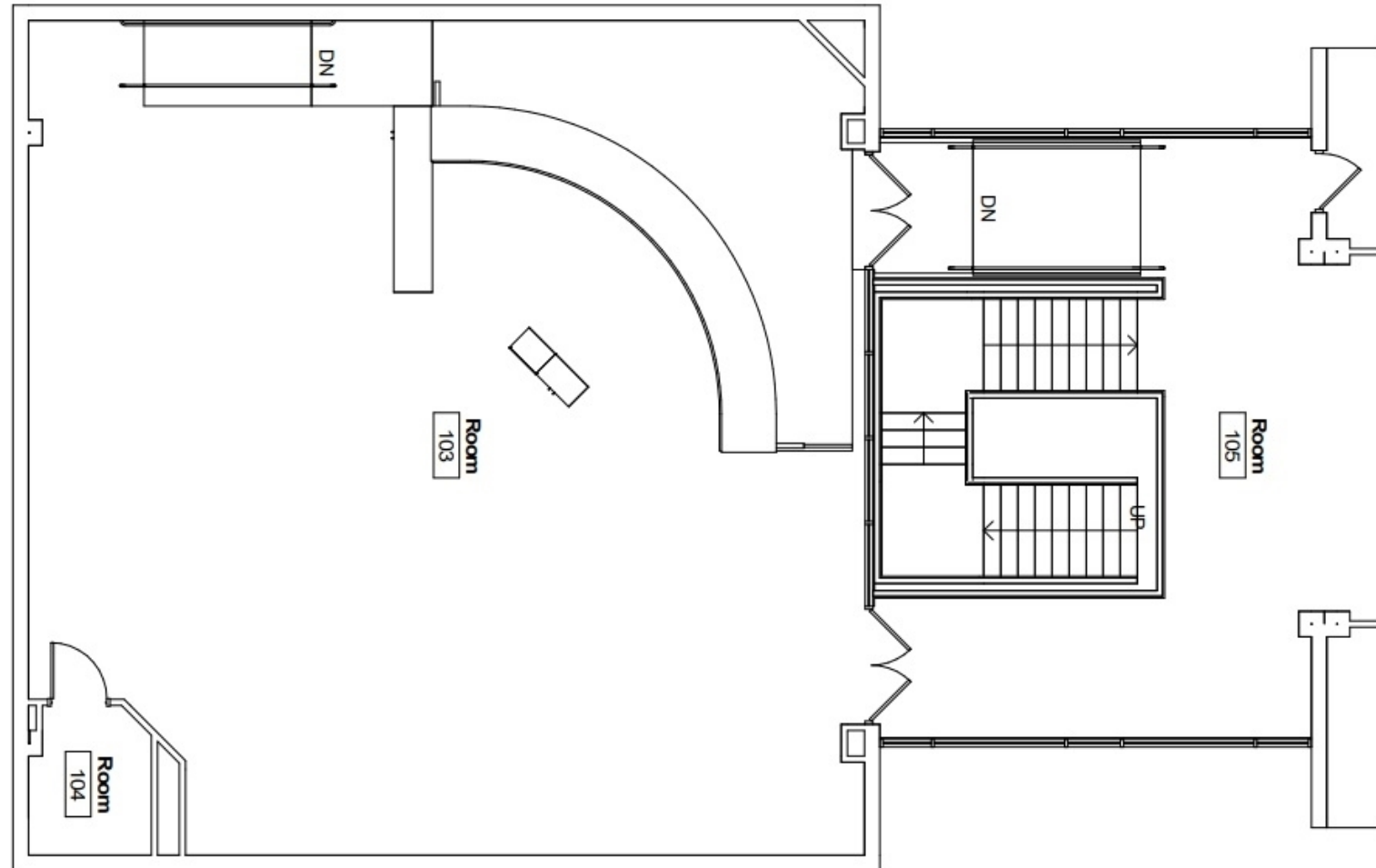
Design work for the City Council Chamber accessibility renovation project was completed by Parkhill, and competitively bid and advertised on October 24 and October 31, 2021. Two bids were received and evaluated on November 10, 2021.

Justice Construction provided the low bid at \$195,500 and a 90 day completion timeline.

Funding will come from the PEG (Public, Education, and Government Access) fund.



Accessibility renovations to Council Chamber



Presentation to City Council
05.13.2021

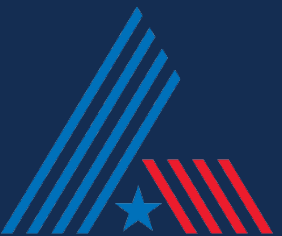
Accessibility renovations to Council Chamber



Presentation to City Council
05.13.2021

Accessibility renovations to Council Chamber

- Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: 9. Resolution: Receive a Report, Hold a Discussion, and Take Action on Awarding the Rebid for the Purchase of Bulk Citric Acid to be used for Water and Wastewater Treatment Processes During Fiscal Year 2022 (Rodney Taylor)

GENERAL INFORMATION

The City of Abilene Water Department is requesting that by written resolution the Abilene City Council award the bid for CB-2211 Citric Acid. The bid is for the purchase of bulk Citric Acid to be used in water and wastewater treatment processes. This item is a rebid for Citric Acid necessary due to volatility in the pricing for Citric Acid which has affected the low bidder awarded on September 23, 2021 and all other bidders. Rebid notices were published in the Abilene Reporter News on October 24th and 31st, 2021, and the bid opening date was November 9th, 2021. The following table lists the individual chemical bid, the staff recommended low bidder, the unit price for that bid, the pricing unit used for the chemical, and the maximum projected annual cost for the chemical for fiscal year 2022.

SPECIAL CONSIDERATIONS

Citric Acid is used for the treatment of drinking water at the Hargesheimer Water Treatment Plant, and for treatment of wastewater at the Hamby Water Reclamation Facility.

CHEMICAL	RECOMMENDED UNIT PRICE VENDOR	PRICING UNIT	ANNUAL \$
Citric Acid	Chemstation \$1.86	Wet Pound	\$511,927.80

FUNDING/FISCAL IMPACT

Funds for the purchase of bulk chemicals come from the fiscal year 2022 Annual Operating

Budget of the Water Utilities Department.

STAFF RECOMMENDATION

It is recommended that the Abilene City Council award the rebid for the purchase of bulk Citric Acid at the unit price of \$1.86 per wet pound for FY22 as described above.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. WrittenResolution-WtrDpt-Award ReBid-Purchase Bulk Citric Acid for W-WW Treatment-FY22-12-2-2021
2. Bid Tab Sheet-CB2211-Chemstation-Citric Acid-12-2-2021
3. Presentation-Resolution Award ReBid for Purchase of Bulk Citric Acid for W-WW-FY22-12-2-2021

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AWARDING THE REBID TO CHEMSTATION TEXAS PLAINS FOR THE PURCHASE
OF BULK CITRIC ACID USED FOR WATER AND WASTEWATER TREATMENT
PROCESSES DURING FISCAL YEAR 2022.**

WHEREAS, The City of Abilene (City) owns and operates the Hargesheimer Water Treatment Plant (WTP) and the Hamby Water Reclamation Facility (WRF); and

WHEREAS, the WTP and the WRF utilize large quantities of citric acid in the respective treatment processes, and the citric acid is purchased in bulk quantities from a vendor based on the results of an annual bid solicitation process for various chemicals, and for which the Abilene City Council awarded bids on September 23, 2021; and

WHEREAS, due to nationwide volatility in the availability and pricing of Citric Acid affecting the awarded low bidder and all other prior bidders, City staff made the decision to rebid the purchase of bulk citric acid in order to secure the quantity of citric acid needed for FY22; and

WHEREAS, City staff evaluated all bids for conformance with the specifications, and does recommend awarding to the low bidder at the unit price for the rebid of bulk citric acid as described in the below table; and

CHEMICAL	RECOMMENDED VENDOR	UNIT PRICE	PRICING UNIT	ANNUAL \$
Citric Acid	Chemstation Texas Plains	\$1.86	Wet Pound	\$511,927.80

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

The City Manager is hereby authorized to purchase bulk citric acid from Chemstation Texas Plains at the unit price of \$1.86 per wet pound during fiscal year 2022.

ADOPTED this 2nd day of December, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney

PAGE
1 OF 1

HYDRO-PLUS

*NOTES: INDICATES RECOMMENDED AWARD

Awarding ReBid for Purchase of Bulk Citric Acid Used for Water and Wastewater Treatment Plants During Fiscal Year 2022.



- The City's Hargesheimer Water Treatment Plant and the Hamby Water Reclamation Plant utilize large quantities of bulk Citric Acid in the respective treatment processes.
- Treatment chemicals are purchased in bulk quantities from various vendors based on the results of an annual bid solicitation process, which was recently awarded by the Abilene City Council on September 23, 2021.
- Due to nationwide volatility in the availability and pricing of Citric Acid affecting the awarded low bidder and all other item bidders, City staff made the decision to rebid the purchase of bulk citric acid in order to secure the quantity of citric acid needed for FY22



City staff evaluated all rebids for conformance with the specifications, and the following low bidder is recommended for the purchase of bulk Citric Acid for FY22:

CHEMICAL	RECOMMENDED VENDOR	UNIT PRICE	PRICING UNIT	ANNUAL \$
Citric Acid	Chemstation Texas Plains	\$1.86	Wet Pound	\$511,927.80



Awarding ReBid for Purchase of Bulk Citric Acid Used for Water and Wastewater Treatment Plants During Fiscal Year 2022.

QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director

SUBJECT: 10. Resolution: Receive a Report, Hold a Discussion, and Take Action on approval for purchase of a playground for Vaughn-Camp Park from WeBuildFun, Inc. (*Lesli Andrews*)

GENERAL INFORMATION

The current playground structure at Vaughn-Camp Park was installed in 2001. The current playground is now in need of replacement due to age and condition. The playground was selected via the City's purchasing cooperative contract with Buy Board for a total cost of \$86,482.80 from minor improvement funds approved in the 2022 budget.

SPECIAL CONSIDERATIONS

City of Abilene employees will install the playground equipment.

FUNDING/FISCAL IMPACT

Funding for the Vaughn-Camp Park playground was approved in the MIP funds during the 2021-2022 Budget.

STAFF RECOMMENDATION

Staff recommends approval of the purchase of a playground for Vaughn-Camp Park from WeBuildFun, Inc. under Buy Board Contract #592-19 for the amount of \$86,482.80.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 12_2_21 Resolution Vaughn-Camp Playground
2. Vaughn Camp Play1
3. Vaughn Camp Play2
4. Vaughn Camp Play3
5. Playground Purchase for Vaughn-Camp Park

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO PURCHASE A PLAYGROUND FROM
WEBUILDFUN, INC. FOR VAUGHN-CAMP PARK UNDER BUY BOARD CONTRACT #592-19.**

WHEREAS, current playground structure was installed in 2001; and

WHEREAS, current playground is now in need of replacement due to age and condition;
and

WHEREAS, the playground was selected via the City's purchasing cooperative contract
with Buy Board, and

WHEREAS, total cost is \$86,482.80 from minor improvement funds was approved in the
2022 budget;

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

Part 1: The City Manager is hereby authorized to purchase a playground from WeBuildFun, Inc.
in the amount of \$86,482.80 from Buy Board Contract #592-19 for Vaughn-Camp Park.

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

ADOPTED this 2nd day of December 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



Vaughn Camp Park

Abilene, TX

R00 61_44477461797





Vaughn Camp Park

Abilene, TX

R00 61_44477461797





Vaughn Camp Park

Abilene, TX

R00 61_44477461797



Resolution to Purchase a Playground for Vaughn- Camp Park



Information:

- Purchase a playground from WeBuildFun, Inc.
- Demolition and installation of new playground will be completed by Parks staff.
- Project funding
2022 Minor Improvement funds
Buy Board Contract #592-19
- Total project cost \$86,482.80





**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director

SUBJECT: 11. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on approving an Ordinance establishing the 2022 Standards of Care and Setting a Public Hearing for December 16, 2021 (*Lesli Andrews*)

GENERAL INFORMATION

In August of 1997 the 74th Legislature enacted 42.041(14) of the Texas Human Resources Code, which exempts youth programs operated by a municipality from state child-care licensing requirements. The Texas Human Resources Code provides that in order for a municipality to be exempt from the state's licensing requirements, the governing body of the municipality must annually adopt standards of care by ordinance after a public hearing. The major difference in the City's standards is that we have established standards for 6-13 years of age, whereas the state's standard is for 0-6 years of age, a population we mostly do not serve.

SPECIAL CONSIDERATIONS

The standards of care require three levels of inspection. Review levels are performed each year to ensure compliance. The first level is performed by the Recreation Coordinator to confirm adherence to the standards themselves. The second is a visual inspection of the facilities to be conducted by the division manager with the assistance of a Parks and Recreation professional not associated with the City of Abilene. The visual inspection was conducted on October 27, 2021. The Parks and Recreation Professional who assisted was Carl White, Parks and Recreation Director, from San Angelo, Texas. The third level is an annual inspection by both the Fire Department and Environmental Health. All of these inspections and reviews were satisfactorily completed and the program is in compliance. A copy of the 2022 Standards of Care will be online for additional access.

The only change in the 2022 Standard of Cares was the removal of the verbiage "Community Services" which was replaced with "Parks and Recreation" due to a department name change.

FUNDING/FISCAL IMPACT

No funding or fiscal impact.

STAFF RECOMMENDATION

Staff recommends adopting the 2022 Standards of Care.

BOARD OR COMMISSION RECOMMENDATION

The 2022 Standards of Care were approved at the November 16, 2021 Parks and Recreation board meeting.

ATTACHMENTS:

1. 2022 Ordinance Standards of Care
2. 2022 Standards of Care - Exhibit A
3. Redline 2022 Standards of Care
4. Abilene recreation centers inspections October 27, 2021
5. Presentation 2022 Standards of Care

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; AND CALLING A PUBLIC HEARING.

WHEREAS, the City of Abilene, through the Division of Recreation, provides youth programs that contribute to the overall wellbeing of youth and families of the City of Abilene; and

WHEREAS, these youth programs are presently held at the Recreation Centers; and

WHEREAS, the 74th Legislature enacted Section 42.041(14) of the Texas Human Resources Code, which would exempt youth programs operated by a municipality from child-care state licensing requirements provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing; and

WHEREAS, The City of Abilene has had Standards of Care in place for twenty one years which have functioned well; and

WHEREAS, Abilene Parks and Recreation Board the Administrator of Recreation for the City of Abilene recommends the Standards of Care as set forth in Exhibit "A" be adopted by the City of Abilene:

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

- Section 1.** That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this ordinance.
- Section 2.** That the Youth Programs' Standards of Care for the City of Abilene, as detailed in Exhibit "A" attached hereto and incorporated herein for all purposes, are hereby approved and adopted.
- Section 3.** That all ordinances or parts of ordinances in conflict with the provisions of the ordinance are hereby repealed.
- Section 4.** That, if any provision of this ordinance will be held to be invalid or unconstitutional, the remainder of such ordinance will continue in full force and effect, the same as if such invalid or unconstitutional provision had never been a part hereof.
- Section 5.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

PASSED ON FIRST READING this 2nd day of December, 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 12—day of December 2021, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON SECOND AND FINAL READING this 17⁶th day of December 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

City of Abilene Recreation Division



Standards of Care for Youth Programs 2022

Parks and Recreation
633 Walnut Street
Abilene, TX 79601
(325) 676-6217

www.abilenetx.gov/parksandrec
parksandrec@abilenetx.gov

Table of Contents

<i>General Administration</i>	3
Organization	3
Definitions	4
Objectives of Youth Program	5
Inspections/Monitoring/Enforcement	5
Enrollment	6
Suspected Abuse	6
 <i>Staffing</i>	 6
Recreation Center Coordinators	6
Recreation Specialist/Leaders	7
Playground Supervisor/Aides	8
Training	9
 <i>Operations</i>	 10
Staff/Participants Ratio	10
Notifications	10
Discipline	10
Programming	11
Communication	12
Transportation	12
 <i>Facility Standards</i>	
Safety	12
Fire	13
Health	13
Participants	14

ABILENE YOUTH PROGRAMS

STANDARDS OF CARE

General Administration

1. Organization

- A. The governing body of the City of Abilene Youth Programs is the Abilene City Council.
- B. Implementation of the Youth Program's Standards of Care is the responsibility of the Recreation Administrator and departmental employees.
- C. Youth Programs ("Program") to which these Standards apply are the programs held at the City Recreation Centers currently operated by the City of Abilene. Other programs may be subsequently designated by the City of Abilene.
- D. Each of the City of Abilene Youth Program sites will have a current copy of the Standards of Care available for public and staff review.
- E. Parents of participants will be provided a current copy of the Standards of Care during the registration process or the Standards of Care can be accessed on the City of Abilene website at www.abilenetx.gov/camps. Parents of participants will be informed that the City of Abilene Youth Programs is not licensed by the State.
- F. Criminal background checks will be conducted on prospective Youth Program employees. If results of the criminal checks indicate that an applicant has been convicted for any of the following offenses, he or she may not be considered for employment:
 - (1) A felony or a misdemeanor classified as an offense against a person or family;
 - (2) A felony or misdemeanor classified as public indecency;
 - (3) A felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance or any violation of the City Policy;
 - (4) Any offense involving moral turpitude;
 - (5) Any offense that would potentially put the City of Abilene or participants of the Program at risk.
 - (6) In addition, a nationwide check of databases for the Sex Offender Registration Program will be conducted on prospective Program Staff. If results of the check indicate that an applicant is a registered sex offender, he or she will not be considered for employment.

2. Definitions

- A. City: City of Abilene.
- B. City Council: City Council of the City of Abilene.
- C. Department: Parks and Recreation Department of the City of Abilene.
- D. Director: City of Abilene Director of Parks and Recreation Department or designee.
- E. Division: Recreation Services Division of the City of Abilene.
- F. Employee: Someone who has been employed by the City of Abilene and has been assigned responsibility for managing, administering, or implementing some portion of the City of Abilene Youth Programs.
- G. Parent(s): A parent or guardian who has legal custody and authority to enroll a child in the City of Abilene Youth Programs.
- H. Participant: A youth whose parent has completed all required registration procedures and who has been determined to be eligible for the City of Abilene Youth Programs.
- I. Program Manual: A notebook of policies, procedures, required forms, and organizational and programming information relevant to City of Abilene's Youth Programs.
- J. Program Site: Any area or facility where the City of Abilene Youth Programs is held.
- K. Recreation Coordinator: City of Abilene Recreation Division full-time Programmer who has been assigned administrative responsibility for the City of Abilene Youth Programs.
- L. Recreation Specialist or Recreation Leader: Any City of Abilene Recreation Division employee (full-time or part-time) who has been assigned responsibility to implement the City of Abilene Youth Programs.
- M. Playground Supervisor or Playground Aide: Any City of Abilene Recreation Division temporary employee who has been assigned responsibility to implement the City of Abilene Youth Programs.
- N. Administrator: City of Abilene Administrator of Recreation Services or his or her designee.
- O. Youth Program(s) or Program: City of Abilene Youth Programs held at the City's Recreation Centers are currently operated by the City of Abilene. Other programs may be subsequently designated by the City of Abilene. These programs are not child-care facilities.

3. Objective of Youth Programs

- A. To provide Youth with the opportunity of recreational activities which may include sports, games, arts and crafts, education, dance, drama, special events, field trips, etc...
- B. To provide an encouraging atmosphere by emphasizing the positive development of physical skills, emotional development, and growth of self-confidence.
- C. To provide a safe environment by promoting good health and welfare for all participants.
- D. To teach Youth how to spend leisure time wisely in an effort to meet the emotional, physical, and social needs of Youth.

4. Inspections/Monitoring/Enforcement

- A. An annual facility inspection report will be initiated by the Recreation Coordinator of each Program to confirm adherence to the Standards of Care. This report will be submitted in March.
 - (1) Inspection reports will be sent to the Administrator for review and kept on record for at least two years.
 - (2) The Administrator will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Administrator will make visual inspections of the facilities, based on the following schedule. A Parks and Recreation Professional that is not associated with the City of Abilene will assist on one of the following inspections.
 - (1) A pre-summer check in April of each year; and
 - (2) A fall check in October of each year.
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Recreation Coordinator. The Recreation Coordinator will be responsible for taking the necessary steps to resolve the problems. Complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Recreation Coordinator and forwarded to the Administrator, the complaint and the resolution will be noted.
- D. The Administrator will provide an annual report to the Parks and Recreation Board on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

5. Enrollment

- A. Before a child may be enrolled, a parent/guardian must sign registration forms that contain:
- (1) Name, address, and telephone number of the child;
 - (2) Name and address of parents/guardian and telephone numbers during program hours;
 - (3) The names and telephone numbers of people to whom the child may be released;
 - (4) A statement of the child's special needs; and
 - (5) A signed liability waiver which also includes permission for field trips and emergency medical authorization.
 - (6) Signed acknowledgement of program code of conduct.

6. Suspected Abuse

Program employees will report suspected child abuse in accordance with the Texas Family Code. In a situation where an Employee is involved in an incident with a child that could be considered child abuse, the incident shall immediately be reported to the Recreation Division Manager. The Recreation Division Manager will immediately notify the Police Department and any other agency, as may be appropriate.

Staffing – Responsibilities and Training

1. Recreation Center Coordinators

- A. Qualifications
1. Recreation Coordinators will be full-time, professional employees of the City of Abilene Recreation Division
 2. Recreation Coordinators must meet the minimum education/experience requirements for employment with the City of Abilene to plan and implement recreation activities.
 3. Recreation Coordinators must be able to pass a background investigation, including testing for illegal substances.
 4. Coordinators must have a current certification in First Aid and Cardio Pulmonary Resuscitation (CPR)– Adult and Child. These certifications must be from a nationally recognized certifying organization, i.e., American Heart Association or American Red Cross.
 5. Recreation Coordinators must complete City of Abilene mandatory training.

B. Job Functions

1. Recreation Coordinators are responsible for administering the Youth Programs daily operations in compliance with the Adopted Standards of Care.
2. Recreation Coordinators are responsible for hiring, supervising, and evaluating Recreation Specialist/Leaders.
3. Recreation Coordinators are responsible for planning, implementing, and evaluating programs.
4. Recreation Coordinators maintain supplies, equipment and all necessary documentation for the operation of the Youth Programs.
5. Recreation Coordinators must communicate with Parent(s) as necessary.
6. Recreation Coordinators know and follow all City of Abilene, Division, and Program Manual standards, policies and procedures that apply to Youth Programs.
7. Recreation Coordinators ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

2. Recreation Specialist/Recreation Leader

A. Qualifications

1. Recreation Specialist/Leaders may be full-time, part-time, or temporary employees of the City of Abilene Recreation Division.
2. Recreation Specialist/Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.
3. Recreation Specialist/Leaders must relate to children with courtesy, respect, tolerance, and patience.
4. Recreation Specialist must have a current certification in First Aid and Cardio Pulmonary Resuscitation (CPR)– Adult and Child. These certifications must be from a nationally recognized certifying organization, i.e., American Heart Association or American Red Cross.
5. Recreation Specialist/Leaders must pass a background investigation, including testing for illegal substances.
6. Recreation Specialist/Leaders will be responsible for understanding and following all City of Abilene, Departmental, Division, and Program standards, policies, and procedures that apply to the City of Abilene Youth Programs.

B. Job Functions

1. Recreation Specialist/Leaders will be responsible for providing participants with an environment in which they can feel safe, enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
2. Recreation Specialist/Leaders will directly lead activities using a method that will provide opportunities for involvement of all participants on an equal basis.
3. Recreation Specialist/Leaders must exhibit enthusiasm for the activity to impart a feeling of excitement in the participants.
4. Recreation Specialist/Leaders will promote a non-competitive, positive, image-enhancing environment for each participant through the direction of fun, varied, and well-organized activities.
5. Recreation Specialist/Leader must be with participants at all times while they are participating in the Program.
6. Recreation Specialist/Leaders ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

3. Playground Supervisor and/or Playground Aide

A. Qualifications

1. Playground Supervisor/Aides will be temporary employees of the City of Abilene Recreation Division.
2. Playground Supervisor/Aides should be able to consistently exhibit competency, good judgment, and self-control when working with children.
3. Playground Supervisor/Aides must relate to children with courtesy, respect, tolerance, and patience.
4. Playground Supervisor/Aides must pass a background investigation, including testing for illegal substances.
5. Playground Supervisor/Aides will be responsible for understanding and following all City of Abilene, Departmental, Division, and Program standards, policies, and procedures that apply to the City of Abilene Youth Programs.

B. Job Functions

1. Playground Supervisor/Aides will assist in leading activities using a method that will provide opportunities for involvement of all participants on an equal basis.
2. Playground Supervisor/Aides must exhibit enthusiasm for the activity to impart a feeling of excitement in the participants.
3. Playground Supervisor/Aides will promote a non-competitive, positive, image-enhancing environment for each participant through the direction of fun, varied, and well-organized activities.
4. Playground Supervisor/Aides will be responsible for picking up the areas used by their group after each activity.
5. Playground Supervisor/Aides must be with participants at all times while they are participating in the Program.
6. Playground Supervisor/Aides ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

4. Training/Orientation

- A. The Division is responsible for providing training and orientation to Program employees in working with children and for specific job responsibilities.
- B. Program employees must be competent with the Standards of Care for Youth Program operation as adopted.
- C. Program employees must be competent with the Program's policies, including discipline, guidance, and release of participants as outlined in the Summer Playground Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, Division and Program policies and procedures; provision of recreation activities; safety issues; and organization.
- F. Program employees will be electronically tested annually over program manuals and Standards of Care.

Operations

1. Staff-Participant Ratio

- A. The City of Abilene Youth Programs, the minimum employee to participant ratio will be 1 to 20 for participants from ages 6-13.
- B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special needs as identified by the participant's parent during the registration process.

2. Notification

- A. Parents must be notified immediately when Program employees are aware of the following:
 - (1) Participant is injured; or
 - (2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, and/or illness).
- B. All parents must be notified if there is an outbreak of any communicable disease. The disease will be reported to the Abilene Taylor County Public Health District.

3. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner, based on the best interests of Program participants.
- B. There will be no cruel or harsh punishment or treatment. Examples include, but not limited to:
 - 1. Using physical punishment or any action administered to the body such as, but not limited to rough handling, or forcing child(ren) to assume an uncomfortable position.
 - 2. Restraining movement by tying, enclosing in a confined space, shaking, or using exercise as punishment.
 - 3. Being verbally abusive, including, but not limited to, threats, belittling remarks, humiliation, embarrassment, or frightening a child.
 - 4. Giving any child the authority to punish another child.
 - 5. Placing a child out of visual/hearing range, in the dark, or in an unventilated area.
 - 6. Punishing a child for a toileting accident.
 - 7. Taunting a child by mocking or any other form of jeering.
 - 8. Giving preferential attention to any child over another child.

- C. Program employees may use brief, supervised separation from the activity if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parents of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident.
 - 1. A sufficient number and/or severe nature of discipline report(s), as detailed by the Disciplinary Policy in the Program and Operations Manuals, may result in a Participant being suspended from the Youth Program immediately. If a Participant is suspended from the program, an Authorized Person must pick up the Participant.
 - 2. Participants will be removed from the Program Site as soon as possible in instances of danger to other Participants or Program Staff. This includes, but is not limited to, continuous disruption of the Youth Program, inappropriate sexual behavior, bullying, hitting or biting other Participants or Program Staff and damage to any City property.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program manual may result in a participant being suspended and/or expelled from the Program.
- F. In instances where there is a danger to other participants or staff, offending participants will be removed from the Program site as soon as possible.
- G. Any person(s) creating a nuisance, causing a disturbance, or creating an unsafe environment at any Program Site will be subject to ejection from the site and possible arrest and legal action.

4. Programming

- A. Program employees will provide activities for each group according to the participants' ages, interests, and abilities. The activities will be appropriate to participants' health, safety, and well-being. The activities also will be flexible and designed to promote the participants' emotional, social, and mental growth.
- B. Program employees will provide indoor and outdoor time periods to include:
 - (1) Alternating active and passive activities;
 - (2) Opportunity for individual and group activities; and
 - (3) Outdoor time each day that weather permits.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program. Participants must be counted before leaving the Program Site and before boarding the transportation to return to the Program Site.

- (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
- (2) Program employees will have transportation cards of the participants in the group and must check the roll frequently.
- (3) Program employees should have First-Aid supplies and a guide to First-Aid and emergency care available on field trips.
- (4) Notice of any field trips will be displayed at a prominent location at each Program site.

5. Communication

- A. Each Program site will have access to a telephone for use in contacting the Recreation Center or making emergency calls.
- B. The Recreation Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:
 - (1) Ambulance or emergency medical services.
 - (2) City of Abilene Police Department.
 - (3) City of Abilene Fire Department.
 - (4) Poison control.
 - (5) The telephone number for the site itself.

6. Transportation

- A. First-Aid supplies and a First-Aid emergency care guide will be available in all Program vehicles that transport children.
- B. All Program vehicles used for transporting participants must have available a portable fire extinguisher located in the passenger compartment of the vehicle which will be accessible to the adult occupants.

Facility Standards

1. Safety

- A. Program employees will inspect Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants.
- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies should be safe for the participants use.

- D. Program employees should have First-Aid supplies available at each site, during transportation and for the duration of any off-site activity.
- E. Program employees should have first-aid supplies readily available to staff in a designated location. Program employees should have an immediately accessible guide to First-Aid and emergency care.
- F. Program air conditioners, electric fans, and heaters should be mounted out of participants reach or have safeguards that keep participants from being injured.

2. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employee's first priority is to evacuate the participants to a designated safe area.
- B. The Program site will have an annual fire inspection by the City of Abilene Fire Department, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Administrator who will review and establish deadlines and criteria for compliance.
- C. Each Program site must have at least one (1) fire extinguisher approved by the Fire Marshall readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Recreation Center Coordinator. All of the City of Abilene Youth Program employees will be trained in the proper use of fire extinguishers.

3. Health

- A. Illness or Injury
 - (1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the Program.
 - (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees. Emergency responders will be notified in the event of an injury that cannot be remedied through basic first aid. An accident report shall be completed and forwarded to the Recreation Supervisor.
 - (3) An ill Youth will not be allowed to attend or participate if the Youth is suspected of having a temperature and/or accompanied by behavior changes or other signs or symptoms until a medical evaluation indicating that the Youth can return to the Youth Program.
 - (4) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual.

- (5) Program employees will follow the recommendation of the Texas Department of State Health Services concerning the admission or readmission of any participant after a communicable disease.

C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and Program employees can supervise as needed.
- (2) There must be at least one flush toilet for every thirty (30) children. Urinals may be counted in the ratio of toilets to children but must not exceed fifty percent (50%) of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water, meeting the standards of the Texas Department of State Health Services for drinking water, and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from Program sites daily.
- (4). The Program site will have an annual health inspection by the City of Abilene Health Department, and the resulting report will detail any health concerns observed. The report will be kept on file at the center. Information from this report will be included in the Director's annual report to the City Council.

4. Participants

- A. All participants must wear tennis shoes daily, unless the Youth is in the swimming pool or participating in an activity that requires no shoes to be worn.
- B. Youth must respect the Employees, Program Site, and each other.

City of Abilene Recreation Division



Standards of Care for Youth Programs 2021

~~Community Services~~ Parks and Recreation Office

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Table of Contents

<i>General Administration</i>	3
Organization	3
Definitions	4
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Inspections/Monitoring/Enforcement	5
Enrollment	6
Suspected Abuse	6
 <i>Staffing</i>	 6
Recreation Center Coordinators	6
Recreation Specialist/Leaders	7
Playground Supervisor/Aides	8
Training	9
 <i>Operations</i>	 10
Staff/Participants Ratio	10
Notifications	10
Discipline	10
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 - (2) A fall check in October of each year.
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Recreation Coordinator. The Recreation Coordinator will be responsible for taking the necessary steps to resolve the problems. Complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Recreation Coordinator and forwarded to the Administrator, the complaint and the resolution will be noted.
- D. The Administrator will provide an annual report to the Parks and Recreation Board on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

5. Enrollment

- A. Before a child may be enrolled, a parent/guardian must sign registration forms that contain:
- (1) Name, address, and telephone number of the child;
 - (2) Name and address of parents/guardian and telephone numbers during program hours;
 - (3) The names and telephone numbers of people to whom the child may be released;
 - (4) A statement of the child's special needs; and
 - (5) A signed liability waiver which also includes permission for field trips and emergency medical authorization.
 - (6) Signed acknowledgement of program code of conduct.

6. Suspected Abuse

Program employees will report suspected child abuse in accordance with the Texas Family Code. In a situation where an Employee is involved in an incident with a child that could be considered child abuse, the incident shall immediately be reported to the Recreation Division Manager. The Recreation Division Manager will immediately notify the Police Department and any other agency, as may be appropriate.

Staffing – Responsibilities and Training

1. Recreation Center Coordinators

- A. Qualifications
1. Recreation Coordinators will be full-time, professional employees of the City of Abilene Recreation Division
 2. Recreation Coordinators must meet the minimum education/experience requirements for employment with the City of Abilene to plan and implement recreation activities.
 3. Recreation Coordinators must be able to pass a background investigation, including testing for illegal substances.
 4. Coordinators must have a current certification in First Aid and Cardio Pulmonary Resuscitation (CPR)– Adult and Child. These certifications must be from a nationally recognized certifying organization, i.e., American Heart Association or American Red Cross.
 5. Recreation Coordinators must complete City of Abilene mandatory training.

B. Job Functions

1. Recreation Coordinators are responsible for administering the Youth Programs daily operations in compliance with the Adopted Standards of Care.
2. Recreation Coordinators are responsible for hiring, supervising, and evaluating Recreation Specialist/Leaders.
3. Recreation Coordinators are responsible for planning, implementing, and evaluating programs.
4. Recreation Coordinators maintain supplies, equipment and all necessary documentation for the operation of the Youth Programs.
5. Recreation Coordinators must communicate with Parent(s) as necessary.
6. Recreation Coordinators know and follow all City of Abilene, Division, and Program Manual standards, policies and procedures that apply to Youth Programs.
7. Recreation Coordinators ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

2. Recreation Specialist/Recreation Leader

A. Qualifications

1. Recreation Specialist/Leaders may be full-time, part-time, or temporary employees of the City of Abilene Recreation Division.
2. Recreation Specialist/Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.
3. Recreation Specialist/Leaders must relate to children with courtesy, respect, tolerance, and patience.
4. Recreation Specialist must have a current certification in First Aid and Cardio Pulmonary Resuscitation (CPR)– Adult and Child. These certifications must be from a nationally recognized certifying organization, i.e., American Heart Association or American Red Cross.
5. Recreation Specialist/Leaders must pass a background investigation, including testing for illegal substances.
6. Recreation Specialist/Leaders will be responsible for understanding and following all City of Abilene, Departmental, Division, and Program standards, policies, and procedures that apply to the City of Abilene Youth Programs.

B. Job Functions

1. Recreation Specialist/Leaders will be responsible for providing participants with an environment in which they can feel safe, enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
2. Recreation Specialist/Leaders will directly lead activities using a method that will provide opportunities for involvement of all participants on an equal basis.
3. Recreation Specialist/Leaders must exhibit enthusiasm for the activity to impart a feeling of excitement in the participants.
4. Recreation Specialist/Leaders will promote a non-competitive, positive, image-enhancing environment for each participant through the direction of fun, varied, and well-organized activities.
5. Recreation Specialist/Leader must be with participants at all times while they are participating in the Program.
6. Recreation Specialist/Leaders ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

3. Playground Supervisor and/or Playground Aide

A. Qualifications

1. Playground Supervisor/Aides will be temporary employees of the City of Abilene Recreation Division.
2. Playground Supervisor/Aides should be able to consistently exhibit competency, good judgment, and self-control when working with children.
3. Playground Supervisor/Aides must relate to children with courtesy, respect, tolerance, and patience.
4. Playground Supervisor/Aides must pass a background investigation, including testing for illegal substances.
5. Playground Supervisor/Aides will be responsible for understanding and following all City of Abilene, Departmental, Division, and Program standards, policies, and procedures that apply to the City of Abilene Youth Programs.

B. Job Functions

1. Playground Supervisor/Aides will assist in leading activities using a method that will provide opportunities for involvement of all participants on an equal basis.
2. Playground Supervisor/Aides must exhibit enthusiasm for the activity to impart a feeling of excitement in the participants.
3. Playground Supervisor/Aides will promote a non-competitive, positive, image-enhancing environment for each participant through the direction of fun, varied, and well-organized activities.
4. Playground Supervisor/Aides will be responsible for picking up the areas used by their group after each activity.
5. Playground Supervisor/Aides must be with participants at all times while they are participating in the Program.
6. Playground Supervisor/Aides ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

4. Training/Orientation

- A. The Division is responsible for providing training and orientation to Program employees in working with children and for specific job responsibilities.
- B. Program employees must be competent with the Standards of Care for Youth Program operation as adopted.
- C. Program employees must be competent with the Program's policies, including discipline, guidance, and release of participants as outlined in the Summer Playground Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, Division and Program policies and procedures; provision of recreation activities; safety issues; and organization.
- F. Program employees will be electronically tested annually over program manuals and Standards of Care.

Operations

1. Staff-Participant Ratio

- A. The City of Abilene Youth Programs, the minimum employee to participant ratio will be 1 to 20 for participants from ages 6-13.
- B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special needs as identified by the participant's parent during the registration process.

2. Notification

- A. Parents must be notified immediately when Program employees are aware of the following:
 - (1) Participant is injured; or
 - (2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, and/or illness).
- B. All parents must be notified if there is an outbreak of any communicable disease. The disease will be reported to the Abilene Taylor County Public Health District.

3. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner, based on the best interests of Program participants.
- B. There will be no cruel or harsh punishment or treatment. Examples include, but not limited to:
 - 1. Using physical punishment or any action administered to the body such as, but not limited to rough handling, or forcing child(ren) to assume an uncomfortable position.
 - 2. Restraining movement by tying, enclosing in a confined space, shaking, or using exercise as punishment.
 - 3. Being verbally abusive, including, but not limited to, threats, belittling remarks, humiliation, embarrassment, or frightening a child.
 - 4. Giving any child the authority to punish another child.
 - 5. Placing a child out of visual/hearing range, in the dark, or in an unventilated area.
 - 6. Punishing a child for a toileting accident.
 - 7. Taunting a child by mocking or any other form of jeering.
 - 8. Giving preferential attention to any child over another child.

- C. Program employees may use brief, supervised separation from the activity if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parents of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident.
 - 1. A sufficient number and/or severe nature of discipline report(s), as detailed by the Disciplinary Policy in the Program and Operations Manuals, may result in a Participant being suspended from the Youth Program immediately. If a Participant is suspended from the program, an Authorized Person must pick up the Participant.
 - 2. Participants will be removed from the Program Site as soon as possible in instances of danger to other Participants or Program Staff. This includes, but is not limited to, continuous disruption of the Youth Program, inappropriate sexual behavior, bullying, hitting or biting other Participants or Program Staff and damage to any City property.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program manual may result in a participant being suspended and/or expelled from the Program.
- F. In instances where there is a danger to other participants or staff, offending participants will be removed from the Program site as soon as possible.
- G. Any person(s) creating a nuisance, causing a disturbance, or creating an unsafe environment at any Program Site will be subject to ejection from the site and possible arrest and legal action.

4. Programming

- A. Program employees will provide activities for each group according to the participants' ages, interests, and abilities. The activities will be appropriate to participants' health, safety, and well-being. The activities also will be flexible and designed to promote the participants' emotional, social, and mental growth.
- B. Program employees will provide indoor and outdoor time periods to include:
 - (1) Alternating active and passive activities;
 - (2) Opportunity for individual and group activities; and
 - (3) Outdoor time each day that weather permits.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program. Participants must be counted before leaving the Program Site and before boarding the transportation to return to the Program Site.

- (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
- (2) Program employees will have transportation cards of the participants in the group and must check the roll frequently.
- (3) Program employees should have First-Aid supplies and a guide to First-Aid and emergency care available on field trips.
- (4) Notice of any field trips will be displayed at a prominent location at each Program site.

5. Communication

- A. Each Program site will have access to a telephone for use in contacting the Recreation Center or making emergency calls.
- B. The Recreation Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:
 - (1) Ambulance or emergency medical services.
 - (2) City of Abilene Police Department.
 - (3) City of Abilene Fire Department.
 - (4) Poison control.
 - (5) The telephone number for the site itself.

6. Transportation

- A. First-Aid supplies and a First-Aid emergency care guide will be available in all Program vehicles that transport children.
- B. All Program vehicles used for transporting participants must have available a portable fire extinguisher located in the passenger compartment of the vehicle which will be accessible to the adult occupants.

Facility Standards

1. Safety

- A. Program employees will inspect Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants.
- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.

- C. Program equipment and supplies should be safe for the participants use.
- D. Program employees should have First-Aid supplies available at each site, during transportation and for the duration of any off-site activity.
- E. Program employees should have first-aid supplies readily available to staff in a designated location. Program employees should have an immediately accessible guide to First-Aid and emergency care.
- F. Program air conditioners, electric fans, and heaters should be mounted out of participants reach or have safeguards that keep participants from being injured.

2. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employee's first priority is to evacuate the participants to a designated safe area.
- B. The Program site will have an annual fire inspection by the City of Abilene Fire Department, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Administrator who will review and establish deadlines and criteria for compliance.
- C. Each Program site must have at least one (1) fire extinguisher approved by the Fire Marshall readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Recreation Center Coordinator. All of the City of Abilene Youth Program employees will be trained in the proper use of fire extinguishers.

3. Health

- A. Illness or Injury
 - (1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the Program.
 - (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees. Emergency responders will be notified in the event of an injury that cannot be remedied through basic first aid. An accident report shall be completed and forwarded to the Recreation Supervisor.
 - (3) An ill Youth will not be allowed to attend or participate if the Youth is suspected of having a temperature and/or accompanied by behavior changes or other signs or symptoms until a medical evaluation indicating that the Youth can return to the Youth Program.

- (4) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual.
- (5) Program employees will follow the recommendation of the Texas Department of State Health Services concerning the admission or readmission of any participant after a communicable disease.

C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and Program employees can supervise as needed.
- (2) There must be at least one flush toilet for every thirty (30) children. Urinals may be counted in the ratio of toilets to children but must not exceed fifty percent (50%) of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water, meeting the standards of the Texas Department of State Health Services for drinking water, and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from Program sites daily.
- (4). The Program site will have an annual health inspection by the City of Abilene Health Department, and the resulting report will detail any health concerns observed. The report will be kept on file at the center. Information from this report will be included in the Director's annual report to the City Council.

4. Participants

- A. All participants must wear tennis shoes daily, unless the Youth is in the swimming pool or participating in an activity that requires no shoes to be worn.
- B. Youth must respect the Employees, Program Site, and each other.



**City of San Angelo
Parks & Recreation Department
702 South Chadbourne
San Angelo, Texas 76903
(325) 657-4279/4450**

October 27, 2021

Ann Hall
Division Manager
City of Abilene Parks & Recreation
633 Walnut St.
Abilene, TX 79601

On Wednesday, October 27, 2021, I came to visit your recreation centers: Daniels, Chavez (previously Sears), Cobb, and Rose. I am pleased to report that all of the centers not only met the standards of care and operation expected of municipal recreations, they again exceeded them. Well done!

Although the centers are all older, they are well maintained and cared for. They are equipped with adequate furnishings and resources to run them. Required communications postings for emergencies were all present and readily found. All fire extinguishers were present and well-charged with no inspections out of date. Safety equipment was present as required as well. The best asset of all at the recreation centers were the staff. They are all knowledgeable and clearly have the passion for the work that they do.

I inspected your centers last year and made some notes of items that should be considered for correction. I was very pleased, as I inspected this year, to see several of my recommendations implemented. I sincerely thank you for this.

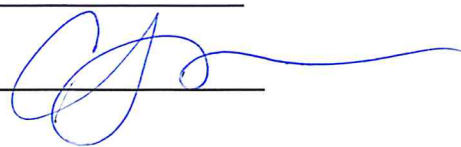
Attached are my inspection sheets with a few notes of items that should be considered. Thank you for the opportunity to come see your centers.

Carl White
Parks and Recreation Director
City of San Angelo, Texas
325-657-4279
Carl.white@cosatx.us

Standards of Care Review

Recreation Center: G.V. Daniel Recreation Center

Date: October 27, 2021 Inspector: Carl White



SAFETY	Yes	No
First Aid kit stocked with Band-Aids and other essential items	✓	
First Aid kit readily accessible in designated area	✓	
Center Coordinators: CPR/First Aid Certified	✓	

Comments: all good to go!

FIRE	Yes	No
At least one fire extinguisher	✓	
Fire Extinguishers were current	✓	
Fire Extinguishers locations were labeled	✓	
Emergency Exit <u>may</u> posted	✓	

Comments:

one exit door with exit light (seniors area) did not have panic bar hardware

COMMUNICATION	Yes	No
Emergency Contact Numbers Posted	✓	
EMS or Ambulance contact information posted	✓	
Police Department contact information posted	✓	
Fire Department contact information posted	✓	
Poison Control contact information posted	✓	
Recreation Center contact information posted	✓	

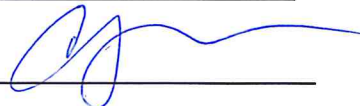
Comments:

Outside: poured in place fall zone area at playground showing some wear.
Repair patch needed below slide exit.

Other: Staff is well aware of the roof leaks, in more than a few locations.
Hopefully repairs, or a new roof can be accomplished to prevent further damage indoors.

Standards of Care Review

Recreation Center: Cesar Chavez (previously, Sears)

Date: October 27, 2021 Inspector: Carl White 

SAFETY	Yes	No
First Aid kit stocked with Band-Aids and other essential items	☒	
First Aid kit readily accessible in designated area	☒	
Center Coordinators: CPR/First Aid Certified	☒	

Comments:

FIRE	Yes	No
At least one fire extinguisher	☒	
Fire Extinguishers were current	☒	
Fire Extinguishers locations were labeled	☒	
Emergency Exit may posted	☒	

Comments:

check senior activity room exits - Both used but do not have lit exit signs
(main room area more of a concern than smaller room. Check if needed.)

COMMUNICATION	Yes	No
Emergency Contact Numbers Posted	☒	
EMS or Ambulance contact information posted	☒	
Police Department contact information posted	☒	
Fire Department contact information posted	☒	
Poison Control contact information posted	☒	
Recreation Center contact information posted	☒	

Comments:

Outside: blocking voluntary plant material near entrance removed at request
exposed electrical line noted at last year's inspection at the rear of the building corrected. +++

Standards of Care Review

Recreation Center: Cobb

Date: October 27, 2021 Inspector: Carl White

SAFETY	Yes	No
First Aid kit stocked with Band-Aids and other essential items	☒	
First Aid kit readily accessible in designated area	☒	
Center Coordinators: CPR/First Aid Certified	☒	

Comments:

location of first aid kits made more visible (than were at last year's inspection) + + +

FIRE	Yes	No
At least one fire extinguisher	☒	
Fire Extinguishers were current	☒	
Fire Extinguishers locations were labeled	☒	
Emergency Exit map posted	☒	

Comments:

COMMUNICATION	Yes	No
Emergency Contact Numbers Posted	☒	
EMS or Ambulance contact information posted	☒	
Police Department contact information posted	☒	
Fire Department contact information posted	☒	
Poison Control contact information posted	☒	
Recreation Center contact information posted	☒	

Comments:

Outside: recommend adding a pathway around the park

Special note: staff are very knowledgeable and courteous!

Standards of Care Review

Recreation Center: Rose

Date: October 27, 2021 Inspector: Carl White 

SAFETY	Yes	No
First Aid kit stocked with Band-Aids and other essential items	☒	
First Aid kit readily accessible in designated area	☒	
Center Coordinators: CPR/First Aid Certified	☒	

Comments:

Make sure staff know where all fire extinguishers are -

FIRE	Yes	No
At least one fire extinguisher	☒	
Fire Extinguishers were current	☒	
Fire Extinguishers locations were labeled	☒	
Emergency Exit map posted	☒	

Comments:

COMMUNICATION	Yes	No
Emergency Contact Numbers Posted	☒	
EMS or Ambulance contact information posted	☒	
Police Department contact information posted	☒	
Fire Department contact information posted	☒	
Poison Control contact information posted	☒	
Recreation Center contact information posted	☒	

Comments:

outside : noted drop in elevation (an inch or 1 1/2 inches) from both entrance and exit doors (may need to mark and/or add signage)

Staff is very courteous!

2022 Standards of Care



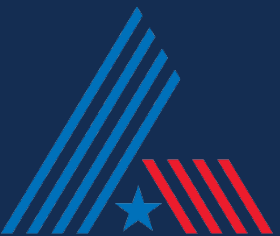
Standards of Care

- Summer Camp and After School Programs are open to ages 6 to 13.
- Parents are provided with a copy of the document and it is posted www.abilenetx.gov/camps.
- The Standards of Care are intended to be minimum standards by which the City of Abilene will operate the City's Youth Programs. The programs operated by the City are recreational in nature and are not licensed by the state of Texas as certified day care programs.



Basic Requirements

- Adequate and readily available first aid kits.
- Full time staff must be current certified in CPR and First Aid.
- Current fire extinguisher and properly labeled and emergency exits signs are posted.
- Posting of emergency contact including fire, police, poison control, and contact information for Recreation Center.
- Defines job titles, qualifications, and responsibilities.
- Outlines the ratio (Abilene is 20 children per 1 staff).



Standards of Care

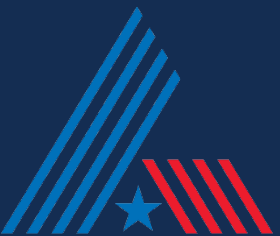
- Parks and Recreation perform an internal inspection annually.
- Environmental Health and Fire Department conducts an annual inspection.
- We also have an outside Parks and Recreation professional perform a review. This was done on October 27th, by Carl White, Parks and Recreation Director for the City of San Angelo.



Standards of Care

Steps in the adoption:

- Approval by Parks and Recreation Board – Approved November 16, 2021
- First Reading by City Council
- Public Hearing and vote by City Council





**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Mike Rains, Finance Director

SUBJECT: 12. Ordinance (First Reading): Receive a Report, Hold a Discussion 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 and amended them on October 14, 2021. Staff is proposing an amendment to these budgets due to a timing change in a purchase.

The fiscal year 2021 budget included grant funding and expenditure of funds for two 32 foot bus purchases for the Abilene Transit System. Due to delays in obtaining approval from the Federal Transit Authority, these purchases were unable to be made in fiscal year 2021. Staff is requesting to include the grant funding and related expenditure in the fiscal year 2022 budget for the Transit System Fund.

Council has previously approved the purchase of the buses on October 28, 2021 with Resolution No. 176-2021. Once the budgets are amended, staff can move forward with the purchase.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Total revenues and expenditures will increase by \$912,820 and will have a net effect to fund balance of \$0.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Ordinance-Revised Budget 2022-2
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 December 16th, 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 16th of December, 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 12th of December 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 2nd day of December, 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
17th day of December, A.D. 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

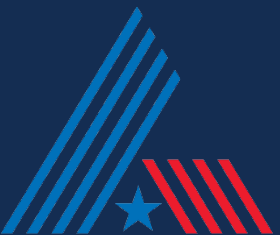
All Operating Funds	Adopted 2021-2022	Amended 2021-2022
Fund Balance Beginning	\$76,847,065	\$76,847,065
Total Revenue	285,588,249	286,501,069
Total Expenditures	291,154,850	292,067,670
Fund Balance Ending	\$71,280,464	\$71,280,464

Ordinance & Public Hearing Amending the FY 2021-22 Budgets



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

- Staff is proposing a budget amendment to the FY 2021-22 budget due to a change occurring since the latest budget amendment on October 14, 2021.
 - During fiscal year 2021 the Abilene Transit System Fund had funds budgeted to purchase two 32' buses. Due to delays in getting approval from the Federal Transit Authority this purchase was unable to be made during 2021.
 - Council has previously approved the purchase of the buses on October 28, 2021 with Resolution No. 176-2021, however, funds are not budgeted in the Transit System Fund's FY 2021-22 budget for the purchase.
 - Staff would like to increase the Transit System Fund's budget to include the grant revenue and related bus purchase in fiscal year 2022 .

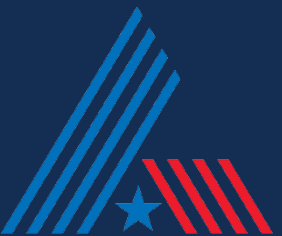


Ordinance & Public Hearing – Amending the FY 2021-22 Budgets

	Beginning Fund Balance	Revenues	Expenditures	Ending Fund Balance
Total All Funds as approved on October 14, 2021	\$76,847,065	\$285,588,249	\$291,154,850	\$71,280,464
Transit grant for bus purchases		912,820	912,820	0
Total All Funds - Revised	\$76,847,065	\$286,501,069	\$292,067,670	\$71,280,464



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Honorable Mayor and City Council Members

FROM: Robert Hanna, City Manager

SUBJECT: 13. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on the Creation of a Reinvestment Zone No. RZ21-1 being approximately 875 acres in Taylor County, Texas (Robert Hanna)

GENERAL INFORMATION

The City Council adopted Resolution No 2-1988 on January 28, 1988 declaring that the City of Abilene elects to become eligible to participate in Tax Abatements in accordance with the Property Redevelopment and Tax Abatement Act. The City Council recently adopted Tax Abatement Guidelines and Criteria at their November 4, 2021 Regular Meeting.

The boundaries of the area to be known as City of Abilene Reinvestment Zone No. RZ21-1 shall be the area of land described on the document attached to the Ordinance as Exhibit "A", which contains approximately 875 acres of land in Taylor County, Texas, and which land is contiguous to the city limits of the City of Abilene and located within the City's extraterritorial jurisdiction.

The creation of the City of Abilene Reinvestment Zone RZ21-1 will result in benefits to the City and to the land included in the zone and to the City after the expiration of any Tax Abatement Agreement entered into, and the improvements sought are feasible and practical.

The Reinvestment Zone No. RZ21-1 meets the criteria for the creation of a Reinvestment Zone as set forth in Texas Tax Code Chapter 312, Subchapters A & B in that it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the Reinvestment Zone that would benefit the property and that would contribute to the economic development of the City.

The City of Abilene Reinvestment Zone RZ21-1, as defined herein satisfies the requirement of a Reinvestment Zone and is eligible under the Guidelines and Criteria for Tax Abatement as set forth in the City of Abilene Resolution No. 203-2021.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of the Ordinance creating Reinvestment Zone RZ21-001.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Reinvestment Zone No. RZ21-1 Ordinance
2. Exhibit A
3. Reinvestment Zone No. RZ21-1

AN ORDINANCE DESIGNATING CERTAIN AREAS AS REINVESTMENT ZONE NO. RZ21-1 FOR COMMERCIAL AND INDUSTRIAL TAX ABATEMENT, PURSUANT TO THE TEXAS TAX CODE CHAPTER 312, SUBCHAPTER A&B, ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS PERTAINING THERETO; PROVIDING A SEVERANCE CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FINDING THAT THE MEETING AT WHICH THE THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC.

WHEREAS, City Council has adopted Resolution No 2-1988 on January 28, 1988 declaring that the City of Abilene elects to become eligible to participate in Tax Abatements in accordance with the Property Redevelopment and Tax Abatement Act; and

WHEREAS, City Council most recently adopted Tax Abatement Guidelines and Criteria at their November 18, 2021 Regular Meeting; and,

WHEREAS, a public hearing, in a regularly scheduled meeting before the City Council, was held on December 17, 2021, such date being at least seven (7) days after the date of publication of the notice of such public hearing as required by the Texas Tax Code; and,

WHEREAS, the written notice of the public hearing was delivered to the presiding officer of the governing body of each taxing unit located within the proposed Reinvestment Zone at least seven (7) days before the date of the public hearing; and,

WHEREAS, the City, at such hearing invited all interested person, or their counsel, to appear and speak for or against the creation of the proposed Reinvestment Zone, the boundaries of the proposed Reinvestment Zone, and whether all or part of the property described in this ordinance should be included in such proposed Reinvestment Zone; and,

WHEREAS, all interested persons were given the opportunity to be heard; and,

WHEREAS, the area designated meets the statutory requirement that, it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the municipality, and/or meets other criteria that satisfies State law for the establishment of a reinvestment zone.

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

PART 1: That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and adopted as findings of fact by this body and as part of its official record.

PART 2: That the City, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the testimony and evidence presented to it:

- (a) That a public hearing on the designation of the Reinvestment Zone has been properly called, held and conducted and that notice of such hearing was published as required by law and delivered to all taxing units overlapping the territory inside the proposed reinvestment zone; and

- (b) That the boundaries of the area to be known as City of Abilene Reinvestment Zone No. RZ21-1 shall be the area of land described on the document attached hereto as Exhibit “A”, which is incorporated herein for all purposes; and
- (c) That the creation of the City of Abilene Reinvestment Zone RZ21-1 with boundaries as described in (b) above, will result in benefits to the City and to the land included in the zone and to the City after the expiration of any Tax Abatement Agreement entered into, and the improvements sought are feasible and practical; and
- (d) That the Reinvestment Zone as described in (b) above meets the criteria for the creation of a Reinvestment Zone as set forth in Texas Tax Code Chapter 312, Subchapters A & B in that it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the Reinvestment Zone that would benefit the property and that would contribute to the economic development of the City; and
- (e) That the City of Abilene Reinvestment Zone RZ21-1, as defined herein satisfies the requirement of a Reinvestment Zone and is eligible under the Guidelines and Criteria for Tax Abatement as set forth in the City of Abilene Resolution No. 203-2021.

PART 3: That pursuant to Texas Tax Code Chapter 312, Subchapter B, the City hereby creates a Reinvestment Zone for commercial and industrial tax abatement encompassing the area described by the legal description in Section 2(b) above and such Reinvestment Zone is hereby designated and shall hereafter be designated City of Abilene Reinvestment Zone No RZ21-01 for a period of five (5) years, subject to renewal as allowed by law.

PART 4: Publishing and Effective Date. That the establishment of the City of Abilene Reinvestment Zone No. RZ21-1 shall take effect on the date of final passage of this Ordinance.

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 hereby repealed to the extent of any conflict.

PART 6: Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Abilene, Texas, in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

PASSED ON FIRST READING this 2nd day of December, 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 12th day of December, 2021, the same being seven (7) or more days prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 17th day of December, 2021, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 17th day of December, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

EXHIBIT "A"
BOUNDARIES AND LEGAL DESCRIPTION OF
CITY OF ABILENE, TEXAS REINVESTMENT ZONE NO. RZ21-1

FIELD NOTES
92.38 ACRES
TRACT ONE

BEING 92.38 acres out of Section 23, Block 16, T. & P. RR. Company Surveys, Taylor County, Texas, said 92.38 acres being part of a 1042.26 acre tract recorded as Tract One in Instrument No. 2019-16436, Official Public Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a point in Summerhill Road for the northeast corner of this tract, whence the northeast corner of said Section 23 bears N77°32'20"E 520.0 feet;

THENCE S12°20'57"E at 35.0 feet pass a 3/8" rebar found on the south side of Summerhill Road and continue along for a total distance of 2596.98 feet to a 3/8" rebar found for the southeast corner of this tract;

THENCE S77°32'20"W 2815.52 feet to a 3/8" rebar found for the southwest corner of this tract;

THENCE N12°03'W 902.91 feet to a 3/8" rebar found for the most westerly northwest corner of this tract;

THENCE N77°32'20"E 1164.98 feet to a 3/8" rebar found for an interior corner of this tract;

THENCE N12°27'42"W 498.05 feet to a 3/8" rebar found for an interior corner of this tract;

THENCE N77°32'20"E 1092.61 feet to a 3/8" rebar found for an interior corner of this tract;

THENCE N12°27'40"W at 1162.61 feet pass a 3/8" rebar found on the south side of Summerhill Road and continue along for a total distance of 1196.04 feet to a point in said road on the NBL of said Section 23 for the most northerly northwest corner of this tract;

THENCE N77°32'20"E 556.53 feet along Summerhill Road and the NBL of said Section 23 to the place of beginning and containing 92.38 acres of land.

Surveyed on the ground during the month of November, 2020.

SEE ATTACHED PLAT

Geotex Property Solutions
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79605
(325) 677-6712
File # 374-75-20-92.38ac Tract One
Firm Registration No. 10194134

Rex D. Haas
R. P. L. S. #4378

FIELD NOTES
285.90 ACRES
TRACT TWO

BEING 285.90 acres out of Sections 53 and 54, Block 16, T.& P. RR. Company Surveys, Taylor County, Texas, said 285.90 acres being part of a 1042.26 acre tract recorded as Tract One in Instrument No. 2019-16436, Official Public Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" rebar found at the southeast corner of said Section 54, the southeast corner of said 1042.26 acre tract and the northeast corner of an 18.33 acre tract recorded in Volume 1557, Page 777, Official Public Records, Taylor County, Texas for the southeast corner of this tract;

THENCE N88°48'52"W 4661.40 feet along the SBL of said 1042.26 acre tract to a 3/8" rebar found on the EBL of a 3.91 acre tract recorded as Second Tract in Volume 511, Page 371, Deed Records, Taylor County, Texas at the northwest corner of Section 24, W.W. Sills Survey, Taylor County, Texas and the northwest corner of said 18.33 acre tract for the most southerly southwest corner of this tract;

THENCE N1°28'E 150.0 feet to a 1/2" rebar found at the northeast corner of said 3.91 acre tract and the east corner of a 0.334 acre tract recorded in Volume 3072, Page 223, Official Public Records, Taylor County, Texas for an interior corner of this tract;

THENCE N88°55'25"W 158.79 feet to a 3/8" rebar set on the NBL of said 0.334 acre tract for most westerly southwest corner of tis tract;

THENCE N52°32'42"W 1742.90 feet to a 3/8" rebar set on the SBL of a 16.14 acre tract recorded in Instrument No. 2016-12702, Official Public Records, Taylor County, Texas for the most westerly northwest corner of this tract;

THENCE N77°56'37"E 1910.50 feet to a 3/8" rebar found on the EBL of said Section 53 and the WBL of said Section 54 for an interior corner of this tract;

THENCE N12°47'37"W 920.86 feet to a 3/8" rebar found on the EBL of said Section 53 and the WBL of said Section 54 for an interior corner of this tract;

THENCE N77°08'36"E 1380.96 feet to a 3/8" rebar found for an interior corner of this tract;

THENCE N23°44'34"E 1003.12 feet to a 3/8" rebar found on the SBL of F.M. Highway 2404 (right-of-way Varies) for the most northerly northwest corner of this tract;

THENCE S65°27'18"E 155.02 feet along the SBL of F.M. Highway 2404 to a 3/8" rebar found at the northwest corner of a 4.02 acre tract (no deed found of record);

THENCE S23°44'34"W 3542.43 feet to a 3/8" rebar found at the southwest corner of a 2.07 acre, more or less, tract recorded as 1st Tract in Volume 826, Page 1, Deed Records, Taylor County, Texas;

THENCE S12°26'15"E 211.75 feet to a 3/8" rebar found at the southeast corner of said 2.07 acre, more or less, tract;

THENCE N23°44'34"E 1781.18 feet to a 3/8" rebar found on the EBL of a 4.25 acre, more or less, tract recorded as 2nd Tract in Volume 826, Page 1, Deed Records, Taylor County, Texas;

THENCE to 3/8" rebars found as follows:

N71°52'45"E 1960.50 feet;

N72°35'08"E 420.97 feet;

N65°37'46"E 57.23 feet;

N48°27'56"E 60.08 feet;

N36°51'E 68.07 feet;

THENCE N30°00'40"E 80.76 feet to a 3/8" rebar found on the SBL of F.M. Highway 2404;

THENCE S59°22'27"E 1032.68 feet along the SBL of F.M. Highway 2404 to a 3/8" rebar found on the EBL of said Section 54 for the northeast corner of this tract;

THENCE S0°36'51"W 2346.17 feet along the EBL of said Section 54 to the place of beginning and containing 285.90 acres of land.

Surveyed on the ground during the month of November, 2020.

SEE ATTACHED PLAT

Geotex Property Solutions
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79605
(325) 677-6712
File # 374-75-20-285.90ac T-2
Firm Registration No. 10194134

Rex D. Haas
R. P. L. S. #4378

FIELD NOTES
191.18 ACRES
TRACT THREE

BEING 191.18 acres out of Section 55, Block 16, T.& P. RR. Company Surveys, Taylor County, Texas, said 191.18 acres being part of a 222.18 acre tract recorded as Tract Two in Instrument No. 2019-16436, Official Public Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" rebar found at the northeast corner of said Section 55 and the northeast corner of said 222.18 acre tract for the northeast corner of this tract;

THENCE S0°40'23"W 2678.52 feet to a point on the NBL of Section 25, Robert Turner Survey, Taylor County, Texas at the most easterly southeast corner of said Section 55 and the most easterly southeast corner of said 212.18 acre tract for the most easterly southeast corner of this tract, whence a 3/8" rebar found bears S0°40'23"W 0.7 feet;

THENCE N88°59'W 1130.03 feet along the SBL of said Section 55 to a 3/8" rebar found at the northwest corner of said Section 25 for an interior corner of this tract;

THENCE S1°02'08"W 126.50 feet to a point in an ell corner of Spinks Road on the EBL of said Section 55 for the most southerly southeast corner of this tract, whence a 3/8" rebar found bears S52°48'E 18.9 feet;

THENCE N89°29'41"W 1222.50 feet to a point in Spinks Road at the southeast corner of a 31.0 acre tract recorded in Instrument No. 2020-1334, Official Public Records, Taylor County, Texas for the most southerly southwest corner of this tract;

THENCE North at 30 feet pass a 3/8" rebar found on the north side of Spinks Road and continue along for a total distance of 775.49 feet to a 3/8" rebar found at the northeast corner of said 31.0 acre tract for an interior corner of this tract;

THENCE N89°29'41"W at 1796.95 feet pass a 3/8" rebar found on the east side of Spinks Road and continue along for a total distance of 1827.75 feet to a point in said Road at the northwest corner of said 31.0 acre tract for the most westerly southwest corner of this tract;

THENCE N12°32'04"W 1059.02 feet along the WBL of said 212.18 acre tract to a 60-d nail found in Spinks Road for the northwest corner of said Section 55, the northwest corner of said 222.18 acre tract and the northwest corner of this tract;

THENCE N77°57'E along the NBL of said Section 55 and the NBL of said 222.18 acre tract at 16.7 feet pass a 3/8" rebar found on the east side of Spinks Road and continue along for a total distance of 4543.67 feet to the place of beginning and containing 191.18 acres of land.

Surveyed on the ground during the month of November, 2020.

SEE ATTACHED PLAT

Geotex Property Solutions
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79605
(325) 677-6712
File # 374-75-20-191.18ac T-3
Firm Registration No. 10194134

Rex D. Haas
R. P. L. S. #4378

FIELD NOTES
305.95 ACRES
TRACT FOUR

BEING 305.95 acres out of Section 24, W.W.SILLS Survey, Taylor County, Texas, said 305.95 acres being all of that same 305.95 acre tract recorded as Tract Three in Instrument No. 2019-16436, Official Public Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a point at the most easterly southeast corner of an 18.33 acre tract recorded in Volume 1557, Page 777, Official Public Records, Taylor County, Texas for the northeast corner of this tract, whence a 3/8" rebar bears N88°48'52"W 0.36 feet and a 1/2" rebar found on the NBL of said Section 24 at the southeast corner of Section 54, Block 16, T.& P. RR. Company Surveys, Taylor County, Texas bears N0°36'51"E 100.10 feet;

THENCE S0°36'51"W 2899.73 feet to a point on the SBL of said Section 24 for the southeast corner of this tract, whence a 1/4" pipe found bears S0°36'51"W 1.72 feet;

THENCE N88°59'W 4589.17 feet along the SBL of said Section 24 to a point at the most southerly southeast corner of said 18.33 acre tract for the southwest corner of this tract, whence a 3/8" rebar found bears S0°45'32"W 0.34 feet;

THENCE N0°45'32"E 2913.05 feet to a 3/8" rebar set for the northeast corner of this tract;

THENCE S88°48'52"E 4581.94 feet to the place of beginning and containing 305.95 acres of land.

Surveyed on the ground during the month of November, 2020.

SEE ATTACHED PLAT

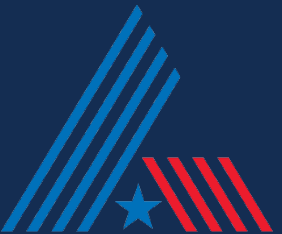
Geotex Property Solutions
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79605
(325) 677-6712
File # 347-63-19-305.95ac Tract 4
Firm Registration No. 10194134

Rex D. Haas
R. P. L. S. #4378

Ordinance creating Reinvestment Zone No. RZ21-1



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: 14. Presentation: Receive a Report and Hold a Discussion and Public Hearing on completion of the AMI Meter Replacement Project and a Tutorial of the Customer Portal (*Rodney Taylor*)

GENERAL INFORMATION

Water Utilities staff will make a presentation to the Abilene City Council describing the completion of the AMI Meter Replacement Project by summarizing key information regarding project schedule and costs. The presentation will then shift to a tutorial demonstrating the features of the Utility Customer Portal.

SPECIAL CONSIDERATIONS

City staff began seriously exploring the development of an Automated Meter Reading (AMR) project using Advanced Metering Infrastructure (AMI) in 2016. During budget workshop discussions, the Abilene City Council indicated its support for such a project. Staff worked with a consulting firm to develop contract documents and solicit requests for proposals for the Water Meter Replacement and AMI Project. Staff submitted a request to the Texas Water Development Board (TWDB) to fund a meter replacement project. The City received a loan commitment through TWDB of \$18,370,000 through the Clean Water State Revolving Fund for the project. The project team evaluated the proposals and performed interviews before selecting the team of Aclara Technologies LLC (Aclara) for RFP #1 for Equipment and Technology Procurement, and Pedal Valves, Inc. (Pedal Valves) for RFP #2 Installation, Integration, and Project Management. The resulting contract with Aclara was then assigned to Pedal Valves for a combined contract value of \$17,156,641.21.

The project notice to proceed date was June 17, 2019. Actual installation of meters began on September 2, 2019. The original project schedule called for final completion within 730 calendar days. Primarily due to delays in delivery of large meters and other equipment, the

project schedule for completion was extended by 198 days to November 30th, 2021. Substantial completion and final completion were achieved within the revised project schedule timeframe. All retail and wholesale meters within the City's potable water and reuse water systems are now capable of automatic meter reads through the AMI AclaraOne system, which has been integrated to communicate directly with the City's existing Incode brand utility billing system. The procurement and installation contractors have successfully fulfilled all contract performance parameters. The City has an ongoing hosting and maintenance services contract with Aclara. Enprotec/Hibbs & Todd, Inc. provided contract development and administration services. All parties believe that the project has been completed in general compliance with the contract documents.

FUNDING/FISCAL IMPACT

NA

STAFF RECOMMENDATION

NA

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

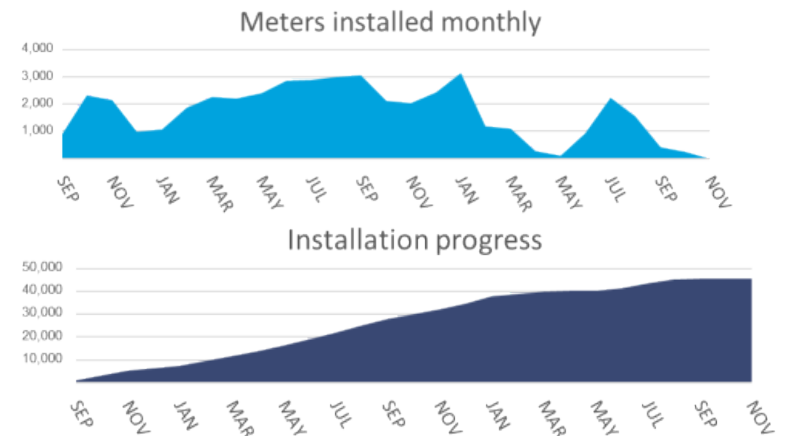
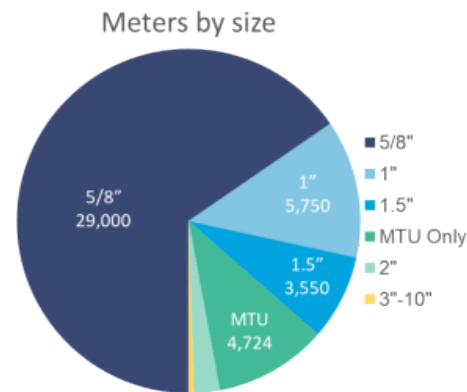
1. Presentation-Smart Water Meter AMI Project-Customer Portal Tutorial-12-2-21

Water Utilities AMI Project Completion Presentation



SUMMARY

- On September 30, 2021, the City completed its upgrade of 42,564 water meters (100% of all active accounts) to new smart meters with AMI capabilities
 - Project began September 2, 2019
 - All financial actions completed November 30, 2021



FINANCIAL

- Contract Summary

- TWDB approved budget - \$16.89M
- Total Spent on Project - \$15.74M
- Unspent Project Balance - \$ 1.15M

- Loan Summary

- TWDB Loan Amount - \$18.37M
- Total Spent on Project - \$15.74M
- Unspent Loan Balance - \$ 2.63M (14%)



SCHEDULE

- Project Summary
 - Concept for smart meter project in 2016
 - Resolutions Authorizing Contracts October 25, 2018
 - Contract Notice to Proceed June 17, 2019
 - Actual meter installations began September 2, 2019
 - Original Final Completion date June 16, 2021
 - Revised Final Completion date November 30, 2021



BENEFIT

- Projected vs Actual Annual Savings and Cost Avoidance

<u>Benefit</u>	<u>Planned</u>	<u>Actual</u>	<u>Difference</u>
• More accurate meters - \$585K \$285K		\$870K	
• Meter staff reduction -	\$100K	\$110K	\$ 10K
• Less new meter buys -	\$200K	\$200K*	0
• <u>Less leak adjustments -</u>	<u>\$100K</u>	<u>\$100K**</u>	<u>0</u>
• <u>TOTAL -</u>	<u>\$985K</u>	<u>\$1.280M</u>	<u>\$295K</u>

*Assumed value - pending accumulation of real data

**Assumed value - pending accumulation of data w/
AMI's early leak detection capability & new policy



NEW METER ACCURACY

- Combined City and ACU study tested new and old meters
 - 1,548 residential meters accuracy-tested after removal
 - Replacement meters accuracy-tested before installation
 - AWWA standards used to evaluate results
- Results
 - Old meters test average – 94.6% (below AWWA standard)
 - New meters test average - 99.1% accurate
 - Improvement – 4.5%



Water Utilities AMI Project Completion Presentation

Questions?

Next: Utility Customer Portal tutorial
- Amanda Pope, AMI Public Information
Coordinator



THERE ARE MULTIPLE WAYS TO ACCESS THE CUSTOMER PORTAL

- Quick link - abilenetx.gov/waterusage
- Visit abilenetx.gov and click 'Pay Online'
- Use search function of City of Abilene website
- Click on Department Page for Water Utilities



Home

Utility Billing

Login / Register



IT'S HERE!

The City of Abilene Water Utilities Department is excited to announce the launch of a smart meter upgrade to our Customer Portal



See Your Hourly Water Usage



Find Ways to Lower Your Bill



Available services

- [Utility Billing](#)

Additional links

- [Contact us](#)
- [Terms and conditions](#)

WAYS TO PAY



Abilene, TX / Utility Billing

Utility Billing Home

Accounts

[Add Account](#)

Account Number	Address	Last Payment	Balance	Pay
01-2345-67	123 Main Street	(\$380.64) 11/12/2021	View Bill \$0.00	Pay Account ▼
Active				

Online Services

- [Utility Billing Home](#)
- [Manage Accounts](#)
- [Sign up for e-Billing](#)
- [Email Reminder Settings](#)

Need Help?

- [Contact us](#)
- 325-676-6405

Announcement



When using "Contact Us", please include the **account name, address, and last 4 of SSN**. Thank You

Consumption

JANE SMITH

01-2345-67

123 MAIN ST

This account is active.

Balance: \$0.00

[Payment](#)

[Account
Detail](#)

[Transaction
History](#)

[Address
Info](#)

[Account
Info](#)

[Consumption
History](#)

Please note that KGAL represents thousands of gallons. For example, 2 KGAL = 2,000 gallons.

[Daily Usage](#)

[Monthly Usage](#)

Daily Usage

[Manage Alerts](#)

Billing

Current Billing Period

Day 2 of Current Billing Period

Estimated Bill-To-Date

\$11.87

Meter Last Reported

11/21/2021 - 06:00 AM

Read: 244099.80

You used **0.00 KGAL** this week, which cost **\$0.00** (\$8.48 less than last week's total)

	This Week: 11/21 - 11/27	Last Week: 11/14 - 11/20
Cost	\$0.00	\$8.48
Usage	0.00 KGAL	1.96 KGAL

[Daily](#)

[Hourly](#)

[Custom](#)



Dec

2021

[Go](#)

Unbilled Consumption

Date Range: 11/21/21 to 11/21/21

[Usage](#)

[Cost](#)

Billing

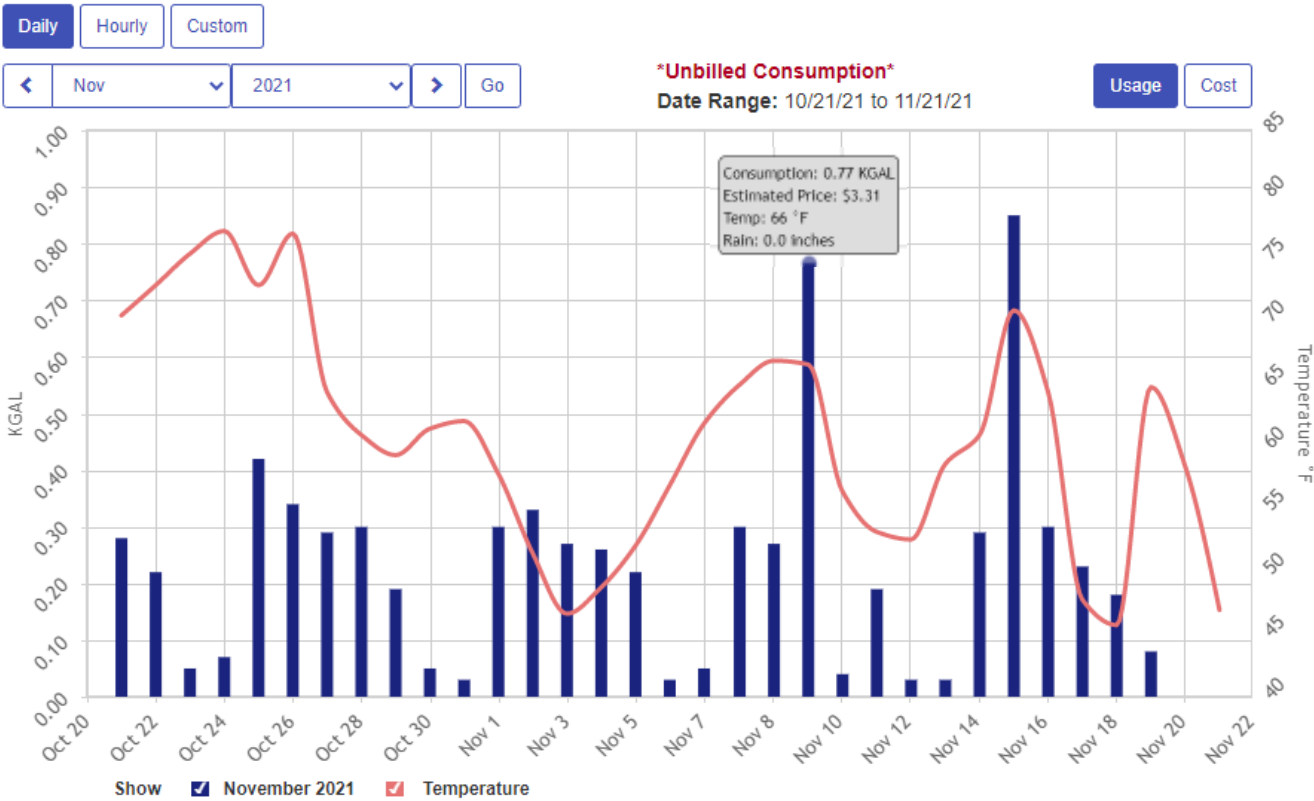
Current Billing Period
Day 2 of Current Billing Period

Estimated Bill-To-Date
\$11.87

Meter Last Reported
11/21/2021 - 06:00 AM
Read: 244099.80

You used **0.00 KGAL** this week, which cost **\$0.00** (\$8.48 less than last week's total) ↓

	This Week: 11/21 - 11/27	Last Week: 11/14 - 11/20
Cost	\$0.00	\$8.48
Usage	0.00 KGAL	1.96 KGAL



Manage Alerts

☒ On**Email**☒ On**Text** Note: Standard message and data rates may apply.☒ On**Voice**

Off

Leak Alerts

Receive alert if consumption indicates abnormal usage or potential leak.



Off

Billing Threshold Alerts

Receive alert if estimated billing amount exceeds

\$

Your average bill for the last 12 months was \$448.61. Your highest bill in the last 12 months was \$617.54.



Off

Consumption Threshold Alerts

Please notify me if my **daily** usage exceeds

☒ Off**Water (KGAL)**

Average daily use = 0.64 KGAL

[Sign Up](#)[Cancel](#)

Manage Alerts

☒**Email**☒**Text** *Note: Standard message and data rates may apply.*☒**Voice**☒**Leak Alerts**

Receive alert if consumption indicates abnormal usage or potential leak.

☐

Off

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[Sign Up](#)[Cancel](#)

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Water Utilities AMI Project Completion Presentation

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Honorable Mayor and Members of the City Council

FROM: Robert Hanna, City Manager

SUBJECT: **15. Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Creating Abilene Neighborhood Empowerment Zone #2, Amending Abilene Neighborhood Empowerment Zone #1, and Creating an Infill Development Plan (Robert Hanna)

GENERAL INFORMATION

The City of Abilene has continued to work on Infill development through a number of programs and opportunities over the years. Infill development or redevelopment was identified as a key component in the 20004 Comprehensive Plan and will also be a key component of the 2021 Comprehensive Plan. The following information represents the most comprehensive and aggressive effort to promote infill development or redevelopment in Abilene's recent history.

Attached is a White Paper that identifies the staff's work on a newly proposed infill development program.

The adoption of this program is multi-faceted and items will be brought forward for Council consideration over the next several months.

The resolution before you today is an effort to define the program and some of the incentives that will be used to promote, encourage and support private investment in our existing neighborhoods.

Additional work needs to be done to further develop some of the other program elements identified in the White Paper. Of special note is the concept of rental housing registration. This is an item for consideration that will be exceptionally polarizing and needs to be fully vetted with relevant community stakeholders. At this time, staff is notifying the City Council that this is an item that could merit further discussion. Staff is not asking for permission to start a rental registration program, nor will the approval of this resolution adopt a rental registration program.

Also of note is the minimum property code. This code is scheduled for adoption as part of the City's advancement of building codes that is currently under review by the City Council. It is staff's hope that we will be able to adopt the minimum property code in order to better support revitalization efforts in our existing neighborhoods. Part of the implementation of this code needs to be a mechanism to assist those in our community who cannot afford to bring their property into compliance. This will also be a topic for further discussion with the City Council. To be clear, the adoption of this resolution does not implement a minimum property code.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

It is anticipated that the City Council will set aside funding for the ANI 2021 Infill Development Program as part of the annual budget appropriation process. City management is exploring recommending anywhere from \$300,000 to \$1,000,000 in funding for the initial program, and these concepts will be further discussed as part of the FY 2023 Budget Process.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution creating the Abilene Neighborhood Empowerment Zone No. 2, amending the Abilene Neighborhood Empowerment Zone No. 1, and the adoption of the White Paper on the ANI 2021 Infill Development Program.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Abilene - ANI 2021 Resolution
2. EXHIBIT A
3. Neighborhood Empowerment Zone Map (PDF)
4. 2021 Infill Program Proposal
5. Infill Dev & Neighborhood Empowerment Zone

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
CREATING A NEW ABILENE NEIGHBORHOOD EMPOWERMENT ZONE NO. 2 AND
AMENDING THE ABILENE NEIGHBORHOOD EMPOWERMENT ZONE NO. 1, TO
FURTHER ABILENE’S INFILL DEVELOPMENT INCENTIVE PROGRAM**

WHEREAS, the City of Abilene (the “City) desires to encourage the investment of private resources in productive business enterprises and single and multi-family housing units in historic and economically distressed areas of the City; and

WHEREAS, the City desires to increase economic development within historic and economically distressed areas of the City; and

WHEREAS, the City has previously adopted Resolution No. 78-2018 setting forth an infill development program, the Abilene Neighborhood Empowerment Zone No. 1 (the “Zone No. 1”), pursuant to Chapter 378 of the Texas Local Government Code ; and

WHEREAS, the Zone No. 1 has resulted in increased commercial investment, but as of yet has not resulted in substantial single-family residential redevelopment within the Zone No. 1 and therefore should be amended and expanded; and

WHEREAS, infill development has been the subject of discussion in many previous planning efforts, including Abilene’s 2004 Comprehensive Plan and small area redevelopment plans for various neighborhoods, including those for the Carver and Sears neighborhoods; and,

WHEREAS, infill development and the redevelopment of Abilene’s historic and economically distressed neighborhoods has been the single most restated public policy goal of the City of Abilene that has met with little to no success in terms of residential redevelopment; and,

WHEREAS, the City Council has continuously expressed and stated that the renewal and redevelopment of residential infill lots and existing residences in Abilene’s historic and economically distressed neighborhoods is and ought to be a matter of public interest and serves a manifest and obvious public purpose of increasing the public health, safety and welfare of the persons in the municipality; and,

WHEREAS, the City now desires to expand the current program to better address residential development; and

WHEREAS, it is necessary and in the best interest of the City to create the Abilene Neighborhood Empowerment Zone No. 2, (the “Zone No. 2”) pursuant to Chapter 378 of the Texas Local Government Code; and

WHEREAS, it is necessary and in the best interest of the City to amend and expand the Abilene Neighborhood Empowerment Zone No. 1, (the “Zone No. 1”) pursuant to Chapter 378 of the Texas Local Government Code; and

WHEREAS, in addition to the creation of the Zone No. 2, it is necessary and in the best interest of the City to offer certain economic development incentives to promote and encourage new private business development, and the remodeling and new construction of affordable and market rate housing options for the City’s historic and economically distressed areas,

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

PART 1: That the City designates an area more particularly described and illustrated in “Exhibit A” attached hereto and incorporated herein for designation as the Abilene Neighborhood Empowerment Zone No. 2, and said boundaries shall also describe and create the infill development program boundaries.

PART 2: The City Council, as the governing body of the City of Abilene, Texas finds that the creation of the Zone No. 2 will increase economic development within the Zone No. 2, increase the rehabilitation and construction of affordable and market rate housing options within the Zone No. 2, and increase the quality of social services, education or public safety provided to the residents of the Zone No. 2.

PART 3: The City Council, as the governing body of the City of Abilene, Texas finds that the creation of the Zone No. 2 benefits and is for the public purpose of increasing the public health, safety and welfare of the persons in the municipality.

PART 4: The City Council, as the governing body of the City of Abilene, Texas finds that the creation of the Zone No. 2 satisfies the requirements of Section 312.202 of the Tax Code.

PART 5: *Residential and Commercial Incentives.* The City Council as the governing body of the City of Abilene, Texas does hereby create and establish the following economic development incentive program within Zone No. 1 and Zone No. 2 for both residential and commercial developments and authorizes the City Manager or his or her designee to negotiate Chapter 380 Agreements offering the following enumerated incentives, provided that any agreement using the incentives authorized and set forth below must be adopted by an affirmative vote of four or more members of the City Council before it can be effective.

1. The City may enter into agreements for a period of not more than ten (10) years, for the purpose of benefiting the zones, refunds of municipal sales tax on sales made within the zones; and
2. The City may enter into agreements abating municipal property taxes on property within the Zones subject to the duration limits of Section 312.204 of the Tax Code; and
3. The City may set baseline performance standards, such as the Energy Star Program as developed by the Department of Energy, to encourage the use of alternative building materials that address concerns relating to the environment or to the building costs, maintenance, or energy consumption; and
4. The City may participate in up to 50% of the cost of water or sewer line extensions necessary to serve property being developed within the Zones; and

PART 6: *Residential Incentives.* The City Council as the governing body of the City of Abilene, Texas does hereby create and establish the following economic development incentive program within Zone No. 1 and Zone No. 2 for residential developments and authorizes the City Manager or his or her designee to negotiate the following enumerated incentives, provided that unless otherwise stated below, any agreement using the incentives authorized and set forth below must be adopted by an affirmative vote of four or more members of the City Council before it can be effective.

1. The City Manager may authorize the following economic incentives to promote and encourage residential development within Zone No. 1 and Zone No. 2 for projects with a new value of \$50,000 or greater. Unless otherwise required below, the City Manager may approve the following incentives without further action or approval required by the City Council:
 - a. One (1) City provided roll-off container for construction related debris and up to two (2) corresponding pickup and disposal charges for the roll-off container.
 - b. Upon final inspection of the improvements, the City will install, repair or replace sidewalks for the property if required and as determined by the City.

- c. Subject to Council approval on a per project basis, the City Manager is authorized to negotiate Chapter 380 Agreements within the Zone that will provide an economic incentive of ten times the amount of the increased city related tax liability created by the (1) new residential construction, or (2) renovation or rehabilitation of an existing residential improvement up to a maximum one-time economic incentive of \$5,000.

For example, an owner occupied, single family residential property having an assessed value of \$50,000 is improved either through new construction or the renovation or rehabilitation of an existing improvement. The following tax year after the improvements are completed, the assessed value for the property increases to \$150,000, thus creating \$100,000 in new taxable value. The increased city related tax liability for this new taxable value equals \$787.70 ($\$100,000 / 100 \times \$0.7877 = \787.70), where \$0.7877 represents the City's then current ad-valorem tax rate. Then, in this case, the property is eligible for a one-time economic incentive payment of \$5,000.00 since the tenfold value is greater than \$5,000.00 ($\$787.70 \times 10 = \$7,877.00$).

Any economic incentive payment pursuant to this provision is made on a first come, first served basis and is ultimately dependent upon approval by the City Council and the appropriation of revenue for the payment of the incentive. No project has a right or entitlement to receive this economic incentive by the establishment of this program.

PART 7: The City Manager may, without further action or approval of the City Council, waive or reduce development related fees charged by the City within Zone No. 1 and Zone No. 2. For the purposes of this resolution, development related fees include but are not limited to permit fees, zoning fees, platting fees, utility tap fees, and impact fees.

PART 8: The economic incentives authorized in Zone No. 1 by Resolution No. 78-2018 in Part 5 and Part 6 of said resolution are hereby repealed and replaced with the provisions of Part 5 and Part 6 of this resolution as adopted herein.

PART 10: That this Resolution takes effect immediately upon its adoption.

ADOPTED this 2nd day of December, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

EXHIBIT A, Page 1 of 2

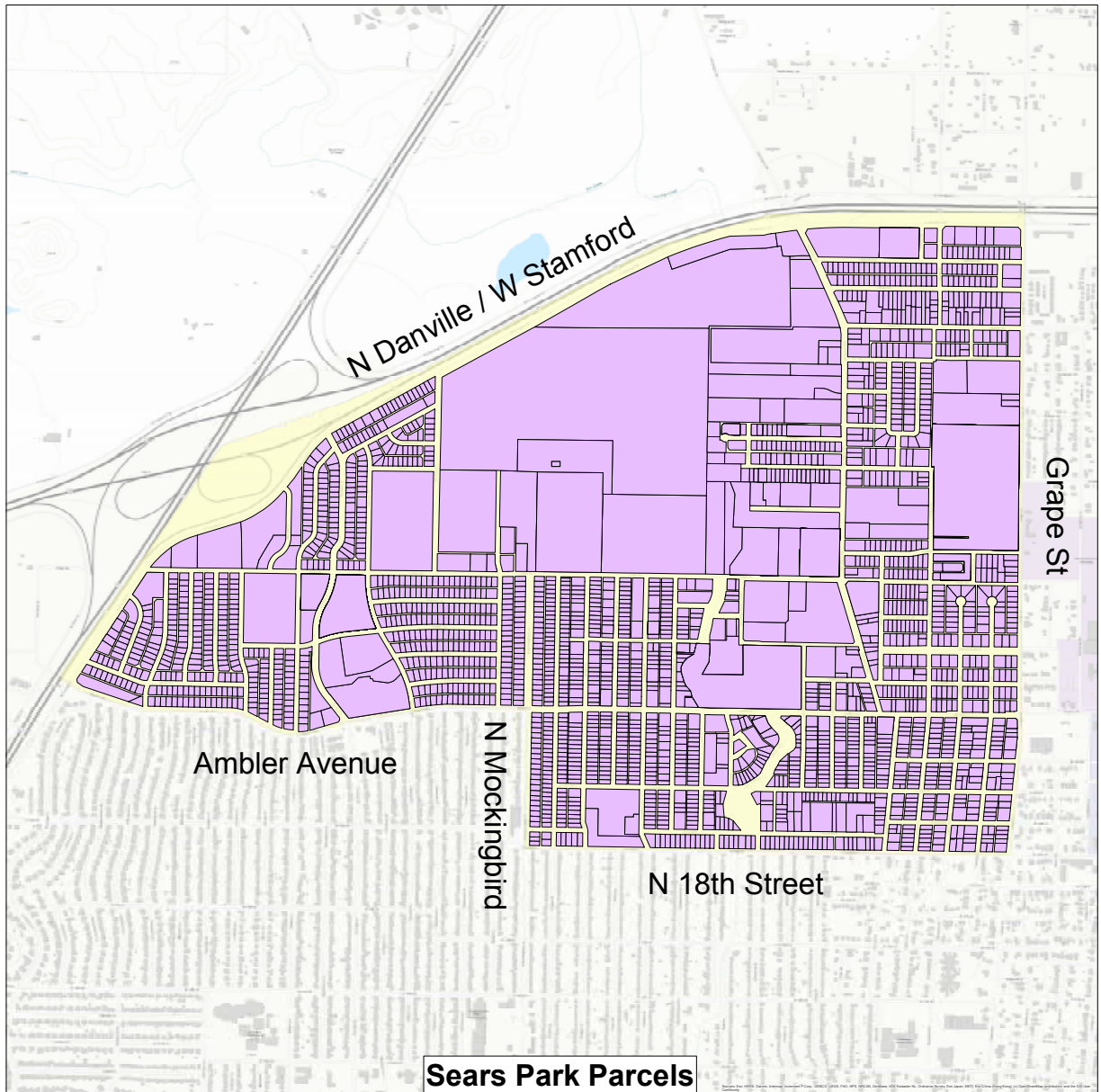
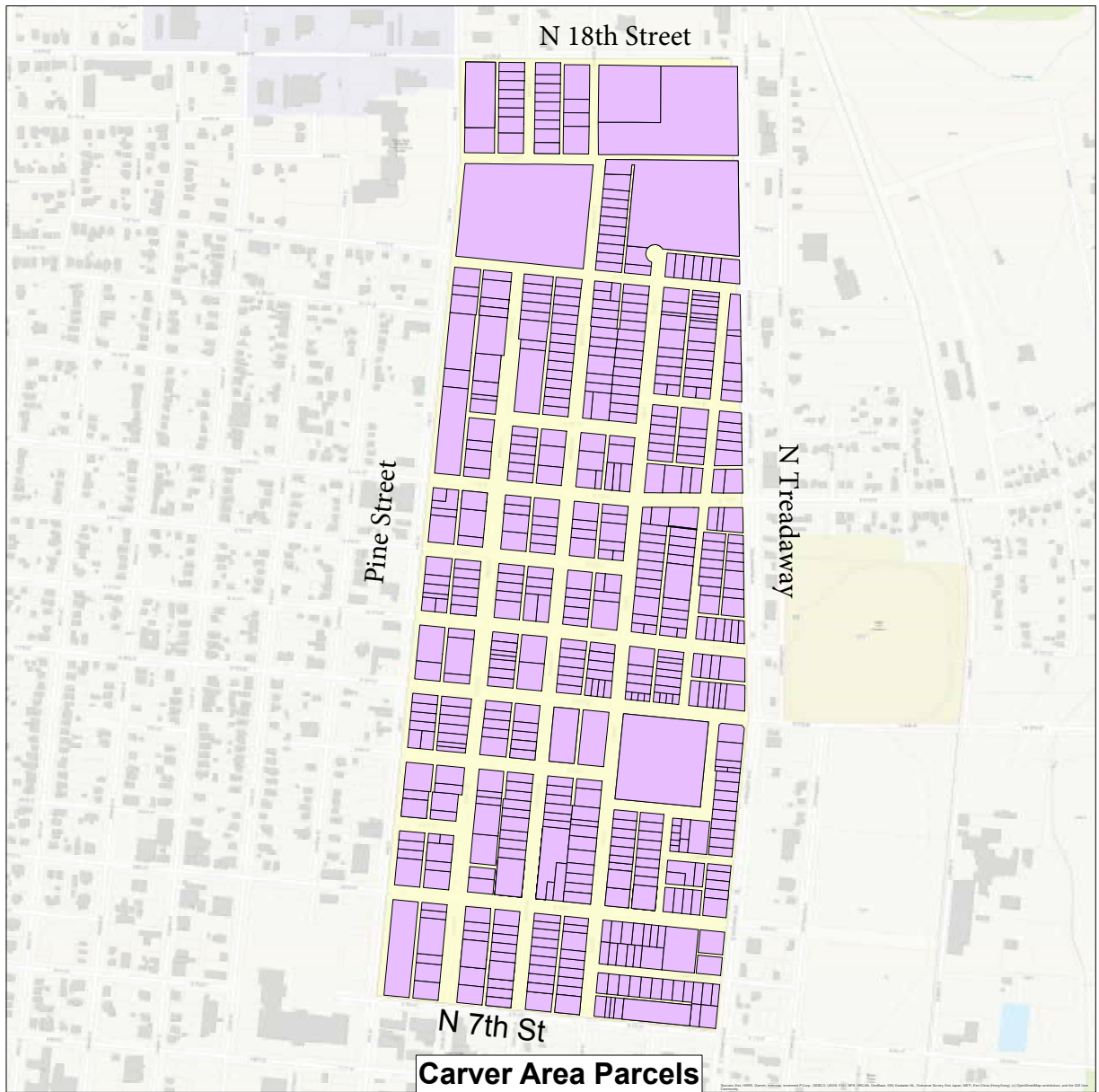
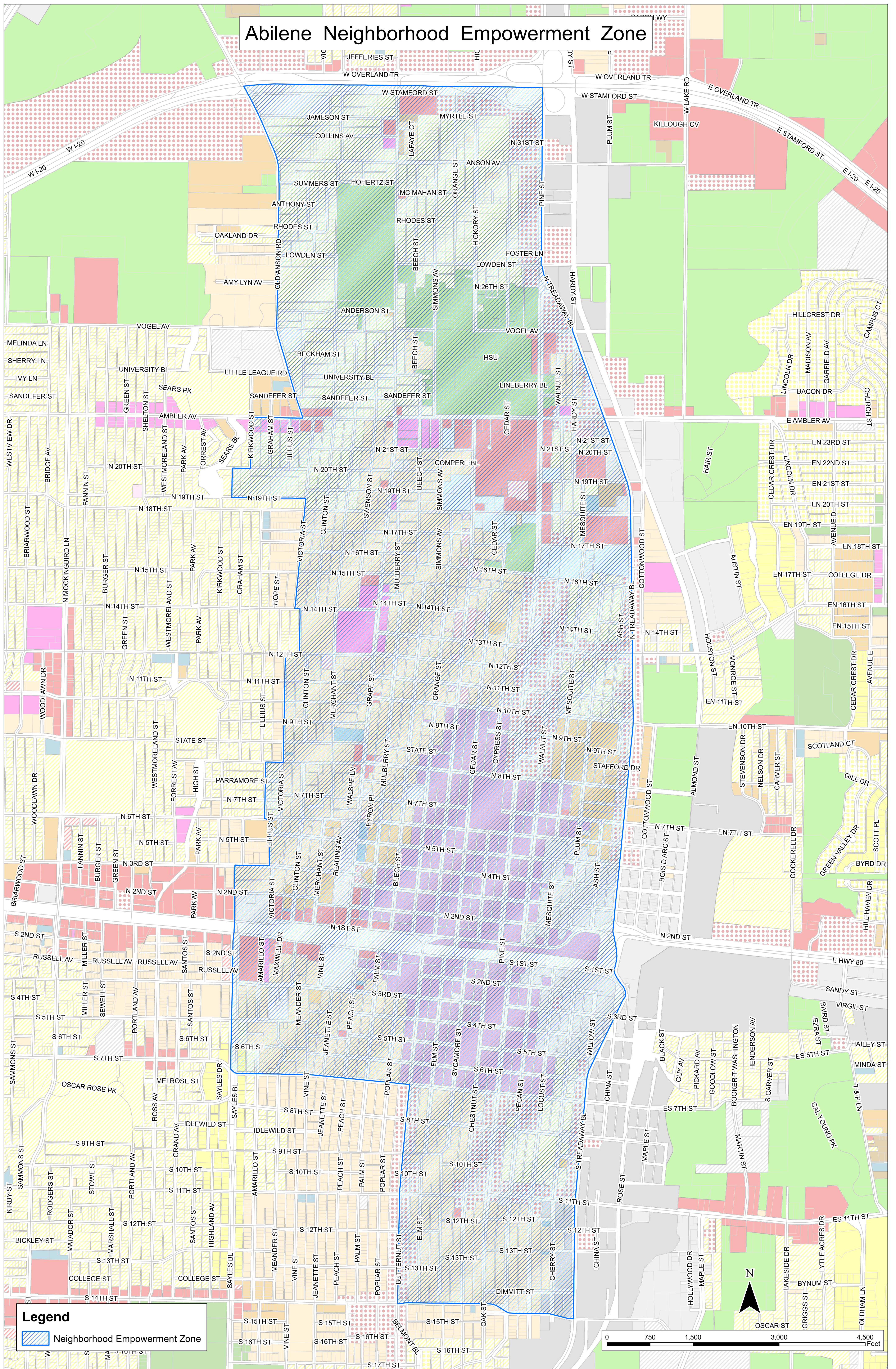
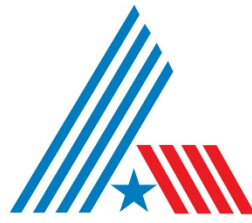


EXHIBIT A, Page 2 of 2



Abilene Neighborhood Empowerment Zone





CITY OF ABILENE

PLANNING AND DEVELOPMENT SERVICES

***Infill Development Program
December 2, 2021***



PLANNING AND DEVELOPMENT SERVICES

Purpose

Infill development is an identified City Council priority. It was identified as a key component of Abilene's *2004 Comprehensive Plan* and has been the topic of numerous other plans and studies prepared over the years. Infill remains a priority and will be featured prominently in Abilene's new comprehensive plan which is currently being prepared. Since the current plan's adoption in 2004, the City has actively promoted infill development primarily through use of federal Community Development Block Grant (CDBG) funds. Although improvements to the City's low-to-moderate income housing stock have been made over the years, much work remains. The following presents a proposed multifaceted program aimed at encouraging and facilitating infill development and redevelopment within select Abilene neighborhoods. Existing programs and practices are identified and recommendations for new programs are provided to facilitate the creation of a more comprehensive infill development program for Abilene.

The proposed program consists of four primary components that, when functioning in harmony, should result in significant neighborhood and quality of life improvements for residents. The goals of this effort focus on neighborhood revitalization through the provision of various incentives aimed at promoting affordable housing, infill of vacant and reclaimed lots, redevelopment of existing developed properties, and maintenance of existing properties, including public infrastructure. The proposed program is based upon a combination of supportive regulations, administrative policies, and incentives (financial and infrastructure) to leverage and guide private investment into targeted infill and redevelopment neighborhoods.

Background

Abilene has a diverse collection of older neighborhoods. Some have aged gracefully while others have and continue to experience decline and disinvestment. Neighborhood revitalization is not a new concept or practice for Abilene. The City has a long history in sponsoring and participating in neighborhood revitalization efforts. The City's Neighborhood Services Division administers U.S. Department of Housing and Urban Development (HUD) initiatives through the Community Development Block Grant (CDBG) Program and the Home Investment Partnerships (HOME) Program. As a result, the Division is positioned to play an important supporting role in the proposed infill development program.

In 2018, the Abilene City Council created the Abilene Neighborhood Empowerment Zone (NEZ) No. 1 to encourage private investment in single and multi-family housing units in "historic and economically distressed neighborhoods" of Abilene. The NEZ program, which is still operational, offers a number of



PLANNING AND DEVELOPMENT SERVICES

economic development incentives including those aimed at promoting and encouraging remodeling and new construction of affordable housing options within the NEZ. Since its inception, the majority of the incentives provided through the NEZ program have been in the form of fee waivers for building permits, zoning applications, and water meters.

Infill development has been the subject of discussion in many previous planning efforts, including Abilene's *2004 Comprehensive Plan* and small-area redevelopment plans for various neighborhoods, including those for the Carver and Sears neighborhoods. The comprehensive plan contains a variety of goals, objectives, and strategies that address infill development and redevelopment, including:

Infill and Redevelopment Objective: Encourage infill and redevelopment projects that enhance surrounding areas, are contextual, and in character with existing surrounding development.

Established Redeveloping Neighborhoods Objective: Promote the revitalization of older neighborhoods that have experienced disinvestment.

Strategy: Encourage infill and redevelopment activity within the urbanized area of the City through the use of financial and infrastructure incentives.

Strategy: Provide incentives to encourage infill and redevelopment in distressed neighborhoods.

As evidenced, the comprehensive plan provides a sound policy basis for current and proposed infill development programs.

Infill Development and Redevelopment Vision

Infill development is defined as the development of new housing or other uses on scattered vacant sites in built-up areas. Redevelopment is described as encompassing construction in previous developed areas, which may include the demolition of existing structures and building new structures or the substantial renovation of existing structures. Infill and redevelopment projects that are compatible with and enhance surrounding development provide significant benefits to the community. Such projects tend to have a stabilizing effect on neighborhoods.



PLANNING AND DEVELOPMENT SERVICES

Abilene's vision for infill development and redevelopment is rooted in the fact that both should breathe life into existing neighborhoods by developing vacant and/ or underutilized lots and restoring older neighborhoods by renovating existing structures in a manner that assists existing homeowners when they are unable to make needed improvements due to financial hardship. The vision also seeks to protect the character of historic neighborhoods. Infill development should be compatible with and enhance the established character of neighborhoods in terms of house size and scale, building placement, and architectural character.

To help accomplish this vision, an expanded, more comprehensive infill development program is proposed that augments incentives offered through the Neighborhood Empowerment Zone (NEZ) program, incorporates CDBG and HOME efforts of the City's Neighborhood Services Division, and represents a multi-faceted approach to creating and maintaining quality neighborhoods throughout the City. The proposed infill program is focused on (1) promotion of affordable housing; (2) implementation of housing renovation/ rehabilitation incentives; (3) establishment of a volunteer network; (4) establishment of minimum property standards; and (5) condemnation and demolition of unsafe structures. The following describes each of these program components.

Affordable Housing Incentives and Component

Abilene is committed to providing assistance to low and moderate income individuals and families in purchasing new homes in those areas of the City that have historically not been attractive to builders. To do this, the City should consider the acquisition of undeveloped building lots in targeted neighborhoods and provide these lots at no cost to qualified home builders. In addition, city management should be given administrative authority to relax existing zoning regulations when warranted. The Planning and Development Services Department can be charged with creating and implementing innovative regulatory tools to facilitate program objectives within targeted areas.

To assist qualified home buyers with financing, Abilene's First-Time Homebuyers Program, administered by the Neighborhood Services Division and funded through the U.S. Department of Housing and Community Development (HUD) Home Investment Partnerships Program (HOME), should be actively promoted and potentially expanded. The HOME program provides assistance to qualified low and moderate income individuals and families with required down payments and closing costs associated with the purchase of single-family homes in neighborhoods targeted for infill development and redevelopment.

In addition to the First-Time Homeowners Program, the City should continue actively promoting and encouraging the participation of Community Housing Development Organizations (CHDO) in the provision of affordable infill housing. Such organizations are responsible for developing, sponsoring,



PLANNING AND DEVELOPMENT SERVICES

and/or owning HOME-assisted housing for low and moderate income families. Habitat for Humanity is currently the only CHDO in Abilene. Habitat is currently facilitating the construction of three new single-family homes on vacant, infill lots.

The City should also consider the continuation and potential expansion of the Abilene Neighborhood Empowerment Zone No. 1 (NEZ) program. The NEZ, created by City Council in 2018, provides a variety of incentives to encourage private investment toward the development of single-family units in “economically distressed” areas of Abilene. The NEZ encompasses approximately four (4) square miles and includes many of the neighborhoods that would benefit from infill development and redevelopment.

Other incentives and tools aimed at promoting and encouraging the development of affordable housing that have proven successful in other communities include:

- Cooperative Programs/ Partnering with Private Lenders
- Municipal Tax Abatements
- Sales Tax Rebates for Building Materials
- Development-Related Fee Discounts and/or Waivers for City Applications and Services
- Land Bank or Land Trust
- City Participation in Infrastructure Provision (Water Lines, Sewer Lines, Street Lights, Sidewalks, Etc.)

Renovation/ Rehabilitation Incentives and Component

The improvement of existing housing within targeted neighborhoods is an important component of the proposed infill development program. Abilene’s Neighborhood Services Division currently administers the CDBG Critical/ Rehabilitation Program aimed at assisting low income homeowners with repairs that pose an imminent threats to occupants and neighboring properties. The programs assists with roofing, handicap accessibility, utility leaks (water and sewer), rotting floors, and heat, electrical, and HVAC repairs. The Division’s CDBG Neighborhood Revitalization Program assists homeowners with siding and painting. By improving the basic functionality and general appearance of homes, these programs have positive neighborhood impacts.

In addition to current incentives available through existing programs such as the Community Development Block Grant Program (CDBG), HOME, and NEZ, a cash-based incentive program is proposed that would include:

- Waiver of residential remodel building permit fees, if any, for any project valued at \$40,000 or greater;



PLANNING AND DEVELOPMENT SERVICES

- Up to two (2) roll-off construction debris containers at no cost;
- Rebate of 1% of sales taxes for purchases of building materials from vendors within the City of Abilene;
- Upon final inspection, the City will repair or replace sidewalks for eligible properties;
- A cash rebate of five (5) times the amount of new assessed taxable value created by the renovation/ rehabilitation project. The minimum new assessed value created to be eligible for the rebate is \$40,000. It is recommended that City Council initially allocate \$_____ per year to fund this component of the program.

For example, a property having an assessed value of \$50,000 is renovated. The following tax year (after renovation improvements) the assessed value increases to \$150,000. The City will then issue a check based upon the following:

$$\$100,000 \text{ (new value created)} \times 0.0078 \text{ (City tax rate)} = \$780.00 \times 5 = \$3,900.00 \text{ rebate}$$

Community-Driven Revitalization Component

Several communities throughout Texas have implemented community-based revitalization programs that help pair volunteers with homeowners who are unable to complete necessary home repairs due to difficulties or circumstances beyond their control. Repairs typically consist of exterior wood and siding replacement, painting, yard clean-up, and fencing. Such a program could also assist eligible residents (elderly, low income, disabled, etc.) in resolving code violations. It is recommended that the City partner with local non-profits and area churches to create a network of volunteers to assist residents with needed home repairs and/ or code violations. Such a program could be administered by the City.

Minimum Property Standards Component

Minimum property standards establish “minimum” maintenance requirements for existing homes. A Minimum Property Standards Program is recommended to address important exterior components of a home including siding, roof, paint, woodwork, and windows. Abilene currently does not have such a program. The City is, however, in the process of upgrading its adopted building codes to the latest edition (2021) as published by the International Code Council (ICC). This upgrade will include ICC’s Property Maintenance Code, which will serve as Abilene’s Minimum Property Standards.



PLANNING AND DEVELOPMENT SERVICES

All of Abilene's low to moderate-income neighborhoods have dilapidated/ substandard housing that detracts from the visual appeal of neighborhoods, negatively affects property values, and often presents life safety issues. Abilene's Code Enforcement Division routinely responds to citizen complaints regarding properties in poor and unsafe condition. In many cases, homeowners do not have the financial resources to properly maintain their homes and/ or undertake needed repairs. The Renovation/ Rehabilitation and Community Powered Revitalization components of the program are intended to provide assistance to such homeowners. Code enforcement and building inspection staff will assume a pro-active role in providing advice and guidance to property owners that are required to make repairs and other improvements necessary for minimum property standards compliance.

Demolition and Condemnation Component

Demolition of unsafe structures throughout Abilene has and continues to be a priority. A vital component of the proposed infill program is the removal of dilapidated housing units. The City has historically funded demolition through a combination of local general funds and federal CDBG funds administered by the Neighborhood Services Division. It is the intent to continue and expand existing efforts to support infill development and redevelopment of lots reclaimed through demolition and that these lots be redeveloped with affordable homes. The goal of this program component is to remove as many dilapidated structures as feasible within targeted neighborhoods to clear the way for new quality development.

Proposed Pilot Neighborhood

It is proposed that implementation begin with one neighborhood for demonstration purposes. The neighborhood selected to be the initial focus of the program is the Carver neighborhood, located just northeast of Abilene's downtown area. Selection of this neighborhood was based upon several factors, including neighborhood size, number of vacant residentially-zoned lots suitable for development/ redevelopment, number of dilapidated housing units, and location outside of identified flood hazard areas.

A review of GIS data indicates that there may be as many as 97 vacant residential lots in the Carver neighborhood (Map1). These lots are platted and zoned appropriately for residential use. There are numerous other lots that are either not platted and/ or substandard in terms of zoning compliance. According to Taylor County tax records, there are no City-owned lots within the neighborhood. Upon program approval, staff will field-verify and confirm the total number of vacant lots suitable for redevelopment.



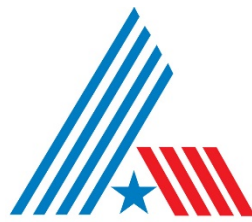
PLANNING AND DEVELOPMENT SERVICES

Administrative Oversight

Overall program management responsibilities will rest with Abilene's Planning and Development Services Department. In this capacity, the Department will serve as the City's primary point of contact for property owners, residents, home builders, and contractors.

Program Implementation

- City Council adoption of Resolution in support of the program and funding commitment.
- Staff mobilization/ development of administrative procedures, standards, guidelines, and related application materials.
- Marketing and public relations.
- Consideration of a *Voluntary Rental Registration and Inspection Component* for multi-family developments of 4 or more units.



CITY OF ABILENE

PLANNING AND DEVELOPMENT SERVICES

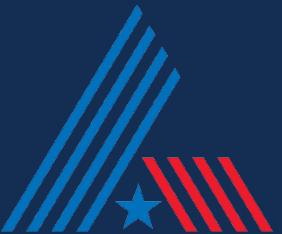


We work together to build and maintain a community of the highest quality for present and future generations.

Creating Abilene Neighborhood Empowerment Zone #2, Amending Empowerment Zone #1, & Creating an Infill Development Program



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: **16. Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 17, "Misc Provisions", Article III, "Metal Recycling Entities and Precious Metal Buyers", Section 17-68, "Permit Expiration" of the Abilene Municipal Code (Shawna Atkinson)

GENERAL INFORMATION

The current ordinance for Metal Recycling Entities and Precious Metal Buyers has a one year renewal period. Several of the Metal companies here in town have asked for an option for an extended permit, so they do not have to come in annually to renew the permit. This ordinance amendment will allow for a five-year permit option, as well as keeping the annual permit option. This way companies can choose if they'd like to renew annually or every five years.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The permit fee could potentially be collected only once every five years, instead of annually.

STAFF RECOMMENDATION

Approval of the addition of a 5-year renewal option for Metal permits.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Metal Permit Ordinance 2021 final
2. Metal Permit Ordinance Exhibit A clean
3. Metal Permit Ordinance Exhibit A redline 110421
4. Metal Ordinance Ppt

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 17, “MISCELLANEOUS PROVISIONS”, ARTICLE III, “METAL RECYCLING ENTITIES AND PRECIOUS METAL BUYERS”, SECTION 17-68, “PERMIT EXPIRATION” OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the current Metal Recycling Entities and Precious Metal Buyers ordinance currently only allows for a one year permit;

WHEREAS, several businesses who apply for this permit wish to have a longer option than one year.

WHEREAS, this amendment will provide the business the option for a one-year permit or a five-year permit, depending on the needs of the permit holder.

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

- PART 1:** That Chapter 17, “Miscellaneous Provisions”, Article III, “Metal Recycling Entities and Precious Metal Buyers”, Section 17-68, “Permit Expiration” of the Code of Ordinances, City of Abilene, Texas, is hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance, shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.
- PART 4:** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 18th day of November, 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 28th day of November, 2021, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 2nd day of December, 2021, to permit the public to be heard. 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 2nd day of December, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Sec. 17-68. Permit Expiration

Applicants may choose a one year option or a five year option. The one year option will be valid through December 31 of the year the permit is issued. The five year option will be valid through December 31 of the fifth year after the permit is issued. Both options will only be valid for the address for which they are issued and will become void if the location of the business is changed.

The fee for the five year permit is set at five-times the one year permit fee.

EXHIBIT A

Sec. 17-68. Permit Expiration

~~The permit will be valid through December 31 of the year the permit is issued. The permit will only be valid for the address for which it is issued and will become void if the location of the business is changed.~~

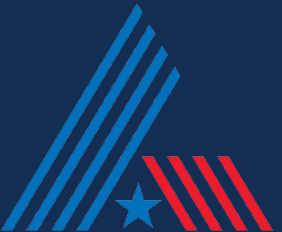
Applicants may choose a one year option or a five year option. The one year option will be valid through December 31 of the year the permit is issued. The five year option will be valid through December 31 of the fifth year after the permit is issued. Both options will only be valid for the address for which they are issued and will become void if the location of the business is changed.

The fee for the five year permit is set at five-times the one year permit fee.

Ordinance:
**Amending Chapter 17 of the Abilene
Municipal Code: Metal Recycling and
Precious Metal Buyers
Allowing for a 5 Year Permit**



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: 17. Ordinance (Final Reading) Z-2021-30; Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Hit Ventures LLC to Change Zoning from Agricultural Open Space (AO) to a Neighborhood Retail (NR) District on Approximately 4.51 acres at 3250 Beltway South. (Tim Littlejohn)

GENERAL INFORMATION

Rezone from Agricultural Open Space (AO) to a Neighborhood Retail (NR) District.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

City staff recommends approval of the requested zone change to a Neighborhood Retail (NR) District.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of 6-0.

ATTACHMENTS:

1. Z-2021-30 draft ordinance
2. Z-2021-30 Council staff report
3. Z-2021-30 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 18th day of November, 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 16th day of October, 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 2nd day of December, 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 2nd day of December, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from an Agricultural Open (AO) District to a Neighborhood Retail (NR) District:

BEING 4.51 acres out of the W.J. Reddell Pre-Emption Survey in Taylor County, Texas, said 4.51 acres being part of Lot 1 in Block A of the Oakridge Church of Christ Addition to the City of Abilene, Taylor County, Texas, as shown by plat recorded on Slide 166 in Cabinet 1 of Plat Records for Taylor County, Texas, and all being part of a 9.67-acre tract recorded on Page 350 in Volume 1822 of Official Public Records of Real Property in Taylor County, Texas, said 4.51 acres being more particularly described by metes-and-bounds as follows:

BEGINNING at a 3/8-inch rebar found on the north line of right-of-way for F.M. Highway 707 (a.k.a. Beltway South) at the southwest corner of said 9.67-acre tract and for the southwest corner of this 4.51-acre tract;

THENCE North $1^{\circ} 52' 09''$ East at 416.5 feet pass the north boundary line of said Lot 1 in Block A of the Oakridge Church of Christ Addition and continuing along for a total distance of 716.54 feet, to a 3/8-inch rebar set at the northwest corner of said 9.67-acre tract and for the northwest corner of this 4.51-acre tract;

THENCE South $89^{\circ} 58' 28''$ East for a distance of 248.88 feet along the north boundary line of said 9.67-acre tract, to a 3/8-inch rebar set for the northeast corner of this tract;

THENCE South $2^{\circ} 05' 29''$ East for a distance of 719.93 feet to a 3/8-inch rebar bound on the north line of right-of-way for F.M. Highway 707 (a.k.a. Beltway South) and the south boundary line of said 9.67-acre tract and for the southeast corner of this 4.51-acre tract;

THENCE North $89^{\circ} 20' 52''$ West for a distance of 298.54 feet along the north line of right-of-way of said highway and the south boundary line of said 9.67-acre tract, to the **PLACE OF BEGINNING**.

location: 3250 Beltway South



-END-

ZONING CASE Z-2021-30

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: November 2, 2021

City Council 1st Reading: November 18, 2021

City Council 2nd Reading: December 2, 2021

Applicant

Owner: Hit Ventures LLC

Agent: Harley Burnett

Request

Rezone from Agricultural Open Space (AO) to a Neighborhood Retail (NR) District.

Location

3250 Beltway South, on 4.51 acres bordering the north side of Beltway South and situated approximately midway between Hardwick Road (0.3 mile to east) and Old Forrest Road (0.36 mile to west).

Background

This property was annexed to the City limits of Abilene during 1980 and has been embraced within an Agricultural Open Space (AO) zoning district ever since. That particular 1980 annexation extended Abilene's City limits from Antilley Road, south for a distance of 1½ miles to a line located 500 feet south from and parallel to Beltway South (a.k.a. FM Highway 707).

The subject property was long owned by a church congregation that completed the existing building there in 1982. Churches are allowed in every zoning district of Abilene, including AO Districts. This particular congregation has since moved elsewhere. The building and surrounding property (4.51 acres) are now vacant.

The new owner of this now-vacant building and property has a prospective tenant wanting to use that existing building as a day-care center. Day-care centers (not home-based) are prohibited from AO Districts, nor are such day-care centers allowed in any single-family residential district of Abilene. The new owner of this subject property now seeks its rezoning to a Neighborhood Retail (NR) District. As its name implies, the NR zoning classification is intended to accommodate a limited range of retail trade and services needed to serve a neighborhood area. This includes day-care centers.

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 east is vacant property within agricultural open (AO) zoning, to the west and south are single-family homes within agricultural open (AO) zoning, and immediately north are single-family residential patio homes.

Criteria Assessment

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

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

The Future Land Use and Development Plan Map displayed in Abilene's Comprehensive Plan (circa 2004) identifies the subject property and its surroundings to be an area earmarked for low-density residential use. Even within such areas, though, some localized retail districts should be created to efficiently serve nearby residential districts. Such land use arrangements help maximize convenience (for nearby residents) and minimize traffic congestion, because residents will not need to drive so far to obtain frequently-used goods and services.

(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.

Neighborhood Retail zoning is intended to promote a limited range of retail services and activities aimed at serving neighborhood areas. The level of intensity and scale of development permitted within Neighborhood Retail zoning is intended to be compatible with nearby residential uses. In NR Districts, for example, the maximum building coverage by any one or more structure(s) on a lot cannot exceed 15,000 square feet. Nonresidential uses allowed in NR Districts may not operate before 6:00 AM, nor after 11:00 PM. Additionally, the subject property has frontage along an existing expressway (FM 707) and is near the intersection of a collector road that serves a nearby neighborhood. Traditional planning considers locations such as this to be desirable for commercial activity as it optimizes public access and exposure necessary for success; while providing convenient access to activities that may serve nearby neighborhoods.

(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 has direct frontage on a major thoroughfare (Beltway South) which is sufficiently now improved for relatively high speeds of traffic. However, Beltway South is not yet fully improved to its ultimate planned width.

This subject property has direct access to 6-inch-wide water main extended across the property's entire 300 feet of frontage on Beltway South. A fire hydrant is now placed near the existing driveway approach to this property.

The subject property at 3250 Beltway South presently has **no** direct access to a sewer. A 6-inch-wide sewer main in Beltway South's right-of-way stops approximately 390 feet short (to the east) of this subject property. Wastewater from the existing church building is now disposed through an on-site (septic) sewage facility.

(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

Staff Recommends Approval

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on October 22 of 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	Situs	Response
BAKER PEGGY JOYCE	27598	3310 BELTWAY S	
CHURCH OF CHRIST AT	28186		
CHURCH OF CHRIST AT	26786	3250 BELTWAY S	IN FAVOR
COTTNER DANIEL A & GRETTEL M	18891	3281 BELTWAY S	
HOLLIFIELD JOANN	19005	3273 BELTWAY S	OPPOSED
KOYOE SOCIETY	27854	3242 BELTWAY S	
LOWRY STEPHEN R & TONJA J	28183		
MASGA OSCAR B & DIANA LYNN T	109419	7826 TUSCANY DR	
NELSON RONALD F	109912		
ROCKING HORSE ANIMAL HEALTH PLLC	19129	3257 BELTWAY S	
SHOWCASE CONSTRUCTION LLC	1064029	7818 FLORENCE DR	
SHOWCASE CONSTRUCTION LLC	1064028	7817 VINEYARD DR	
SHOWCASE CONSTRUCTION LLC	974747	7950 VINEYARD DR	

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: 3250 Beltway S. No. of lots: 1 Acreage: 3.309

Legal Description: A1371 W J REDDELL TRACT PRT LT 1 BLK A OAKRIDGE CHURCH ADDN, ACRES 3.309

Subdivision Name: OAKRIDGE CHURCH ADDN Block: A Lot: 1

Current Zoning: AO Proposed Zoning (if applicable): NR

OWNER AND AUTHORIZATION

Owner Name: Church of Christ at Remington Ridge

Address: 1314 County Road 650

City, State, Zip: Tuscola, TX 79562 Fax: _____

Phone: (325) 669-5198 Email: macjdm1@aol.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) Hit Ventures, LLC will act as my agent before the Planning and Zoning Commission.

Agent Name: Hit Ventures, LLC

Address: P.O. Box 6006

City, State, Zip: Abilene TX 79608 Fax: N/A

Phone: 325-829-5140 Email: harleyburnett@gmail.com

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

Signature Owner: _____ Date: 9-14-21

9/7/2021 9:51:29 PM GMT

FOR OFFICE USE ONLY

Received: 9-8-2021 Fee: \$ #1500 Receipt No.: 0001064290

Case No.: Z-2021-30 Reviewed By: _____



Development Application

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

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

A prospective tenant is wanting to open a daycare facility at the address on application. The land is currently zoned agricultural use which it definitely is not.



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: 
9/7/2021 9:51:33 PM GMT

DATE: 9-14-21

FIELD NOTES
4.51 ACRES

BEING 4.51 acres out of the W.J. Reddell Pre-Emption Survey, Taylor County, Texas, said 4.51 acres being part of Lot 1, Block A, Oakridge Church of Christ Addition to the City of Abilene, Taylor County, Texas, as shown by Plat recorded in Cabinet 1, Slide 166, Plat Records, Taylor County, Texas and all being part of a 9.67 acre tract recorded in Volume 1822, Page 350, Official Public Records, Taylor County, Texas, said 4.51 acres being more particularly described as follows:

BEGINNING at a 3/8" rebar found on the NBL of F.M. Highway 707 South (AKA Beltway South) at the southwest corner of said 9.67 acre tract for the southwest corner of this tract;

THENCE N1°52'09"E at 416.5 feet pass the NBL of said Lot 1, Block A, Oakridge Church of Christ Addition and continue along for a total distance of 716.54 feet to a 3/8" rebar set at the northwest corner of said 9.67 acre tract for the northwest corner of this tract;

THENCE S89°58'28"E 248.88 feet along the NBL of said 9.67 acre tract to a 3/8" rebar set for the northeast corner of this tract;

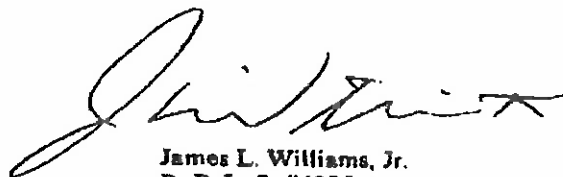
THENCE S2°05'29"E 719.93 feet to a 3/8" rebar found on the NBL of said F.M. Highway 707 South (AKA Beltway South) and the SBL of said 9.67 acre tract for the southeast corner of this tract;

THENCE N89°20'52"W 298.54 feet along the NBL of said highway and the SBL of said 9.67 acre tract to the place of beginning and containing 4.51 acres of land.

Surveyed on the ground March 3, 2018.

SEE ATTACHED PLAT

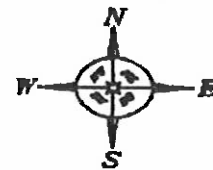
Geotex Property Solutions
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79605
(325) 677-6712
File # 359-48-18-4.51ac
Firm Registration No. 10194134


James L. Williams, Jr.
R. P. L. S. #4885

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

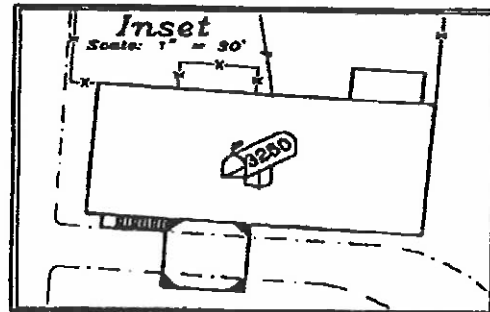
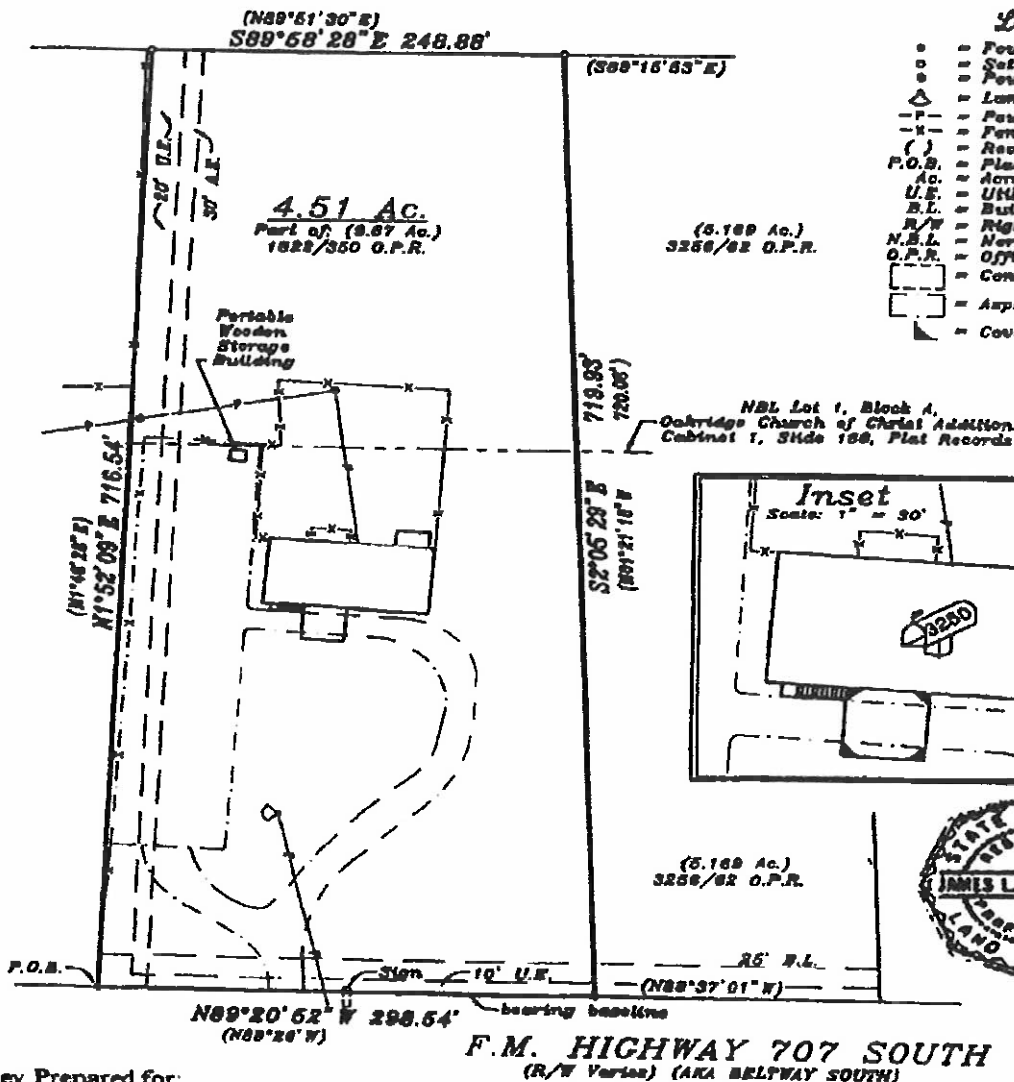
NOTE: Bearings shown hereon were determined by G.P.S. observations using TOPCON GR-3 receivers.

0 100 200
SCALE IN FEET
Scale: 1" = 100'



Legend

- = Found 3/8" rebar
- = Set 3/8" rebar
- △ = Power Pole
- △ = Lamp Post
- P- = Power Lines
- H- = Fence
- () = Recorded Call
- P.O.B. = Place of Beginning
- Ac. = Acres
- U.E. = Utility Easement
- B.L. = Building Setback Line
- R/W = Right of Way
- N.B.L. = North Boundary Line
- O.P.R. = Official Public Records
- [] = Concrete
- [] = Asphalt
- [] = Covered Area



Survey Prepared for:
Church of Christ at Remington Ridge
3250 S. F.M. Highway 707
Abilene, Texas 79606

I hereby certify the above to be a correct plat showing the location of the improvements situated upon 4.51 acres out of the W.J. Reddell Pre-Emption Survey, Taylor County, Texas, said 4.51 acres being part of Lot 1, Block A, Oakridge Church of Christ Addition to the City of Abilene, Taylor County, Texas, as shown by Plat recorded in Cabinet 1, Slide 166, Plat Records, Taylor County, Texas and all being part of a 9.67 acre tract recorded in Volume 1822, Page 350, Official Public Records, Taylor County, Texas, said 4.51 acres being more particularly described by attached field notes.

SEE ATTACHED FIELD NOTES.

Surveyed on the ground March 3, 2018.

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

GEOTEX PROPERTY SOLUTIONS
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79606
325-677-6712
Firm Registration No. 10194134

File No: 388-48-18 Copy 2 of 6
File Name: 3250 S FM Highway 707
Location: D:\ABILENE\2018\3250 S FM 707
Geotex Property Solutions Drawn by: RL
© 2018 All Rights Reserved

James L. Williams, Jr.
RPLS #4885



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

CHURCH OF CHRIST AT
REMINGTON RIDGE
1314 COUNTY ROAD 650
TUSCOLA, TX 79562-3634

NOTICE OF PUBLIC HEARING

RE: ZONE CHANGE REQUEST NUMBER Z-2021-30

10/22/2021

The Planning and Zoning Commission will hold a public hearing on **November 2, 2021 at 1:30 PM**, in **Council Chambers on the second floor** of City Hall, North 5th and Walnut Streets, to recommend approval or denial to City Council on a request HIT Ventures LLC, to change zoning from Agricultural Open Space (AO) to a Neighborhood Retail (NR) District on approximately 4½ acres of land at 3250 Beltway South in far south Abilene. Legal description being 4.51 acres, the major portion of which lies in Lot 1, Block A of the Oakridge Church of Christ Addition to Abilene, with the remainder in W.J. Redell Survey of 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 the cross-hatched line on the map is being considered for zone change request. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with public hearing on **December 2, 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 Brad 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.

SE #: Z-2021-30

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: CHURCH OF CHRIST AT

Parcel I.D.: 26786

Address: 3250 BELTWAY S

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature:

Don McElroy

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2021-30

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: HOLLIFIELD JOANN

Parcel I.D.: 19005

Address: 3273 BELTWAY S

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:



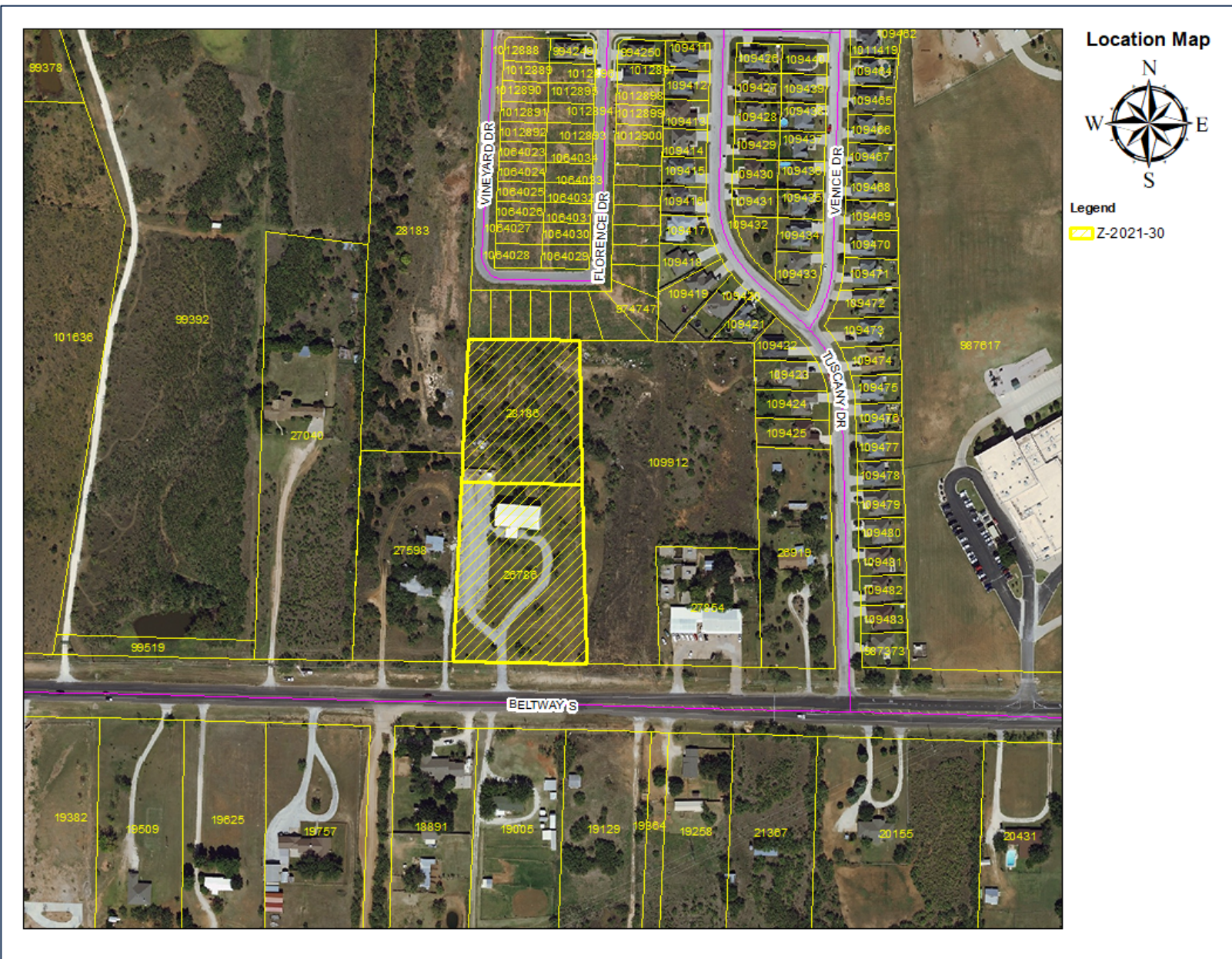
OCT 27 AM 11:00

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.

Case:	Z-2021-30
Owner:	Hit Ventures LLC
Agent:	Harley Burnett
Request:	Rezone from Agricultural Open Space (AO) to a Neighborhood Retail (NR) District.
Location:	3250 Beltway South
Notification:	1 in Favor, 1 Opposed
Planning & Zoning:	Approval, November 2, 2021

Z-2021-30 LOCATION MAP





Permitted Uses in AO Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

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

LEGEND

P
C
TP

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

Permitted Uses in 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



Z-2021-30 NOTIFICATION AREA MAP



- Consistent with the *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: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: 18. Ordinance (Final Reading) Z-2021-31; Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Jeffrey C. Snead to Change Zoning from Agricultural Open Space (AO) to a General Commercial (GC) District on Approximately 36 Acres of Land at 3658 East Highway 80 in East Abilene. (Tim Littlejohn)

GENERAL INFORMATION

Rezone from Agricultural Open Space (AO) to a General Commercial (GC) District.

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 6-0.

ATTACHMENTS:

1. Z-2021-31 draft ordinance
2. Z-2021-31 Council staff report
3. Z-2021-31 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 18th day of November, 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 16th day of October, 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 2nd day of December, 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 2nd day of December, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from an Agricultural Open (AO) District to a General Commercial (GC) District:

BEING 35.89 acres out of Section 45 in Blind Asylum Lands, Taylor County, Texas, said 35.89 acres being all of that same property described as 35.65 acres, more or less, on Page 53 in Volume 756 of Deed Records for Taylor County, Texas, and being more particularly described by metes-and-bounds as follows:

BEGINNING at an aluminum monument found on the south side of Newman Road (no dedication found) and at the northwest corner of Lot 1 in Block A of the Southeastern Freight Lines Addition, as shown by plat recorded on Slide 707 in Cabinet 3 of Plat Records for Taylor County, Texas, for the northeast corner of this 35.89-acre tract;

THENCE South 0° 41' 31" West for a distance of 743.97 feet along the west boundary line of said Lot 1 in Block A of the Southeastern Freight Lines Addition, to a ½-inch rebar found at the northeast corner of a 1.705-acre tract recorded as Tract 3 in Instrument No. 2009-16484, Official Public Records of Real Property in Taylor County, Texas, for the most easterly southeast corner of this 35.89-acre tract;

THENCE North 79° 00' 28" West for a distance of 1084.61 feet, to a ½-inch pipe found at the northwest corner of Lot 1 in Block A of the Mercury Addition, as shown by plat recorded on Slide 605 in Cabinet 1 of Plat Records for Taylor County, Texas, for an interior corner of this 35.89-acre tract;

THENCE South 0° 41' 55" West for a distance of 181.0 feet along the west boundary line of said Lot 1 in Block A of the Mercury Addition, to a point at the northeast corner of a 1.28-acre tract recorded in Instrument No. 2020-19328, Official Public Records of Real Property in Taylor County, Texas, for an interior corner of this tract and from whence an existing 4-inch pipe fence corner post bears North 12° West 0.9 feet;

THENCE North 89° 18' 05" West for a distance of 163.59 feet, to a point at the northwest corner of said 1.28-acre tract, for an interior corner of this tract and from whence an existing 4-inch pipe fence corner post bears South 83° East 0.2 feet;

THENCE South 0° 41' 55" West for a distance of 325.28 feet, to a ½-inch pipe found on the north line of right-of-way for East Highway 80 (a 170-foot-wide right-of-way) and at the southwest corner of said 1.28-acre tract, for the most southerly southeast corner of this tract;

THENCE North 77° 42' 33" West for a distance of 781.41 feet along the north line of said right-of-way for East Highway 80, to a ½-inch rebar bound for the southwest corner of this tract;

THENCE North 0° 58' 19" East for a distance of 906.09 feet, to a ½-inch rebar found on the south side of Newman Road (no dedication found) for the northwest corner of this tract;

THENCE South 89° 06' 35" East for a distance of 1991.82 feet along the south side of Newman Road, to the PLACE OF BEGINNING and containing 35.89 acres of land.

location: 3658 East Highway 80

ORDINANCE NO. _____

EXHIBIT A (CONTINUED)



-END-

ZONING CASE Z-2021-31

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: November 2, 2021

City Council 1st Reading: November 18, 2021

City Council 2nd Reading: December 2, 2021

Applicant

Owner: Jeffrey C. Snead

Request

Rezone from Agricultural Open Space (AO) to a General Commercial (GC) District.

Location

3658 East Highway 80, approximately 0.85 mile west from its intersection with Interstate Highway 20 and 1.25 mile east from Loop 322.

Background

This property was annexed to the City limits of Abilene during 1964 and has been embraced within an AO (previously RA) zoning district ever since.

During this same period of time since 1964, other nearby properties along the same segment of East Highway 80 have been rezoned to Light Industrial (LI) or Heavy Industrial (HI) Districts.

Zoning, Existing and Proposed Land Use

The subject property encompasses almost 36 acres of mostly vacant land occupied only by a single-family residence and a barn-like structure covering approximately 4000 square feet.

Besides having almost 800 feet of frontage on East Highway 80, this subject property also extends all the way north to Newman Road, on which it has 2000 feet of additional frontage.

The subject property's new owner desires to develop as-yet undetermined portions of this acreage for:

- self-service storage (outdoors or under roof) of boats and other recreational vehicles; and
- a recreational vehicle park.

The only one of Abilene's conventional zoning classifications that can accommodate both these uses is General Commercial (GC) zoning.

As its name implies, General Commercial (GC) zoning is intended to accommodate a wide variety of business activity, but not industrial use. GC zoning is aimed primarily to permit development of certain businesses not appropriate in other commercial areas with retail (NR and GR) zoning or in the Central Business (CB) District. Such other business activity can include automotive sales and repair, as well as self-service storage and recreational vehicle parks.

Criteria Assessment

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

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

The Future and Use and Development Plan Map displayed in Abilene's Comprehensive Plan (circa 2004) identifies the subject property and its surroundings to be in an area earmarked for business/industrial use. This particular proposed zone change (to a GC District) is generally consistent with that land use policy.

(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.

As mentioned earlier above, much of the land surrounding this subject property (at 3658 East Highway 80) has long been embraced within Light Industrial and Heavy Industrial zoning districts. Uses routinely allowed in General Commercial zoning are not fundamentally incompatible with uses allowed in Light Industrial and Heavy Industrial zoning districts. General Commercial zoning no longer allows development of permanent residences in single-family, two-family or multi-family living arrangements.

(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 has direct frontage on a major thoroughfare (East Highway 80) which is sufficiently now improved for relatively high speeds of traffic. However, East Highway 80 is not yet fully improved to its ultimate planned width.

Also, as mentioned earlier, this subject property has substantial (2000 feet) of frontage on Newman Road. This roadway is paved, but only to a width of approximately 20 feet, which is typical of that found in rural areas. However, at least 900 feet of depth separate the subject property's frontage on East Highway 80 from its frontage on Newman Road. This leaves plenty of room for future commercial development adjacent to East Highway 80, before having to address the need to expand and improve pavement on Newman Road.

An 8-inch-wide sewer main and a 10-inch-wide water main are located within right-of-way for East Highway 80 adjoining the south boundary of this subject property. This includes an existing fire hydrant in the approximate center of this property's frontage on East Highway 80.

No water or sewer mains are located in right-of-way for Newman Road bordering the north boundary of this subject property.

(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 **approving** this requested zone change to a General Commercial District.

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on October 22 of 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

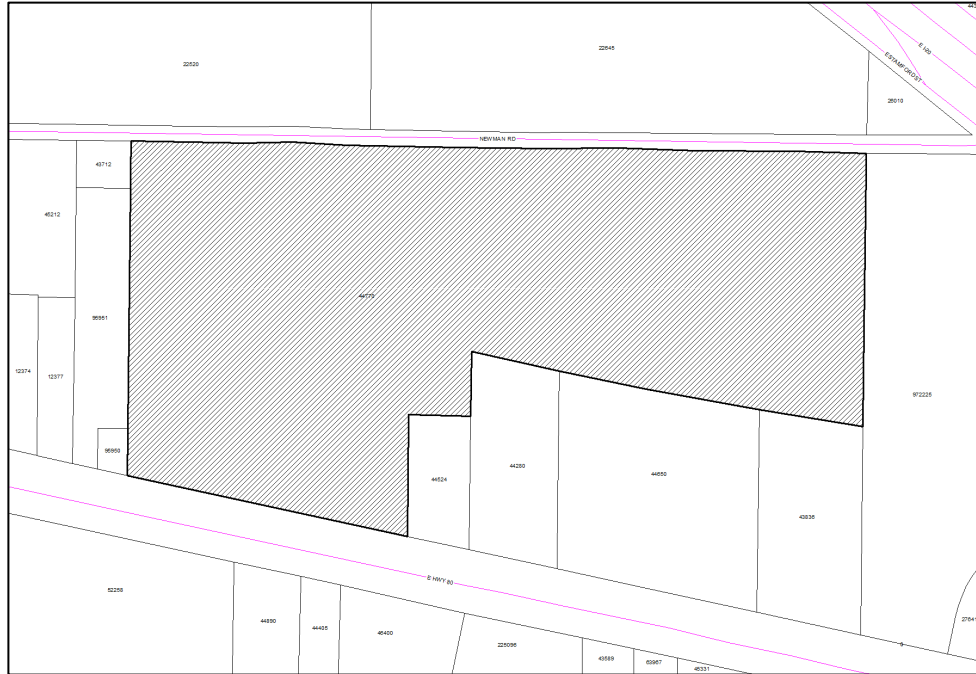
Owner	Parcel ID	Situs	Response
ADAMS TERRY J	12377	3558 E HWY 80	
CABINETTECH INC	52258	3400 E HWY 80	IN FAVOR
CINNABAR REALTY LLC	44280		
DARNELL JACK	44890	3649 E HWY 80	
GOODMAN TERRY	43836		IN FAVOR
GOODMAN TERRY	44650		
GREGG TED E	22520		
LAWRENCE MICKEY R	44405	3651 E HWY 80	
MC GUIRE TOM	95950		
MC GUIRE TOM	95951	3923 NEWMAN RD	
MC GUIRE TOM	43712	3925 NEWMAN RD	
MC KENNA MARK & KAREN	22645	3999 E STAMFORD ST	
MC KENNA MARK & KAREN	26010	4130 NEWMAN RD	
MC MILLIN GEORGE A ET AL	44770	3965 NEWMAN RD	
RICHARDS TIMOTHY A & PATTY R	45212	3901 NEWMAN RD	
SOUTHEASTERN FREIGHT LINES INC	972225	4149 E STAMFORD ST	
ST CLAIR JAMES	44524		
THOMAS ROBERT & MARGARET	46400	3749 E HWY 80	

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: RV and Boat Storage
Address: 3688 E Hwy 80 No. of lots: _____ Acreage: 36 acres
Legal Description: attached
Subdivision Name: _____ Block: _____ Lot: _____
Current Zoning: A0 Proposed Zoning (if applicable): GC

OWNER AND AUTHORIZATION

Owner Name: Jeffrey C Sneed
Address: 902 Hillmont Ranch Rd
City, State, Zip: Abledo TX 76008 Fax: _____
Phone: 817-714-7409 Email: charlie.sneed@yahoo.com

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

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

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

Signature Owner: _____ Date: 10-5-21

FOR OFFICE USE ONLY

Received: 10-05-2021 Fee: \$ 1500 Receipt No.: 0001064291
Case No.: Z-2021-31 Reviewed By: _____

Development Application

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

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

Rezonning the described property would allow for the flexibility to meet the landowners needs and plans for a

- RV/boat Storage
- Mini Self Storage
- RV Park

Dune is fully aware some of these land use would might require a conditional use permit

Elting 80 is a major thoroughfare for the city of Abilene.

The owner hopes this is a move to show a more attractive side of Abilene to visitors from the east. We hope this starts a movement to a more attractive entrance to the city with landscaping/shrubbery and fencing that welcomes people to the city.



Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of \$120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____

A handwritten signature in black ink, appearing to be "CSA", written over a horizontal line.

DATE: _____

10-5-21

FIELD NOTES
35.89 ACRES

BEING 35.89 acres out of Section 45, Blind Asylum Lands, Taylor County, Texas, said 35.89 acres being all of that same property described as 35.65 acres, more or less, in Volume 756, Page 53, Deed Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at an aluminum monument found on the south side of Newman Road (no dedication found) at the northwest corner of Lot 1, Block A, Southeastern Freight Lines Addition, as shown by plat recorded in Cabinet 3, Slide 707, Plat Records, Taylor County, Texas for the northeast corner of this tract;

THENCE S0°41'31"W 743.97 feet along the WBL of said Lot 1, Block A, Southeastern Freight Lines Addition to a 1/2" rebar found at the northeast corner of a 1.705 acre tract recorded as Tract 3 in Instrument No. 2009-16484, Official Public Records, Taylor County, Texas for the most easterly southeast corner of this tract;

THENCE N79°00'28"W 1084.61 feet to a 1/2" pipe found at the northwest corner of Lot 1, Block A, Mercury Addition, as shown by plat recorded in Cabinet 1, Slide 605, Plat Records, Taylor County, Texas for an interior corner of this tract;

THENCE S0°41'55"W 181.0 feet along the WBL of said Lot 1, Block A, Mercury Addition to a point at the northeast corner of a 1.28 acre tract recorded in Instrument No. 2020-19328, Official Public Records, Taylor County, Texas for an interior corner of this tract, whence an existing 4" pipe fence corner post bears N12°W 0.9 feet;

THENCE N89°18'05"W 163.59 feet to a point at the northwest corner of said 1.28 acre tract for an interior corner of this tract, whence an existing 4" pipe fence corner post bears S83°E 0.2 feet;

THENCE S0°41'55"W 325.28 feet to a 1/2" pipe found on the NBL of East Highway 80 (170 foot right-of-way) at the southwest corner of said 1.28 acre tract for the most southerly southeast corner of this tract;

THENCE N77°42'33"W 781.41 feet along the NBL of East Highway 80 to a 1/2" rebar found for the southwest corner of this tract;

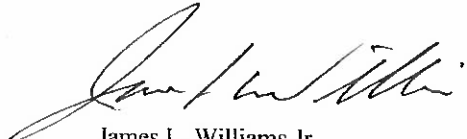
THENCE N0°58'19"E 906.09 feet to a 1/2" rebar found on the south side of Newman Road for the northwest corner of this tract;

THENCE S89°06'35"E 1991.82 feet along the south side of Newman Road to the place of beginning and containing 35.89 acres of land.

Surveyed on the ground July 8, 2021.

SEE ATTACHED PLAT

Geotex Property Solutions
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79605
(325) 677-6712
File # 71-45-21-35.89ac
Firm Registration No. 10194134


James L. Williams Jr.
R. P. L. S. #4885



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

CASE #: Z-2021-31

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.

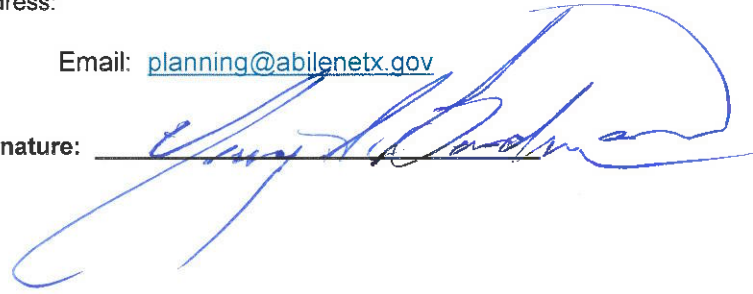
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Name: GOODMAN TERRY
Parcel I.D.: 43836
Address:

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: _____



NOV 2 AM 9:03

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-2021-31

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: CABINETTECH INC

Parcel I.D.: 52258

Address: 3400 E HWY 80

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature:

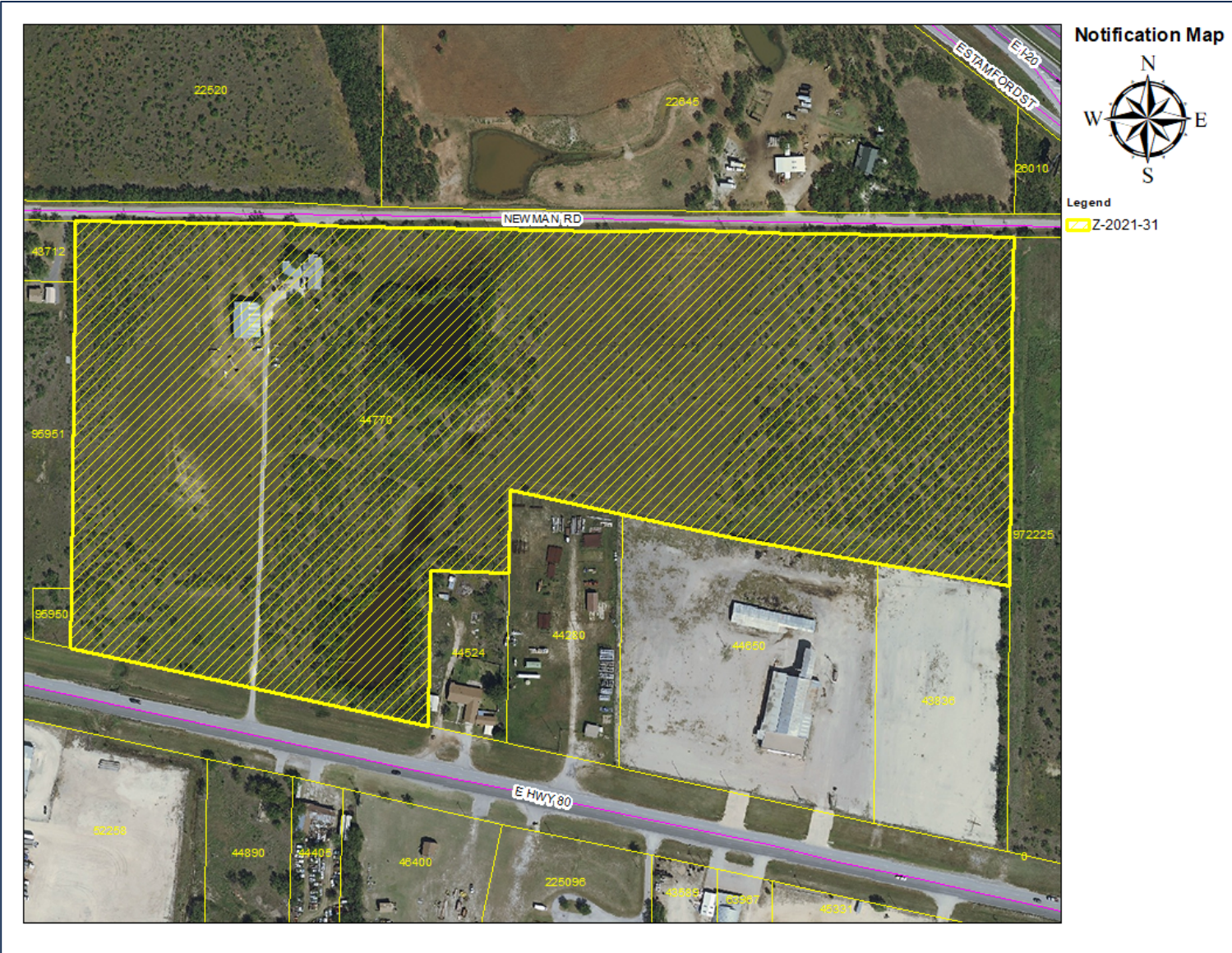


NOV 1 PM 1:30

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.

Case:	Z-2021-31
Owner:	Jeffrey C. Snead
Request:	Rezone from Agricultural Open Space (AO) to a General Commercial (GC) District
Location:	3658 East Highway 80
Notification:	2 in Favor, 0 Opposed
Planning & Zoning:	Approval, November 2, 2021



Z-2021-31 ZONING MAP



Permitted Uses in AO Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

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

LEGEND

P
C
TP

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

Permitted Uses in GC Zoning

RESIDENTIAL USES:

- P Hotel/Motel
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

- C Aircraft and Accessories
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Restaurant, Brew Pub
- P Restaurant, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (automobile/small truck)
- P Retail Sales/Rental (indoor)
- P Retail Sales/Rental (outdoors, non-vehicle)
- C Retail Sales/Rental (trucks and other large vehicles and equipment)

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P
- C
- TP

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

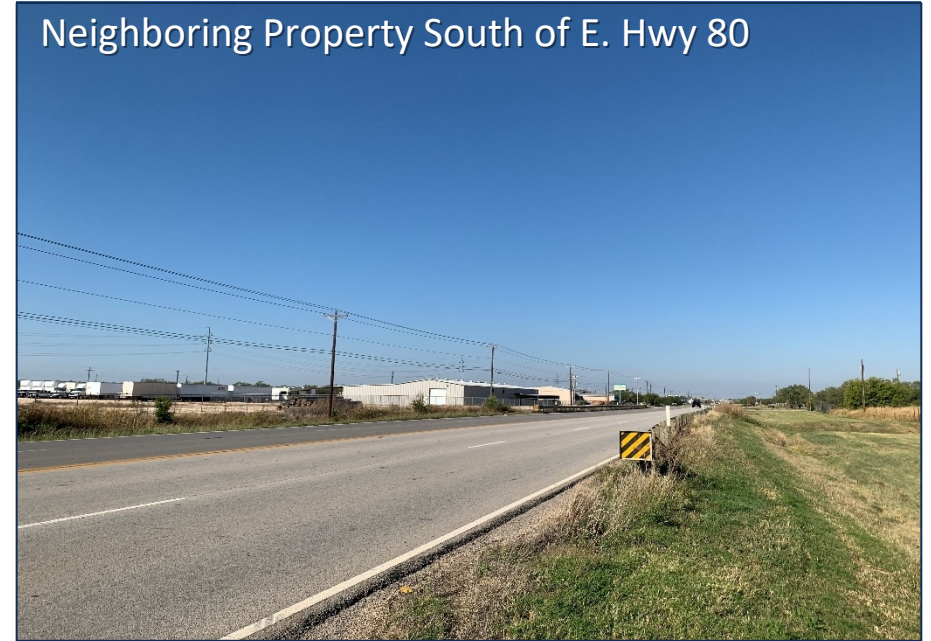
Permitted as a Conditional Use Permit, Requiring Approval by City Council

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

Subject Property from E. Hwy 80



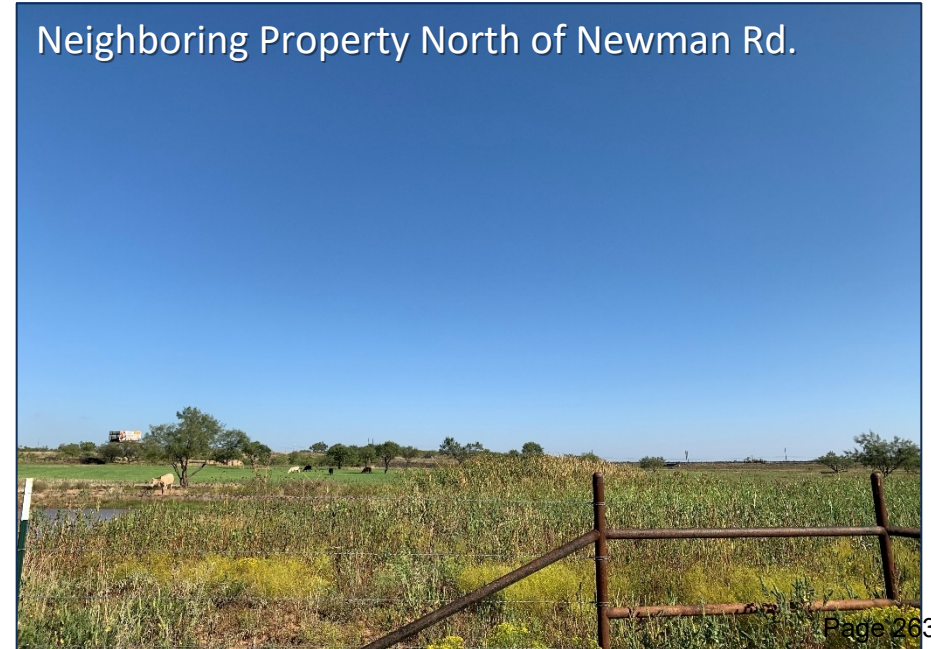
Neighboring Property South of E. Hwy 80



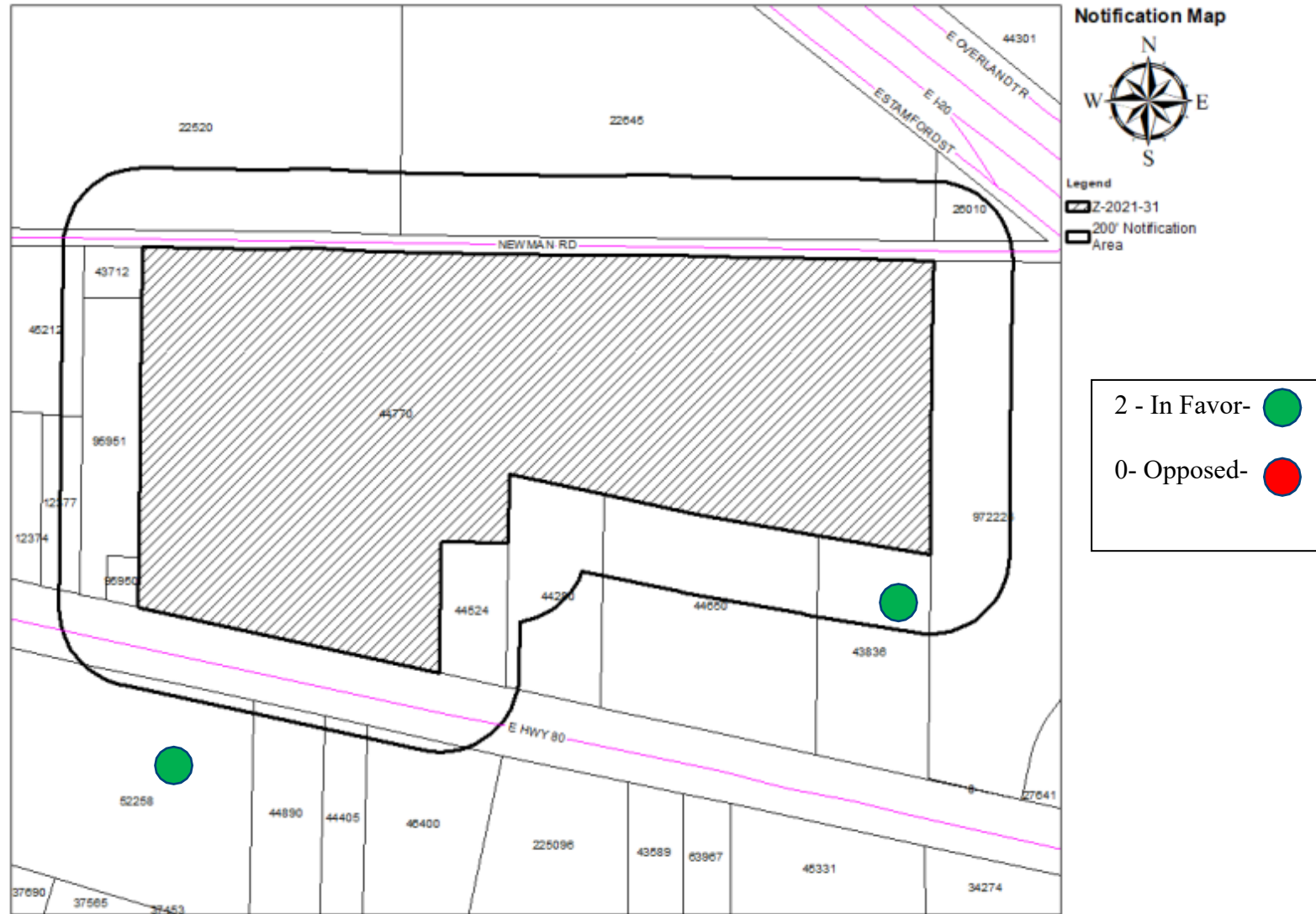
Subject Property from Newman Rd.



Neighboring Property North of Newman Rd.



Z-2021-31 NOTIFICATION AREA MAP



- Consistent with the *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: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **19. Ordinance (Final Reading) Z-2021-32: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From Weatherbee Construction Inc. (Represented By Enprotec/Hibbs & Todd, Engineering Consultants) To Change Zoning From Agricultural Open Space (AO) To A Residential Medium-Density (MD) District On Approximately 14 Acres Of Land at 665 East South 27th Street In Southeast Abilene. (Tim Littlejohn)**

GENERAL INFORMATION

Rezone approximate 14.34 acres from Agricultural Open Space (AO) to Medium Density (MD).

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 6-0.

ATTACHMENTS:

1. Z-2021-32 draft ordinance
2. Z-2021-32 Council Staff Report
3. Z-2021-32 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 18th day of November, 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 16th day of October, 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 2nd day of December, 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 2nd day of December, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from an Agricultural Open (AO) District to a Medium Density (MD) District.

BEING 14.34 acres of land and being out of the Northeast $\frac{1}{4}$ of Section 62, Abstract 781, Blind Asylum Lands, Taylor County, Texas, said Northeast $\frac{1}{4}$ being part of that same tract conveyed unto the State of Texas from the City of Abilene and recorded in Volume 14, Page 127, Deed Records, Taylor County, Texas, said 14.34 acre tract being more particularly described as follows:

BEGINNING at a set $\frac{1}{2}$ " rebar on the WBL of said Northeast $\frac{1}{4}$ of Section 62, from whence a $\frac{3}{8}$ " rebar found at the Southwest corner of the Northeast $\frac{1}{4}$ of said Section 62 and the Northeast corner of a 48.37 acre tract recorded in Volume 3010, Page 154, Official Public Records, Taylor County, Texas, bears $S0^{\circ}05'23''E$ 836.78 feet;

THENCE $N0^{\circ}05'23''W$ 730.53 feet to the SBL of South 27th Street;

THENCE $N89^{\circ}37'47''E$ 110.65 feet along the SBL of South 27th Street to the beginning of a curve to the left;

THENCE along said curve to the left with a radius of 1498.53 feet and a chord bearing and distance of $N74^{\circ}18'E$ 792.37 feet to a set $\frac{1}{2}$ " rebar at the most Northerly Northwest corner of an existing 84.29 acre tract;

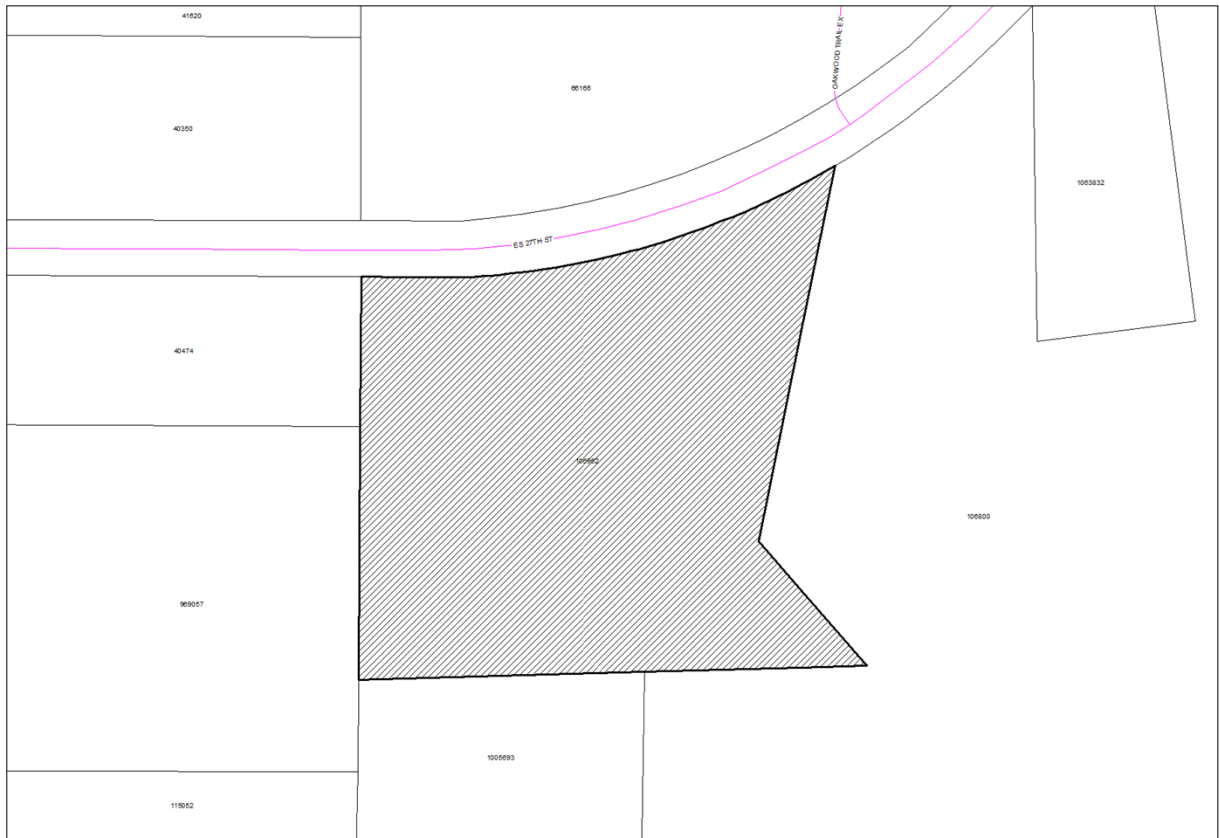
THENCE along the Westerly boundary line of said 84.29 acre tract to set $\frac{1}{2}$ " rebars as follows:

$S10^{\circ}59'00''W$ 699.0 feet

$S41^{\circ}31'05''E$ 300.67 feet and $S87^{\circ}54'18''W$ 939.06 feet to the place of beginning and containing 14.34 acres of land

Location: 665 East South 27th Street

ORDINANCE NO. _____



-END-

ZONING CASE Z-2021-32

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: November 2, 2021

City Council 1st Reading: November 18, 2021

City Council 2nd Reading: December 2, 2021

Applicant

Owner: Weatherbee Construction Inc.

Agent: Enprotec Hibbs & Todd (eHT)

Request

Rezone approximate 14.34 acres from Agricultural Open Space (AO) to Medium Density (MD).

Location

The subject property is approximately 14.34 acres of vacant land at 665 East South 27th Street. Legal description being 14.34 acres out of the northeast quarter of Blind Asylum Lands Section 62 in Abilene, Taylor County, Texas.

Background

The subject property was annexed into the City of Abilene in 1963. These tracts of land have remained vacant since this time. The applicant is requesting to rezone these tracts of land in order to develop duplexes and single-family residences.

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 of the subject property are vacant tracts of land zoned Agricultural Open Space (AO). To the south and east are properties in Planned Development District 104.

Criteria Assessment

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

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

It is the opinion of staff that the proposed zoning map amendment will serve to implement the goals, objectives, and policies of the Comprehensive Plan and Future Land Use and Development Plan Map. The Future Land Use and Development Plan Map identifies this area to have a mixture of single-family and multi-family land uses. The amendment to the zoning map to Medium Density (MD) will promote the Comprehensive Plan's objective of creating a mixture of housing types within developing neighborhoods.

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

It is the opinion of staff that the uses permitted by the proposed zone change are consistent with the surrounding properties in the immediate vicinity. The proposed medium density portion of this zone change request will serve as an appropriate “buffer” or transitional zoning between the single-family and multi-family homes to the west and the agricultural areas to the east.

(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 future development of the subject properties will necessitate the extension of water and/or sewer utilities to service the future subdivision.

(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 October 22, 2021 (via certified mail) to the applicant and other property owners within a 200-foot radius of the subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1

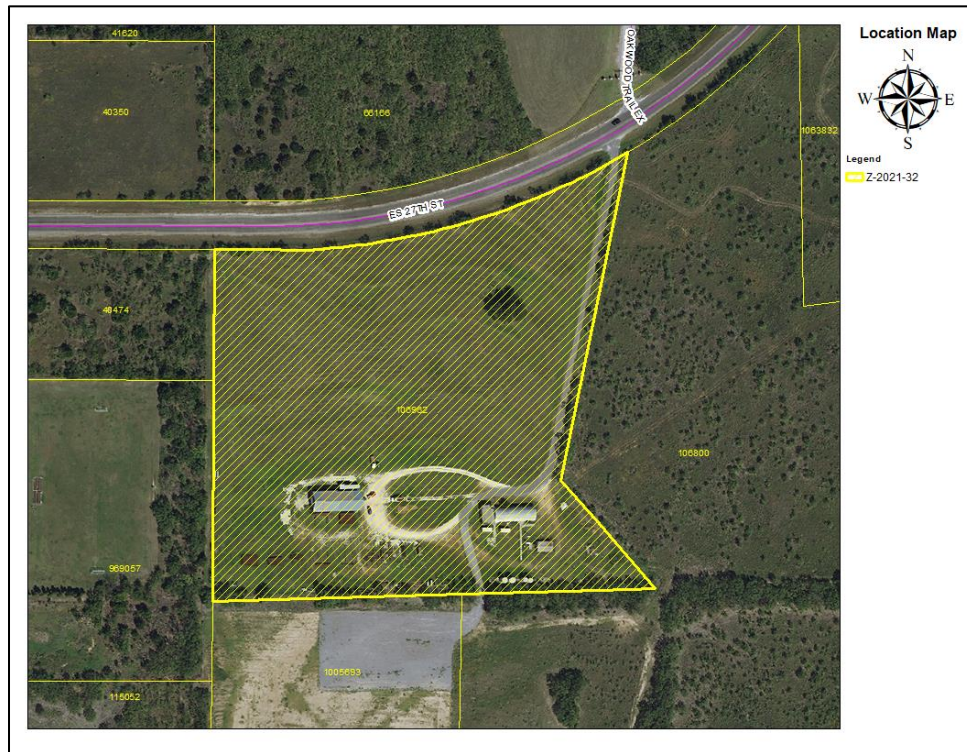
Owner	Parcel ID	Situs	Response
108 REAL ESTATE LLC	115052		
ABILENE NATIONAL SOCCER	969057	3025 MAPLE ST	
ABILENE STATE SCHOOL	66166	2400 MAPLE ST	
MC DANIEL JACK RUSSELL	40350		
NICHOLS KENNETH R	40474	225 ES 27TH ST	
TRINITY BAPTIST CHURCH	1005693		
WEATHERBEE CONSTRUCTION INC	106962	665 ES 27TH ST	
WEATHERBEE CONSTRUCTION INC	106800	3201 OLDHAM LN	

Attachments

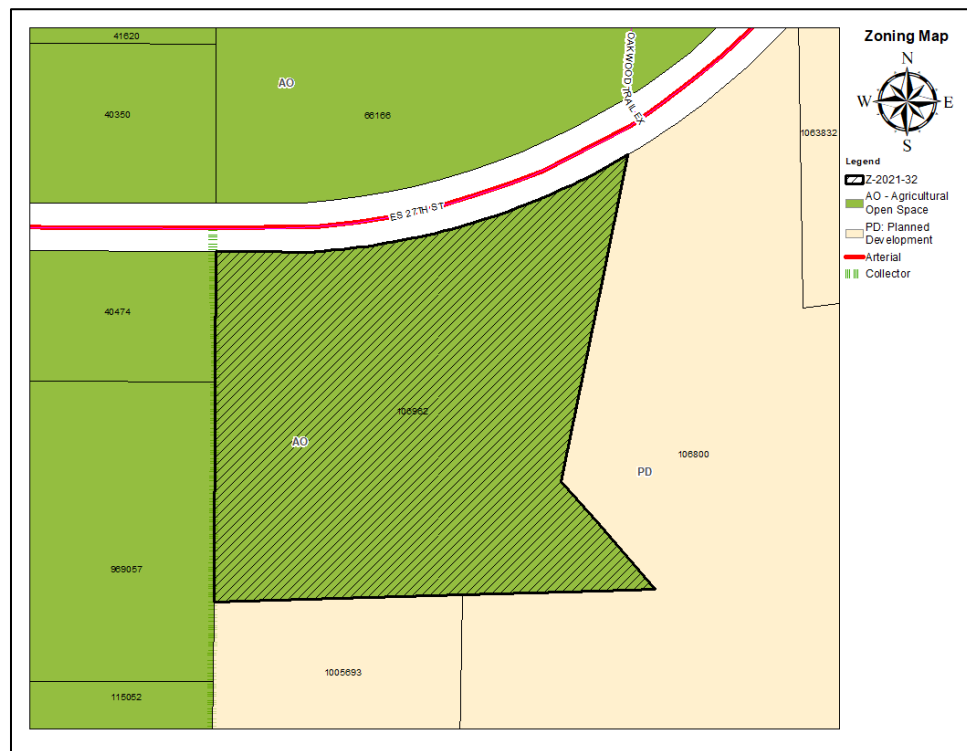
Application

PowerPoint Presentation

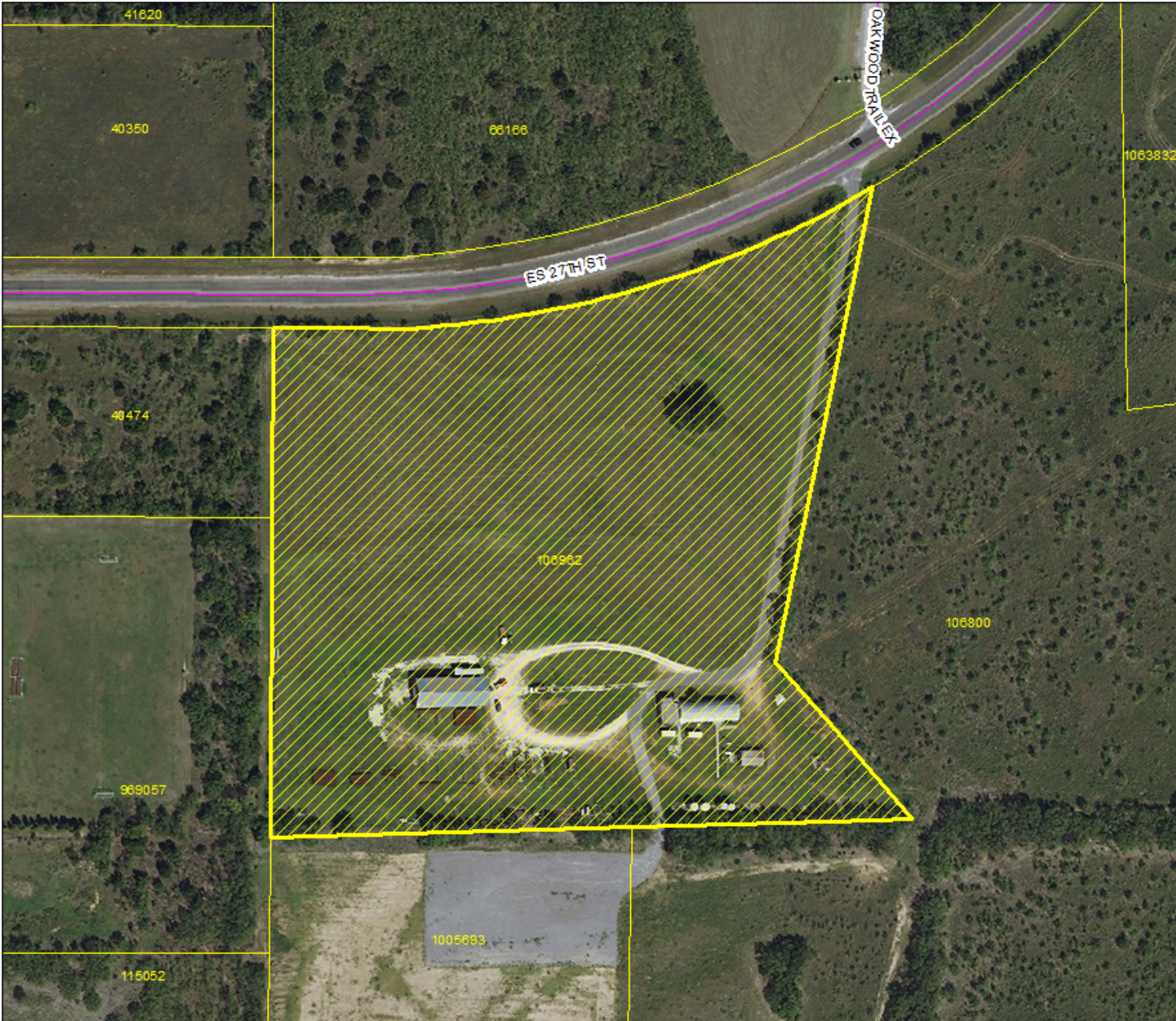
LOCATION MAP



ZONING MAP



Case:	Z-2021-32
Owner:	Weatherbee Construction
Agent:	Enprotec Hibbs & Todd (eHT)
Request:	Rezone from Agricultural Open Space (AO) to Medium Density (MD)
Notification:	0 in Favor, 0 Opposed
Planning & Zoning :	Approval, November 2, 2021

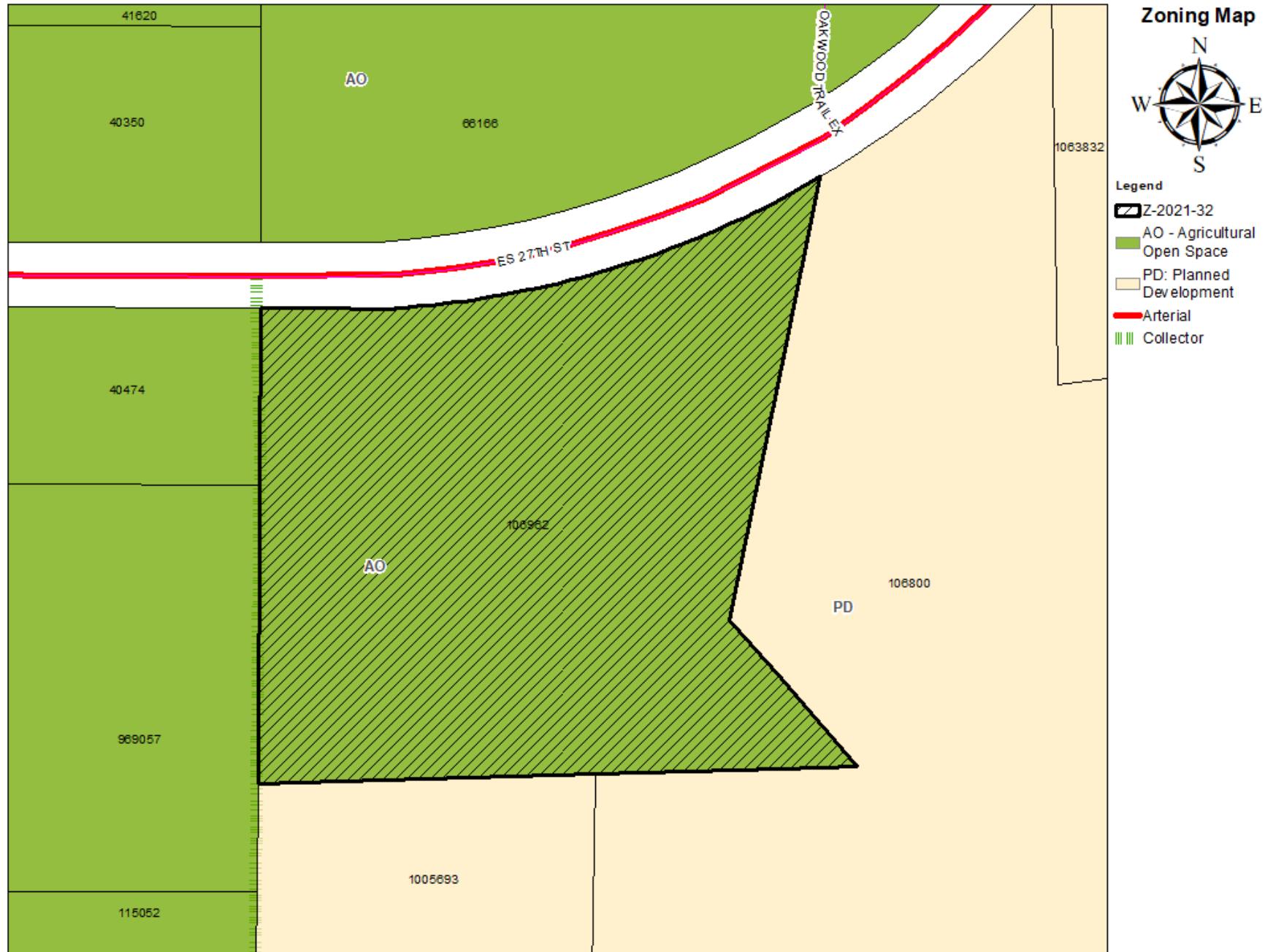


Location Map



Legend

 Z-2021-32



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 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

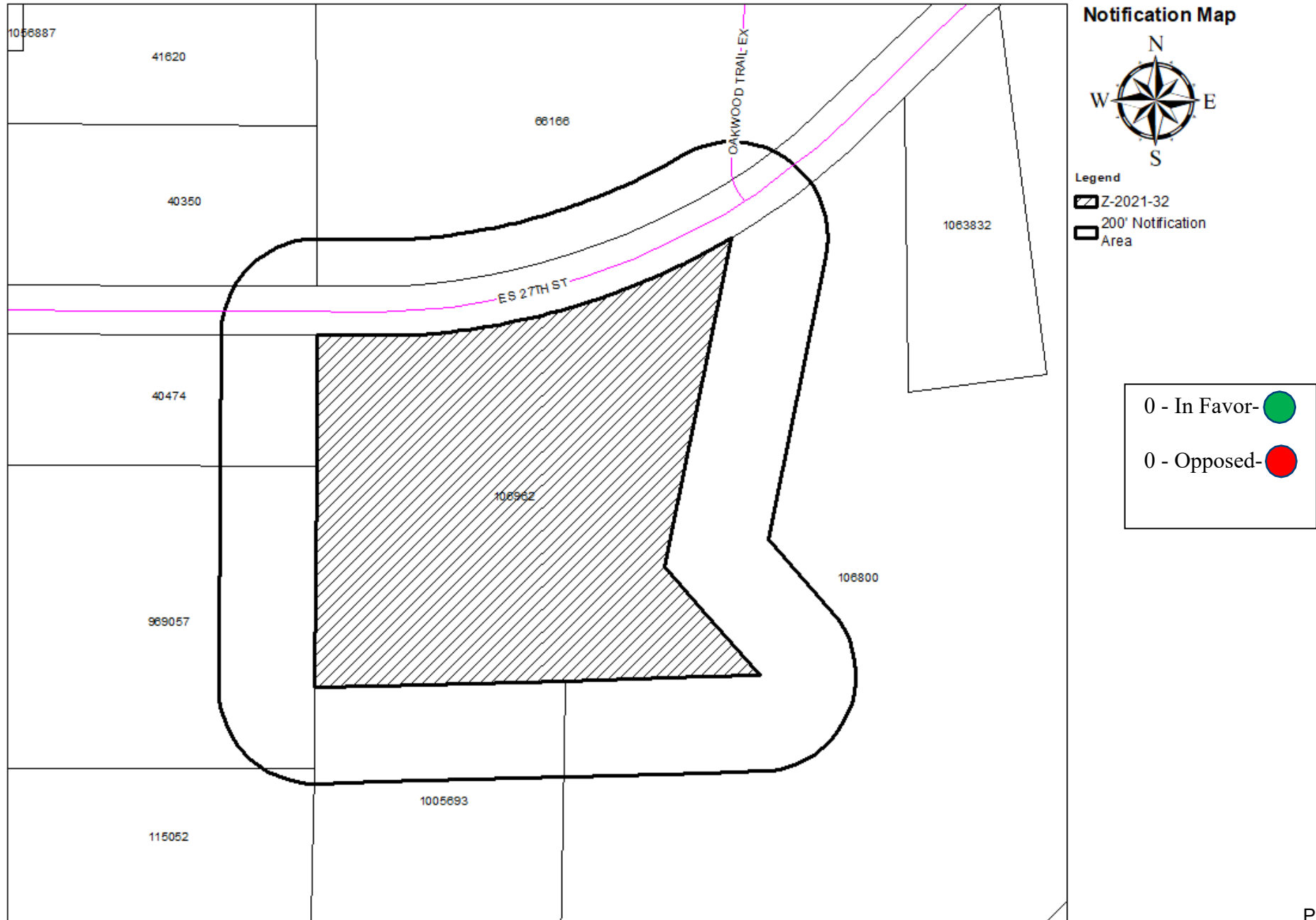
LEGEND

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



Z-2021-32 NOTIFICATION AREA MAP



- Consistent with the *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: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **20. Ordinance (Final Reading) Z-2021-33: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From Sitzes Brothers LLC (Represented By Enprotec/Hibbs & Todd, Engineering Consultants) To Change Zoning From Residential Multi-Family (MF) To A Planned Development (PD) District Allowing Uses Commensurate With Residential Multi-Family (MF) Zoning As Well As Self-Service Storage, On Approximately 1¼ Acre Of Now-Vacant Land At 3750 Rolling Green Drive, In South Abilene. (Tim Littlejohn)**

GENERAL INFORMATION

The request is to rezone from Residential Multi-Family (MF) to a Planned Development (PD) District allowing uses commensurate with MF zoning as well as limited self-service storage.

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 6-0.

ATTACHMENTS:

1. Z-2021-33 draft ordinance
2. Z-2021-33 Council staff report
3. Z-2021-33 Council presentation

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 18th day of November, 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 16th day of October, 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 2nd day of December, 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 2nd day of December, 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 Land Development Code 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 ask hereinafter set forth: from Residential Multi-Family (MF) to Planned Development (PD) District.

PART 5: Legal Description. The legal description of this PD District is as follows: 1.219 acres out of a 1.50-acre tract recorded on Page 805 in Volume 1085 of Deed Records of Taylor County, Texas out of Tract Number 2 of a subdivision of the J.E. Shepherd Survey Number 96 in the City of Abilene, Taylor County, Texas and being more particularly described by metes-and-bounds as follows:

BEGINNING at a found ½-inch iron rod on the north boundary line of right-of-way for Rolling Green Drive, from which the called-for southwest corner of said Tract Number 2 bears South 0° 42' 15" East 32.76 feet and South 89° 17' 45" West 1084.26 feet;

THENCE North 0° 42' 15" West for a distance of 142.24 feet to the northwest corner of said 1.50-acre tract;

THENCE North 89° 17' 45" East for a distance of 373.37 feet to the northeast corner of said 1.50-acre tract;

THENCE South 0° 42' 15" East for a distance of 142.24 feet to a ½-inch iron rod found on the

ORDINANCE NO. _____

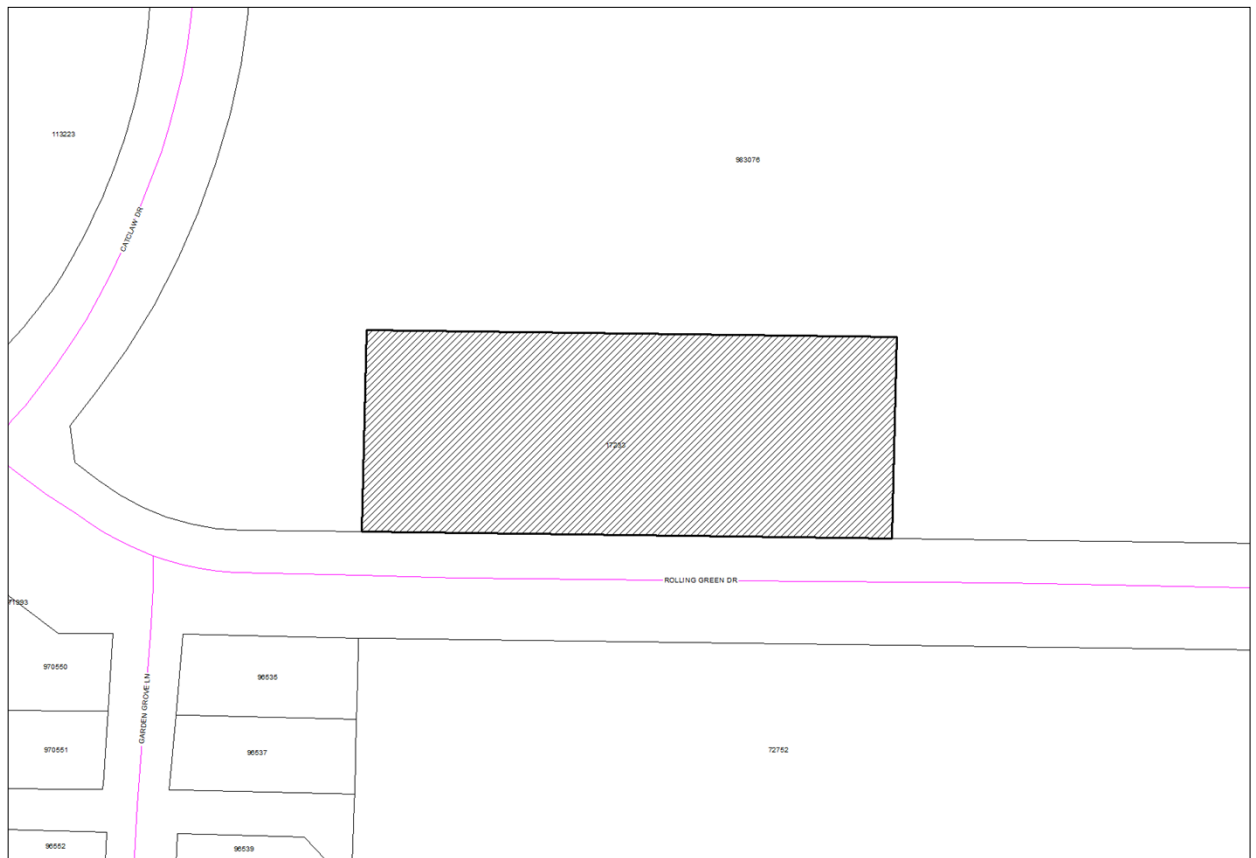
EXHIBIT "A"

PAGE 2

north boundary line of right-of-way for Rolling Green Drive;

THENCE South 89° 18' 45" West for a distance of 373.37 feet along the north boundary line of right-of-way for Rolling Green Drive, to the POINT OF BEGINNING and containing 1.219 acres of and, more or less.

NOTE: Bearings based on the north boundary line of Section 1, Garden Grove Addition, as North 89° 17' 45" East.



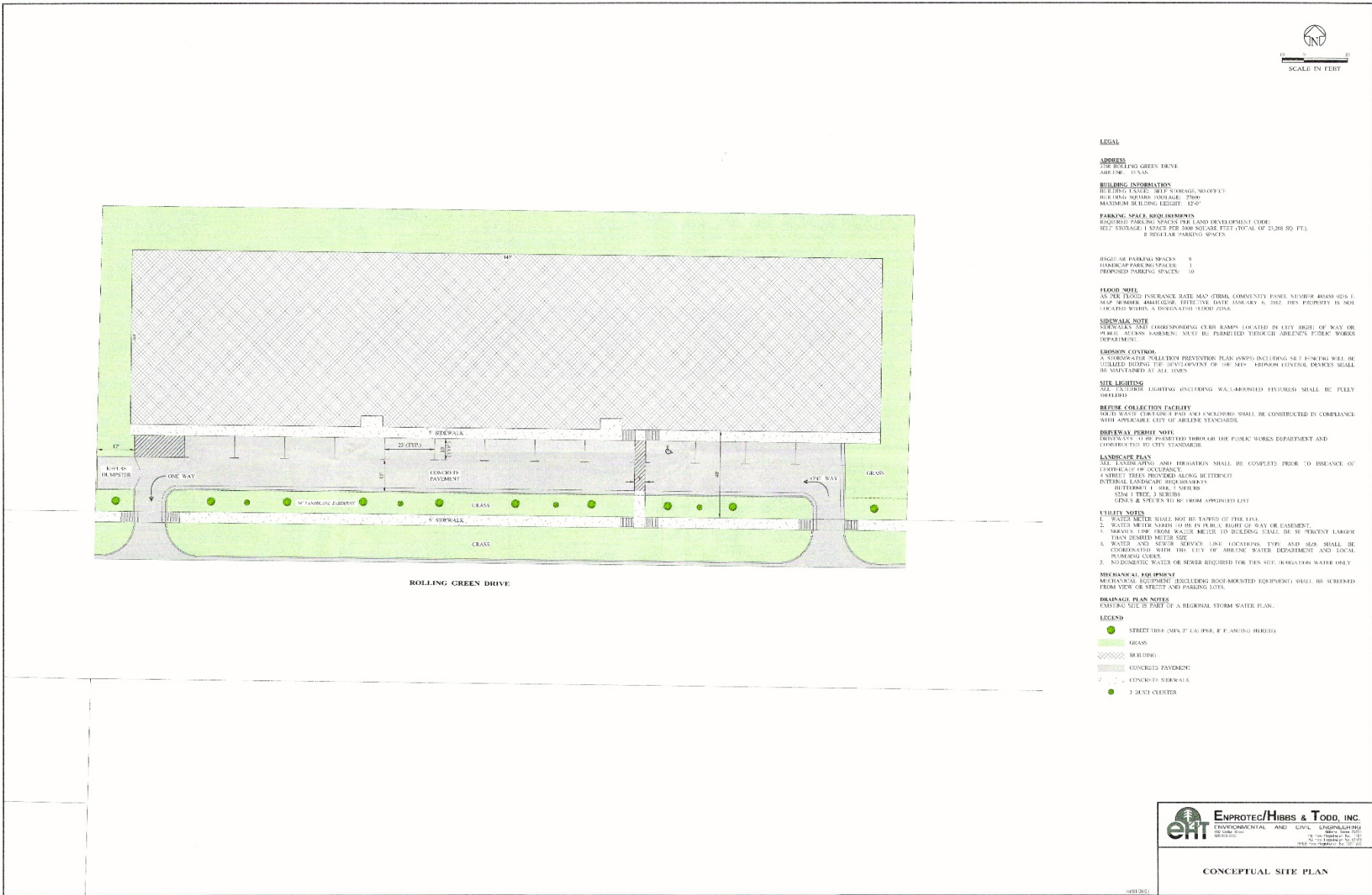
Location: 1.219 acres on north side of Rolling Green Drive and situated 265 to 645 feet west from Catclaw Drive in south Abilene

PART 6: Purpose. The purpose of this Planned Development District is to allow limited self-service storage facilities on land which is otherwise reserved for multi-family residential housing.

PART 7. Specific Modifications. The use and development of land and buildings in this Planned Development District shall generally be subject to requirements of the Residential Multi-Family (MF) zoning classification, except as modified below:

- A. Fully-enclosed self-service storage facilities shall also be allowed on this property, in addition to uses ordinarily allowed (or with City Council's approval of a Conditional Use Permit) in Residential Multi-Family Districts. No outdoor, unenclosed storage of material, equipment or vehicles (including boats and other recreational vehicles) shall be allowed on the subject property.
- B. All or part of this property may be represented on a subdivision plat approved by the City of Abilene, without extension of the City of Abilene's sanitary sewer system to any lot(s) created by such subdivision plat.
- C. Compliance with ordinary landscape standards of the City of Abilene's Land Development Code (and applicable to MF zoning districts) shall be required with development of self-service storage facilities, except specifically as follows:
 - (1) In lieu of trees and shrubs ordinarily required for "internal" landscape areas in front of the building line, no fewer than ten (10) street trees shall be planted in a ten-foot-wide landscape strip required directly behind the front boundary of this property, as well as four (4) clusters of three (3) shrubs apiece situated between several of the trees planted in this required landscape strip.
 - (2) In lieu of ordinary land use buffering standards applicable in MF Districts, the minimum 20-foot-wide rear yard and 10-foot-wide side yards required on this property shall be planted with grass covering.
- D. Development of this subject property (for use as self-service storage) shall generally comply with the graphic concept plan attached as EXHIBIT "B" to this ordinance.

EXHIBIT "B" GRAPHIC CONCEPT PLAN



ZONING CASE Z-2021-33

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: November 2, 2021

City Council 1st Reading: November 18, 2021

City Council 2nd Reading: December 2, 2021

Applicant

Owner: Sitzes Cleburne, L.P.

Agent: Enprotec / Hibbs & Todd, Engineering Consultants

Request

Rezone from Residential Multi-Family (MF) to a Planned Development (PD) District allowing uses commensurate with MF zoning as well as limited self-service storage.

Location

now-vacant tract of 1.22 acres on north side of Rolling Green Drive and situated 265 to 645 feet west from Catclaw Drive in south Abilene

Background

This property was annexed to the City limits of Abilene during 1963. This property remained in an AO (previously RA) zoning district until the early 21st Century, when it was embraced within the same Residential Multi-Family (MF) zoning district as the Tylor Grand Apartments. This apartment complex wraps around the subject property along its entire north, east and west boundaries.

All buildings in the Tylor Grand complex are connected to a sewer main existing adjacent to the northwest corner of that complex, at least 500 feet from the subject property of the current proposed zone change. Another sewer main does exist closer to the subject property, only approximately 75 feet to the south and across the width of Rolling Green Drive. **But this existing sewer main is too shallow to be extended any further and expect wastewater to flow, according to the City's Utility Engineer.** The present owners of this property are thereby seeking an avenue which would allow development of the subject property, without having to extend the only other nearby sewer main* by as much as 900 feet.†

The owners of this property are thereby seeking approval of a Planned Development (PD) District for this property. Like any such zoning district, this PD District would be a custom-made zoning classification, tailored to match the specific demands of some particular proposed development with the limitations of its specific environment.

The proponents are specifically seeking to keep the Residential Multi-Family (MF) classification as the base or "default" zoning of this property, but also allow fully-enclosed self-service storage facilities there. If not equipped with an on-site management office or a caretaker's residence, then a self-service storage facility will not require sewer service.

* located north of Tylor Grand Apartments

† to avoid existing development inside the existing Tylor Grand complex

Zoning, Existing and Proposed Land Use

Specifically, the proponents are seeing approval of a Planned Development (PD) District with each of these unique provisions:

1. The base zoning classification will remain Residential Multi-Family but with an allowance for fully-enclosed self-service storage facilities.
 - a. No outdoor, unenclosed storage of material, equipment or vehicles (including boats or other recreational vehicles) will be allowed on this property.
2. All or part of this property may be represented on a subdivision plat approved by the City of Abilene, without extension of the City of Abilene's sanitary sewer system to any lot(s) created by such subdivision plat.
 - a. Within the City limits of Abilene, local subdivision regulations ordinarily require extending a sewer main to any new lot created by subdivision plat, unless waived by City Council.
3. In lieu of compliance with ordinary internal landscape and land use buffering standards applicable in MF Districts, the following alternative standards shall apply to development of self-service storage facilities on this property.
 - a. No fewer than ten (10) street trees shall be planted in the ten-foot-wide landscape strip required along the front boundary of this property, as well as four (4) clusters of three (3) shrubs apiece planted in between trees planted in the required landscape strip.
 - b. In addition, the minimum 20-foot-wide rear yard and 10-foot-wide side yards required on this property shall be planted with (at least) a grass covering.
4. Development of this subject property (for use as self-service storage) shall generally comply with the graphic concept plan accompanying this report.

As mentioned earlier above, the subject property of 1.22 acres is surrounded on three sides by the Tylor Grand apartment complex, in the same MF zoning district as the subject property itself.

The campus of Ward Elementary School lies directly across Rolling Green Drive from the subject property of this proposed zone change.

Southwest from the subject property and across the width of Rolling Green Drive is a subdivision of patio homes (in a PH zoning district) developed at an overall density of approximately six (6) dwellings per acre.

Criteria Assessment

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

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

The Future and Use and Development Plan Map displayed in Abilene's Comprehensive Plan (circa 2004) identifies the subject property and its surroundings to be in a "major commercial

and business center.” This particular such center covers an extensive area bounded by Buffalo Gap Road, Winters Freeway, Southwest Drive and Catclaw Drive, reaching almost all the way south to Rebecca Lane.

As described in the text of Abilene’s Comprehensive Plan, major commercial and business centers will exhibit a mix of retail trade and services, offices and civic uses, as well as multi-family residences, all at relatively high concentrations, with single-family housing on the fringe.

The particular such center where this subject property is located (the boundaries of which are described above) already exhibits such a varied mix of uses at relatively high concentrations of development. The particular PD District proposed with this zoning map amendment seems generally consistent with land use policy of Abilene’s Comprehensive Plan.

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

Given that allowed nonresidential use will be limited to self-service storage (enclosed) set within a landscaped environment, this proposed PD District seems generally compatible with adjacent multi-family residence and nearby patio homes.

(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 lies directly adjacent to a fully-improved collector street (Rolling Green Drive) and within less than 300 feet from a fully-improved minor arterial (Catclaw Drive).

The absence of suitable nearby sewers (available for service to this site) is already well-documented in background information described above. However, this site does have direct access to a 12-inch-wide water main in adjoining right-of-way for Rolling Green Drive.

(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 **approving** this requested zone change to a Planned Development (PD) District incorporating the features described earlier in this report and as shown on an accompanying graphic concept plan.

Notification

Pursuant to Section 1.2.2.2 of Abilene’s Land Development Code, City staff mailed personal notices on October 22 of 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

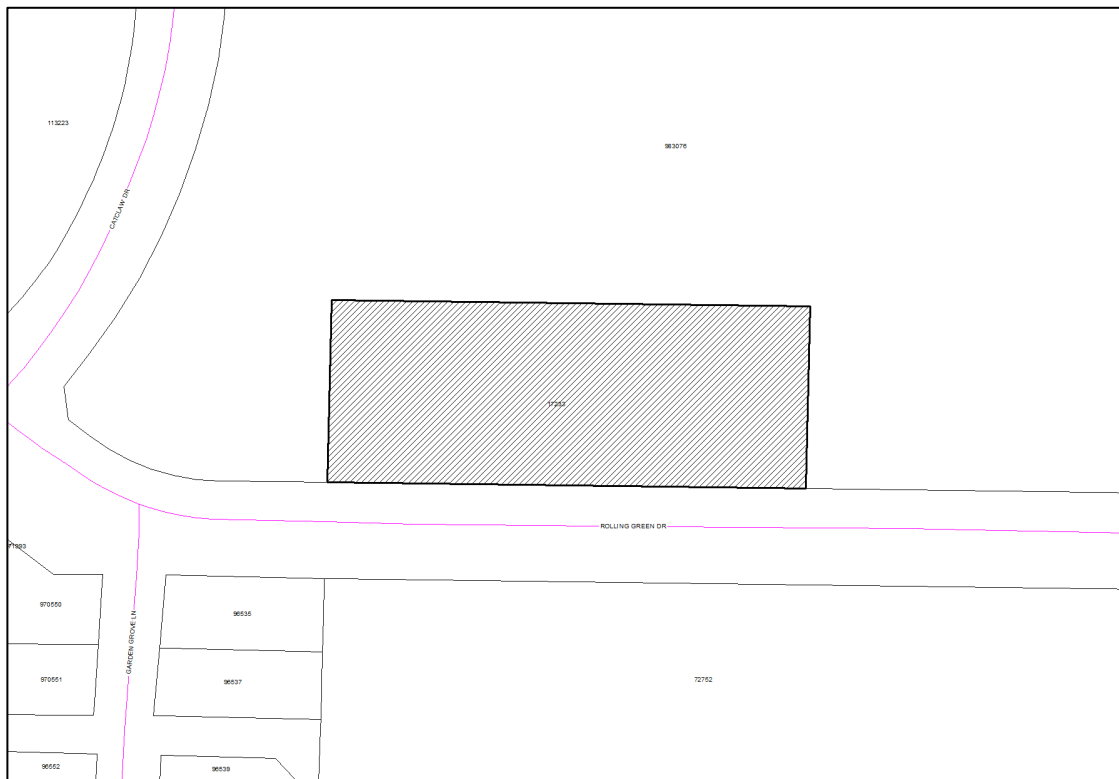
Owner	Parcel ID	Situs	Response
ABILENE IND SCHOOL DIST	72752	3750 PAINT BRUSH DR	
BOYD JOHNNIE L	96537	4305 GARDEN GROVE LN	OPPOSED
JOHNSON LONA MAE	96535	4301 GARDEN GROVE LN	
SITZES CLEBURNE LP	17233	3750 ROLLING GREEN DR	
THORNBURG MARK L	970550	4302 GARDEN GROVE LN	
TYLOR GRAND LLC	983076	3702 ROLLING GREEN DR	

Attachments

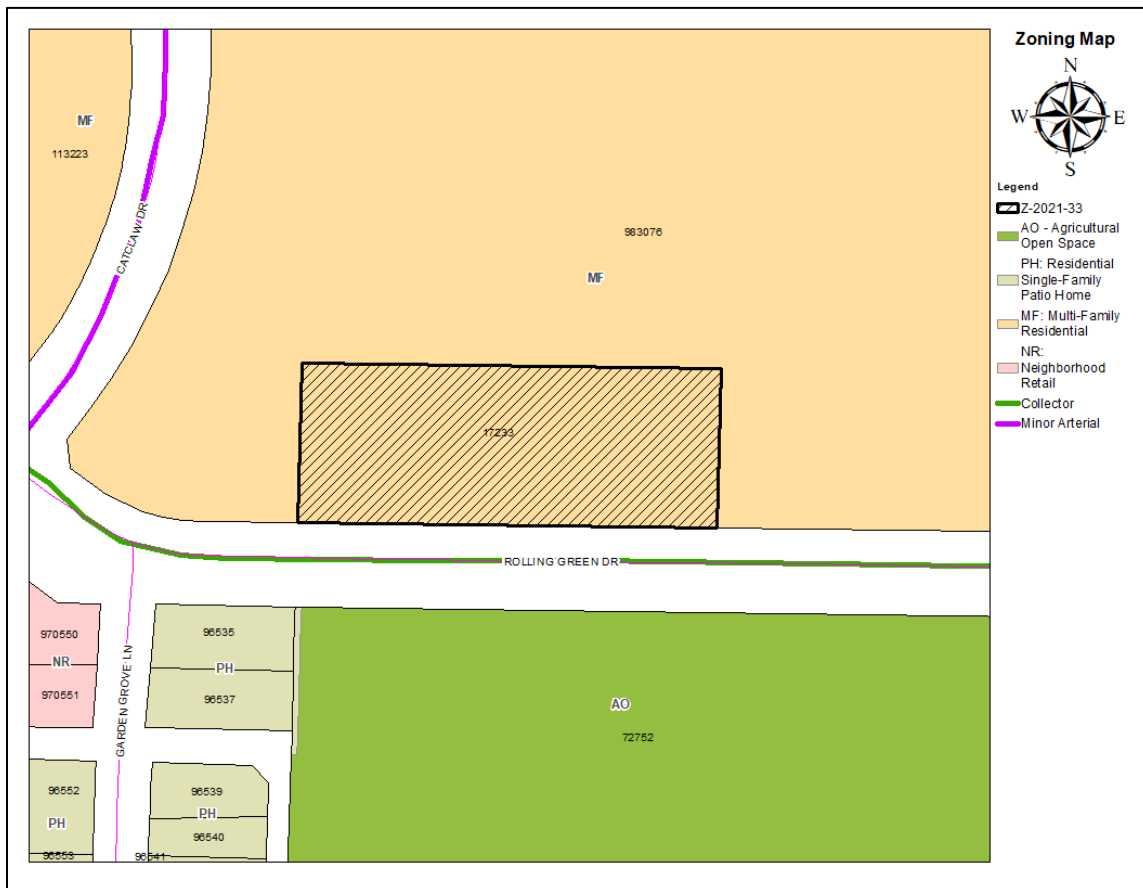
Application

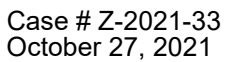
PowerPoint Presentation

LOCATION MAP



ZONING MAP







Development Application

Planning

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

Project Name: 3750
 Address: 3750 Rolling Green No. of lots: _____ Acreage: 1.22
 Legal Description: Attached
 Subdivision Name: _____ Block: _____ Lot: _____
 Current Zoning: MF Proposed Zoning (if applicable): MF allowing self-service storage

OWNER AND AUTHORIZATION

Owner Name: Sitzes Brothers LLC
 Address: 2249 Butternut
 City, State, Zip: Abilene, Tex 79602 Fax: _____
 Phone: 338-9445 Email: tyler.sitzes@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) EHT will act as my agent before the Planning and Zoning Commission.

Agent Name: EHT
 Address: 402 Cedar
 City, State, Zip: Abilene, Tex 79601 Fax: _____
 Phone: 698-5560 Email: david.ford@e-h.com

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

Signature Owner: _____ Date: _____

FOR OFFICE USE ONLY

Received: 10-04-2021 Fee: \$ 2000 Receipt No.: 0001064293
 Case No.: 2-2021-33 Reviewed By: _____



Development Application

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

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

Base Zoning to remain MF and allow commercial self-storage facilities, 20 foot front setback, 20 foot rear setback, 10 foot side setbacks.

In stead of the additional 15% internal landscape area, proponent proposes to upgrade required seven (7) street trees to ten (10) in the required ten (10) foot landscape strip. Also, provide four (4) clusters of three (3) shrubs between the ten (10) street trees. Side and rear yards adjacent to the proposed building will be grassed cover with appropriate buffering features

No Sanitary Sewer Required for self-storage with no office

WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF TAYLOR §

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date: June 28, 2021

Grantor: C-K Aneff Enterprises, Inc., a Texas corporation

Grantor's Mailing Address: 3210 Curry Ln., Abilene, Texas 79605

Grantee: Sitzes Cleburne, L.P., a Texas limited partnership

Grantee's Mailing Address: 2249 Butternut St., Abilene, Texas 79602

Consideration:

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property:

1.219 acres out of a 1.50 acre tract recorded in Volume 1085, Page 805, Deed Records, Taylor County, Texas out of Tract Number 2 of a subdivision of the J. E. Shepherd Survey Number 96, Abilene, Taylor County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a found 1/2 inch iron rod on the North Boundary Line of Rolling Green Drive from which the called for South West Corner of said tract Number 2 bears S 0°42'15" E 32.76' and S 89°17'45" W 1084.26';

Thence N 0°42'15" W 142.24' to the North West Corner of said 1.50 acre tract;

Thence N 89°17'45" E 373.37' to the North East Corner of said 1.50 acre tract;

Thence S 0°42'15" E 142.24' to a 1/2 inch iron rod, found, on the North Boundary Line of Rolling Green Drive;

Thence S 89°17'45" W 373.37' along the North Boundary Line of Rolling Green Drive to the point of beginning and containing 1.219 acres of land more or less.

Bearings based on the North Boundary Line of Section 1, Garden Grove Addition as N 89°17'45" E.

OCT 27 AM 10:57

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

BOYD JOHNNIE L
PO BOX 5944
ABILENE, TX 79608-5944

NOTICE OF PUBLIC HEARING

RE: ZONE CHANGE REQUEST NUMBER Z-2021-33

10/22/2021

The Planning and Zoning Commission will hold a public hearing on **November 2, 2021 at 1:30 PM** in Council Chambers on the second floor of City Hall, North 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Sitzes Cleburne LP (represented by Enprotec/Hibbs & Todd, Engineering Consultants) to change zoning from Residential Multi-Family (MF) to a Planned Development (PD) District allowing uses commensurate with MF zoning as well as self-service storage (enclosed) on approximately 1¼ acre of now-vacant land at 3750 Rolling Green Drive in south Abilene. Legal description being a certain 1.219-acre tract out of J. E. Sheppard Survey No. 96 in 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 the cross-hatched line on the map is being considered for zone change request. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with public hearing on **December 2, 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 Brad 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-2021-33

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: BOYD JOHNNIE L
Parcel I.D.: 96537
Address: 4305 GARDEN GROVE LN

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: Johnnie Lou Boyd

This is not a great thing for a residential neighborhood and especially with an elementary school across the street. The extra traffic generated would further burden the intersection of Rolling Green & Cedar

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.

probable causing installation a traffic light.

Bruce and Johnnie Lou Boyd

4305 Garden Grove Lane

Abilene, TX 79606

Land phone and fax: 325-793-9286

J's cell phone: 325-280-4586; B's cell phone: 325-660-5530

johnnielou@jlavery.com bruce@jlavery.com

October 25, 2021

City of Abilene

555 Walnut Street

PO Box 60

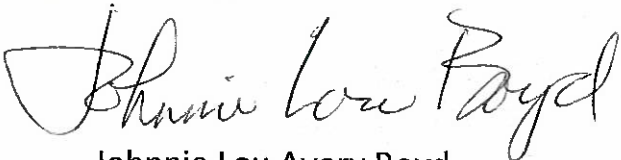
Abilene TX 79604-0060

RE: IMPORTANT: Wrong address

My address is 4305 Garden Grove Lane. I have never had a post office box, but suddenly my mail has started going to PO Box 5944 which belongs to John Kevin Boyd who has never lived at this residence. He has called me and passed on mail that comes to me in his mailbox. All of a sudden, bills, magazines, and other correspondence is going to his post office box and sometimes I get the bills when I barely have time to get them paid before the deadline. Neither of us can figure out why my mail is going there. I have previously twice contacted the post office officials but nothing has changed yet. I will keep trying.

In the meantime, please be sure all your address points throughout the City services for me are directed to 4305 Garden Grove Lane, Abilene TX 79606. I own my home (in my name) and hope my tax information does not end up at the PO Box.

Sincerely,



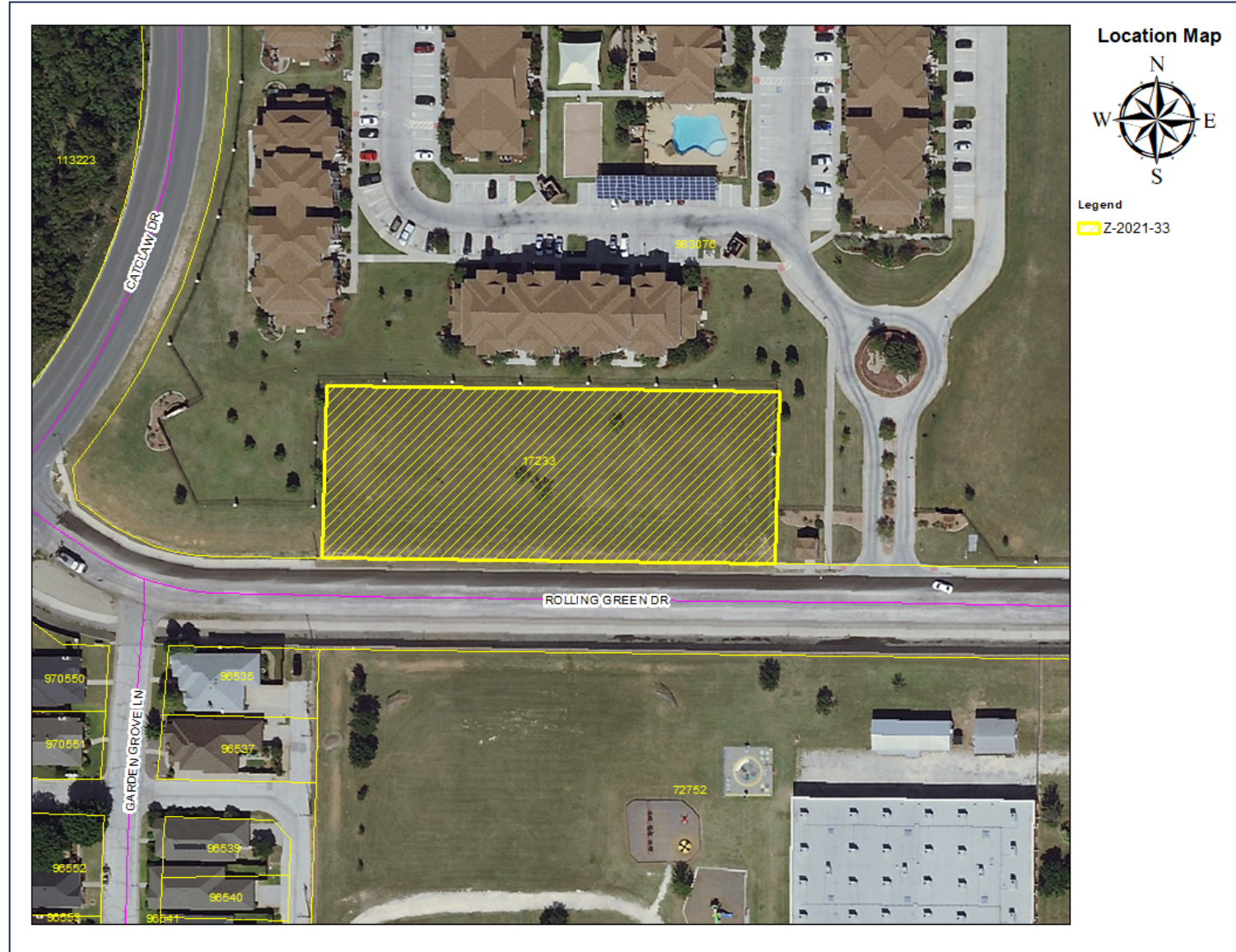
Johnnie Lou Avery Boyd

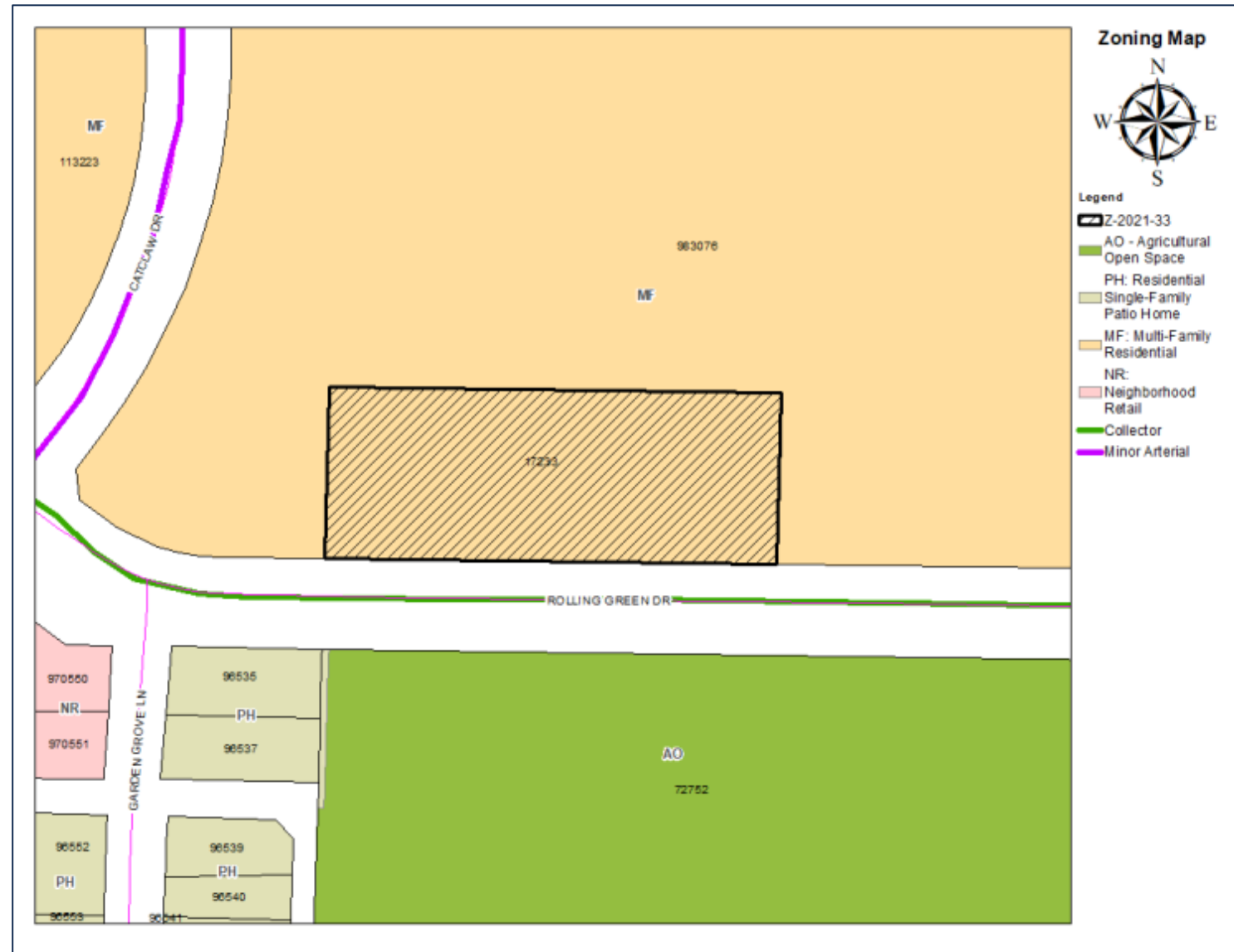
OCT 27 AM 10:58

cc: PO 79608

Case:	Z-2021-33
Owner:	Sitzes Cleburne, L.P.
Agent:	Enprotec/ Hibbs & Todd
Request:	Rezone from Residential Multi-Family (MF) to a Planned Development (PD) District allowing uses commensurate with MF zoning as well as limited self-service storage
Location:	now-vacant tract of 1.22 acres on north side of Rolling Green Drive and situated 265 to 645 feet west from Catclaw Drive
Notification:	0 in Favor, 1 Opposed
Planning & Zoning:	Approval, November 2, 2021

Z-2021-33 LOCATION MAP





West view of Subject Property



Neighboring Property (West)



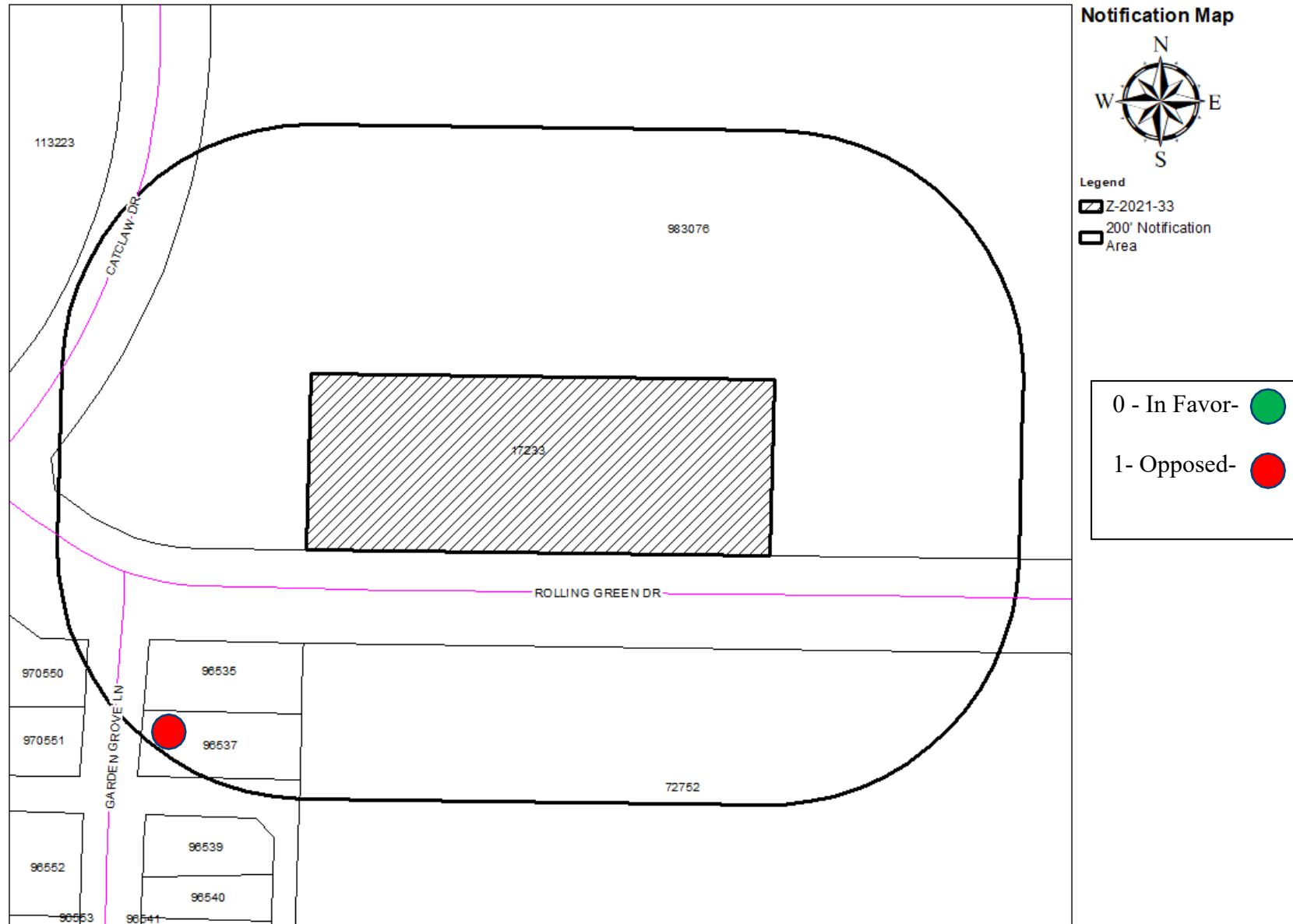
Neighboring Property (South)



Neighboring Property (South)



Z-2021-33 NOTIFICATION AREA MAP



- Consistent with the *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: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **21. Ordinance (Final Reading) Z-2021-34: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From Christopher Blake Howard (Represented By Jacob & Martin LLC) To Change Zoning From Residential Single-Family (RS-6) To A Residential Single-Family Patio Home (PH) District On Approximately 2.78 Acres Of Now-Vacant Land At 1633 Griffith Road. *(Tim Littlejohn)***

GENERAL INFORMATION

Rezone approximately 2.7 acres of Single-Family Residential (RS-6) zoning to Patio Home (PH) zoning.

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 6-0.

ATTACHMENTS:

1. Z-2021-34 draft ordinance
2. Z-2021-34 Council Staff Report
3. Z-2021-34 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 18th day of November, 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 16th day of October, 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 2nd day of December, 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 2nd day of December, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Location: 1633 Griffith Road



-END-

ZONING CASE Z-2021-34

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: November 2, 2021

City Council 1st Reading: November 18, 2021

City Council 2nd Reading: December 2, 2021

Applicant

Owner: Christopher Blake Howard

Agent: Jacob & Martin, LLC

Request

Rezone approximately 2.7 acres of Single-Family Residential (RS-6) zoning to Patio Home (PH) zoning. The intention, according to a draft subdivision plat received by staff is to create seven (7) single-family home sites that are fronting onto Griffith Road.

Location

The subject property is approximately 2.78 acres of vacant land at 1633 Griffith Road. Legal description being all of Lot 1 in HBMS Roppe Estates, Abilene, Taylor County, Texas.

Background

The subject property was annexed in 1964 and Agricultural Open Space (AO) zoning was applied to the property. The property was later rezoned to be embraced within Planned Development District Number 64 (PDD 64). Originally PD64 applied a base zoning of Single Family Residential (RS-12) to the subject property. In 2001, PD64 was amended to apply a base zoning of Single-Family Residential (RS-8) zoning to the subject property. In 2004, the subdivision plat which created formally platted Lot 1 of HBMS Roppe Estates was approved by the City of Abilene and recorded at the Taylor County Clerk's Office. The following year, in 2005, Planned Development District 64 was vacated altogether and rezoned to a combination of Agricultural Open Space (AO), Patio Home (PH), and Single Family Residential (RS-6). The subject property falls within the RS-6 zoning that resulted from this zone change request.

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, RS-8, PH, and AO zoning districts. Each of these zoning districts is currently occupied by single-family residences; aside from the AO zoning immediately east of the subject property which is the riparian area surrounding Griffith Lake.

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 need to promote infill on vacant land within the interior regions of the City. This proposed rezoning will encourage infill on property within the existing urban area of Abilene that has been vacant since annexation in 1964. Furthermore, the planned development of patio homes within this subject property will enhance the surrounding area, and be in character with existing surrounding developments. The patio home development will promote a variety of housing types in close proximity to Taylor Elementary School and Abilene Christian University, each being facilities that are considered Neighborhood Activity Centers.

(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. 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

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on October 22, 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
BURROW KERRY	50288	OPPOSED
DILL CHAD ALLEN	50566	
DOBBS DANNY P & PAULA L	49785	
GRIFFITH LAKE ESTATES LLC	1015149	
GRIFFITH LAKE ESTATES LLC	1015689	
HAIRSTON ROBERT WESLEY	50156	
MARTINEZ JIMMY & NAOMI	49644	
MULLINS JERRY NEIL JR &	50421	
POLK JERRY DON & JUDY MAE	971835	
SCARLETT GREGORY &	50705	
SCOTT MICHAEL	108194	
WEST TEXAS UTILITIES CO	56438	
WEST TEXAS UTILITIES CO	52917	
WILLIAMS VERNON L & MARION K	49914	
WOLFE CHARLES L	971834	
YANDELL TIMOTHY	1015872	

Attachments

Application

PowerPoint Presentation

LOCATION MAP



ZONING AND EXISTING LAND USE MAP



Case # Z-2021-34
October 20, 2021

PROJECT OVERVIEW

Project Type: Zoning Application | **Project Title:** RS-6 to PH Rezoning

ID # 21-000140 | **Started** 09/14/2021 at 11:33 PM



Address

1633 Griffith Rd, Abilene,
TX USA 79601

Legal

Hbms Roppe Estates Lot
Lot 1
Hbms Roppe Estates, Lot
1, Acres 2.778

Property Info

Property ID: 971834

Description

Rezoning the property to PH for single family detached housing

INFORMATION FIELDS

Owner Name

Christopher Blake Howard

Agent Name

Jacob & Martin

Block

-

Lot

1

Acreage

-

Legal Description of property

Lot 1 HBMS Roppe Estates

Subdivision Name

-

Current Zoning

RS-6

Proposed Zoning

PH

Agree to Terms

Clayton Farrow

100' West Texas Utilities R/W
806/118 D.R.

100' West Texas Utilities R/W
806/118 D.R.

GRIFFITH ROAD
(50' R/W)

WILDLIFE TRAILS PARKWAY
(50' R/W)



Lot 1, Block L
GRIFFITH LAKE ESTATES
SECTION 1
Cabinet 4, Slide 366
Plat Records

FIELD NOTES
2.78 ACRES

BEING 2.78 acres and being all of Lot 1, HBMS ROPPE ESTATES, a subdivision of 3.854 acres out of Lot No. 7 of the subdivision of Section 32 and the east 1/2 of Section 31, Blind Asylum Lands, Taylor County, Texas, as shown by plat recorded in Cabinet 3, Slide 680, Plat Records, Taylor County, Texas, said 2.78 acres being more particularly described as follows:

BEGINNING at a 1/2" rebar found on the EBL of Griffith Road (50 foot right-of-way) at the northwest corner of Continuation No. 1, Wildlife Trails, as shown by plat recorded in Cabinet 2, Slide 328-C, Plat Records, Taylor County, Texas for the southwest corner of this tract;

THENCE N0°30'09"E 356.06 feet along the EBL of Griffith Road to a 1/2" rebar found at the northwest corner of said Lot 1 for the northwest corner of this tract;

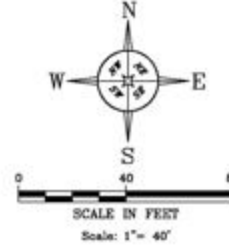
THENCE S89°27'58"E 338.66 feet to a 1/2" rebar found at the most northerly northeast corner of said Lot 1 for the most northerly northeast corner of this tract;

THENCE S32°13'38"E 26.69 feet to a 3/8" rebar found at the most easterly northeast corner of said Lot 1 for the most easterly northeast corner of this tract;

THENCE S6°35'38"E 209.68 feet to an aluminum monument found at the most easterly southeast corner of said Lot 1 for the most easterly southeast corner of this tract;

THENCE S53°41'49"W 209.29 feet to an aluminum monument found at the most southerly southeast corner of said Lot 1 and the northeast corner of said Continuation No. 1 for the most southerly southeast corner of this tract;

THENCE N89°29'09"W 211.42 feet along the NBL of said Continuation No. 1 and the SBL of said Lot 1 to the place of beginning and containing 2.78 acres of land.



Legend
 = Found 1/2" rebar
 = Found Aluminum Monument
 = Found 3/8" rebar
 () = Recorded Call
 U.E. = Utility Easement
 R/W = Right of Way
 S.W.D. = Southwestern Bell Telephone Company
 P.O.B. = Place of Beginning
 A.C. = Acres
 D.R. = Deed Records

ACREAGE TABLE		
BLOCK	LOT	ACRES
A	1	0.18
A	2	0.19
A	3	0.22
A	4	0.26
A	5	0.28
A	6	0.27
A	7	0.26
A	8	1.10

PLANNING COMMISSION
 THIS PLAT IS HEREBY APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF ABILENE, TEXAS, AND THE COUNTY CLERK IS HEREBY AUTHORIZED TO FILE SAID PLAT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 31A, VERNON'S ANNOTATED CIVIL STATUTES, AND ARTICLE 127B, PENAL CODE OF TEXAS, AS AMENDED.

PLANNING DIRECTOR
 FILED WITH PLANNING DIRECTOR, CITY OF ABILENE, TEXAS.

DATE _____ FILE NUMBER _____

CHAIRMAN
 SECRETARY
 PLANNING DIRECTOR

COUNTY CLERK
 I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON _____

DATE _____ FILE NUMBER _____

COUNTY CLERK _____ COUNTY TEXAS

DEPUTY _____

DIRECTOR OF PUBLIC WORKS
 THE SUBDIVISION FILED IN CONNECTION WITH THIS PLAT IS HEREBY APPROVED AND ALL STREETS, ALLEYS, AND PUBLIC AREAS SHOWN HEREON ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC BY THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF ABILENE, TEXAS.

DATE _____ DIRECTOR OF PUBLIC WORKS _____

OWNER'S CERTIFICATE AND DEDICATION
 THE UNDERSIGNED OWNERS OF THE HEREINAFTER DESCRIBED REAL PROPERTY HAVE CAUSE SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE SUBDIVIDED INTO BLOCKS, LOTS, STREETS, AND ALLEYS UNDER THE NAME OF _____

PALMETTO AT GRIFFITH LAKE
 a Subdivision of 2.78 acres out of the Southeast 1/4 of Section 33, Blind Asylum Lands, City of Abilene, Taylor County, Texas.

AS SHOWN ON THE ATTACHED PLAT AND DO HEREBY DEDICATE TO THE PUBLIC FOREVER FOR ALL PUBLIC PURPOSES THE STREETS, ALLEYS, LAKES, EASEMENTS, PARKS, AND OTHER PUBLIC LANDS SHOWN THEREON THE LANDS INCLUDED WITHIN SUCH PLAT OR SUBDIVISION ARE DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

"SEE FIELD NOTES SHOWN HEREON"

EXECUTED THIS _____ DAY OF _____ 20 _____

OWNER _____ OWNER _____

OWNER _____ OWNER _____

ACKNOWLEDGMENT
 THE STATE OF TEXAS :
 COUNTY OF _____
 BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED _____

KNOWN TO ME TO BE THE PERSON _____ WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT _____ EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ A.D. 20 _____

NOTARY PUBLIC _____ COUNTY TEXAS

THE STATE OF TEXAS :
 COUNTY OF _____
 BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED _____

KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF THE SAID _____

A CORPORATION, AND THAT HE EXECUTED THE SAME AS THE ACT OF SUCH CORPORATION FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ A.D. 20 _____

NOTARY PUBLIC _____ COUNTY TEXAS

GENERAL NOTES
 SHEET 1 OF 1 SHEETS _____ ACREAGE 2.78 acres
 SCALE 1" = 40' SMALLEST LOT 0.18 acres LARGEST LOT 1.10 acres
 LOT WIDTH MIN 50.84' MAX 50.87' LOT DEPTH MIN 156.56' MAX 238.19'

SURVEYOR CERTIFICATE AND PLAT DESCRIPTION
 CERTIFICATION :
 I HEREBY CERTIFY THAT THE PLAT SUBMITTED HERewith REPRESENTS A TRUE SURVEY MADE BY THE UNDERSIGNED OR UNDER MY SUPERVISION ON THE GROUND AND THAT PERMANENT MARKERS AND MONUMENTS HAVE BEEN SET AS INDICATED ON THE PLAT AND IN ACCORDANCE WITH THE "SUBDIVISION REGULATIONS" OF THE CITY OF ABILENE.

PLAT DESCRIPTION :

PRELIMINARY PLAT

PALMETTO AT GRIFFITH LAKE
 a Subdivision of 2.78 acres out of the Southeast 1/4 of Section 33, Blind Asylum Lands, City of Abilene, Taylor County, Texas.

"PRELIMINARY
 this document shall not be recorded
 for any purpose"

DATE _____ SIGNATURE _____
 James L. Wilcox, Jr., P.L.S. 5985
 REGISTERED PROFESSIONAL LAND SURVEYOR

PLAT PREPARATION DATE: _____

NOTE: This property lies partly within flood plain according to FEMA Flood Map No. 46441C0228F, having an effective date of 1/8/2012.

150-04-21 2:auto cad\A-SUBDIVISIONS\Palmetto at Griffith\Palmetto Preliminary

Owner: Christopher Blake Howard
 1633 Griffith Road
 Abilene, Texas 79601

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

[Planning] case #: Z-2021-34

1 message

'Kerry Burrow' via Planning Services <planning@abilenetx.gov>

Mon, Nov 1, 2021 at 2:17 PM

Reply-To: Kerry Burrow <yrryellow@yahoo.com>

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

I am opposed.

Name: Kerry Burrow

Addresss: [1641 Morrow Lane](#)

Thank you.

--

You received this message because you are subscribed to the Google Groups "Planning Services" group.

To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.

To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/1814218070.43273.1635794223507%40mail.yahoo.com>.

Case:	Z-2021-34
Owner:	Christopher Blake Howard
Agent:	Jacob & Martin, LLC
Request:	Rezone from a Single-Family Residential (RS-6) District to a Patio Home (PH) District
Location:	1633 Griffith Road
Notification:	0 in Favor, 1 Opposed
Planning & Zoning:	Approval, November 2, 2021

Z-2021-34 LOCATION MAP



Location Map

Legend

Z-2021-34

Z-2021-34 ZONING MAP



Permitted Uses in RS Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

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:

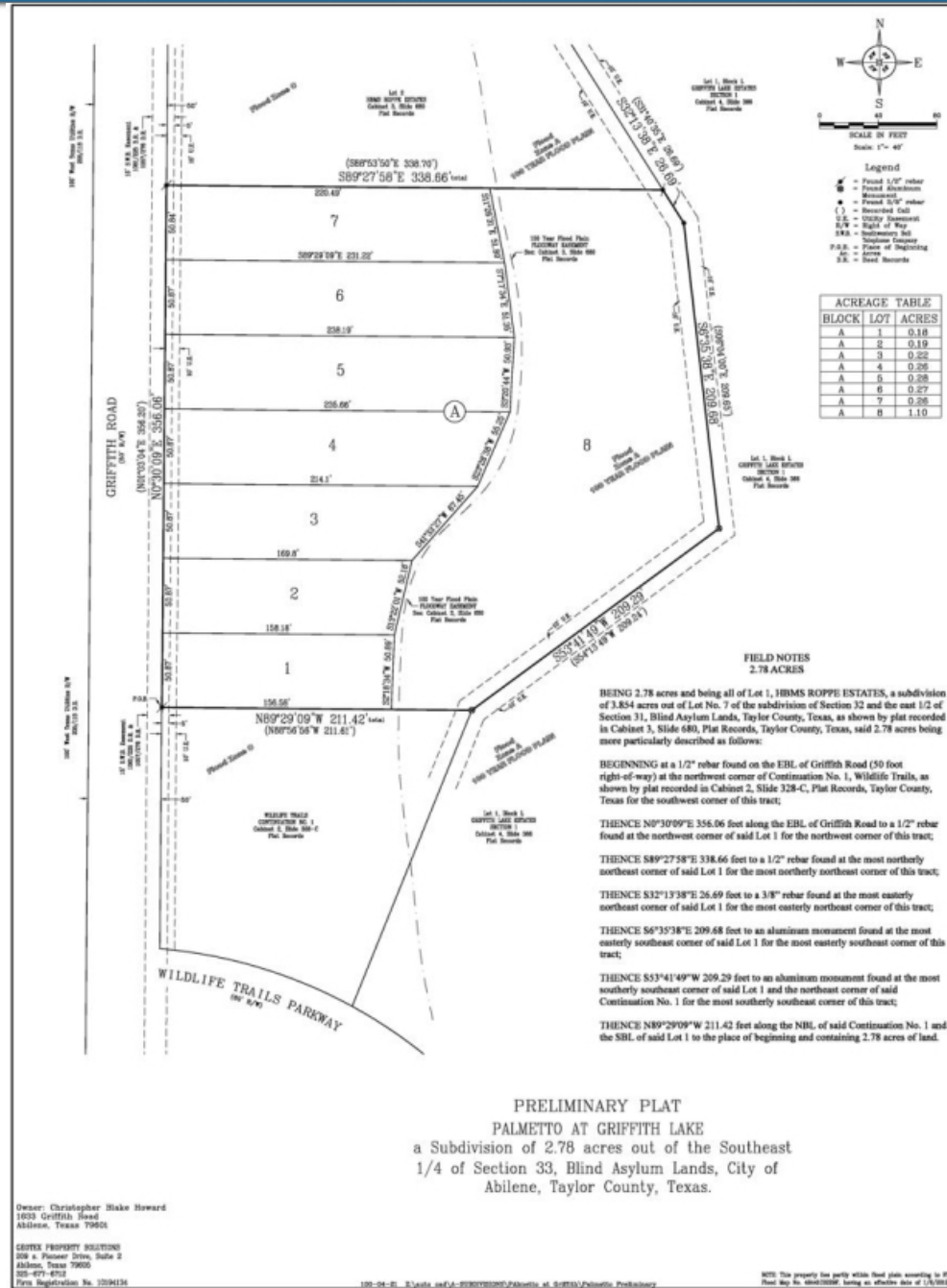
- P Petroleum or Gas Well
- P Urban Garden

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

Z-2021-34 Subdivision Exhibit



PLANNING COMMISSION THE PLAT OF _____, BEING _____, IN THE COUNTY OF _____, STATE OF _____, WAS PREPARED BY _____, A PROFESSIONAL LAND SURVEYOR, LICENSE NO. _____, AND WAS RECORDED IN BOOK _____, PAGE _____, OF THE PUBLIC RECORDS OF THE COUNTY OF _____, STATE OF _____, ON THIS _____ DAY OF _____, 20____. BY _____ CHAIRMAN ATTEST _____ SECRETARY BY _____ PLANNING DIRECTOR DIRECTOR OF PUBLIC WORKS THE ABOVE PLAT WAS PREPARED BY _____, A PROFESSIONAL LAND SURVEYOR, LICENSE NO. _____, AND WAS RECORDED IN BOOK _____, PAGE _____, OF THE PUBLIC RECORDS OF THE COUNTY OF _____, STATE OF _____, ON THIS _____ DAY OF _____, 20____. BY _____ DIRECTOR OF PUBLIC WORKS	PLANNING DIRECTOR DATE _____ TIME _____ FILE NUMBER _____ PLANNING DIRECTOR FEES COUNTY CLERK RECEIVED _____ FILED _____ DATE _____ FILE NUMBER _____ COUNTY CLERK COUNTY TAX DEPUTY _____
OWNER'S CERTIFICATE AND DECLARATION THE UNDERSIGNED _____, OF THE COUNTY OF _____, STATE OF _____, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WAS PREPARED BY _____, A PROFESSIONAL LAND SURVEYOR, LICENSE NO. _____, AND WAS RECORDED IN BOOK _____, PAGE _____, OF THE PUBLIC RECORDS OF THE COUNTY OF _____, STATE OF _____, ON THIS _____ DAY OF _____, 20____.	
PLANNED AT GARDEN LAKE a subdivision of 2.78 acres out of the Southeast 1/4 of Section 33, Blind Arroyo Land, City of Alhambra, Taylor County, Texas.	
"SEE FIELD NOTES SHOWN HEREON"	
EXECUTED THIS _____ DAY OF _____, 20____, AT _____, TEXAS. OWNER _____ OWNER _____ OWNER _____ OWNER _____	
ACKNOWLEDGMENT	
THE STATE OF TEXAS : COUNTY OF _____ BEFORE ME, _____, the undersigned authority in and for said county and state on this day personally appeared _____, whose name is subscribed to the foregoing instrument and acknowledged to me that he was the person and in the capacity therein expressed and he acknowledged to me that he executed the same for the purposes and consideration therein expressed and he acknowledged to me that he executed the same for the purposes and consideration therein expressed and he acknowledged to me that he executed the same for the purposes and consideration therein expressed. WHEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, A.D. 20____. NOTARY PUBLIC COUNTY TEXAS	
THE STATE OF TEXAS : COUNTY OF _____ BEFORE ME, _____, the undersigned authority in and for said county and state on this day personally appeared _____, whose name is subscribed to the foregoing instrument and acknowledged to me that he was the person and in the capacity therein expressed and he acknowledged to me that he executed the same for the purposes and consideration therein expressed and he acknowledged to me that he executed the same for the purposes and consideration therein expressed. WHEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, A.D. 20____. NOTARY PUBLIC COUNTY TEXAS	
GENERAL NOTES	
SHEET _____ OF _____ SHEETS _____ ACROSS 2.78 ACRES SCALE 1" = 40' ENCLOSURE OF 2.78 ACRES LARGEST LOT 1.18 ACRES LOT NORTH 34.50' EAST 30.00' LOT SOUTH 34.50' EAST 30.00'	
SURVEYOR CERTIFICATE AND PLAT DESCRIPTION I, _____, COUNTY CLERK OF THE COUNTY OF _____, STATE OF _____, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WAS PREPARED BY _____, A PROFESSIONAL LAND SURVEYOR, LICENSE NO. _____, AND WAS RECORDED IN BOOK _____, PAGE _____, OF THE PUBLIC RECORDS OF THE COUNTY OF _____, STATE OF _____, ON THIS _____ DAY OF _____, 20____. PLAT DESCRIPTION : _____	
PRELIMINARY PLAT PLANNED AT GARDEN LAKE a subdivision of 2.78 acres out of the Southeast 1/4 of Section 33, Blind Arroyo Land, City of Alhambra, Taylor County, Texas.	
"PRELIMINARY" This document shall not be recorded for any purpose.	
DATE _____ SIGNATURE _____ PLAT PREPARATION DATE: _____ James L. Williams, Jr. R.P.L.S. #4081 REGISTERED PROFESSIONAL LAND SURVEYOR	

Subject Property



**Neighboring
Property (north)**



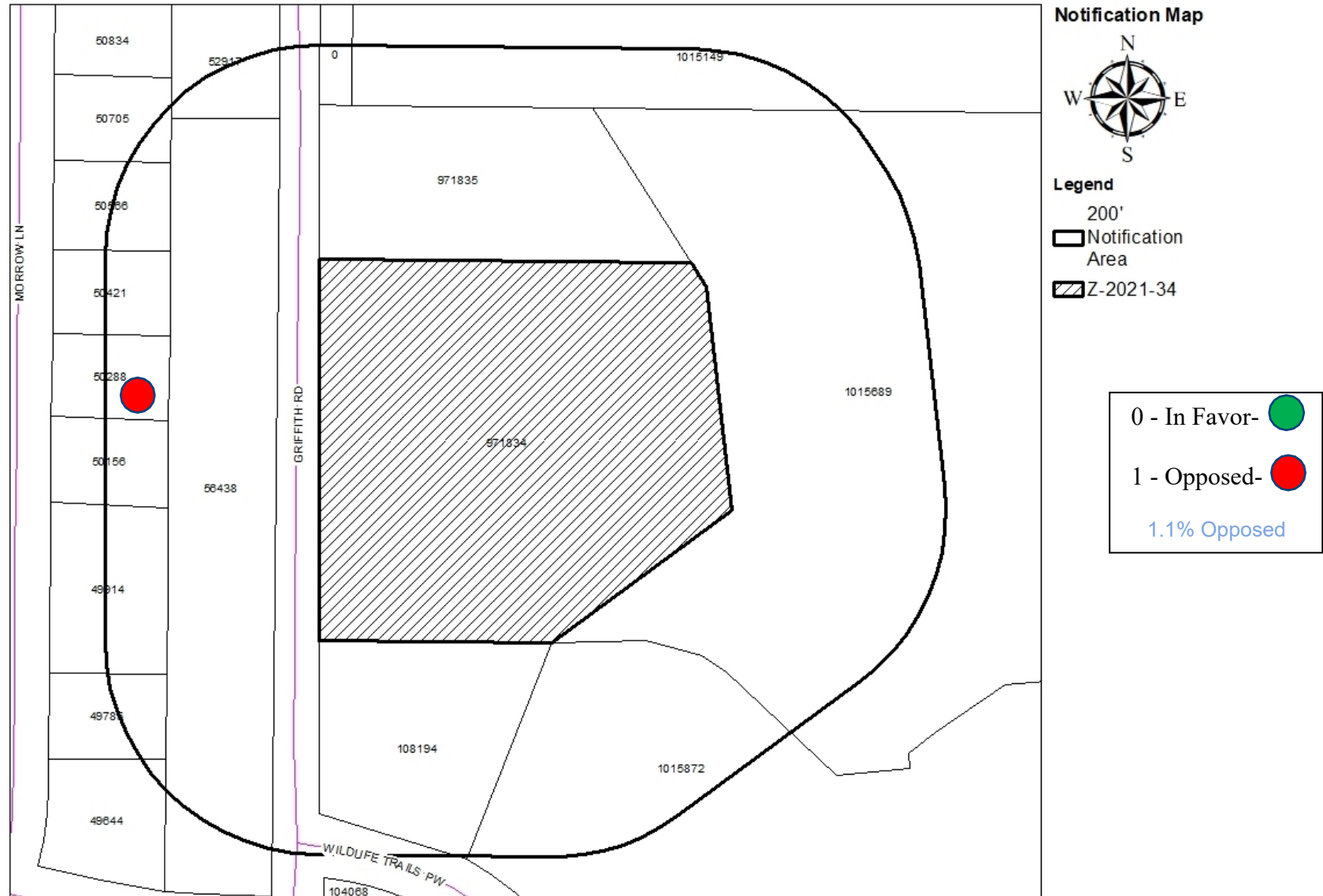
**Properties west of
Griffith Rd.**



**Neighboring
Property (south)**



Z-2021-34 NOTIFICATION AREA MAP



- Consistent with the *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: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **22. Ordinance (Final Reading) Z-2021-35: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From Broadview Baptist Church (Represented By Les Campbell) To Change Zoning From Residential Single-Family (RS-6) To A Neighborhood Retail (NR) District On 0.3271 Acre Of Land At 2414 South 27th Street In South Central Abilene. (Tim Littlejohn)**

GENERAL INFORMATION

Rezone from Residential Single Family (RS-6) District to Neighborhood Retail (NR) District.

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 6-0.

ATTACHMENTS:

1. Z-2021-35 draft ordinance

2. Z-2021-35 Council Staff Report
3. Z-2021-35 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 18th day of November, 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 16th day of October, 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 2nd day of December, 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 2nd day of December, 2021.

ATTEST:

CITY SECRETARY

MAYOR
APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from a Residential Single-Family (RS-6) District to a Neighborhood Retail (NR) District.

The Legal Description being the south 104-feet of the west 137-feet of Lot 4 in Block 1 of the Over Place Addition to Abilene, Taylor County, Texas.



Location: 2414 South 27th Street

-END-

ZONING CASE Z-2021-35

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: November 2, 2021

City Council 1st Reading: November 18, 2021

City Council 2nd Reading: December 2, 2021

Applicant

Owner: Broadview Baptist Church

Agent: Les Campbell

Request

Rezone from Residential Single Family (RS-6) District to Neighborhood Retail (NR) District

Location

2414 S. 27th Street

Background

The subject property was zoned Residential Single Family (RS-6) District in 1974. The subject property is a portion of lot 4 within Block 1 of the Over Place Addition. Broadview Baptist Church has owned the property since 2014. According to information included within the application, Broadview Baptist Church would like to rezone the subject property to attract buyers interested in a retail district.

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 RS-6 districts to the north, south, and west (Broadview Baptist Church). Several General Commercial (GC) Districts are located at the intersection of S. 27th St. and Buffalo Gap Rd.

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;

This subject property is represented on the Land use and Development Plan Map as single family along an Enhancement Corridor. The proposed zoning map amendment is not consistent with the map, however, enhancement corridors (arterials) are not intended to be surrounded by single-family residential districts.

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

It is the opinion of staff that the uses permitted by the proposed change in zoning classification would be appropriate in the immediate area and serve as an appropriate use buffer from the more intensive commercial districts to the east.

(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 the staff that no other factors are present that would substantially affect 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 October 22, 2021 (via certified mail) to the applicant and other property owners within a 200-foot radius of the subject property. These property owners and associated parcel identification numbers are identified in Table 1.

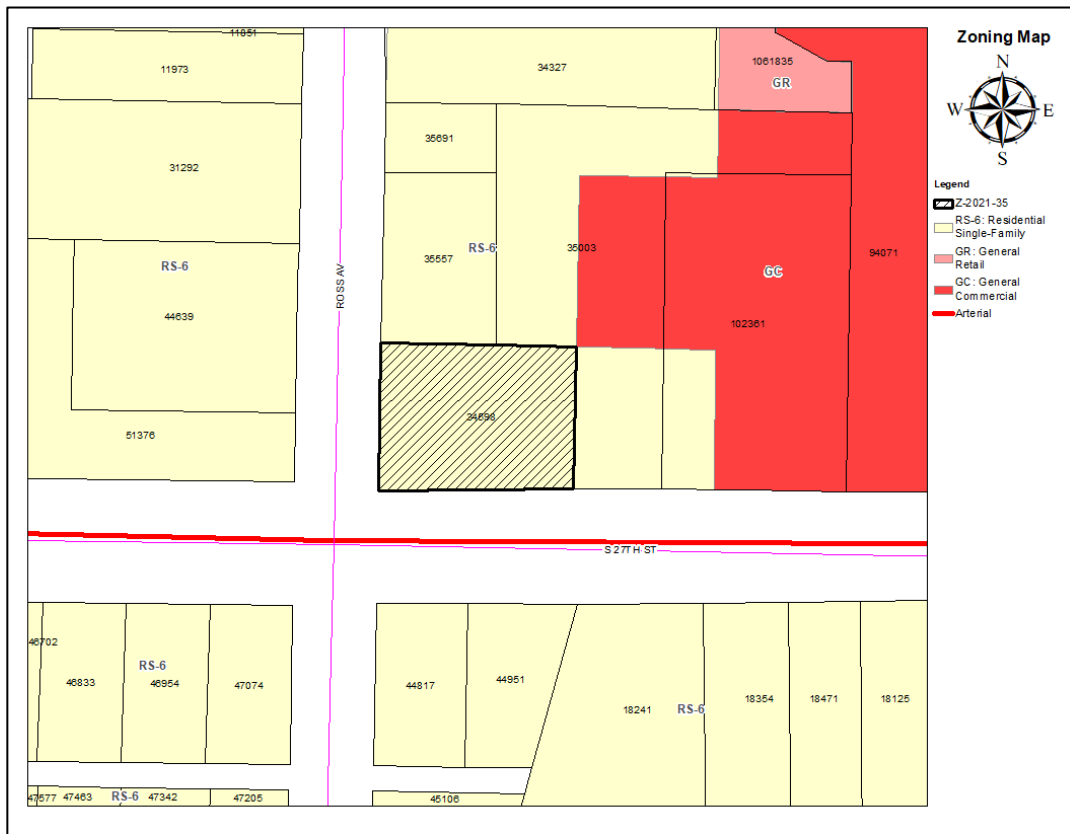
TABLE 1

Owner	Parcel ID	Situs	Response
ADKISSON RICHARD L & MARSHA A	34327	2541 ROSS AV	
BROADVIEW BAPTIST CHURCH	51376	2500 S 27TH ST	
BROADVIEW BAPTIST CHURCH	11973	2542 ROSS AV	
BROADVIEW BAPTIST CHURCH	31292	2602 ROSS AV	
BROADVIEW BAPTIST CHURCH	44639	2618 ROSS AV	
BROADVIEW BAPTIST CHURCH	34598	2414 S 27TH ST	
BROWN BOBBY	35557	2601 ROSS AV	
BROWN BOBBY	35691	2549 ROSS AV	
BRYAN BENNY DEAN JR	18241	2409 S 27TH ST	
CANTALINE NOAH EVAN	18354	2349 S 27TH ST	
HONG ANG	44951	2441 S 27TH ST	
LANDEROS JUAN	47074	2501 S 27TH ST	
LOPEZ DAVID S & MARIA DANIELA	46833	2517 S 27TH ST	
M7 REAL ESTATE INVESTMENTS LLC	18471	2341 S 27TH ST	
MESEY PATRICK JOHN & NICOLE ASHLEY	46954	2509 S 27TH ST	
O REILLY AUTO ENTERPRISES LLC	102361	2366 S 27TH ST	
RONDO PROPERTIES PTSH	35003		
SPIRIT MASTER FUNDING LLC	94071	2674 BUFFALO GAP RD	
TORRES BEATRIZ	44817	2449 S 27TH ST	
WESTERN BANK	1061835	2501 ROSS AV	

Attachments

- Application
- Land Development Code Information
- Over Place Subdivision Plat
- Future Land Use Map/Comp Plan Info

ZONING MAP



LOCATION MAP



Section 2.3.3.4 Neighborhood Retail (NR) District

(a) **Purpose.** The Neighborhood Retail (NR) District is intended to accommodate a limited range of retail trade, services and office activities that are needed to serve a neighborhood area. The level of intensity and scale of development permissible within the NR District are designed for compatibility with nearby residential uses. Many permitted uses within the NR District are, in fact, aimed toward meeting the day-to-day retail needs of nearby residents for food, pharmaceuticals, personal services, etc. The NR District development should occur at the intersections of collector streets with more major thoroughfares and other collector streets.

(b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5 [[Article 4](#)], [Division 2](#) of this [Chapter 2](#);
 - (2) Accessory uses as authorized in Article 5, Division 3 [[Article 4](#), [Division 4](#)] of this [Chapter 2](#).
 - (c) **Site Layout and Building Requirements.** All development within this district shall meet the minimum site layout and building requirements outlined in [Table 2-4](#).
 - (d) **Maximum Building Size.** The maximum building coverage of a structure or structures on a single lot shall not exceed 15,000 square feet.
 - (e) **Hours of Operation.** Except for uses permitted within a residential zoning district, no use shall operate before 6:00 a.m. nor after 11:00 p.m. on any day of the week.
 - (f) **Outside Display and Storage.** Refer to [Chapter 4](#), [Article 2](#), [Division 5](#) of this LDC for outside display and outside storage requirements.
 - (g) **Screening Required.** Refer to [Chapter 4](#), [Article 2](#), [Division 4](#) of this LDC for screening requirements.
 - (h) **Site Plan Required.** A Site Plan in accordance with [Chapter 4](#), [Article 1](#), Division 1 [[Division 2](#)] shall be required for all development, except single-family and two-family, within this NR District.
- (Ord. No. 8-2010, pt. 1 (Exh. A), 4-22-10)

20
OVER

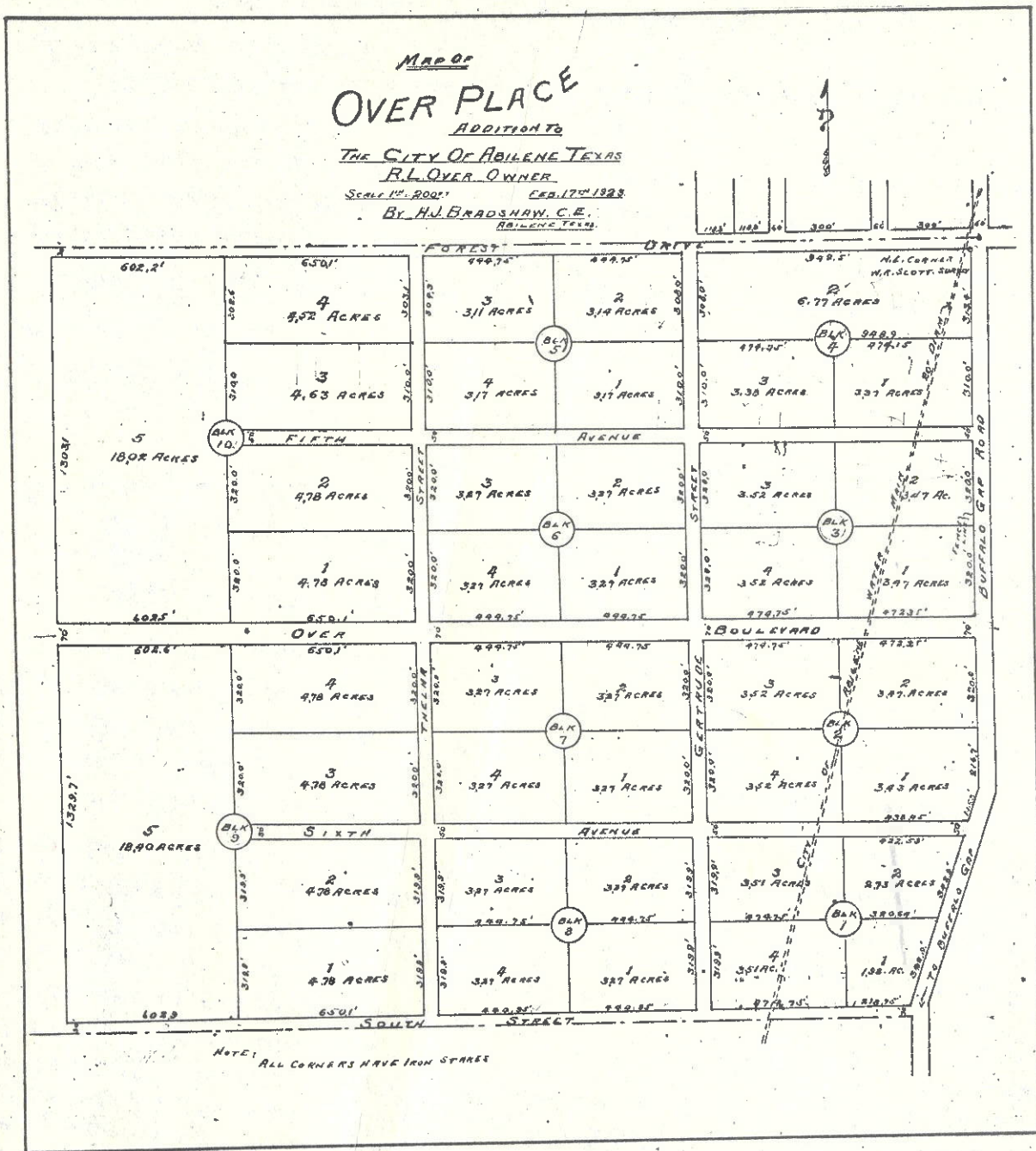
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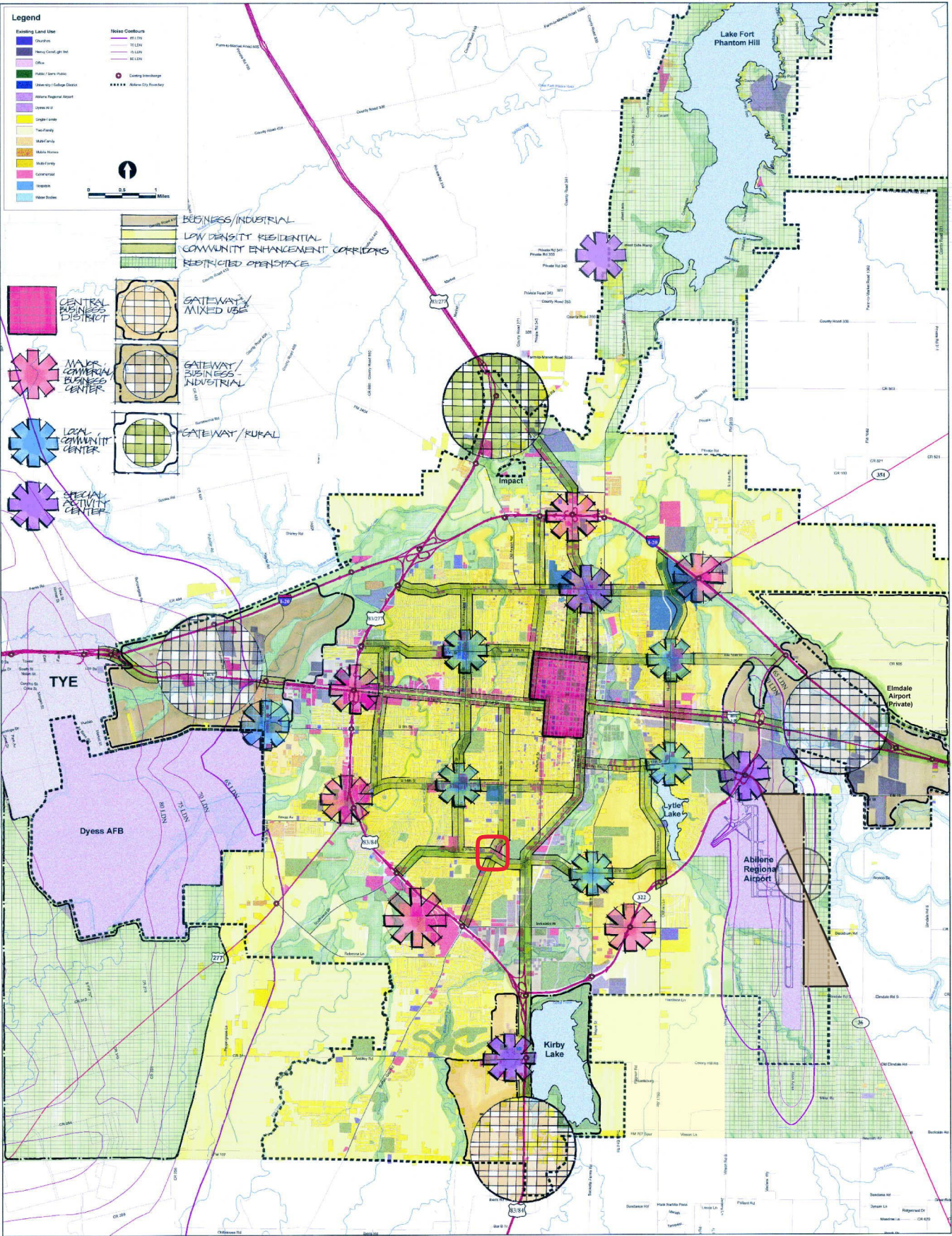
25

Filed February 21st 1923 at 2:30 PM



The State of Texas }
County of Taylor } Know All Men by These Presents:
That I, R. L. Over, of the County and State aforesaid, do hereby certify that the
above and foregoing plat is a true and correct plat of Over Place, the same being a part of
the W. P. Smith Survey No. 93, Abstract No. 247 Taylor County Texas, and the streets shown
on said map are hereby dedicated to the public use.
Witness my hand this the 20th day of February, A.D. 1923.
R. L. Over.

The State of Texas }
County of Taylor } Before me, the undersigned authority, a Notary Public, in and for Taylor
County, Texas, on this day personally appeared R. L. Over, known to me to be the
person whose name is subscribed to the foregoing instrument and acknowledged
that he executed the same for the purposes and consideration therein
Given under my hand and seal of office this the 20th day of February
A.D. 1923.
Record 2, O'clock 30 min P.M.
W. E. Brinkley County Clerk
Taylor County Texas
Jesse M. Leland
Notary Public, Taylor County, Texas
Resided March 7th 1923 at 10:00 O'clock A.M.
T. L. Number 7378





Community Enhancement Corridors

Discussion: Community Enhancement Corridors identified on the Land Use and Development Plan are key arterials that will unify the city, establish a sense of place, and provide enhanced physical and visual links between Activity Centers. Major connections between Activity Centers should be unique and memorable. They should accommodate vehicles, buses, pedestrians, and bicyclists in a safe and attractive street environment. Currently, many major corridors lack a cohesive and appealing streetscape impression to foster quality development. There are local examples of vibrant streetscapes that can serve as the foundation for future street improvements. For instance, the planted median along Sayles Boulevard, the railroad right-of-way between North and South and 1st Streets, and the street trees, lighting, and special paving found downtown are elements that make these corridors unique. The intent of designating Community Enhancement Corridors is to apply these and other urban design elements that make a few corridors unique today to a citywide system of enhanced corridors in the future.

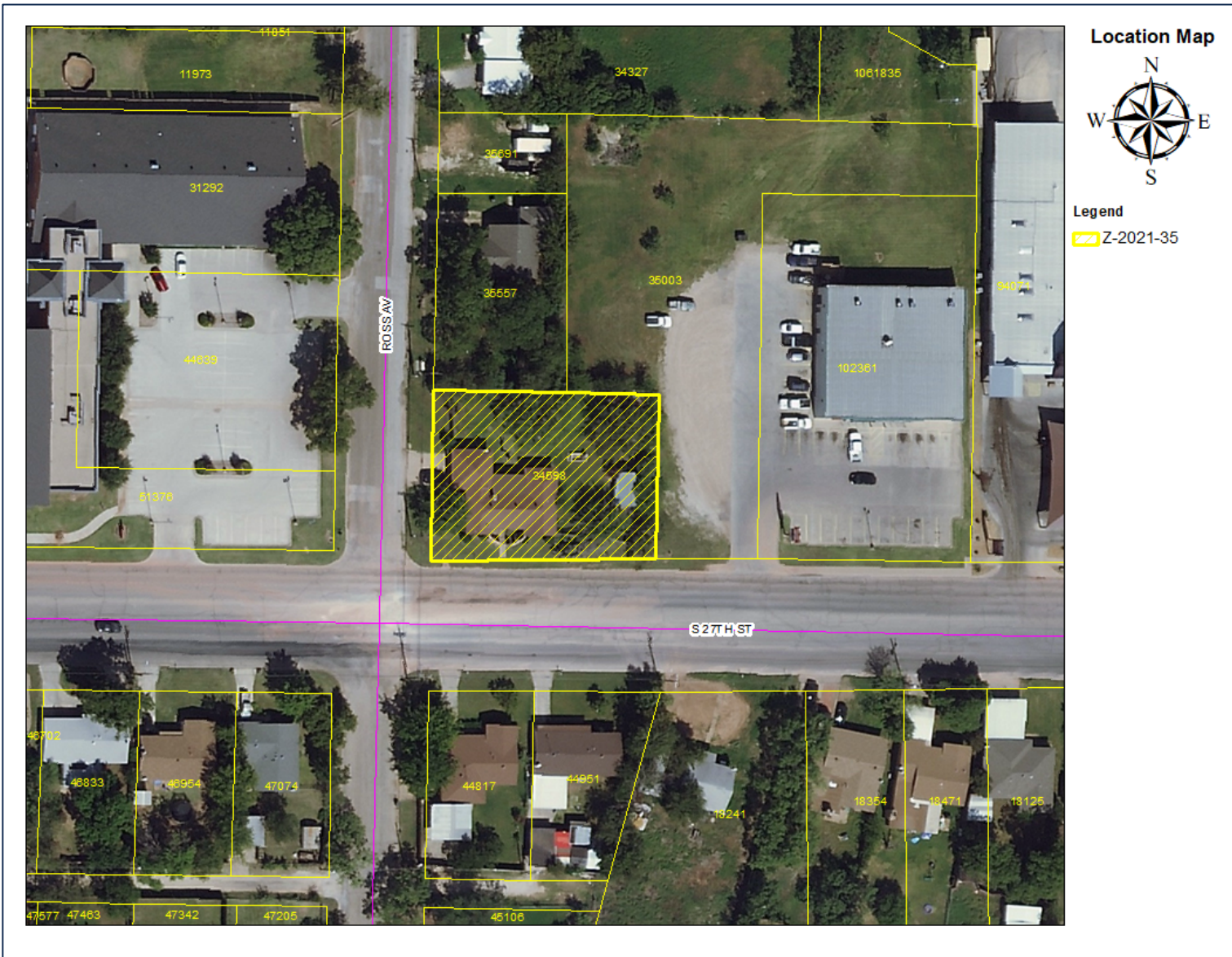
Many of the policies included in the Community Appearance Element of the Plan address guidelines for creating both functional and attractive corridors. For instance, the street environment for pedestrians can be improved by placing buildings closer to the street with detached sidewalks and attractive landscaping. Using the Community Appearance policies as a starting point, the City should establish criteria for each corridor that will create a distinctive visual character, while at the same time reflecting a cohesive citywide image.

- Strategy 32: Develop Community Enhancement Corridor plans to address the opportunities, constraints, and priorities for each corridor. Plans should include appropriate land use mixes, streetscape improvements, design guidelines, economic development strategies, and a corridor improvements program for capital expenditures.
- Strategy 33: Work with the business community along Community Enhancement Corridors to establish public/private partnerships and appropriate regulatory and/or financial incentives to revitalize private properties and make site improvements.
- Strategy 34: Use overlay zoning or other appropriate ordinances to apply consistent landscaping and signage standards to each corridor.
- Strategy 35: Designate additional Community Enhancement Corridors in appropriate locations through the Super Neighborhood planning process.

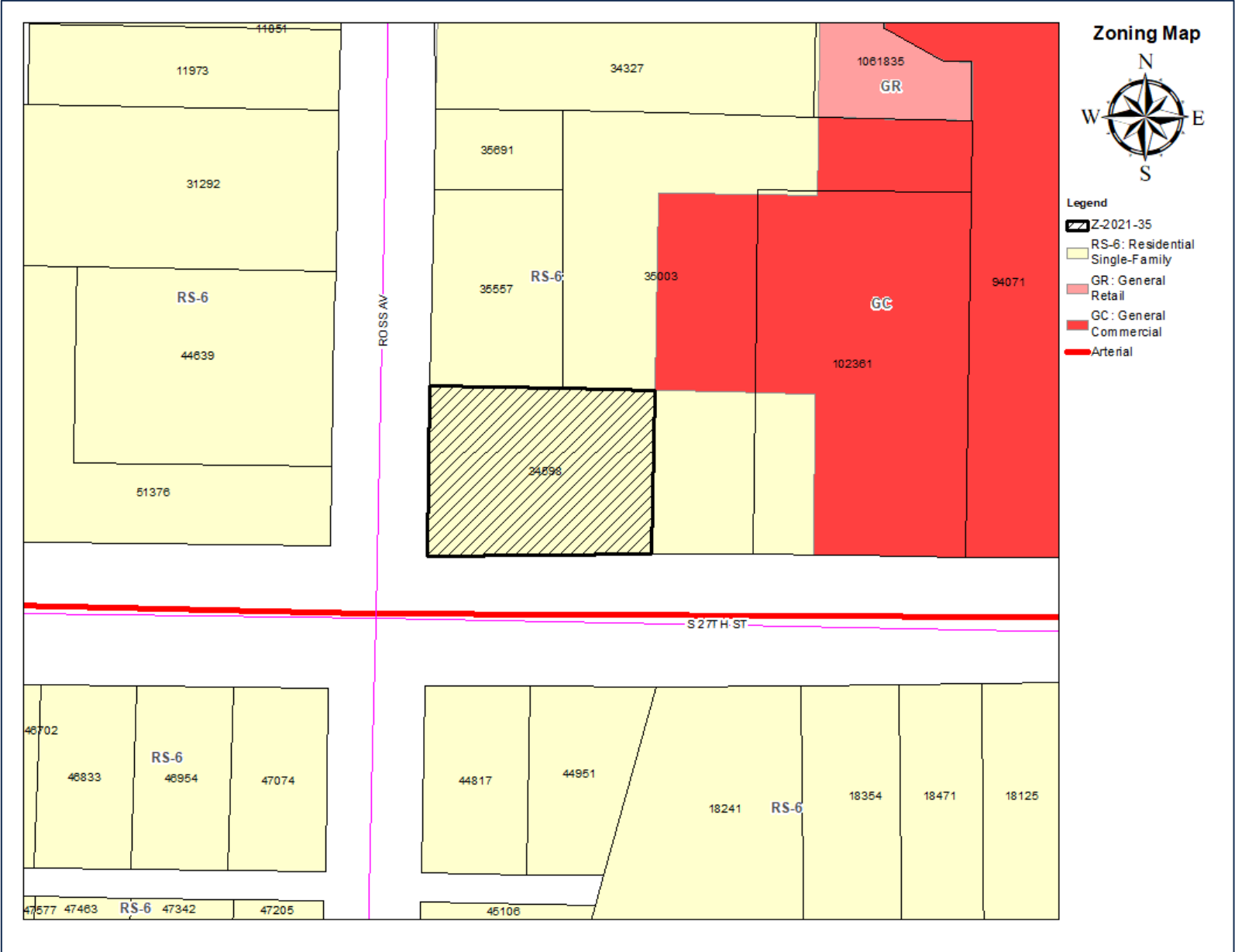


Case:	Z-2021-35
Owner:	Broadview Baptist Church
Agent:	Les Campbell
Request:	Rezone from a Single-Family Residential (RS-6) District to a Neighborhood Retail (NR) District
Location:	2414 S. 27 th Street
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	Approval, November 2, 2021

Z-2021-35 LOCATION MAP



Z-2021-35 ZONING MAP



Permitted Uses in RS Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

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RESOURCE PRODUCTION AND EXTRACTION USES:

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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

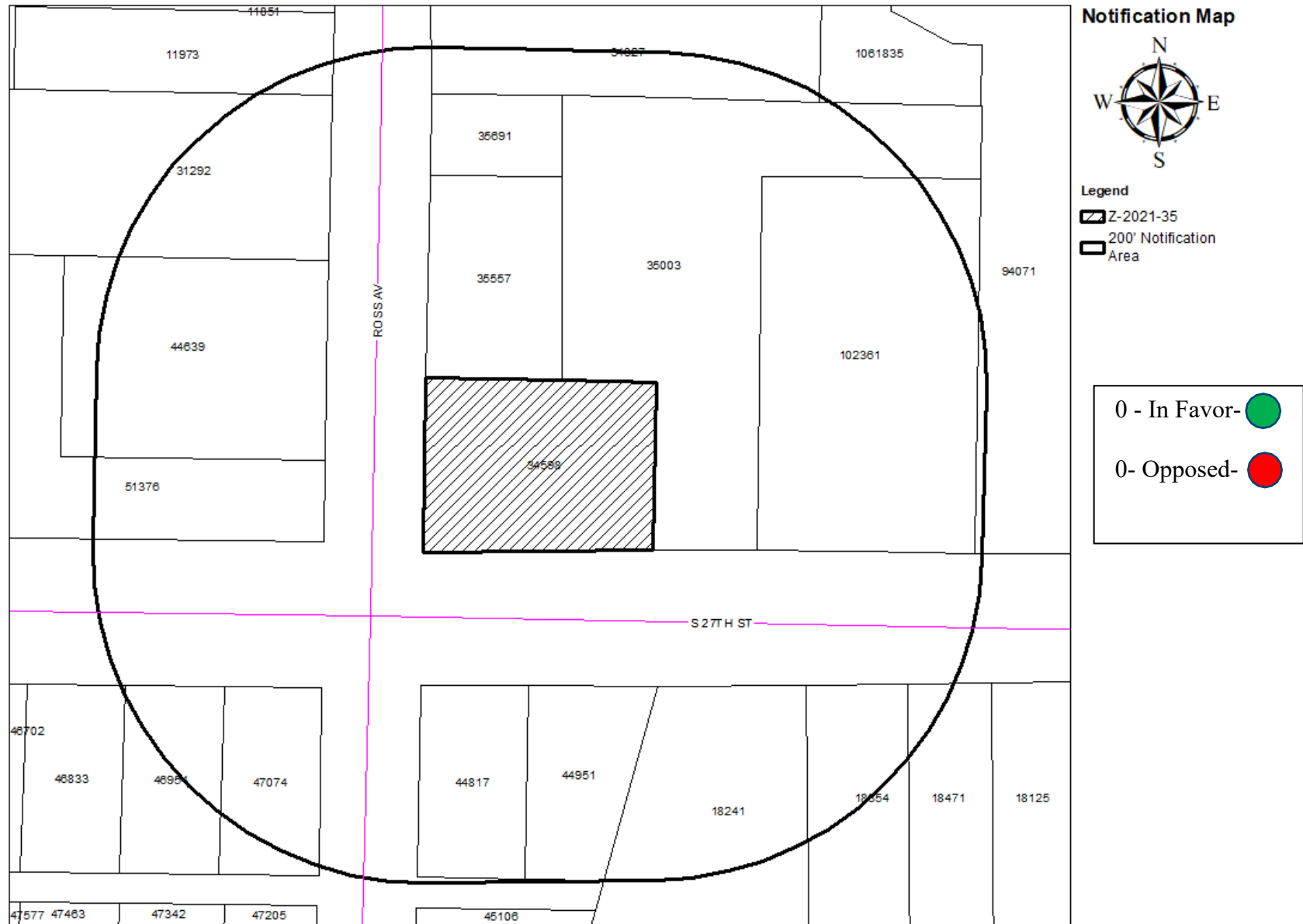
LEGEND

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



Z-2021-35 NOTIFICATION AREA MAP



- Consistent with the *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: 12/2/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **23. Ordinance (Final Reading) Z-2021-36: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From Abilene Majestic LLC (Represented By Jacob & Martin LLC) To Amend Terms And Conditions Of Planned Development District Number 77 (PD 77) Specifically As They Affect 1.98 Acre Of Now-Vacant Land At 3850 Catclaw Drive In South Abilene, Expanding The Range Of Allowed Uses There To Include (Minor) Repair And Maintenance Of Automobiles And Small Trucks. (Tim Littlejohn)**

GENERAL INFORMATION

Amend Planned Development District 77 (PDD 77) by adding “Oil Change” as a permitted use specifically for Lot 201, Block A, Pak Addition.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval with conditions.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2021-36 Draft Ordinance
2. Z-2021-36 Council Staff Report
3. Z-2021-36 Council presentation

ORDINANCE NO. _____

PAGE 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE AND CONCERNING PD-77, A PLANNED DEVELOPMENT DISTRICT, AND ORDINANCE NUMBER 38-2002; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That the Land Development Code of the City of Abilene is hereby amended by changing Ordinance Numbers 38-2002; specifically, as set out in Exhibit "A" attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING this 18th day of November, 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 16th day of October, 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 2nd day of December, 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 2nd day of December, 2021.

ATTEST:

Shawna Atkins,
City Secretary

Anthony Williams,
Mayor

APPROVED:

Stanley Smith,
City Attorney

PAGE 2

Exhibit "A"

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

- The use of land shall be restricted to the activities listed below. Specific uses may include home improvement-type businesses, professional offices, and neighborhood commercial-type uses.

- Automobile/small-truck Oil Change and supporting services



Page 354 of 395

ZONING CASE Z-2021-36

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: November 2, 2021

City Council 1st Reading: November 18, 2021

City Council 2nd Reading: December 2, 2021

Applicant

Owner: Abilene Majestic, LLC.

Agent: Jacob & Martin

Request

Amend Planned Development District 77 (PDD 77) by adding "Oil Change" as a permitted use specifically for Lot 201, Block A, Pak Addition.

Location

3950 Catclaw Drive

Background

This Planned Development District amendment requests incorporates one (1) lot; Lot 201 within Block A of The Pak Addition, City of Abilene, Taylor County, Texas (MRP-5716). This Planned Development District (PDD 77) was created in 2002 (38-2002) with amendments in 2005 (11-2005), 2011 (6-2011), and 2017 (11-2017 & 17-2017). The permitted uses for this entire PD are indicated in ordinance 38-2002, 11-2005, and 11-2017. There are no automotive related uses indicated as a permitted use within this entire PD district. The applicant is requesting this amendment to operate an automobile oil change business on this lot.

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 west, Planned Development District (PDD 141) to the north, and Multi-Family District (MF) 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;

This subject property and PDD is located within a Major Commercial/Business Activity Center. This specific land use center permits a mix of uses including automobile service stations. It is the opinion of staff that the proposed zoning map amendment will serve to implement the goals, objectives, and policies of the Comprehensive Plan and Future Land Use and Development Plan Map.

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

It is the opinion of staff that additional proposed permitted use will be appropriate with existing uses 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.

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

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

It is the opinion of the staff that that including oil change as a permitted use could affect the general welfare of the surrounding multi-family district to the west.

Staff Recommendation

Staff recommends approval with the following conditions:

- Alter the permitted use language to include "Automobile/small truck oil change."
- Add a limit to the hours of operation for the permitted use "automobile small/truck oil change" from 7:00 am to 7:00 pm C.S.T.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on October 22, 2021 (via certified mail) to the applicant and other property owners within a 200-foot radius of the subject property. These property owners and associated parcel identification numbers are identified in Table 1.

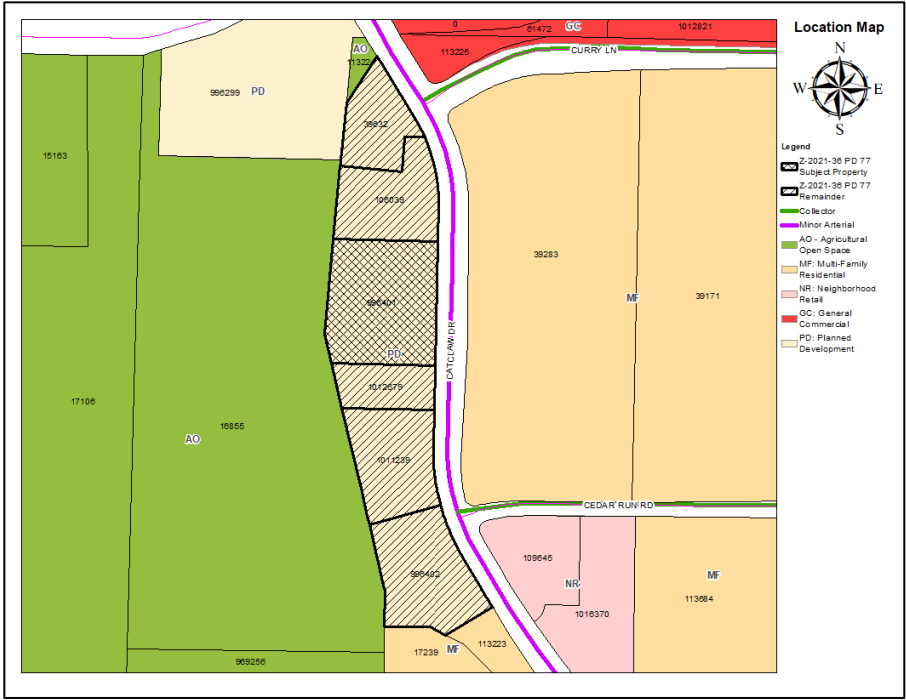
TABLE 1

Owner	Parcel ID	Situs	Response
ABILENE FEDERAL CREDIT UNION	1016370		
ABILENE FEDERAL CREDIT UNION	109645	4001 CATCLAW DR	
ABILENE MAJESTIC LLC SERIES F	996401	3850 CATCLAW DR	IN FAVOR
BELUZ PROPERTIES XII LTD	996299	4449 CURRY LN	
BRAZORIA SMITH LEASE LLC	39632	3726 CATCLAW DR	
CITY OF ABILENE	17239	4302 CATCLAW DR	
CRAWFORD DEBORAH J	61472	3548 CURRY LN	
EAMAS CURRY JUNCTION LLC	39283	3549 CURRY LN	
MORRISON & HALLMARK LP	16855	4491 CURRY LN	
MORRISON & HALLMARK LP	969256		
PAK HARRIS ENTERPRISES LTD	996402	4002 CATCLAW DR	IN FAVOR
PAK HARRIS ENTERPRISES LTD	1011239	3934 CATCLAW DR	IN FAVOR
RED ARMADILLO LTD	106039	3802 CATCLAW DR	OPPOSED
SHOPS AT ABILENE LP	969243	3701 CATCLAW DR	
TB HAWK LLC	1012679		
TLC PROPERTIES INC	113225		
TURNER B JACK &	113223		
TURNER B JACK &	113224		

Attachments

- Application
- Ordinance 38-2002
- Ordinance 11-2005
- Ordinance 6-2011
- Ordinance 11-2017
- Ordinance 17-2017
- MRP-5716
- Future Land Use Map & Comprehensive Plan Information

ZONING MAP



LOCATION MAP



PROJECT OVERVIEW

Project Type: Zoning Application | **Project Title:** PD 77 Amendment

ID # 21-000149 | **Started** 10/04/2021 at 11:17 AM



Address

3950 Catclaw Dr, Abilene,
TX USA 79606

Legal

Pak Addition Blk Block A
Lot Lot 101 Re
Pak Addn, Block A, Lot
201 Rep, Acres 1.98

Property Info

Property ID: 996401

Description

Amend the PD to add oil change as a use specifically for the tract located at Parcel ID# 996401

INFORMATION FIELDS

Owner Name

Abilene Majestic, LLC.

Agent Name

Jacob & Martin

Block

-

Lot

-

Acreage

-

Legal Description of property

PAK ADDN, BLOCK A, LOT 201 REP, ACRES 1.98

Subdivision Name

-

Current Zoning

PD-77

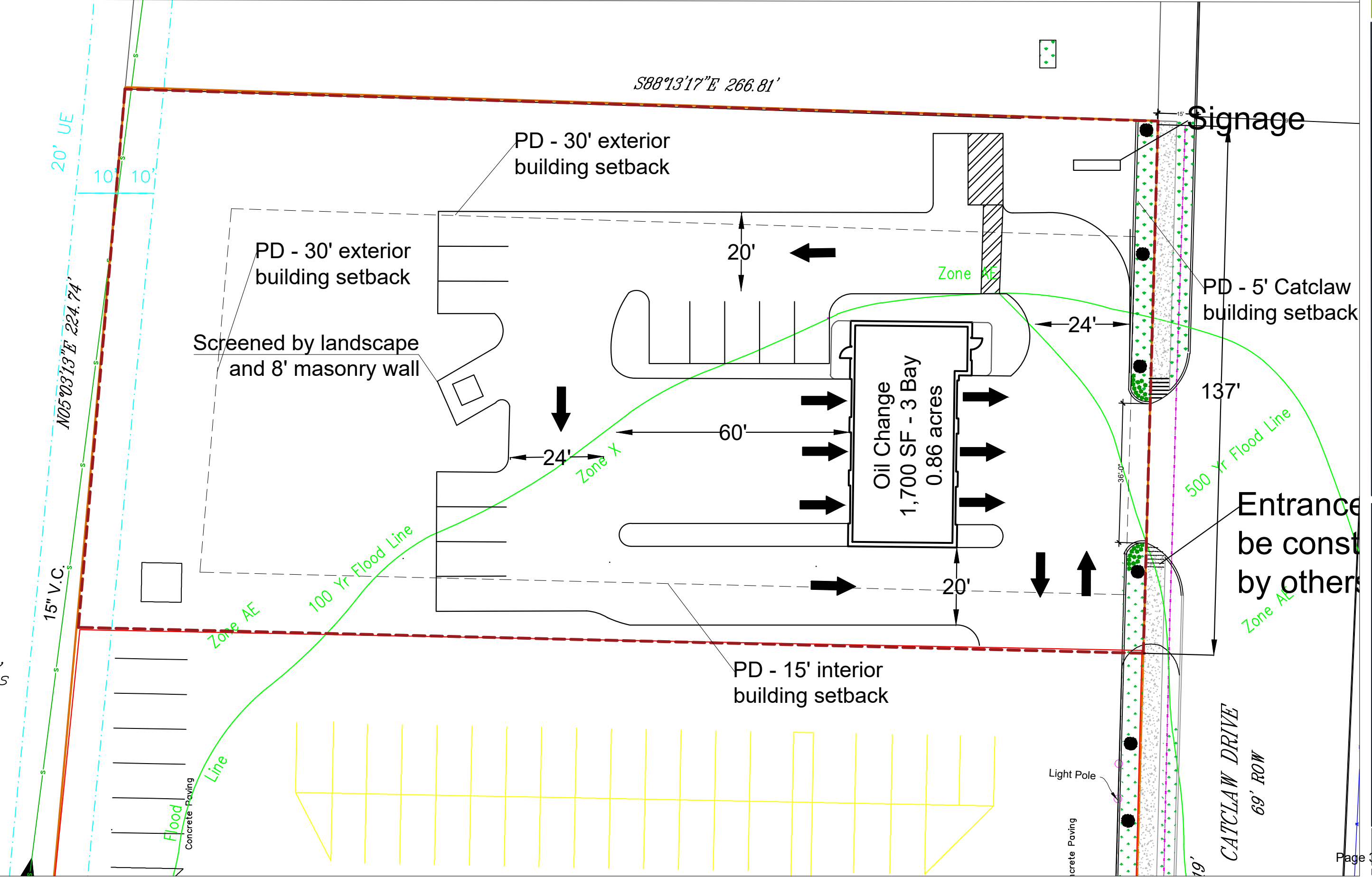
Proposed Zoning

PD-77

Agree to Terms

Clayton Farrow 10-4-2021

K Addition,
nty, Texas



From: Stephen Jackson redarmjeff@gmail.com
Subject: Zone request number Z-2021-36
Date: November 2, 2021 at 12:37 PM
To: planning@abilenetx.gov

My name is Dr. Jeff Jackson. I am the owner of the Red Armadillo, LTD which owns the land and improvements located at 3802 Catclaw Drive which is immediately north and adjoins the property subject to the rezoning request. I purchased my property in 2011 and built a contemporary medical facility know at that time as Dr J Express Care. This facility continues to operate as an urgent care office. Though I no longer own the medical practice, I still own the building and land through my family limited partnership.

I am in opposition to the proposed zoning change. There are no industrial or automotive businesses located in the circled area that the planning and development service mailed me. My opinion is that a professional business, restaurant, or retail commercial business, all of which are represented in the immediate area of this zoning request. I am concerned that an automotive business would adversely affect my property value, and be a poor fit for the developments that have occurred on this stretch of Catclaw Street.

As such, I submit my opposition to Zone request number Z-2021-36.

Yours truly,



S. Jeffery Jackson, M.D.
Owner of Red Armadillo, Ltd
Parcel ID: 106039
Address: 3802 Catclaw Drive

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

CASE #: Z-2021-36

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: RED ARMADILLO LTD
Parcel I.D.: 106039
Address: 3802 CATCLAW DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: _____

owner of Red Armadillo, Ltd

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

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



PLANNING & DEVELOPMENT SERVICES

ABILENE MAJESTIC LLC SERIES F
201 MESQUITE ST
ABILENE, TX 79601-6014

NOTICE OF PUBLIC HEARING

RE: ZONE CHANGE REQUEST NUMBER Z-2021-36

10/22/2021

The Planning and Zoning Commission will hold a public hearing on **November 2, 2021 at 1:30 PM**, in City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Abilene Majestic LLC (represented by Jacob & Martin LLC) to amend terms and conditions of Planned Development District Number 77 (PD 77) specifically as they affect 1.98 acre of now-vacant land at 3850 Catclaw Drive in south Abilene, expanding the range of allowed uses there to include (minor) repair and maintenance of automobiles and small trucks. Legal description of said 1.98 acre being all of Lot 201 in Block A of the PAK Addition to Abilene, Taylor County, Texas.

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

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for zone change request. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with public hearing on **December 2, 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 Nick Watts at telephone 325-437-4585 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-2021-36

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: ABILENE MAJESTIC LLC SERIES F

Parcel I.D.: 996401

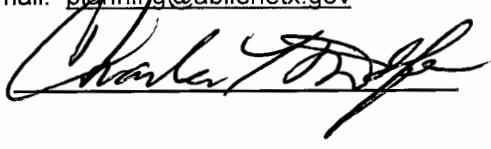
Address: 3850 CATCLAW DR

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments

I am opposed ☐

Signature: 



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

PAK HARRIS ENTERPRISES LTD
PO BOX 5615
ABILENE, TX 79608-5615

NOTICE OF PUBLIC HEARING

RE: ZONE CHANGE REQUEST NUMBER Z-2021-36

10/22/2021

The Planning and Zoning Commission will hold a public hearing on **November 2, 2021 at 1:30 PM**, in **City Council Chambers, 2nd Floor**, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Abilene Majestic LLC (represented by Jacob & Martin LLC) to amend terms and conditions of Planned Development District Number 77 (PD 77) specifically as they affect 1.98 acre of now-vacant land at 3850 Catclaw Drive in south Abilene, expanding the range of allowed uses there to include (minor) repair and maintenance of automobiles and small trucks. Legal description of said 1.98 acre being all of Lot 201 in Block A of the PAK Addition to Abilene, Taylor County, Texas.

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

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for zone change request. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with public hearing on **December 2, 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 Nick Watts at telephone 325-437-4585 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-2021-36

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: PAK HARRIS ENTERPRISES LTD

Parcel I.D.: 1011239

Address: 3934 CATCLAW DR

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

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: _____



PLANNING & DEVELOPMENT SERVICES

PAK HARRIS ENTERPRISES LTD
PO BOX 5615
ABILENE, TX 79608-5615

NOTICE OF PUBLIC HEARING

RE: ZONE CHANGE REQUEST NUMBER Z-2021-36

10/22/2021

The Planning and Zoning Commission will hold a public hearing on **November 2, 2021 at 1:30 PM**, in **City Council Chambers, 2nd Floor**, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Abilene Majestic LLC (represented by Jacob & Martin LLC) to amend terms and conditions of Planned Development District Number 77 (PD 77) specifically as they affect 1.98 acre of now-vacant land at 3850 Catclaw Drive in south Abilene, expanding the range of allowed uses there to include (minor) repair and maintenance of automobiles and small trucks. Legal description of said 1.98 acre being all of Lot 201 in Block A of the PAK Addition to Abilene, Taylor County, Texas.

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

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for zone change request. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with public hearing on **December 2, 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 Nick Watts at telephone 325-437-4585 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-2021-36

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: PAK HARRIS ENTERPRISES LTD
Parcel I.D.: 996402
Address: 4002 CATCLAW DR

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: _____

ORDINANCE NO. 38-2002

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-77 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING this 10 day of October A.D. 2002.

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 6 day of October, 2002, 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 24 day of October, 2002, 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 24 day of October, A.D. 2002.

ATTEST:

De Moore
CITY SECRETARY

Grady Bass
MAYOR

APPROVED:

Sharon L. Hicks
CITY ATTORNEY

ORDINANCE NO. 38-2002

Exhibit "A"

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

PART 2: Development Specifications. All development in the Planned Development District shall be in accordance with the maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development District must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

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

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From LC & RM-2 (Limited Commercial & Residential Multi-Family) District to PDD (Planned Development) District.

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

PART 5: Legal Description. The legal description of this P.D.D. is as follows:

BEING 6.967 acres of land out of Tract No. 2, a subdivision of the J. E. Sheppard Survey No. 96, Abilene, Taylor County, Texas, and being part of that certain 122.376 acre tract recorded in Volume 1093, Page 818, Deed records, Taylor County, Texas, and being described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod, found for the Northwest corner this tract same being the Southwest corner of Lot 1, Block A, Section 1, Continuation No 4, Curry Park Addition, Abilene, Taylor County, Texas, recorded in Plat Cabinet 7, Slide 666, Plat Records, Taylor County, Texas, from which the Northwest corner of said Tract No. 2 bears N 4°00'E 258.00 feet and the Northeast corner of the J. E. Sheppard Survey No. 96 by deeds bears N 4°00'E 258.00 and S 89°59'E 3555.20 feet;

THENCE S 89°59'E 207.81 feet to a 3/8" iron rod, found in a curve to the right on the West boundary line of Catclaw Drive for the Northeast corner this tract same being the Southeast corner of said Lot 1;

THENCE along said curve to the right having a radius of 387.89 feet, a partial delta of 26°23'43", on a chord bearing of S 13°10'52"E 177.12 feet, for an arc distance of 128.70 feet to a 3/8" iron rod, found for the P.T. of said curve;

THENCE S 0°01'E 612.93 feet (called 612.66 feet) to a 3/8" iron rod, found for the P.C. of a curve to the left;

THENCE along said curve to the left having a central angle of 32°00', a radius of 534.50 feet, on a chord bearing of S 16°00'10"E 294.66 feet, for an arc distance of 298.52 feet to a 3/8" iron rod, found for the P.T. of said curve;

THENCE S 31°59'02"E 93.38 feet (called 93.34 feet) to a 3/8" iron rod, found for the P.C. of a curve to the left;

THENCE along said curve to the left having a partial delta of 1°29'03", a radius of 2171.53 feet, on a chord bearing of S 32°44'E 56.25 feet for an arc distance of 56.26 feet;

THENCE S 58°00'32"W 139.57 feet along the Northwest line of a 0.0875 acre Easement Deed recorded in Volume 1977, Page 95, Official Public Records, Taylor County, Texas, to a point on the Northeast line of a 8.78 acre pond deed recorded in Volume 1789, Page 269, Official Public Records, Taylor County, Texas'

ORDINANCE NO. 38-2002

EXHIBIT "A"

Page 3

THENCE N 64°00'W 45.59 feet to a point for a corner of said 8.78 acre tract;

THENCE S 89°00'W 121.0 feet to a 3/8" iron rod and cap, set for the Northwest corner of said 8.78 acre tract on the West boundary line of said Tract No. 2;

THENCE N 1°00'W 86.00 feet to a 3/8" iron rod, found for a corner of said Tract 2;

THENCE N 14°30'W 648.61 feet to a 3/8" iron rod, found for a corner of said Tract 2;

THENCE N 4°00'E 508.59 feet to the POINT OF BEGINNING and containing 6.967 acres of land more or less.

Bearings based on the West boundary line of Catcalw Drive as Platted as N 0°01'E between 3/8" iron rods found.

Certified correct as surveyed on the ground September, 2002.

Location:

Catclaw Drive, between Curry Lane & Cedar Run, west side

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

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

The following regulations shall govern the use and development of the Planned Development District (PDD) for the two parcels of land located off Catclaw Drive, between Curry Lane and Cedar Run Drive.

a. Permitted Uses:

- The use of land shall be restricted to the activities listed below. Specific uses may include home improvement type businesses, professional offices, and neighborhood commercial-type uses.

Home Improvement Type Businesses:

- Plumbing Supply
- Appliance Repair
- Paint Supply
- Carpet
- Specialty Home Improvement
- Hardware Store
- Electrical Supplies
- Furniture stores/galleries

Professional Offices

- Including legal, medical, insurance, or financial offices.

Mixed-Use Strip Mall (Neighborhood Commercial)

- Video Shop
- Dry Cleaners
- Barber Shop/Salon
- Coffee Shop
- Golf Shop
- Bicycle Shop
- Photographic Services
- Printing

- Tailoring
- Shoe Shop
- Watch, Clock, Jewelry Repair/Sales
- Gifts, Novelties, Souvenirs
- Liquor store
- Pharmacy/Drugstore
- Convenience Store
- Specialty café/restaurant

b. Area, Height, Placement:

- Buildings shall be limited in height to 30 feet, excluding architectural exceptions generally allowed by the Zoning Ordinance of the City of Abilene.
- Due to floodway constraints and aesthetic concerns, the developer is encouraged to build parking in the rear of the proposed development. The building setbacks shall be determined in accordance to the placement of the parking. If parking is placed in the rear of the building, the front setback shall be a minimum of 5 feet from Catclaw Drive, and 30 feet on all other sides. If parking is placed in the front of the development, the front setback shall be a minimum of 30 feet from Catclaw Drive, and 30 feet on all other sides.

c. Landscaping:

- A landscaped area shall be extended along the streetside boundary, on private property. Landscaping shall mean the planting and maintenance of living materials such as grass, trees, shrubs, and/or flowers, etc. The landscaping shall include at least 6 trees, spaced at intervals that would allow for ultimate growth and health. Suitable planting materials are provided in the City of Abilene Zoning Ordinance. Required landscaping shall be installed in association with erection of buildings on said parcels, prior to occupancy of buildings.
- If the parking lot is located at the rear of the building, the landscaped area shall be a minimum of 5 feet in width. If the parking lot is established in the front of the building, the landscaped area shall be a minimum of 10 feet in width.

d. Signage:

- The location, size, type, and character of signs shall be regulated by the City of Abilene.
- No portable or billboard-type signs are allowed.
- Wall signs shall occupy no more than 20% of the wall they occupy.

- A large pole sign containing multiple business identification signs is encouraged. Individual pole signs advertising a business shall not exceed 40 square feet. If at least $\frac{3}{4}$ of the businesses locate their identification signs on one pole, the total square footage of the pole sign may be increased to 120 square feet, maximum.
- If a monument sign is erected and advertises a single business, it shall not exceed 60 square feet.
- If a monument sign is erected and advertises $\frac{3}{4}$ of the businesses located in the development, the square footage maximum shall be increased to 120 square feet.
- No signs shall extend into the public-right-of-way.
- Pole signs shall have a minimum grade clearance of 8 feet.

e. Access Control:

- The driveways shall be located so as to not interfere with traffic operations at other driveways or street intersections. Layout and location of all driveways is subject to the approval of the Traffic and Transportation Administrator.
- Two scenarios have been developed for driveway appearance and function:

Scenario 1:

If parking is located in the rear of the development, three driveways will be allowed. All driveways shall have a curbed landscaped island. The island shall be at least 20 feet long, and 8 to 14 feet wide. Plantings within the island shall consist of drought-tolerant flowering plants or shrubs. Examples of regional plants may be found in the City of Abilene Zoning Ordinance. These plants shall not exceed a mature height of 30 inches.

Scenario 2:

If parking is located in the front of the development, two driveways will be allowed. Curbed landscaped islands shall not be located within the driveways.

f. Storage:

- No outside storage is to be conducted on said property (including appliances, boxes of any sort, and storage containers).

g. Refuse:

- Refuse containers shall be located in the rear of the development. The containers shall be screened with a wood or masonry fence, of a minimum height of 8 feet, or shielded with a row of shrubs/hedges of a variety that would grow tall enough to hide the receptacle. The hedges must be a minimum of 4 feet in height when planted.

h. Development Schedule:

If a building permit is not obtained within 2 years, the Planning Director shall initiate rezoning to the previous designation.

-END-

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-77 AND ORDINANCE NO. 38-2002 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing Ordinance No. 38-2002, as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

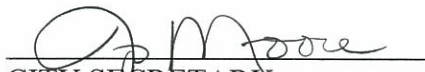
PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to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

PASSED ON FIRST READING this 10th day of March A.D. 2005.

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 16th day of March, 2005, 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 April, 2005, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 14th day of April, A.D. 2005.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

Exhibit "A"

1st Amendment to Ordinance No. 38-2002

PART 5: Legal Description:

ADD:

- The following .54 Acre tract shall be added to the existing PDD (PDD #77, Ordinance 38-2002): Curry Park Addition, Section 1, Block A, Lot 1, Continuation 4

PART 7: Specific Modifications

ADD: a. Permitted Uses: Mixed Use Strip Mall (Neighborhood Commercial)

- Variety Stores

DELETE: b. Area, Height, Placement:

- Due to floodway constraints and aesthetic concerns, the developer is encouraged to build parking in the rear of the proposed development. The building setbacks shall be determined in accordance to the placement of the parking. If parking is placed in the rear of the building, the front setback shall be a minimum of 5 feet from Catclaw Drive, and 30 feet on all other sides. If parking is placed in the front of the development, the front setback shall be a minimum of 30 feet from Catclaw Drive, and 30 feet on all other sides.

ADD: b. Area, Height, Placement:

- Due to floodway constraints and aesthetic concerns, the developer is encouraged to build parking in the rear of the proposed development. The building setbacks shall be determined in accordance to the placement of the parking. If parking is placed in the rear of the building, the front setback shall be a minimum of 5 feet from Catclaw Drive, 30 feet from exterior PDD boundaries, and 15 feet from interior PDD boundaries. If parking is placed in the front of the development, the front setback shall be a minimum of 30 feet from Catclaw Drive, 30 feet from exterior PDD boundaries, and 15 feet from interior PDD boundaries.

DELETE: c. Landscaping:

- A landscaped area shall be extended along the streetside boundary, on private property. Landscaping shall mean the planting and maintenance of living materials such as grass, trees, shrubs, and/or flowers, etc. The landscaping shall include at least 6 trees spaced at intervals that would allow for ultimate growth and health. Suitable planting materials are provided in the City of Abilene Zoning Ordinance. Required landscaping shall be installed in association with erection of buildings on said parcels, prior to occupancy of buildings.

ADD: c. Landscaping

- A landscaped area shall be extended along the streetside boundary, on private property. Landscaping shall mean the planting and maintenance of living materials such as grass, trees, shrubs, and/or flowers, etc. The landscaping shall include at least **24** trees spaced at intervals that would allow for ultimate growth and health. Trees shall consist of

minimum caliper of 3 inches at time of planting. Suitable planting materials are provided in the City of Abilene Zoning Ordinance. Required landscaping shall be installed in association with erection of buildings on said parcels, prior to occupancy of buildings.

- Xeriscape principles shall be utilized.

DELETE: d. Signage

- A large pole sign containing multiple business identification signs is encouraged. Individual pole signs advertising a business shall not exceed 40 square feet. If at least $\frac{3}{4}$ of the businesses locate their identification signs on one pole, the total square footage of the pole sign may be increased to 120 square feet, maximum.
- If a monument sign is erected and advertises $\frac{3}{4}$ of the businesses located in the development, the square footage maximum shall be increased to 120 square feet.
- Pole signs shall have a minimum grade clearance of 8 feet.

ADD: d. Signage

- A maximum of three monument-style group signs, not to exceed 8 feet in height and 96 square feet in area, shall be permitted within the area governed by the PDD.
- Monument signs shall consist of materials such as masonry, brick, etc.
- A maximum of one monument sign shall be permitted per platted lot.
- Additional low-lying landscaping shall be provided in the area at the base of the sign.
- Wall signage shall be limited to a maximum of 10% coverage of any wall.

ADD: Building Design: Massing and Scale

- Streetside exterior façades, facing Catclaw Drive, shall include architectural detail that acknowledges the length of the street and provide visual interest to both motorists and pedestrians:
 - Visual enhancements shall include architectural detail such as building offsets and variation in color, texture, and materials, which will serve to reduce the apparent mass of a large building

ADD: Sidewalks:

- A sidewalk of at least 5 feet in width shall be constructed along Catclaw Drive. Required sidewalks shall be installed in association with erection of buildings on said parcels, prior to occupancy of buildings.

ADD: Lighting:

- Lighting for driveways or other common areas shall be in accordance with the regulations stated in the City of Abilene Zoning Ordinance.
- All lighting shall be fully shielded and directed away from residential areas adjacent to the subject parcels.
- Decorative lighting shall be provided along the Catclaw Drive frontage.

-END-

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-77 AND ORDINANCE NO. 38-2002 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart B, known as the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 38-2002, as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING this 24th day of February, A.D. 2011.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 20th day of January, 2011, 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 10th day of March, 2011, 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 10th day of March, A.D. 2011.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

Exhibit 'A'

2nd Amendment to Ordinance No. 38-2002:

PART 7: Specific Modifications

DELETE: e. Access Control:

- Two scenarios have been developed for driveway appearance and function:

Scenario 1:

If parking is located in the rear of the development, three driveways will be allowed. All driveways shall have a curbed landscaped island. The island shall be at least 20 feet long, and 8 to 14 feet wide. Plantings within the island shall consist of drought-tolerant flowering plants or shrubs. Examples of regional plants may be found in the City of Abilene Zoning Ordinance. These plants shall not exceed a mature height of 30 inches.

Scenario 2:

If parking is located in the front of the development, two driveways will be allowed. Curbed landscaped islands shall not be located within the driveways.

ADD: e. Access Control:

- A total of six driveways will be allowed within the entire PD boundary. Driveways may or may not have a curbed landscaped island. If a landscaped island is provided, the island shall be at least 20 feet long, and 8 to 14 feet wide. Plantings within the island shall consist of drought-tolerant flowering plants or shrubs. Examples of regional plants may be found in the City of Abilene Zoning Ordinance. These plants shall not exceed a mature height of 30 inches.
- In no case shall there be more driveways than allowed by the City of Abilene Driveways and Access Management standards.

-END-

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-77 AND ORDINANCE NO. 38-2002 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart B, known as the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 38-2002, 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.

PASSED ON FIRST READING this 23rd day of March, A.D. 2017.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of February, 2017, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 13th day of April, 2017, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 13th day of April, A.D. 2017.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO. 11-2017
EXHIBIT "A"
PAGE 2

Exhibit 'A'

3rd Amendment to Ordinance No. 38-2002:

PART 5: Legal Description:

Lot 1, Block A, PAK Addition. Being a parcel of 3.652 acres in size. Located at 3934 and 3950 Catclaw Drive.

ADD:

PART 7: Specific Modifications

ADD: a. Permitted Uses: Mixed Use Strip Mall (Neighborhood Retail)

- Indoor Recreation (Active)

-END-

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL 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 23, part known as 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.

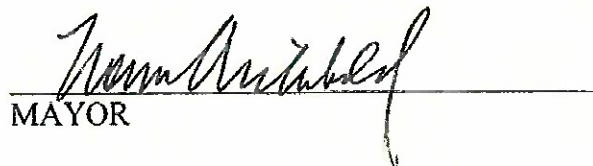
PASSED ON FIRST READING this 25th day of May, A.D. 2017.

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 14th day of April, 2017, 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 08th day of June, 2017 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 08th day of June, A.D. 2017.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

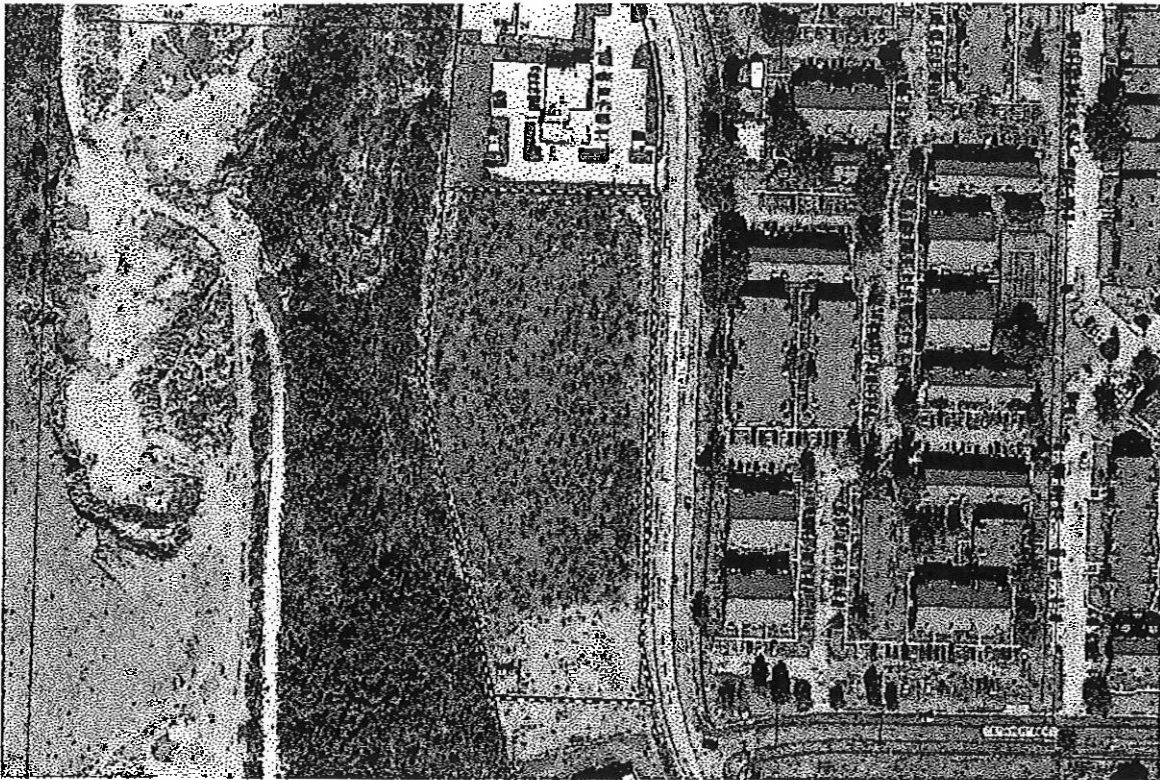

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Amend the terms and conditions of PD77 (Planned Development 77) to allow for increased hours of operation for Indoor Recreation use on Lot 1, Block A, PAK Addition, from 6 am-11pm to 5 am-11 pm.

Legal Description: Lot 1, Block A, PAK Addition.

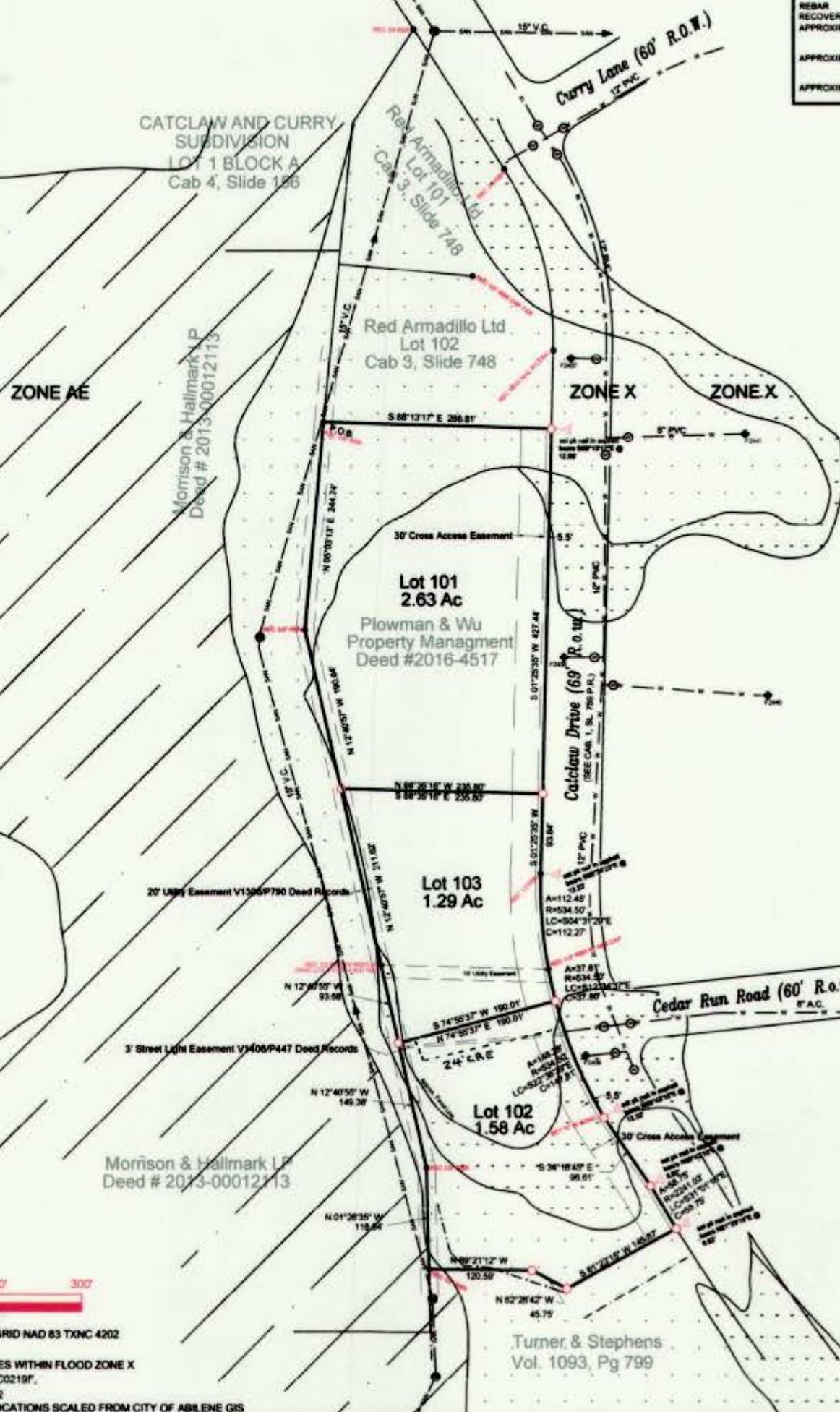


Location: 3934 and 3950 Catclaw Drive.

-END-

LOTS 101-103, BLOCK A, BEING A REPLAT OF LOTS 1 & 2, BLOCK A, PAK ADDITION, CITY OF ABILENE, TAYLOR COUNTY, TEXAS. AS RECORDED IN CAB 4 SLIDE 162 PLAT RECORDS

LEGEND:	
BOUNDARY LINE	---
FENCE	---
SANITARY SEWER	---
WATER LINE	---
WATER VALVE	○
SANITARY SEWER MANHOLE	○
FIRE HYDRANT	○
SET 12" RBR WITH CAP MKD	○
"SHEPPARD 3597" (unless otherwise noted)	○
SET PK NAIL FOR REFERENCE	△
REBAR	---
RECOVERED	---
APPROXIMATE FLOODWAY AREA	---
APPROXIMATE 1% CHANCE FLOODPLAIN AREA	---
APPROXIMATE 0.2% CHANCE FLOODPLAIN AREA	---



PLANNING COMMISSION THIS PLAT IS HEREBY APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF ABILENE, TEXAS AND THE COUNTY CLERK IS HEREBY AUTHORIZED TO FILE SAID PLAT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 97A, VERNON'S ANNOTATED CIVIL STATUTES, AND ARTICLE 5236, PENAL CODE OF TEXAS, AS AMENDED. DATE: 11-15-16 ATTEST: [Signature] DATE: 11-15-16 PLANNING DIRECTOR: [Signature]	PLANNING DIRECTOR FILED WITH PLANNING DIRECTOR, CITY OF ABILENE, TEXAS. 11-15-16 MRP-5716 DATE FILE NUMBER [Signature] PLANNING DIRECTOR FEES COUNTY CLERK I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON 11/21/16 2016-000181098 DATE FILE NUMBER [Signature] COUNTY CLERK [Signature] DEPUTY
---	---

OWNER'S CERTIFICATE AND DEDICATION

THE UNDERSIGNED OWNER(S) OF THE HEREINAFTER DESCRIBED REAL PROPERTY HAVE CAUSED SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE SUBDIVIDED INTO BLOCKS, LOTS, STREETS AND ALLEYS UNDER THE NAME OF LOTS 101-103, BLOCK A, BEING A REPLAT OF LOTS 1 & 2, BLOCK A, PAK ADDITION, CITY OF ABILENE, TAYLOR COUNTY, TEXAS.

AS SHOWN ON THE ATTACHED PLAT AND DO HEREBY DEDICATE TO THE PUBLIC FOREVER FOR ALL PUBLIC PURPOSES THE STREETS, ALLEYS, LAKES, EASEMENTS, PARKS AND OTHER PUBLIC LANDS SHOWN THEREON. THE LANDS INCLUDED WITHIN SUCH PLAT OR SUBDIVISION ARE DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

SEE ATTACHED FIELD NOTES

EXECUTED THIS THE 31 DAY OF October 2016

[Signature]
Mark Plowman
Plowman & Wu Property Mgmt. LLC

EXECUTED THIS THE 2ND DAY OF NOVEMBER 2016

[Signature]
Bobbie Lee Wolfe
Pak Harris Enterprises, LTD

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF TAYLOR:

BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED Bobbie Lee Wolfe

KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF THE SAID Pak Harris Enterprises, LTD

A CORPORATION, AND THAT HE EXECUTED THE SAME AS THE ACT OF SUCH CORPORATION FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED

GIVEN UNDER MY HAND AND SEAL OF OFFICE

THIS THE 31 DAY OF October A.D. 2016

NOTARY PUBLIC

JOSHUA JOHNSON
Notary Public, State of Texas
Notary ID #13038762-3
My Commission Expires 09-29-2019
COUNTY OF TAYLOR:

BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED Mark Plowman

KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF THE SAID Plowman & Wu Property Mgmt. LLC

A CORPORATION, AND THAT HE EXECUTED THE SAME AS THE ACT OF SUCH CORPORATION FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED

GIVEN UNDER MY HAND AND SEAL OF OFFICE

THIS THE 2nd DAY OF November A.D. 2016

HEATHER DAVIS
Notary Public, State of Texas
NOTARY ID # 12461925-2
By Commission Exp 06-29-21
COUNTY TEXAS

GENERAL NOTES

SHEET 1 of 1 SHEETS 239479 sq ft ACREAGE 5.5 Acres

SCALE 1" = 100' SMALLEST LOT 56034 sq ft LARGEST LOT 114728 sq ft

LOT WIDTH MIN MAX LOT DEPTH MIN MAX

SURVEYOR CERTIFICATE AND PLAT DESCRIPTION

CERTIFICATION

I HEREBY CERTIFY THAT THE PLAT SUBMITTED HEREWITH REPRESENTS A TRUE SURVEY MADE BY THE UNDERSIGNED OR UNDER MY SUPERVISION ON THE GROUND AND THAT PERMANENT MARKERS AND MONUMENTS HAVE BEEN SET AS INDICATED ON THE PLAT AND IN ACCORDANCE WITH THE "SUBDIVISION REGULATIONS" OF TAYLOR COUNTY, TEXAS.

LOTS 101-103, BLOCK A, BEING A REPLAT OF LOTS 1 & 2, BLOCK A, PAK ADDITION, CITY OF ABILENE, TAYLOR COUNTY, TEXAS.

PLAT DESCRIPTION: 10-27-2016 DATE

[Signature]
REGISTERED PROFESSIONAL LAND SURVEYOR

SURVEYOR:
Maxey Sheppard
Sheppard Surveying Co., Inc.
1013 Energy Drive
Abilene, Texas 79602
325-695-6277

OWNER:
Pak Harris Enterprises LTD
PO Box 5615
Abilene, Texas 79608

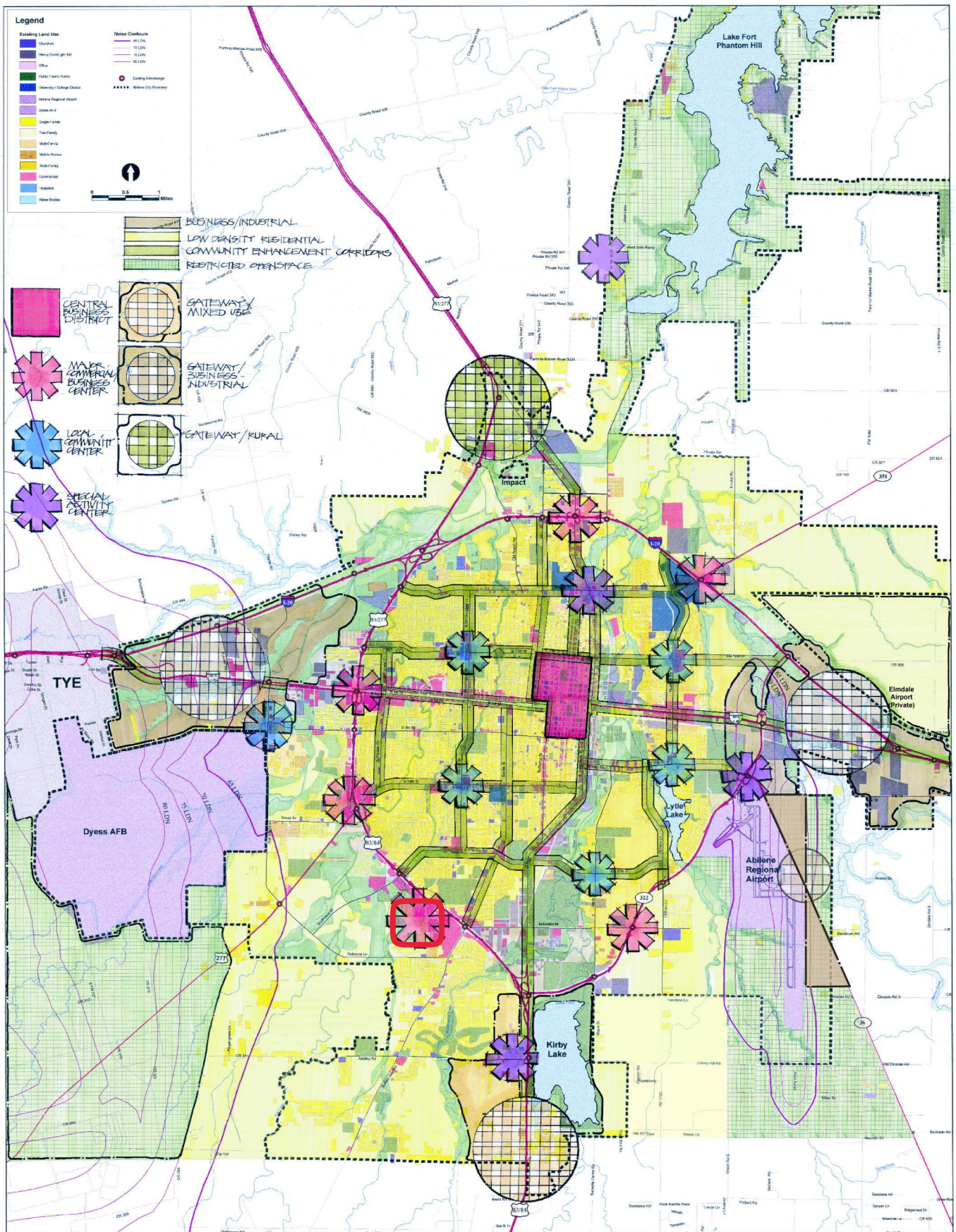
SHEPPARD SURVEYING



BEARINGS AND DISTANCES ARE GRID NAD 83 TXNCR 4202 BASED UPON RTK NETWORK

A PORTION OF THIS PROPERTY LIES WITHIN FLOOD ZONE X AS PER FIRM MAP NUMBER 45411C0219F, EFFECTIVE DATE JANUARY 6, 2012

NOTE: SEWER AND WATERLINE LOCATIONS SCALED FROM CITY OF ABILENE GIS



Future Land Use and Development Plan

LAND USE AND DEVELOPMENT

Major Commercial/Business Activity Center

Discussion: Major Commercial/Business Activity Centers have a similar mix of uses and features as Local Activity Centers but at higher concentrations since its market area is the entire Abilene region. The business component should include primarily non-service related jobs. By combining commercial and employment uses, residents and employees can access mutually supportive activities in a single, integrated regional destination. Business services, hotels, convenience retail, daycare, restaurants, and multifamily housing will all provide convenient services for employees. Major Commercial/Business Activity Centers should include a range of mixed uses from major shopping centers, like the Mall of Abilene, to a corporate headquarters. The centers should have good external access from the Interstate and/or highways that connect to an internal circulation system of local streets, pedestrian walkways, and parking areas. (See Figure 7)

Strategy 26: Use the following planning guidelines to develop Major Commercial/Business Centers:

Purpose:

Provide the highest level of commercial, service, and employment concentration outside of the downtown.

Market Radius:

Community-wide

Market Population:

30,000 +

Site Area:

Approximately 60 acres +



LAND USE AND DEVELOPMENT

Local Activity Center

Discussion: Local Activity Centers contain a mix of shopping, employment, entertainment, and civic uses for a number of surrounding neighborhoods. They are created around neighborhood planning concepts, but the size and scale of uses, such as schools, parks, and shopping facilities have evolved to larger forms because they serve more than one neighborhood. A Local Activity Center could contain a large supermarket, chain retail/discount store, specialty shops, service stations, large churches, a community park, mid-size offices, and a middle school. Local Activity Centers should be surrounded by higher-density housing, with residential intensities decreasing closer to single-family areas. Because Local Activity Centers serve multiple neighborhoods, they should be designed to balance automobile access with pedestrian access and circulation, as well as good transit connections to and from the surrounding neighborhoods. The intent of a Local Activity Center is for residents to be able to park once and walk between several destinations within the Center. (See Figure 6)

All of the Local Activity Centers identified on the Land Use and Development Plan are designated within the urbanized area to help shape the city's form. The network of Local Activity Centers, linked by Enhancement Corridors, will help strengthen the identity of the central city, reduce service costs, and ultimately bring more jobs closer to residences. In addition, many of the Local Activity Centers are significant redevelopment opportunities. New development in these areas will require that the City remove regulatory barriers that may exist and target public investments to create developer interest at these sites.

Strategy 25: Use the following planning guidelines to develop Local Activity Centers:

Purpose:

Provide a higher concentration and greater variety of activity for several neighborhoods, including a mix of commercial, employment, entertainment, housing, and civic services.

Market Radius:

3 - 4 miles driving distance

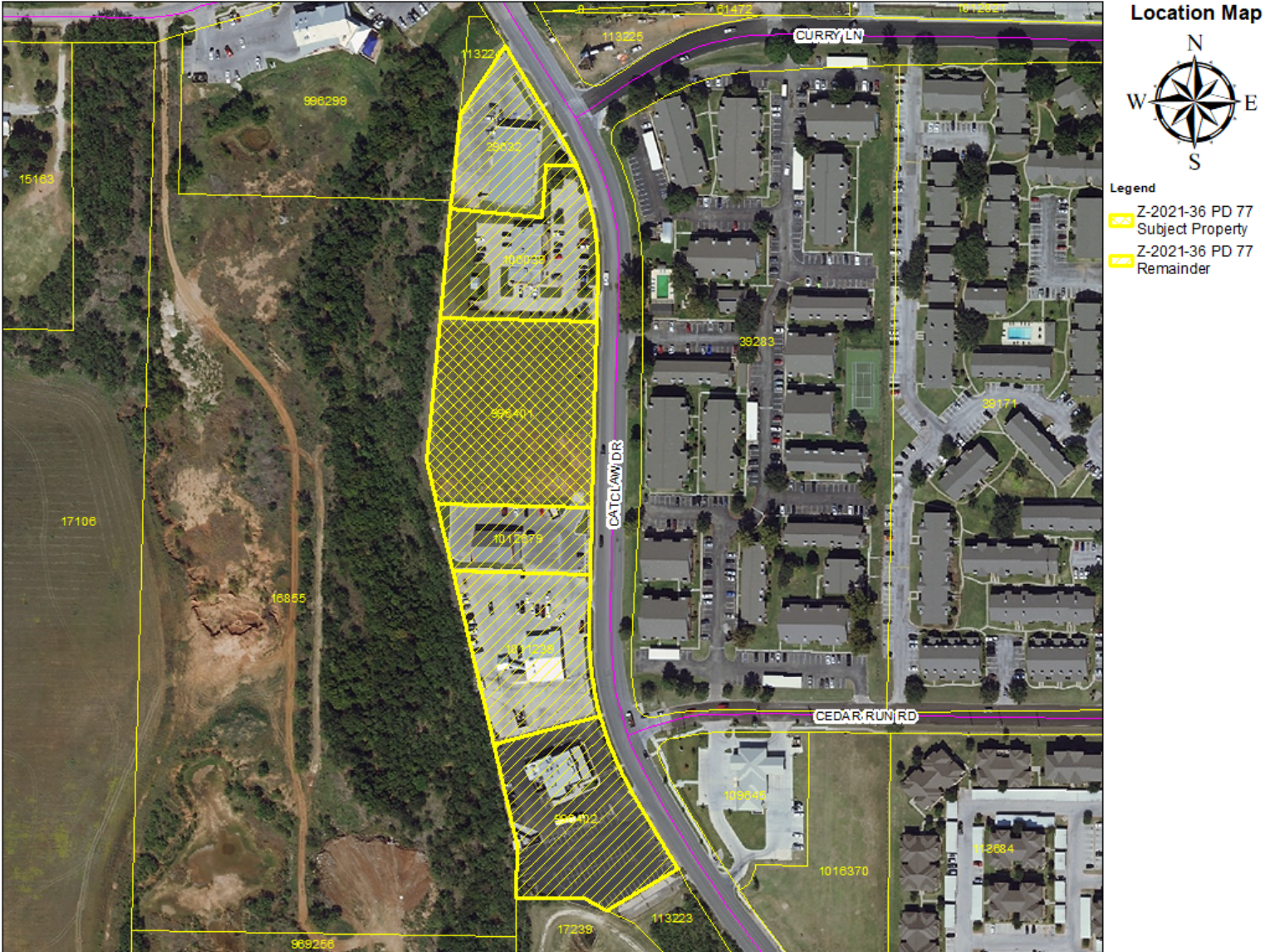
Market Population:

10,000 - 20,000

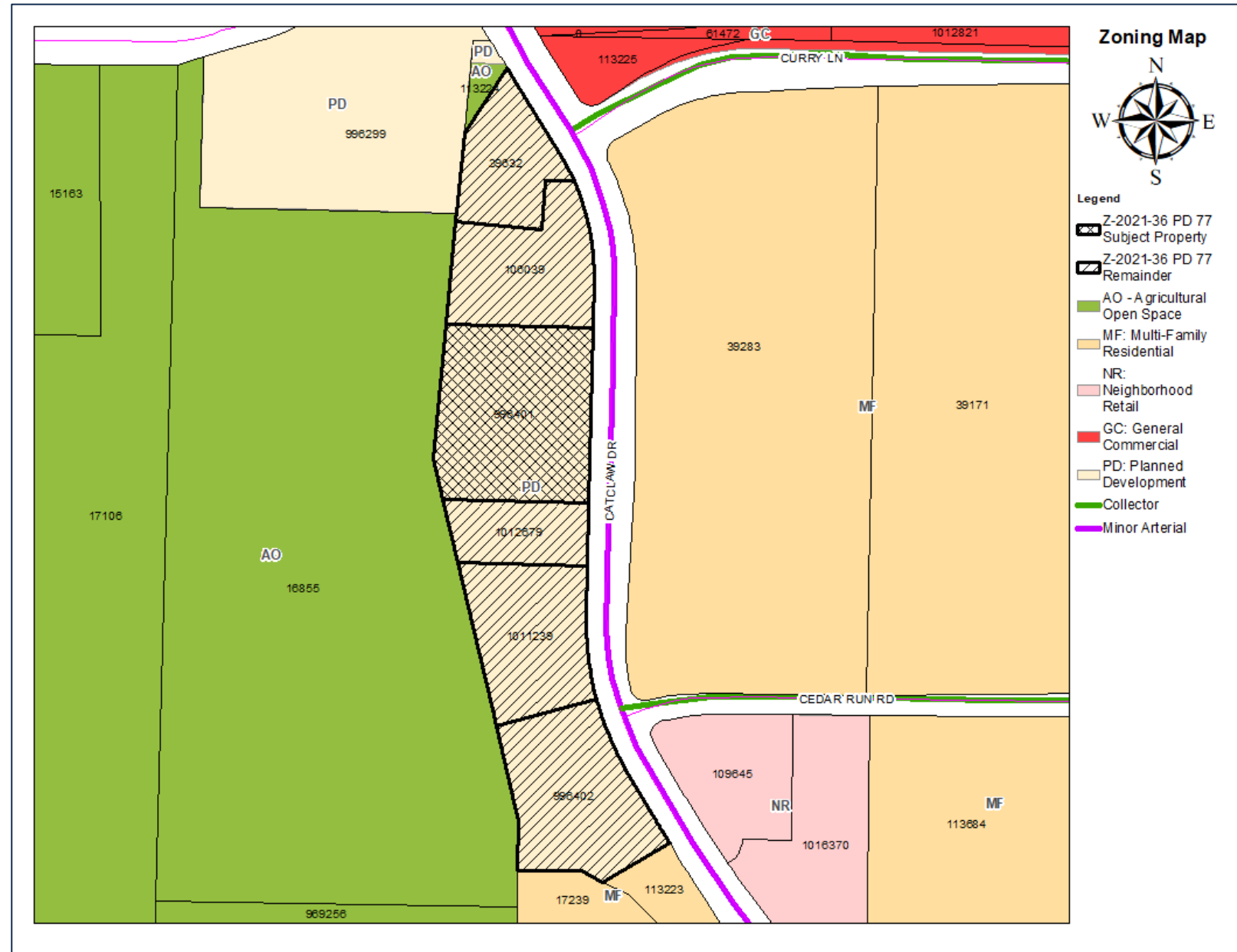


Case:	Z-2021-36
Owner:	Abilene Majestic, LLC.
Agent:	Jacob & Martin
Request:	Amendment to Planned Development 77
Location:	3950 Catclaw Dr.
Notification:	2 in Favor, 1 Opposed
Planning & Zoning:	Approval, November 2, 2021

Z-2021-36 LOCATION MAP



Z-2021-36 ZONING MAP



Lot 102, Pak Add.



Lot 101, Curry Park Add.



Lot 103, Pak Add.



**Lot 102, Curry Park Add.
Neighboring Property
(north)**



**Lot 202, Pak Add.
Neighboring Property
(south)**



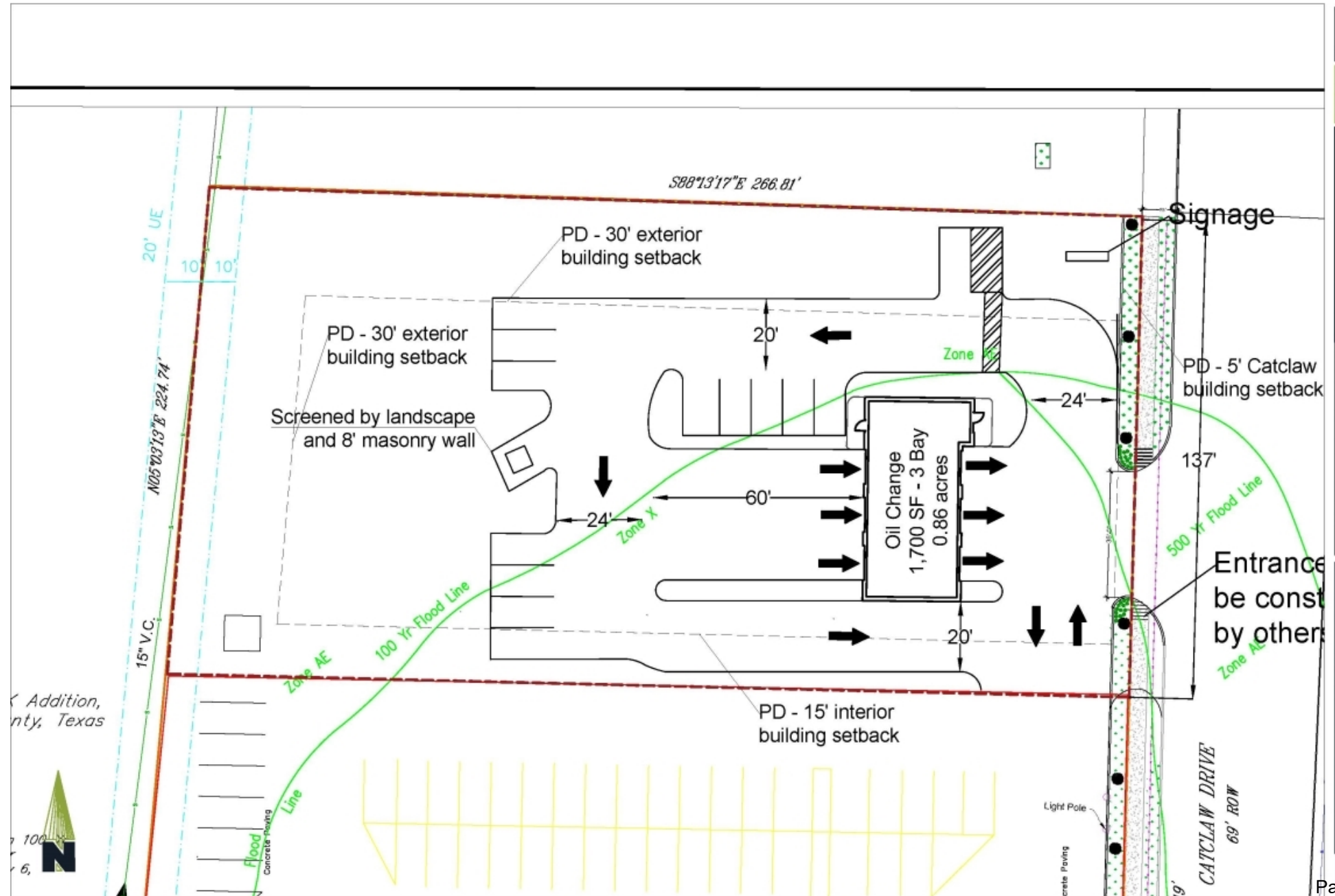
**Neighboring
Property (west)**



**Lot 201, Pak Add.
Subject Property**



Z-2021-36 Concept Site Plan



1
REVISION NO.

8/2/21
DATE CREATED

GRAPHIC
SCALE

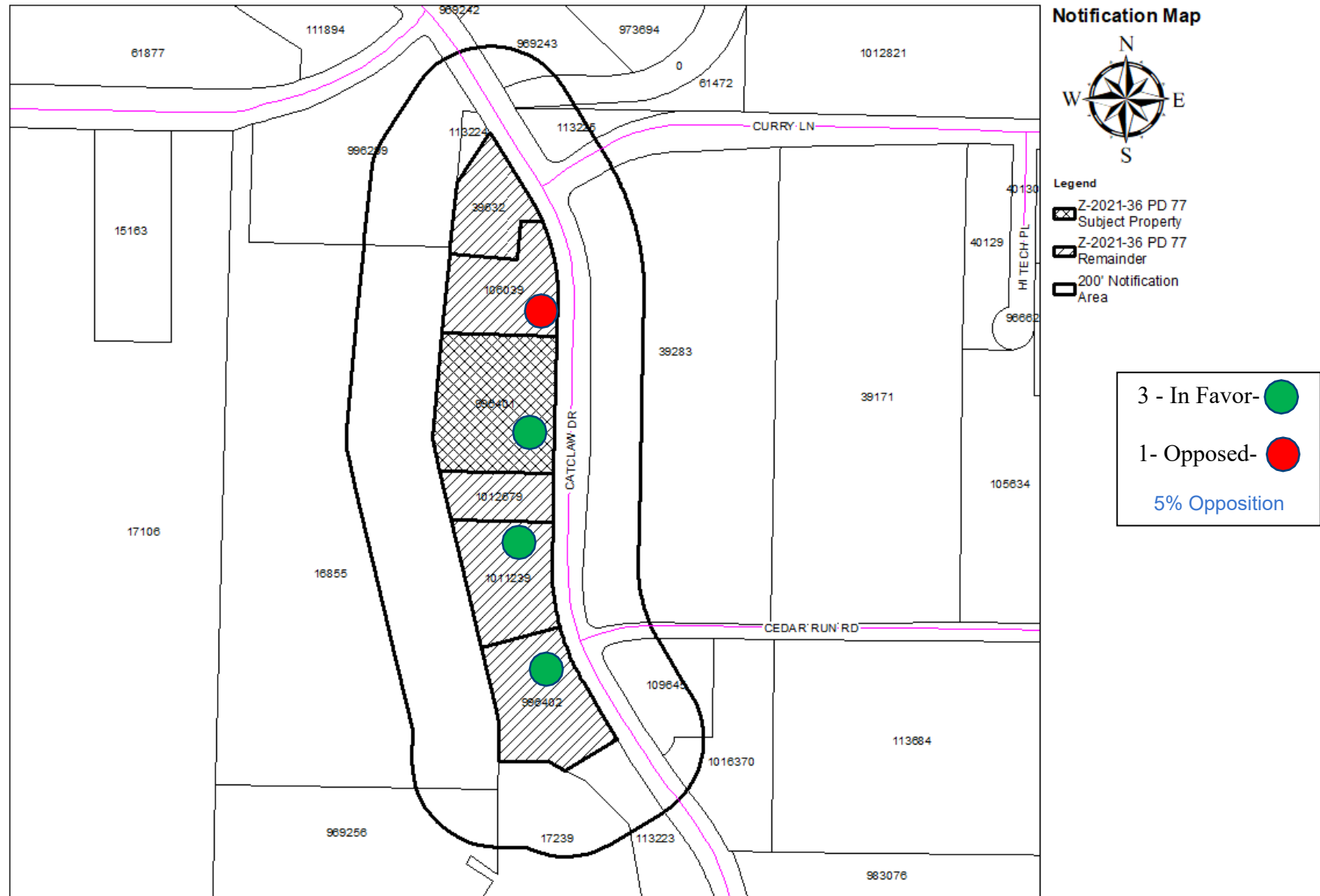
NOTE: LAND AREA CALCULATIONS AND DIMENSIONS ARE APPROXIMATE

Catclaw Dr
Abilene TX

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This site plan is preliminary in nature and subject to change. It is subject to governmental codes, tenant mix, and civil engineering requirements as will be dictated by the governing city or municipality.

Z-2021-36 NOTIFICATION AREA MAP



- Consistent with the *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 with condition:
 - Alter the permitted use language to include “Automobile/small-truck Oil Change and supporting services”

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 12/2/2021

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 24. The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:

GENERAL INFORMATION

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

A. 551.071 (Consultation with Attorney)

1. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
2. City of Abilene v. 3118 South 22nd Street, Abilene, Texas, et al.; Cause No. 11968-D, In the 350th Judicial District Court, Taylor County, Texas; filed October 11, 2019
3. Chandler Brooks v. Taylor County, et al.; Civil Action No. 1:20-cv-00049, In the United States District Court, Northern District of Texas, Abilene Division; filed March 5, 2020
4. John Doe v. Robert Hanna, Individually and as City Manager; Cause No. 28078-B; In the 104th Judicial District Court, Taylor County, Texas; filed July 7, 2020
5. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-004598, In the 53rd Judicial District Court, Travis County, Texas; filed September 1, 2020
6. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
7. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-007028, In the 459th Judicial District Court, Travis County, Texas; filed November 18, 2020
8. Natasha Jones v. City of Abilene, Texas; EEOC Charge of Discrimination, 450-2020-06446; filed September 15, 2020
9. Officer Mark Watson and City of Abilene, Case No. 01-21-0002-5335; Appeal of Indefinite Suspension to Arbitration, filed March 10, 2021

10. Alton H. Smith, Jr. and Alicia Malorie Smith v. City of Abilene, Texas; Cause No. 51055-A, In the 42nd Judicial District Court, Taylor County, Texas; filed March 11, 2021
11. Steve Van Horne, et al. v. City of Abilene, et al.; Cause No. 12530-D, In the 350th Judicial District Court, Taylor County, Texas; filed September 7, 2021
12. Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District, et al.; Cause No. P827783CV, in the 83rd Judicial District Court, Pecos County, Texas; filed September 11, 2020
13. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-21-006299, In the 250th Judicial District Court, Travis County, Texas; filed October 20, 2021
14. Governor's Executive Orders COVID-19

B. 551.072 (Deliberations about Real Property)

1. 101 Cypress Street
2. 1250 N 1st

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)

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None