



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 January 13, 2022, at 8:30 a.m., at the Abilene Public Library, South Branch, Mall of Abilene, 4310 Buffalo Gap Road, Abilene, Texas, 79606, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

INVOCATION

1. Councilmember Lynn Beard

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. Employee Service Awards:

- Toby Dyer - Planning & Development Services - 25 Years

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.

3. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on December 17, 2021 **(Shawna Atkinson)**
4. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter **(Shawna Atkinson)**
 - 9-1-1 District Board of Directors
 - Abilene-Taylor County Public Health Advisory Board
 - Landmarks Commission
5. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Modifying and Extending the Declaration of Local Disaster (COVID-19) **(Robert Hanna)**
6. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding Bid #2214 to Bo Simon, Inc. **(Michael Rice)**
7. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving Change Order #1 with Contract Paving, Co. for S 27th St Reconstruction **(Michael Rice)**
8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving an Advanced Funding Agreement (AFA) with TXDOT to Relocate FM 1082 **(Michael Rice)**
9. **Resolution:** Receive a Report, Hold a Discussion and Take Action on the Purchase of Five 2023 Heil Automated Side Loader (ASL) Refuse Trucks from Chatang Autocar **(Tim Cass)**
10. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding the Bid for the Northeast Water Treatment Plant SCADA System Improvements **(Rodney Taylor)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

11. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving a Contract with Incircle Management Inc. for Mowing Services **(Michael Rice)**
12. **Ordinance (Final Reading) CUP-2021-02:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Thomas Paul Anthony (Represented by Enprotec/Hibbs & Todd, Engineering Consultants) for Approval of a Conditional Use Permit Allowing a Vacation Travel Trailer/Recreational Vehicle Park on 60.01 Acres Bordering the 2600-2700 Blocks (West Side) of West Lake Road in North Central Abilene. **(Tim Littlejohn)**
13. **Ordinance (Final Reading) Z-2021-37:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Abilene Forrest Hill LLC (Represented By Jacob & Martin, Civil Engineering) To Change Zoning On Approximately 10.6 Acres Of Now-Vacant Land From Residential Single-Family (RS-6) To A Residential

Medium-Density (MD) District, And To Change Zoning On Approximately 22 Acres Of Now-Vacant Land From Residential Single-Family (RS-8) To A Residential Single-Family (RS-6) District, All Approximately 32.6 Acres Of Which Are Located Approximately 1000 Feet East From The 6900 Block Of Old Forrest Hill Road And 1200-2200 Feet West From The 7100 Block Of Hardwick Road In South Abilene. **(Tim Littlejohn)**

14. **Ordinance (Final Reading) Z-2021-39:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Bobby Brown To Change Zoning From Residential Single-Family (RS-6) To A Neighborhood Retail (NR) District On Approximately 0.308 Acre Of Land At 2549 And 2601 Ross Street In South Central Abilene. Legal Description Being The West 78 Feet Of The North 172 Feet Of Lot 4 In Block 1 Of The Over Place Addition To The City Of Abilene, Taylor County, Texas **(Tim Littlejohn)**
15. **Ordinance (Final Reading) TC-2021-07:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Severo Garcia (Represented By Geotex Property Solutions LLC) To Abandon Certain Segments Of Unimproved Right-Of-Way Dedicated For Benbrook Street Extending As Much As 500 Feet West From Baker Street In Western Abilene, Leaving At Least A 30-Foot Width Of Right-Of-Way Therein To Function As An Alleyway **(Jared Smith)**

EXECUTIVE SESSION

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

A. 551.071 (Consultation with Attorney)

1. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
2. City of Abilene v. 3118 South 22nd Street, Abilene, Texas, et al.; Cause No. 11968-D, In the 350th Judicial District Court, Taylor County, Texas; filed October 11, 2019
3. Chandler Brooks v. Taylor County, et al.; Civil Action No. 1:20-cv-00049, In the United States District Court, Northern District of Texas, Abilene Division; filed March 5, 2020
4. John Doe v. Robert Hanna, Individually and as City Manager; Cause No. 28078-B; In the 104th Judicial District Court, Taylor County, Texas; filed July 7, 2020
5. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-004598, In the 53rd Judicial District Court, Travis County, Texas; filed September 1, 2020
6. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
7. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-007028, In the 459th Judicial District Court, Travis County, Texas; filed November 18, 2020
8. Natasha Jones v. City of Abilene, Texas; EEOC Charge of Discrimination, 450-2020-06446; filed September 15, 2020
9. 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
10. 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
11. 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
12. 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

13. Governor's Executive Orders - COVID-19

B. 551.072 (Deliberations about Real Property)

1. 4810 S 3rd Street
2. 204 S San Jose Dr
3. 4674 S 3rd St
4. 4809 S 3rd
5. 550 & 610 E S 11th St
6. 4725 Loop 322 & 4902 Eagle Pass

C. 551.073 (Deliberations about Gifts and Donations)

1. Train Sculpture

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 7th day of January, 2022, at 4:05 p.m.

Shawna Atkinson, TRMC, CMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 1/13/2022

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on December 17, 2021
(*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting Held on December 17, 2021

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 12-17-2021 Minutes - Regular - Morning

**CITY COUNCIL MEETING
December 17, 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 December 17, 2021, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding, along with Mayor Pro-tem Kyle McAlister, and Councilmembers Shane Price, Lynn Beard, Donna Albus, and Weldon Hurt. Deputy Mayor Pro-tem Travis Craver was absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Councilmember Donna Albus delivered the invocation.

Sloan Westbrook, 5th grader at Austin Elementary, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Gray Bridwell with the Abilene Chamber of Commerce presented the Barksdale Trophy that Dyess AFB recently won.
- Mayor Williams and staff recognized Judge Barton for his years of service with the City of Abilene.
- Mayor Williams gave a brief report on COVID-19.
- Employee Service Awards:
 - Dee Lott – 25 Years – Technology Services

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 8:56 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:

- 15. A. 551.071 (Consultation with Attorney)
 - 1. Officer Mark Watson & the City of Abilene
- 15. B. 551.072 (Deliberations about Real Property)
 - 1. 4810 S 3rd
 - 2. 204 S San Jose Dr
 - 3. 4674 S 3rd
 - 4. 4809 S 3rd
- 15. F. 551.087 (Business Prospects/Economic Development)
 - 1. Project Artemis

The Executive Session ended at 9:21 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

- 16. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Consideration and Approval of Chapter 312 Tax Abatement Agreement(s) with Lancium, LLC in the Reinvestment Zone RZ20-01 located in Taylor County
[ASSIGNED ORDINANCE NO. 216-2021]

Robert Hanna, City Manager, presented the item. Adoption of the item would approve a Chapter 312 Tax Abatement Agreement with Lancium, LLC in the Reinvestment Zone RZ20-01, located in Taylor County. Misty Mayo, CEO of the Development Corporation of Abilene, also spoke about the project.

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

- David Swart – stated that the last line says the estimated improvement costs, and is concerned if the tax payers will be responsible for this amount or if that will be the developer's responsibility.

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

Robert Hanna, City Manager, responded to Mr. Swart's concerns and stated that the amount he is referring to would be the developer's responsibility.

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

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

NAYS (0): None

ABSENT (1): Deputy Mayor Pro-tem Craver

Mayor Williams left the Council Chambers after this item. Mayor Pro-tem McAlister presided over the remainder of the meeting in his absence.

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 3-11. Item #9 was pulled for individual consideration.

PUBLIC COMMENTS

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

- David Swart – spoke about the history of the Battle of the Bulge.

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

CONSENT AGENDA

Councilmember Beard moved to approve the consent agenda, consisting of items 3-8 and 10-11. Councilmember Price seconded the motion. Motion carried.

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

NAYS (0): None

ABSENT (2): Mayor Williams and Deputy Mayor Pro-tem Craver

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on December 2, 2021

4. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Professional Engineering Services for Maple Street Roadway Improvements Loop 322 to ES 11th St
[ASSIGNED RESOLUTION NO. 212-2021]
5. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving Agreement to Install Safety/Security Cameras and Access Controls
[ASSIGNED RESOLUTION NO. 213-2021]
6. Resolution: Receive a Report, Hold a Discussion and Take Action on a Resolution of the City Council of the City of Abilene, Texas, Supporting and Confirming No Objection to Housing Tax Credit Application for Villages at Westlake Apartments LP
[ASSIGNED RESOLUTION NO. 214-2021]
7. Resolution: Receive a Report, Hold a Discussion and Take Action on Appointing Keith Barton as an Assistant Municipal Court Judge
[ASSIGNED RESOLUTION NO. 215-2021]
8. Ordinance (First Reading) CUP-2021-02: Receive a Report, Hold a Discussion and Take Action on a Request from Thomas Paul Anthony (Represented by Enprotec/Hibbs & Todd, Engineering Consultants) for Approval of a Conditional Use Permit Allowing a Vacation Travel Trailer/Recreational Vehicle Park on 60.01 Acres Bordering the 2600-2700 Blocks (West Side) of West Lake Road in North Central Abilene
10. Ordinance (First Reading) Z-2021-39: Receive a Report, Hold a Discussion and Take Action on A Request From Bobby Brown To Change Zoning From Residential Single-Family (RS-6) To A Neighborhood Retail (NR) District On Approximately 0.308 Acre Of Land At 2549 And 2601 Ross Street In South Central Abilene. Legal Description Being The West 78 Feet Of The North 172 Feet Of Lot 4 In Block 1 Of The Over Place Addition To The City Of Abilene, Taylor County, Texas
11. Ordinance (First Reading) TC-2021-07: Receive a Report, Hold a Discussion and Take Action on A Request From Severo Garcia (Represented By Geotex Property Solutions LLC) To Abandon Certain Segments Of Unimproved Right-Of-Way Dedicated For Benbrook Street Extending As Much As 500 Feet West From Baker Street In Western Abilene, Leaving At Least A 30-Foot Width Of Right-Of-Way Therein To Function As An Alleyway

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

9. Ordinance (First Reading) Z-2021-37: Receive a Report, Hold a Discussion and Take Action on A Request From Abilene Forrest Hill LLC (Represented By Jacob & Martin, Civil Engineering) To Change Zoning On Approximately 10.6 Acres Of Now-Vacant Land From Residential Single-Family (RS-6) To A Residential Medium-Density (MD) District, And To Change Zoning On Approximately 22 Acres Of Now-Vacant Land From Residential Single-Family (RS-8) To A Residential Single-Family (Rs-6) District, All Approximately 32.6 Acres Of Which Are Located Approximately 1000 Feet East From The 6900 Block Of Old Forrest Hill Road And 1200-2200 Feet West From The 7100 Block Of Hardwick Road In South Abilene

The item was pulled by Councilmember Hurt.

Having pulled the item, Councilmember Hurt had a question for the agent, Tal Filingham, and asked if this request was intended for duplexes. Mr. Filingham state that it was.

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

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

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

NAYS (0): None

ABSENT (2): Mayor Williams and Deputy Mayor Pro-tem Craver

REGULAR AGENDA

12. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving an Ordinance establishing the 2022 Standards of Care
[ASSIGNED ORDINANCE NO. 74-2021]

Lesli Andrews, Director of Parks & Recreation, presented the item. Adoption of the item would approve the 2022 Standards of Care for the after school care program and camps.

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

- David Swart – asked if the recreational facilities were equipped with AED machines.

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

Robert Hanna, City Manager, responded to Mr. Swart's question and stated all of the recreational facilities are equipped with AED machines.

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

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

NAYS (0): None

ABSENT (2): Mayor Williams and Deputy Mayor Pro-tem Craver

13. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2021-22 Budgets
[ASSIGNED ORDINANCE NO. 75-2021]

Mike Rains, Director of Finance, presented the item. Adoption of the item would amend the Fiscal Year 2021-2022 Budget to move the purchase of two 32-foot busses that were approved last fiscal year, to this budget.

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

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

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

NAYS (0): None

ABSENT (2): Mayor Williams and Deputy Mayor Pro-tem Craver

14. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Creation of a Reinvestment Zone No. RZ21-1 being approximately 875 acres in Taylor County, Texas
[ASSIGNED ORDINANCE NO. 76-2021]

Robert Hanna, City Manager, presented the item. Adoption of the item would create Reinvestment Zone No. RZ21 on approximately 875 acres of land, to allow for a tax abatement agreement.

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

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

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

NAYS (0): None

ABSENT (2): Mayor Williams and Deputy Mayor Pro-tem Craver

ADJOURNMENT

There being no further business, the meeting adjourned at 9:51 a.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 1/13/2022

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 4.

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

- **9-1-1 District Board of Directors**
- **Abilene-Taylor County Public Health Advisory Board**
- **Landmarks Commission**

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 13th day of January, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____ EXHIBIT "A"	
<i>9-1-1 District Board of Directors</i>	
Michael Rice [Nomination Only]	
<i>Abilene-Taylor County Public Health Advisory Board</i>	
Paige LeMasters [New]	November 2024
<i>Landmarks Commission</i>	
Andrew Penns [New]	November 2024

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

- 9-1-1 District Board of Directors
- Abilene-Taylor County Public Health Advisory Board
- Landmarks Commission





**City Council
Agenda Memo**

City Council Meeting Date: 1/13/2022

TO: Honorable Mayor & Members of City Council

FROM: Robert Hanna, City Manager

SUBJECT: 5. 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 December 2, 2021, the City Council adopted a Further Modification and Extension of Declaration of Local Disaster due to the COVID-19 pandemic. That extension lasts through January 13, 2022.

On July 29, 2021, the Governor of the State of Texas issued his Executive Order GA-38, relating to the continuing response to the COVID-19 disaster.

On August 25, 2021, the Governor of the State of Texas issued his Executive Order GA-39, relating to vaccine mandates.

On December 23, 2021, the Governor of the State of Texas extended the State of Disaster for all counties in Texas due to the continuing COVID-19 pandemic.

SPECIAL CONSIDERATIONS

The Governor's Executive Orders GA-38 and GA-39 supersede any conflicting order issued by local officials in response to the COVID-19 disaster.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 26th 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. proc12232021_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 4, 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 December 2, 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-38 and GA-39, and which was effective until January 13, 2022; 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 ~~December 23~~**October 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. ~~February~~~~January~~ 1013, 2022 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 132th day of ~~January~~~~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

3:15 PM O'CLOCK

JUL 29 2021

Secretary of State

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

Dear Deputy Secretary Esparza:

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

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

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

Respectfully submitted,

A 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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2pm O'CLOCK

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

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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, reading "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink, reading "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

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 23rd day of December, 2021.

A handwritten signature in black ink, reading "Greg Abbott", is written over a horizontal line.

GREG ABBOTT
Governor

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

DEC 23 2021

ATTESTED BY:



JOHN B. SCOTT
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1pm O'CLOCK
DEC 23 2021

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



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/13/2022

TO: Robert Hanna, City Manager

FROM: Gregory McCaffery

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid #2214 to Bo Simon, Inc. (Michael Rice)

GENERAL INFORMATION

This Project was advertised as a Public Notice on November 28, 2021, and on December 5, 2021 with a bid opening dated December 7, 2021. This contract includes the concrete reconstruction of the intersection at S 2nd St and Ross Ave. This contract will also include the concrete reconstruction of a portion of S 2nd St located to the west of Ross Ave from the intersection to the existing flume.

SPECIAL CONSIDERATIONS

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

FUNDING/FISCAL IMPACT

Funding for this project is allocated through Street Maintenance Materials funds.

STAFF RECOMMENDATION

Staff recommends bid award to Bo Simon, Inc. for \$124,608.00.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. S 2nd and ross resolution
2. South 2nd Ross Reconstruction Project contract
3. CB2214 TABSHEET
4. Scope of Project
5. PROJECT LOCATION MAP
6. S2nd and ross ppt

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING
BID TO BO SIMON, INC., CANYON, TEXAS**

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for the concrete reconstruction of the intersection at S 2nd St and Ross Ave. This contract will also include the concrete reconstruction of a portion of S 2nd St located to the west of Ross Ave from the intersection to the existing flume.; and

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

WHEREAS, the following bids were received and opened on the December 7, 2021:

Bo Simon, Inc., Canyon, Texas	\$ 124,608.00
Bontke Brothers Construction, Inc., Abilene, Texas	\$ 139,198.00

WHEREAS, Bo Simon, Inc., Canyon, Texas submitted the best value bid in the amount of \$124,608.00 with the bid meeting specifications. Staff recommends awarding the bid to the best value bidder, Bo Simon, Inc., Canyon, Texas.

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

PART 1: That the City Council approves this bid in the amount of \$ 124,608.00.

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

ADOPTED this 13th day of January, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made on the 13th day of January, 2022 is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and Bo Simon Inc. of the City of Canyon, 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 --

SOUTH 2ND & ROSS RECONSTRUCTION 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 \$124,608.00 (One hundred twenty-four thousand six hundred eight 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:

Bo Simon Inc.

Business Address:

28700 US Hwy 87
Canyon TX 79015

Signature

Caleb Stephenson

Name - Typed or Printed

Business Mgr

Title - Typed or Printed

806-801-0246

Business Phone No.

47-4895526

Federal Tax I.D.#

ATTEST: (If Corporation)

Janet A. K.

Corporate Secretary's Signature

Corporate Seal

(if none, write "None")

CITY OF ABILENE

Authorized Signature

APPROVED:

City Attorney

ATTEST:

City Secretary

Seal:

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

PAGE
1 OF 1

DEPARTMENT: ENGR
BID NO.: CB-2214
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: DECEMBER 7, 2021

BO SIMON INC
CANYON, TX

BONTKE BROTHERS
ABILENE, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	SOUTH 2 ND & ROSS RECONSTRUCTION PROJECT				124,608.00		139,198.00								
BASE BID					124,608.00		139,198.00								
DISCOUNT															
TOTAL BID					124,608.00		139,198.00								

*NOTES: INDICATES RECOMMENDED AWARD

SCOPE OF PROJECT

This construction contract involves the concrete reconstruction of the intersection at South 2nd St. & Ross Ave. This contract will also include a portion of South 2nd St. located to the west of Ross Ave., as outlined in the construction plans.

Agenda Item: South 2nd St & Ross Ave Reconstruction Project

**Resolution: Bid Award #CB-2214 South 2nd St
& Ross Ave Reconstruction Project**

(McCaffery)

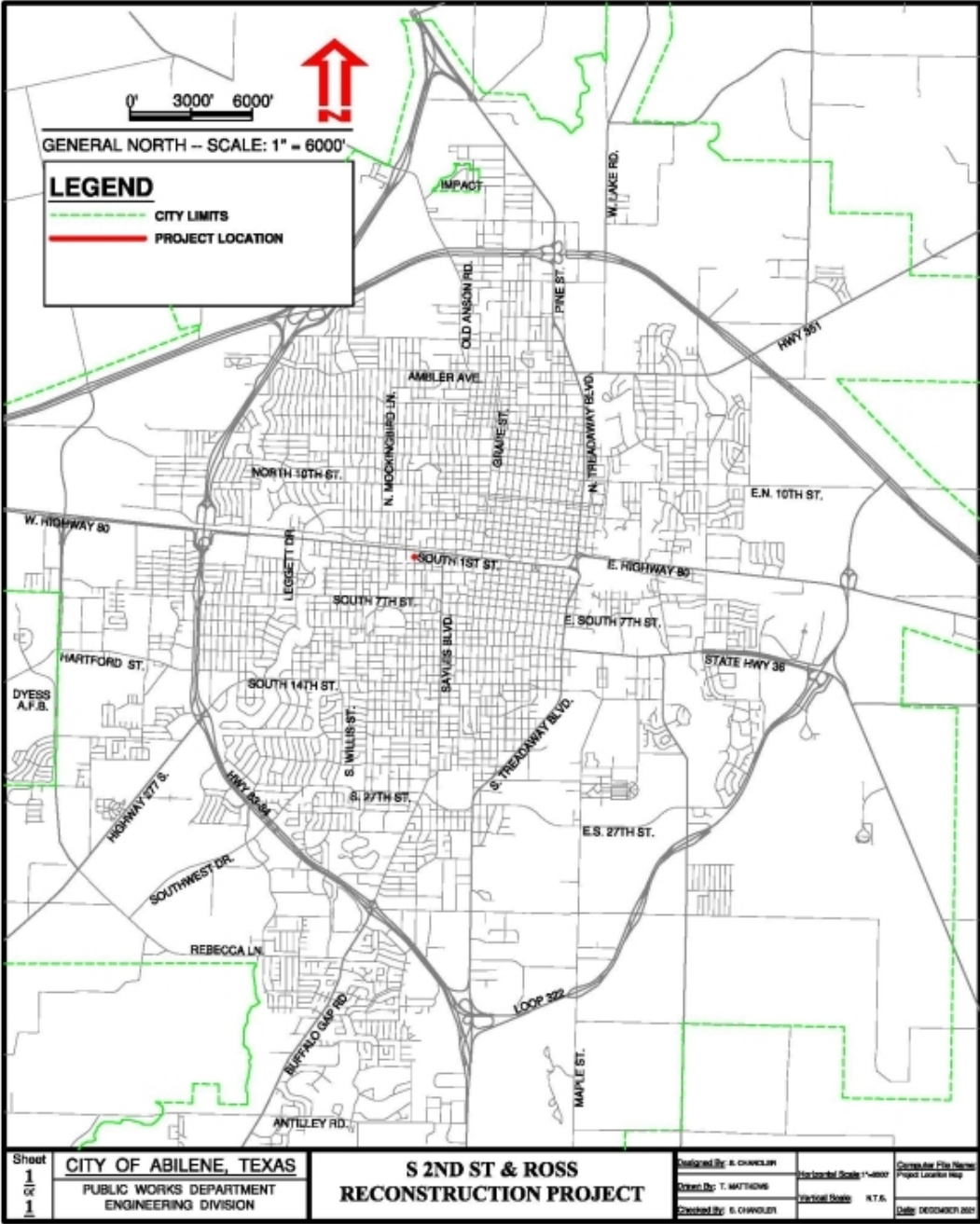


South 2nd St & Ross Ave Reconstruction Project

Streets
S 2nd

From
Ross Ave

To
Flume

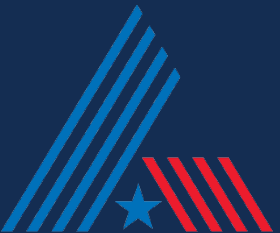


Sheet 1 OF 1	CITY OF ABILENE, TEXAS PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION	S 2ND ST & ROSS RECONSTRUCTION PROJECT	Designed By: S. CHANDLER Checked By: T. MATTHEWS Reviewed By: S. CHANDLER	Horizontal Scale: 1"=400' Vertical Scale: N.T.S. Date: DECEMBER 2003
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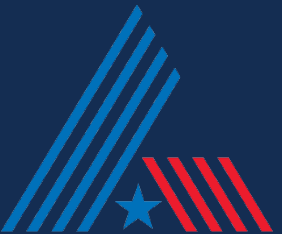
Agenda Item:

South 2nd St & Ross Reconstruction Project

- Construction Contract includes the concrete reconstruction of the intersection at S 2nd St and Ross Ave. This contract will also include the concrete reconstruction of a portion of S 2nd St located to the west of Ross Ave from the intersection to the existing flume.
- Project Advertised November 28th 2021 & December 5th 2021, Bids Opened December 7th 2021.
- Two bids were received.
- Staff recommends award of bid to Bo Simons, Inc., in the amount of \$124,608.00



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/13/2022

TO: Robert Hanna, City Manager

FROM: Gregory McCaffery

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving Change Order #1 with Contract Paving, Co. for S 27th St Reconstruction (Michael Rice)

GENERAL INFORMATION

City staff is requesting approval of a Change Order on a project that exceeded the administrative approval level for this construction project per the City's Purchasing Policy, therefore City Council approval is necessary prior to proceeding with the construction contract recommended changes.

The Change Order, for an amount of \$89,520.00, is for the addition of 746 SY of concrete pavement to the Buffalo Gap Rd and S 27th St intersection. This change is necessary to complete the entire intersection with concrete pavement, due to a quantity miscalculation during design.

Background: The City Council at their meeting of August 26, 2021 approved a contract with Contract Paving Co. for the amount of \$1,538,428.71. This contract scope is the reconstruction of S 27th St from Barrow St to Sayles Blvd, including two concrete intersections at Barrow St. and Buffalo Gap Rd as well as bicycle facilities.

This change order will result in a total contract amount of \$1,627,948.71.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Funding for this project is allocated through Street Maintenance funds.

STAFF RECOMMENDATION

Staff recommends approval of this Change Order, in the amount of \$89,520.00.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Change Order resolution
2. Change Order for Council
3. PROJECT LOCATION MAP Model (1)
4. Change Order ppt

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING
CHANGE ORDER OF THE CONTRACT: S 27TH RECONSTRUCTION PROJECT**

WHEREAS, the Public Works Department requests the approval of change order for the contract for S 27th Reconstruction Project.; and

WHEREAS, the change order involves the addition of 746 SY of concrete pavement to Buffalo Gap Rd and S 27th intersection, due to a quantity miscalculation during design.; and,

WHEREAS, the following change order was prepared on December 15, 2021:

Contract Paving Co., Abilene, Texas	\$89,520.00
-------------------------------------	-------------

WHEREAS, Contract Paving Co., Abilene, Texas has agreed to the amount of \$89,520.00 with the change order meeting specifications. Staff recommends approval of this change order.

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

PART 1: That the City Council approves this change order in the amount of \$89,520.00.

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

ADOPTED this 13th day of January, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



CITY OF ABILENE

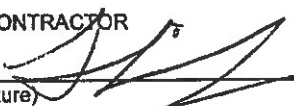
CHANGE ORDER NUMBER: 1

1. CONTRACTOR: Contract Paving Company.
2. Change Order Work Limits: City of Abilene
3. Type of Change: Minor (Major/Minor)
4. Reasons: Adding item 360-1
5. Describe the work being revised: Adding 746 sy of concrete pavement To Buffalo Gap Road and South 27th intersection to complete the entire Intersection with concrete pavement.

Project: South 27th Reconstruction Project
Street: South 27th and Buffalo Gap Road.
Contract Number: 2105

6. New or revised plan sheet(s), sketch (es), and estimates are attached:

Each signatory hereby warrants that each has the authority to execute this Change Order (CO).

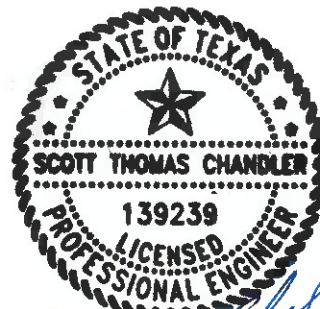
The contractor must sign the Change Order and, by doing so, agrees to waive any and all claims for additional compensation due. THE CONTRACTOR  Date <u>12/15/21</u> (Signature) Typed/Printed Name <u>TOM LINDLEY</u> Typed/Printed Title <u>PRESIDENT</u>	The following information must be provided: Change in contract time: <u>0</u> Original contract price: <u>\$1,538,428.71</u> Existing contract price: * <u>\$1,538,428.71</u> Amount added or subtracted by this CO: <u>\$ +89,520.00</u> Revised contract price: <u>\$ 1,627,948.71</u> * Includes previous CO's
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RECOMMENDED FOR EXECUTION:

City Manager

Date

City Engineer's Seal:




12/15/2021

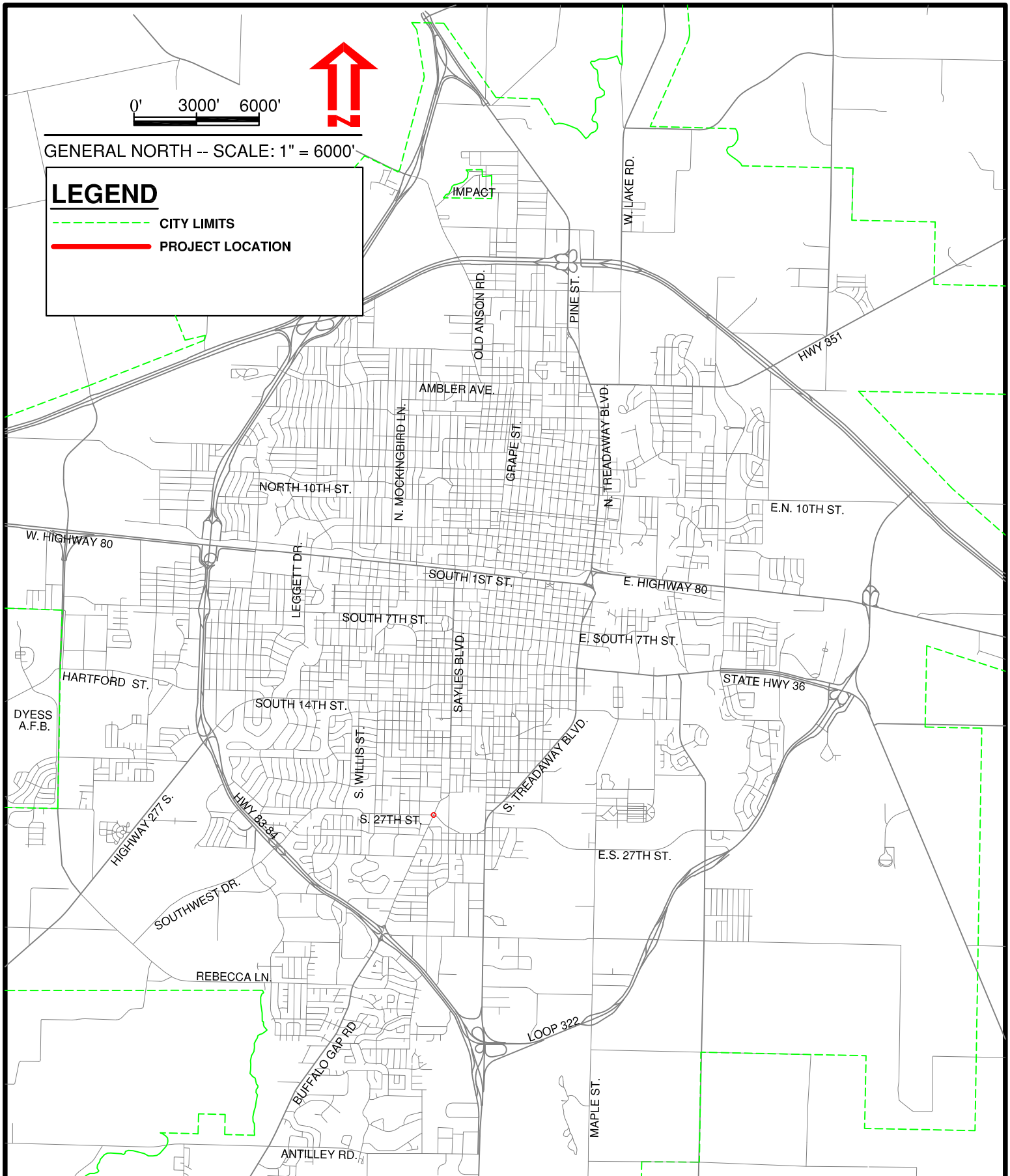
0' 3000' 6000'



GENERAL NORTH -- SCALE: 1" = 6000'

LEGEND

- CITY LIMITS
- PROJECT LOCATION



Sheet
1
of
1

CITY OF ABILENE, TEXAS
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

S 27TH STREET RECONSTRUCTION PROJECT CHANGE ORDER

Designed By: S. CHANDLER

Drawn By: T. MATTHEWS

Checked By: S. CHANDLER

Horizontal Scale: 1"=6000'

Vertical Scale: N.T.S.

Computer File Name:
Project Location Map

Date: DECEMBER 2021

Agenda Item:
S 27th Reconstruction Project
Resolution: Change Order Approval
(McCaffery)

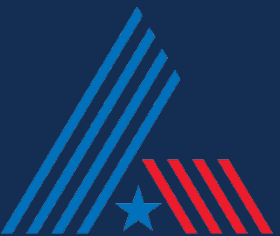


N-S
Buffalo Gap Rd

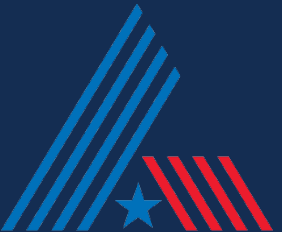
Agenda Item:

S 27th Reconstruction Project

- Adding 746 SY of Concrete Pavement to Buffalo Gap Rd and S 27th St intersection, due to a quantity miscalculation during design.
- Change Order Prepared on December 15th 2021.
- Prior contract amount of \$1,538,428.71.
- New contract amount of \$1,627,948.71.
- Staff recommends approval of change order in the amount of \$89,520.00.



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/13/2022

TO: Robert Hanna, City Manager

FROM: Gregory McCaffery

SUBJECT: 8. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving an Advanced Funding Agreement (AFA) with TXDOT to Relocate FM 1082 (*Michael Rice*)

GENERAL INFORMATION

The State of Texas has an existing road (FM 1082) that is located on the City of Abilene owned Lake Ft. Phantom Hill Dam. FM 1082 needs major maintenance and does not meet current TXDOT FM Road Standards. The City of Abilene has worked with TXDOT to identify different alternatives to address FM 1082 deficiencies. After reviewing several alternatives, TXDOT and the City of Abilene agree that relocation of FM 1082 is the best alternative.

The Scope for this Advanced Funding Agreement (AFA) includes relocating a segment of FM 1082 at Ft. Phantom Dam from West of Cheyenne Creek Rd to East of Dam, and includes construction of a new bridge over the channel.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Attachment C of the Advanced Funding Agreement estimates the total cost of the project at \$9,390,124.00. The City of Abilene's fixed Local Participation for the Project is \$3,000,000.00. Funding for this project is available: \$1,500,000 from current bonds & \$1,500,000 within current Water Utilities CIP funds.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution FM 1082 Relocation
2. AFA CSJ 0972-03-021 FM 1082 at Ft Phantom Dam
3. CSJ 0972-03-021 Attachment A Resolution
4. CSJ 0972-03-021 Attachment B Location Map
5. CSJ 0972-03-021 Attachment C Project Budget
6. Lake Fort Phantom Dam Road to City Limits Measurement Map
7. Presentation AFA Relocate FM 1082

RESOLUTION NO _____

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
TO PARTICIPATE IN THE FUNDING OF THE RELOCATION OF FM 1082
AT LAKE FT. PHANTOM DAM IN THE CITY OF ABILENE.**

WHEREAS, the Texas Department of Transportation, hereinafter called the **State**, has worked with the City of Abilene to identify the best alternative to address the deterioration of FM 1082 located upon the City of Abilene Lake Ft. Phantom Hill Dam; and,

WHEREAS, the **State** and the **City of Abilene** agree that the Relocation of FM 1082 is mutually beneficial to both parties; and,

WHEREAS, the **State**, and **City of Abilene** propose to enter into a contractual agreement to relocate FM 1082 (CSJ #0972-03-021);

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

PART 1: That the City Manager is hereby authorized and directed to execute on behalf of City of Abilene, an Agreement to participate in the Advanced Funding Agreement to Relocate FM 1082.

PART 2: That the sum of Three Million Dollars (\$3,000,000), which represents the Total Local Participation Cost for this project, is hereby appropriated and the City Manager is hereby authorized and directed to pay the sum indicated from funds available in the budget accounts.

ADOPTED: this 13th Day of January, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

TxDOT:		Federal Highway Administration:	
CSJ #	0972-03-021	CFDA No.	20.205
District #	08	CFDA Title	Highway Planning and Construction
Code Chart 64 #	00150		
Project Name	FM 1082 Relocate Ft. Phantom Dam Road	AFA Not Used For Research & Development	

STATE OF TEXAS §

COUNTY OF TRAVIS §

ADVANCE FUNDING AGREEMENT
For
Relocation of FM 1082 @ Ft. Phantom Dam
On-System

THIS AGREEMENT (Agreement) is made by and between the State of Texas, acting by and through the **Texas Department of Transportation** called the “State”, and the **City of Abilene**, acting by and through its duly authorized officials, called the “Local Government”. The State and Local Government shall be collectively referred to as “the parties” hereinafter.

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

WHEREAS, the Texas Transportation Commission passed Minute Order Number **116073** authorizing the State to undertake and complete a highway improvement or other transportation project generally described as **Relocate FM 1082**. The portion of the project work covered by this Agreement is identified in the Agreement, Article 3, Scope of Work (Project), and

WHEREAS, the Texas Transportation Commission has not authorized funding for the construction of the highway improvement or other transportation project and the project is not currently listed and approved for construction in the Unified Transportation Program (UTP) or Statewide Transportation Improvement Program (STIP). This Agreement does not represent a commitment to future project funding for any project elements, including construction, not specifically outlined in the Agreement. Costs not specifically identified as reimbursable under this Agreement will not be requested or reimbursed.

TxDOT:		Federal Highway Administration:	
CSJ #	0972-03-021	CFDA No.	20.205
District #	08	CFDA Title	Highway Planning and Construction
Code Chart 64 #	00150		
Project Name	FM 1082 Relocate Ft. Phantom Dam Road	AFA Not Used For Research & Development	

WHEREAS, the Governing Body of the Local Government has approved entering into this Agreement by resolution, ordinance, or commissioners court order dated **{Enter Date of Resolution}**, which is attached to and made a part of this Agreement as Attachment A, Resolution, Ordinance, or Commissioners Court Order (Attachment A). A map showing the Project location appears in Attachment B, Location Map Showing Project (Attachment B), which is attached to and made a part of this Agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this Agreement, it is agreed as follows:

AGREEMENT

1. Responsible Parties:

For the Project covered by this Agreement, the parties shall be responsible for the following work as stated in the article of the Agreement referenced in the table below:

1.	State	Utilities	Article 8
2.	State	Environmental Assessment and Mitigation	Article 9
3.	State	Architectural and Engineering Services	Article 11
4.	State	Construction Responsibilities	Article 12
5.	State	Right of Way and Real Property	Article 14

2. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided below.

3. Scope of Work

The scope of work for the Project consists of Construct new roadway relocating segment of FM 1082 at Ft. Phantom Dam from West of Cheyenne Creek Rd to East of dam. Includes construction of new bridge over channel.

4. Project Sources and Uses of Funds

The total estimated cost of the Project is shown in Attachment C, Project Budget (Attachment C) which is attached to and made a part of this Agreement.

- A. If the Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled "Local Government Project Procedures and Qualification for the Texas Department of

TxDOT:		Federal Highway Administration:	
CSJ #	0972-03-021	CFDA No.	20.205
District #	08	CFDA Title	Highway Planning and Construction
Code Chart 64 #	00150		
Project Name	FM 1082 Relocate Ft. Phantom Dam Road	<i>AFA Not Used For Research & Development</i>	

Transportation” and retains qualification in accordance with applicable TxDOT procedures. Upon request, the Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.

- B. The expected cash contributions from the federal government, the State, the Local Government, or other parties are shown in Attachment C. The State will pay for only those Project costs that have been approved by the Texas Transportation Commission. For projects with federal funds, the State and the federal government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration (FHWA). After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- C. Attachment C shows, by major cost categories, the cost estimates and the party responsible for performing the work for each category. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
- D. The State will be responsible for securing the federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
- E. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. For items of work subject to specified percentage funding, the Local Government shall only in those instances be responsible for all Project costs that are greater than the maximum State and federal participation specified in Attachment C and for overruns in excess of the amount specified in Attachment C to be paid by the Local Government.
- F. The budget in Attachment C will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.
- G. When the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from the receipt of the State’s written notification of additional funds being due.
- H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment C. Fixed prices are not subject to

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adjustment unless (1) differing site conditions are encountered; (2) further definition of the Local Government's requested scope of work identifies greatly differing costs from those estimated; (3) work requested by the Local Government is determined to be ineligible for federal participation; or (4) the adjustment is mutually agreed to by the State and the Local Government.

- I. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment C. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering performed or reviewed by the State for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.
- J. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this Agreement.
- K. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided by TxDOT's Finance Division. The funds shall be deposited and managed by the State and may only be applied by the State to the Project.
- L. The State will not pay interest on any funds provided by the Local Government.
- M. If a waiver for the collection of indirect costs for a service project has been granted under 43 TAC §15.56, the State will not charge the Local Government for the indirect costs the State incurs on the Project, unless this Agreement is terminated at the request of the Local Government prior to completion of the Project.
- N. If the Local Government is an Economically Disadvantaged County (EDC) and if the State has approved adjustments to the standard financing arrangement, this Agreement reflects those adjustments.
- O. Where the Local Government is authorized to perform services under this Agreement and be reimbursed by the State, the Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice, in a form and containing all items required by the State, no more frequently than monthly and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
- P. Upon completion of the Project, the State will perform a final accounting of the Project costs for all items of work with specified percentage funding. Any funds due by the Local Government, the State, or the federal government for these work items will be promptly paid by the owing party.
- Q. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement acts as

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acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

- R. Payment under this Agreement beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this Agreement shall be terminated immediately with no liability to either party.

5. Termination of This Agreement

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The Agreement is terminated in writing with the mutual consent of the parties;
- B. The Agreement is terminated by one party because of a breach, in which case any costs incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Agreement is terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government's proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination; or
- E. The Project is inactive for thirty-six (36) consecutive months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this Agreement.

6. Amendments

Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

7. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

8. Utilities

The party named in Article 1, Responsible Parties, under AGREEMENT shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable state laws, regulations, rules, policies, and procedures, including any

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cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or State funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is commenced.

9. Environmental Assessment and Mitigation

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects. The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. The identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.
- B. The cost of any environmental problem's mitigation and remediation.
- C. Providing any public meetings or public hearings required for the environmental assessment process. Public hearings will not be held prior to the approval of the Project schematic.
- D. The preparation of the NEPA documents required for the environmental clearance of this Project.

If the Local Government is responsible for the environmental assessment and mitigation, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

10. Compliance with Accessibility Standards

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

11. Architectural and Engineering Services

The party named in Article 1, Responsible Parties, under AGREEMENT has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable State's *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the State highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the State highway system, the design shall, at a minimum, conform to applicable American Association of State Highway and Transportation Officials (AASHTO) design standards.

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In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters. If the Local Government is the responsible party, the Local Government shall submit its procurement selection process for prior approval by the State. All professional services contracts must be reviewed and approved by the State prior to execution by the Local Government.

12. Construction Responsibilities

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. If the State is the responsible party, the State will use its approved contract letting and award procedures to let and award the construction contract.
- C. If the Local Government is the responsible party, the Local Government shall submit its contract letting and award procedures to the State for review and approval prior to letting.
- D. If the Local Government is the responsible party, the State must concur with the low bidder selection before the Local Government can enter into a contract with the vendor.
- E. If the Local Government is the responsible party, the State must review and approve change orders.
- F. Upon completion of the Project, the party responsible for constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion and submit certification(s) sealed by a professional engineer(s) licensed in the State of Texas.
- G. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

13. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads and locally owned facilities after completion of the work. The State shall be responsible for maintenance of the State highway system after completion of the work if the work was

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on the State highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

14. Right of Way and Real Property

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the provision and acquisition of any needed right of way or real property.

15. Insurance

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

16. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
City of Abilene ATTN: Abilene City Manager 555 Walnut Street Abilene, Texas 79601	Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11 th Street Austin, TX 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this Agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

17. Legal Construction

If one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

18. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

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19. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data and information prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State, in the format directed by the State, on a monthly basis or as required by the State. The originals shall remain the property of the Local Government. .

20. Compliance with Laws

The parties to this Agreement shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

21. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

22. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the cost principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

23. Procurement and Property Management Standards

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

24. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

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25. Civil Rights Compliance

The parties to this Agreement are responsible for the following:

- A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.
- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
 2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or

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is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

26. Pertinent Non-Discrimination Authorities

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.

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- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

27. Disadvantaged Business Enterprise (DBE) Program Requirements

If federal funds are used:

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C. The Local Government shall incorporate into its contracts with subproviders an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each Local Government contract with a subprovider. The Local Government shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not*

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discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.

28. Debarment Certifications

If federal funds are used, the parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, the Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this Agreement shall require any party to a subcontract or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

29. Lobbying Certification

If federal funds are used, in executing this Agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts,

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subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

30. Federal Funding Accountability and Transparency Act Requirements

If federal funds are used, the following requirements apply:

- A. Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This Agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B. The Local Government agrees that it shall:
 1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows federal government to track the distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform;> and
 3. Report the total compensation and names of its top five executives to the State if:
 - i. More than 80% of annual gross revenues are from the federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

31. Single Audit Report

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division by email at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Compliance

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- Division as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the Project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the Agreement, unless otherwise amended or the Project has been formally closed out and no charges have been incurred within the current fiscal year.

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Code Chart 64 #	00150		
Project Name	FM 1082 Relocate Ft. Phantom Dam Road	<i>AFA Not Used For Research & Development</i>	

32. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this Agreement on behalf of the entity represented.

Each party is signing this Agreement on the date stated under that party's signature.

THE STATE OF TEXAS

THE LOCAL GOVERNMENT

Signature

Kenneth Stewart
Typed or Printed Name

Director of Contract Services
Typed or Printed Title

Date

Signature

Robert Hanna
Typed or Printed Name

Abilene City Manager
Typed or Printed Title

Date

TxDOT:		Federal Highway Administration:	
CSJ #	0972-03-021	CFDA No.	20.205
District #	08	CFDA Title	Highway Planning and Construction
Code Chart 64 #	00150		
Project Name	FM 1082 Relocate Ft. Phantom Dam Road	<i>AFA Not Used For Research & Development</i>	

ATTACHMENT A
RESOLUTION, ORDINANCE, OR COMMISSIONERS COURT ORDER

TxDOT:		Federal Highway Administration:	
CSJ #	0972-03-021	CFDA No.	20.205
District #	08	CFDA Title	Highway Planning and Construction
Code Chart 64 #	00150		
Project Name	FM 1082 Relocate Ft. Phantom Dam Road	AFA Not Used For Research & Development	

ATTACHMENT B LOCATION MAP SHOWING PROJECT



TxDOT:		Federal Highway Administration:	
CSJ #	0972-03-021	CFDA No.	20.205
District #	08	CFDA Title	Highway Planning and Construction
Code Chart 64 #	00150		
Project Name	FM 1082 Relocate Ft. Phantom Dam Road	AFA Not Used For Research & Development	

ATTACHMENT C PROJECT BUDGET

Costs will be allocated based on applicable Federal/State funding and a fixed amount of Local Government funding until Local Government funding reaches the maximum obligated amount. The State will then be responsible for 100% of the costs.

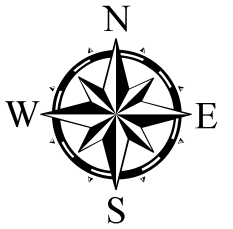
Description	Total Estimated Cost	Federal Participation Cost	State Participation Cost	Local Participation Cost
Engineering (by State)	\$365,124	\$0	\$365,124	\$0
Construction (by State)	\$7,000,000	\$3,200,000	\$800,000	\$3,000,000
Right of Way (by State)	\$100,000	\$0	\$100,000	\$0
Environmental (by State)	\$15,000	\$0	\$15,000	\$0
Utilities (by State)	\$100,000	\$0	\$100,000	\$0
Subtotal	\$7,580,124	\$3,200,000	\$1,380,124	\$3,000,000
Environmental Direct State Costs	\$70,000	\$0	\$70,000	\$0
Right of Way Direct State Costs	\$10,000	\$0	\$10,000	\$0
Engineering Direct State Costs	\$700,000	\$0	\$700,000	\$0
Utility Direct State Costs	\$15,000	\$0	\$15,000	\$0
Construction Direct State Costs	\$700,000	\$560,000	\$140,000	\$0
Indirect State Costs	\$315,000	\$0	\$315,000	\$0
TOTAL	\$9,390,124	\$3,760,000	\$2,630,124	\$3,000,000

Initial payment by the Local Government to the State: \$0
Payment by the Local Government to the State before construction: \$3,000,000
Total payment by the Local Government to the State: \$3,000,000

TxDOT:		Federal Highway Administration:	
CSJ #	0972-03-021	CFDA No.	20.205
District #	08	CFDA Title	Highway Planning and Construction
Code Chart 64 #	00150		
Project Name	FM 1082 Relocate Ft. Phantom Dam Road	<i>AFA Not Used For Research & Development</i>	

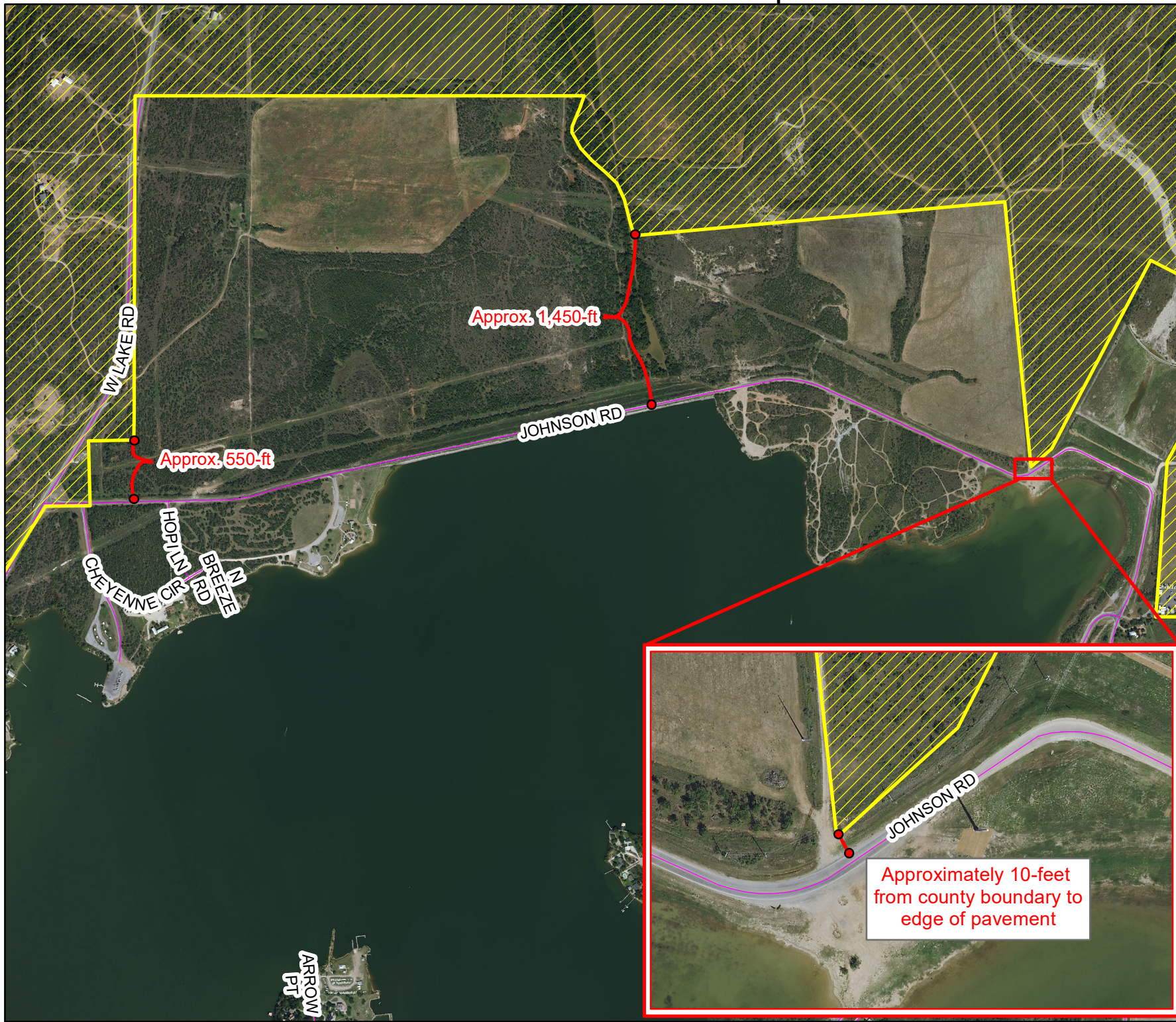
The total amount of Local Government participation shall not exceed the amount appearing above.

Lake Fort Phantom Dam Map



Legend

 County Boundary



Resolution for the Approval of an Advanced Funding Agreement with TxDOT to Relocate FM 1082

(Greg McCaffery)



Project Summary:

- **The State of Texas has an existing road (FM 1082) that is located on the City of Abilene owned Lake Ft. Phantom Hill Dam**
- **FM 1082 needs major maintenance and does not meet current TXDOT FM Road Standards**
- **The City of Abilene has worked with TXDOT to identify different alternatives to address FM 1082 deficiencies**
- **After reviewing several alternatives, TXDOT and the City of Abilene agree that relocation of FM 1082 is the best alternative**

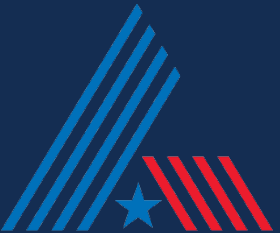


Proposed Project Location

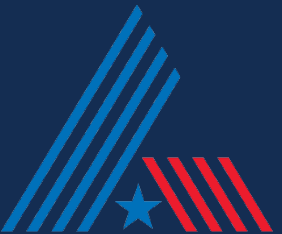


AFA with TXDOT to Relocate FM 1082

- **The Scope for this agreement includes relocating a segment of FM 1082 at Ft. Phantom Dam from West of Cheyenne Creek Rd to East of Dam, and includes construction of a new bridge over the channel.**
- **Attachment C of the Advanced Funding Agreement estimates the total cost of the project at \$9,390,124.00.**
- **The City of Abilene's fixed Local Participation for the Project is \$3,000,000.00**
- **Funding for this project is available: \$1,500,000 from current bonds & \$1,500,000 within current Water Utilities CIP funds**



Questions ?





**City Council
Agenda Memo**

City Council Meeting Date: 1/13/2022

TO: Robert Hanna, City Manager

FROM: Tim Cass

SUBJECT: 9. Resolution: Receive a Report, Hold a Discussion and Take Action on the Purchase of Five 2023 Heil Automated Side Loader (ASL) Refuse Trucks from Chastang Autocar (Tim Cass)

GENERAL INFORMATION

Fleet Management seeks approval to purchase five Automated Sideloader Refuse Trucks for Solid Waste. Three units are to replace existing units that meet the criteria established in the Fleet Replacement Policy (revised January 14, 2021). Two units are fleet additions for expanded residential coverage by Solid Waste Services. Units are to be 2023 Autocar ACX64 cab and chassis with Heil CP Rapid Rail Sideloader Refuse Body.

SPECIAL CONSIDERATIONS

Texas law allows a municipality to purchase goods through a state or local cooperative purchasing program. Buyboard is such a program, and the purchase meets the competitive bidding requirements.

FUNDING/FISCAL IMPACT

Funds for the purchase are to be provided by the Fleet Replacement Fund and total \$1,892,005.00. The funds for this purchase were planned and included in the FY22 Budget. However, this is \$192,005.00 over budget due to increases in manufacturing since the estimates in the budgeting process last year.

STAFF RECOMMENDATION

Fleet staff recommends the purchase of five (5) 2023 Heil Rapid Rail Automated Side loaders for Solid Waste Services.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Side Loaders Resolution
2. 12-16-21 Sideloader BuyBoard price sheet
3. Co-Op Side Loaders Budget vs Actual
4. Co-Op Side Loader Addtl Info
5. CO-OP Side Loader Refuse Truck Presentation

RESOLUTION NO _____

**A RESOLUTION OF THE CITY OF ABILENE, TEXAS
TO PURCHASE FIVE SIDE LOADER REFUSE TRUCKS FOR SOLID WASTE FROM CHASTANG
ENTERPRISES, INC - HOUSTON THROUGH
BUYBOARD COOPERATIVE CONTRACTS 601-19 & 599-19**

WHEREAS, City of Abilene's Solid Waste Division has a need for five Side Loader Refuse Trucks; and

WHEREAS, City of Abilene budgeted this purchase for Fiscal Year 2022; and

WHEREAS, City of Abilene received pricing to purchase five Side Loader Refuse Trucks through BuyBoard Co-Op Contract 601-19 for the chassis and Contract 599-19 for the body; and

WHEREAS, Each unit is to be a 2023 Autocar ACX64 chassis with a Heil CP RR-30 Refuse body; and

WHEREAS, Chastang Enterprises, INC- Houston is the BuyBoard approved vendor for the cab and chassis and is using BuyBoard vendor Heil of Texas to supply the refuse body and system components.

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

PART 1: That the City Council approves this purchase from Chastang Enterprises, INC- Houston in the amount of One Million Eight Hundred Ninety Two Thousand Five Dollars and No Cents (\$1,892,005.00) for five complete Side Loader Refuse Trucks.

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

ADOPTED this 13th day January, 2022

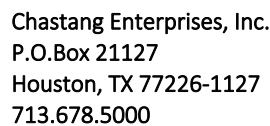
ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Page 96 of 282

BUDGET vs ACTUAL COSTS
Side loader Refuse Trucks

Repl For Unit #	Division #	Division Name	Type Equipment	Budgeted Cost	Actual Cost	Budgeted vs Actual Variance
NBI	4060	Solid Waste	Side loader	\$340,000.00	\$378,401.00	\$38,401.00
NBI	4060	Solid Waste	Side loader	\$340,000.00	\$378,401.00	\$38,401.00
4471	4060	Solid Waste	Side loader	\$340,000.00	\$378,401.00	\$38,401.00
4473	4060	Solid Waste	Side loader	\$340,000.00	\$378,401.00	\$38,401.00
4483	4060	Solid Waste	Side loader	\$340,000.00	\$378,401.00	\$38,401.00
				<u>\$1,700,000.00</u>	<u>\$1,892,005.00</u>	<u>\$192,005.00</u>

Over Budget

**ADDITIONAL INFORMATION FOR COUNCIL MEETING ITEM
SIDELOADER REFUSE TRUCKS**

Unit #	Assignment	Year	Make	Model	Mileage	Hours	Total Maintenance Costs	Disposal Method	Replacement Reasoning
4471	Solid Waste	2014	Autocar/Dadee	ACXR64/Scorpion	95,332	11,514	\$294,507.04	Auction	Meets four of four requirements
4473	Solid Waste	2014	Autocar/Dadee	ACXR64/Scorpion	109,796	23,965	\$258,134.92	Auction	Meets four of four requirements
4483	Solid Waste	2014	Autocar/Dadee	ACXR64/Scorpion	112,511	10,326	\$259,164.59	Auction	Meets four of four requirements
NBI	Solid Waste	--	--	--	--	--	--	--	--
NBI	Solid Waste	--	--	--	--	--	--	--	--

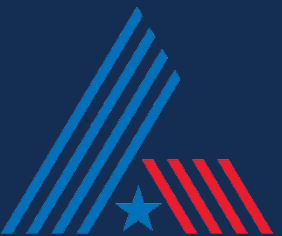
Side Loader Refuse Trucks

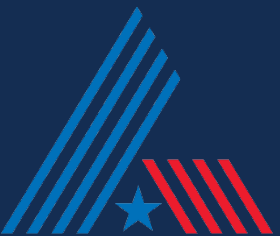
Fleet Management



Side Loader Refuse Trucks

- CO-OP Purchase for Five Side Loader Refuse Trucks assigned to Solid Waste.
- Three units to be a replacement. Two unit are New Budget Items to help with the growing needs of the division.
- Units to be 2023 Autocar ACX64 with Heil Rapid Rail Side Load Refuse Body
- BuyBoard Cooperative purchase to coordinate the build and delivery process.







**City Council
Agenda Memo**

City Council Meeting Date: 1/13/2022

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: 10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding the Bid for the Northeast Water Treatment Plant SCADA System Improvements (Rodney Taylor)

GENERAL INFORMATION

Water Utilities staff is recommending that the Abilene City Council award the bid to SOAP Engineering, LLC (SOAP) of Houston, Texas in the amount of \$776,584.00 for the Northeast Water Treatment Plant SCADA System Improvements, CB-2209 (Project). The bid was advertised in the Abilene Reporter News on October 24th and 31st, 2021. A total of five bids were received on November 30th, 2021. The bids were evaluated using the "best value" competitive bidding method. City staff and the Project Engineer evaluated the bids and determined that the bid by SOAP provides the best value for the City of Abilene.

The recommended bid award price includes the Base Bid price of \$721,871.00, and Add Alternate Bid Items A1 priced at \$17,508.00, A2 priced at \$24,500.00, and A3 priced at \$12,705.00, for the sum total bid award of \$776,584.00. The Add Alternate Bid prices are favorable and add value to the project.

The Base Bid includes a line item for "Owner's Allowance" as provided for in Administrative Directive No. AD-025. The value of the line item is \$50,000.00. The allowance bid item is for work not required within the Plans and Specifications and may be used in the event additional (or less) work from that shown on the Plans and Specifications is required.

SPECIAL CONSIDERATIONS

The Northeast Water Treatment Plant was completed around 1970. The plants current Supervisory Control and Data Acquisition (SCADA) system was installed prior to 2000 and is based on 1980's computer technology. The existing system has proven to be robust, but

replacement parts are practically impossible to find and the proprietary programming language is obsolete. The project will replace existing computer coded Remote Terminal Units (RTUs) with modern Programmable Logic Controllers (PLCs) based on industry standard ladder logic. The work will include new electrical conduits and wiring as needed. The new PLCs will be installed at various locations throughout the plant site to collect data and allow monitoring and control of all key plant processes from the main control room. Panelview manual control screens will be installed at work stations throughout the plant to allow local manual control of processes as needed. The contractor must also furnish and install numerous process sensors and meter units throughout the plant. The project includes application engineering services for development and testing of the HMI and PLC application programming. The finished project will provide a high quality and up-to-date system for real-time monitoring and controlling all quality and flow aspects and processes of the Northeast Water Treatment Plant.

FUNDING/FISCAL IMPACT

Funding will utilize proceeds from the 2019 Certificates of Obligation issued for Water Utilities Improvements.

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council award the bid to SOAP Engineering, LLC in the amount of \$776,584.00 for the Northeast Water Treatment Plant SCADA System Improvements project as described above.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. WrittenResolution-WtrDpt-Award Bid-Northeast WTP SCADA System Improvements-1-13-2022
2. Contract-NWTP SCADA-SOAP-1-13-2021
3. Letter of Recommendation-Bid Tab-NEWTP SCADA System Improvements-1-13-2021
4. Presentation-Resolution Award Bid for Northeast WTP SCADA System Improvements-1-13-2022

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AWARDING THE BID TO SOAP ENGINEERING, LLC FOR THE NORTHEAST
WATER TREATMENT PLANT SCADA IMPROVEMENTS PROJECT.**

WHEREAS, The City of Abilene (City) owns and operates the Northeast Water Treatment Plant (NWTP) for the production of potable water; and

WHEREAS, the NWTP utilizes a Supervisory Control and Data Acquisition (SCADA) system for collecting process data, making automatic flow and process adjustments, and allowing plant operators to observe plant status and control system processes; and

WHEREAS, the existing SCADA system equipment is antiquated and the programming language obsolete making system maintenance, repairs, and updates very difficult; and

WHEREAS, Enprotec/Hibbs & Todd, Inc. (EHT) was hired to evaluate the NWTP SCADA system needs and provide plans and contract documents, bidding assistance, general project supervision (not RPR services), and contract administration for the Northeast Water Treatment Plant SCADA Improvements project; and

WHEREAS, SOAP Engineering, LLC (SOAP) submitted the lowest priced qualifying bid in the amount of \$776,584.00, and EHT has evaluated the bids for best value criteria and for conformity with the advertisement for bids and does recommend awarding the Base Bid and Add Alternate Bid items A1, A2, and A3 to SOAP in the total amount of \$776,584.00; and

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

That the City Manager is authorized to execute a construction contract with SOAP Engineering, LLC for the Northeast Water Treatment Plant SCADA Improvements project in the amount of \$776,584.00.

ADOPTED this 13th day of January, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made January 13, 2022, is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and SOAP Engineering, LLC of the City of Houston, 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

I. Work and Consideration.

The Contractor hereby agrees to commence and complete the construction of Work described as

NORTHEAST WTP SCADA SYSTEM IMPROVEMENTS

The Contractor must provide all Work required in the Contract Documents – incorporated herein by reference – labeled:

NORTHEAST WTP SCADA SYSTEM IMPROVEMENTS

All work to be performed will be completed in conformance with (I) Part I 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 \$ 776,584.00.

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) attorney's 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 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: SOAP Engineering, LLC

Business Address:

1409 Brittmoore Rd

Houston, TX 77043

Signature
Viqar Anwar
Name - Typed or Printed
President
Title - Typed or Printed

281-635-2387
Business Phone No.
81-5278583
Federal Tax I.D.#

ATTEST: (If C...)

Corporate Secretary

Corporate Secretary
(if none, write "None")



CITY OF ABILENE

Authorized Signature

APPROVED:

City Attorney

ATTEST:

City Secretary

Seal:



December 7, 2021

City of Abilene
209 East Highway 80
Abilene, TX 79601
Attn: Mr. Rodney Taylor, Director of Water Utilities

**Re: Recommendation of Award
NEWTP SCADA System Improvements
Abilene, Texas**

Dear Mr. Taylor:

Bids for the referenced project were opened Tuesday, November 30, 2021. Five (5) bids were received, and the apparent low bidder is SOAP Engineering LLC, out of Houston, Texas. See attached Bid Tabulation.

During the evaluation process of the bids, a large difference between SOAP's Bid Item No. 16 (furnish and install all electrical/SCADA work including all related appurtenances) was observed. eHT sought clarification and confirmed with SOAP that SOAP had reviewed and accounted for all the equipment/scope required per the plans and specifications. Refer to attached SOAP's confirmation letter.

The responsiveness and responsibility of SOAP have been evaluated for conformity with all material conditions of the Advertisement to Bid and the Information for Bidders. Additionally, the bidder's qualifications and ability to perform the project successfully have been evaluated in accordance with professional standards.

Based on these findings, eHT recommends award of a contract for constructing the NEWTP SCADA System Improvements project to SOAP Engineering LLC., as the lowest responsible bidder and the "best value" for completion of the project. The Base Bid (\$721,871.00) plus Alternates A1, A2, A3 (\$54,713.00) totaled \$776,584.00.

We look forward to working with the City of Abilene as this project moves into the construction phase.

Sincerely,

Enrotec / Hibbs & Todd, Inc.

Jordan S. Hibbs P.E.
Project Manager

JH/jd

Attachments: Bid Tabulation
SOAP Confirmation Letter

c: Rodney Taylor, Director of Water Utilities
Project File: 7635

P:\Projects\Abilene, City of\7635 - NEWTP SCADA System Imp\5. Bidding Phase\Bidder Evaluation\Recommendation of Award.docx

Environmental, Civil & Geotechnical Engineers

Abilene Office
402 Cedar
Abilene, Texas 79601
P.O. Box 3097
Abilene, Texas 79604
325.698.5560 | 325.690.3240 fax

Lubbock Office
6310 Genoa Avenue, Suite E
Lubbock, Texas 79424
806.794.1100 | 806.794.0778 fax

www.e-ht.com

Granbury Office
1310 Weatherford Highway, Suite 116
Granbury, Texas 76048
682.498.6000 | 682.498.6293 fax

PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration No. 100496
Page 110 of 282

TABULATION OF BIDS FOR: Northeast WTP SCADA System Improvement, City of Abilene, Texas

BIDS RECEIVED: 11/30/2021

PE Firm Registration No. 1151

BASE BID				SOAP Engineering, LLC		TraC-n-trol, Inc.		BL Technology, Inc.		Control Panels USA, Inc.		Prime Controls, LP	
Item No.	Quantity	Unit	Item	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
1	1	LS	Mobilization, bonds & insurance	\$ 34,375.00	\$ 34,375.00	\$ 19,150.00	\$ 19,150.00	\$ 55,970.20	\$ 55,970.20	\$ 52,500.00	\$ 52,500.00	\$ 54,989.00	\$ 54,989.00
2	15	EA	Rate of Flow and Loss of Head Sensors	\$ 6,500.00	\$ 97,500.00	\$ 3,389.67	\$ 50,845.00	\$ 3,336.20	\$ 50,043.02	\$ 2,630.00	\$ 39,450.00	\$ 3,059.20	\$ 45,888.00
3	10	EA	Turbidity Meters	\$ 5,500.00	\$ 55,000.00	\$ 5,170.00	\$ 51,700.00	\$ 5,958.59	\$ 59,585.90	\$ 4,230.00	\$ 42,300.00	\$ 4,920.20	\$ 49,202.00
4	1	LS	Backwash Tank Pressure Sensor	\$ 4,250.00	\$ 4,250.00	\$ 2,740.00	\$ 2,740.00	\$ 4,015.87	\$ 4,015.87	\$ 2,000.00	\$ 2,000.00	\$ 5,001.00	\$ 5,001.00
5	4	EA	Hach Controllers HACH SC4500	\$ 3,190.00	\$ 12,760.00	\$ 3,820.00	\$ 15,280.00	\$ 4,747.16	\$ 18,988.63	\$ 3,220.00	\$ 12,880.00	\$ 7,379.75	\$ 29,519.00
6	1	LS	Finished Chlorine Analyzer	\$ 3,591.00	\$ 3,591.00	\$ 5,310.00	\$ 5,310.00	\$ 6,245.82	\$ 6,245.82	\$ 6,900.00	\$ 6,900.00	\$ 8,030.00	\$ 8,030.00
7	1	LS	Settled Water Chlorine Analyzer	\$ 6,400.00	\$ 6,400.00	\$ 8,190.00	\$ 8,190.00	\$ 9,258.57	\$ 9,258.57	\$ 6,200.00	\$ 6,200.00	\$ 10,836.00	\$ 10,836.00
8	1	LS	Chlorine Analyzer Hach Maintenance Kit	\$ 2,500.00	\$ 2,500.00	\$ 1,740.00	\$ 1,740.00	\$ 2,355.71	\$ 2,355.71	\$ 1,800.00	\$ 1,800.00	\$ 3,715.00	\$ 3,715.00
9	2	EA	Ultrasonic Level Sensor and Transmitter	\$ 1,350.00	\$ 2,700.00	\$ 2,702.50	\$ 5,405.00	\$ 3,267.23	\$ 6,534.45	\$ 2,000.00	\$ 4,000.00	\$ 3,869.50	\$ 7,739.00
10	1	LS	Level Sensor and Transmitter	\$ 2,500.00	\$ 2,500.00	\$ 2,930.00	\$ 2,930.00	\$ 4,363.10	\$ 4,363.10	\$ 2,350.00	\$ 2,350.00	\$ 8,845.00	\$ 8,845.00
11	1	LS	New complete Control Panel C6	\$ 16,250.00	\$ 16,250.00	\$ 23,970.00	\$ 23,970.00	\$ 29,843.37	\$ 29,843.37	\$ 29,200.00	\$ 29,200.00	\$ 34,112.00	\$ 34,112.00
12	5	EA	Digital Scales	\$ 1,850.00	\$ 9,250.00	\$ 3,070.00	\$ 15,350.00	\$ 5,243.95	\$ 26,219.73	\$ 2,220.00	\$ 11,100.00	\$ 5,764.40	\$ 28,822.00
13	1	LS	New complete Control Panel C9	\$ 30,250.00	\$ 30,250.00	\$ 46,715.00	\$ 46,715.00	\$ 63,904.66	\$ 63,904.66	\$ 28,800.00	\$ 28,800.00	\$ 43,837.00	\$ 43,837.00
14	10	EA	Rockwall Automation, Allen-Bradley Micrologix 1400 Series B PLC's	\$ 7,000.00	\$ 70,000.00	\$ 4,300.00	\$ 43,000.00	\$ 4,051.30	\$ 40,513.01	\$ 3,500.00	\$ 35,000.00	\$ 12,039.80	\$ 120,398.00
15	1	LS	Wireless Ethernet Communication equipment	\$ 5,650.00	\$ 5,650.00	\$ 6,400.00	\$ 6,400.00	\$ 8,033.57	\$ 8,033.57	\$ 5,500.00	\$ 5,500.00	\$ 16,391.00	\$ 16,391.00
16	1	LS	Electrical/SCADA Work	\$ 30,000.00	\$ 30,000.00	\$ 261,245.00	\$ 261,245.00	\$ 374,459.16	\$ 374,459.16	\$ 531,274.00	\$ 531,274.00	\$ 491,112.00	\$ 491,112.00
17	1	LS	Allowance Application Engineering Services by Signature Automatio	\$ 288,895.00	\$ 288,895.00	\$ 288,895.00	\$ 288,895.00	\$ 288,895.00	\$ 288,895.00	\$ 288,895.00	\$ 288,895.00	\$ 288,895.00	\$ 288,895.00
18	1	LS	Allowance City project related issues	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
TOTAL BASE BID PRICE (Items 1 thru 18)					\$ 721,871.00	**	\$ 898,865.00	**	\$ 1,099,229.77		\$ 1,150,149.00		\$ 1,297,331.00

ADD ALTERNATE BID				SOAP Engineering, LLC		TraC-n-trol, Inc.		BL Technology, Inc.		Control Panels USA, Inc.		Prime Controls, LP	
Item No.	Quantity	Unit	Item	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
A1	3	EA	Clarifier Open Channel Turbidity meters probe	\$ 5,836.00	\$ 17,508.00	\$ 7,596.67	\$ 22,790.00	\$ 12,484.65	\$ 37,453.96	\$ 9,200.00	\$ 27,600.00	\$ 14,674.67	\$ 44,024.00
A2	7	EA	Demo, remove & replace existing Copper Tubing on the 7 Filters	\$ 3,500.00	\$ 24,500.00	\$ 1,757.86	\$ 12,305.00	\$ 1,958.92	\$ 13,712.43	\$ 2,300.00	\$ 16,100.00	\$ 4,634.29	\$ 32,440.00
A3	3	EA	Replace existing Clarifier #1, #2, #3 Influent Box Flow Meter	\$ 4,235.00	\$ 12,705.00	\$ 18,500.00	\$ 55,500.00	\$ 13,855.57	\$ 41,566.71	\$ 7,050.00	\$ 21,150.00	\$ 4,037.67	\$ 12,113.00
TOTAL ADD ALTERNATE BID PRICE (Items A1 thru A3)					\$ 54,713.00		\$ 90,595.00		\$ 92,733.10		\$ 64,850.00		\$ 88,577.00

** Due to calculation error TraC-n-trol, Inc's Base Bid is lower than what was read aloud at the Bid Opening and BL Technology, Inc's Base Bid is higher than what was read aloud at the Bid Opening.

I, JORDAN S. HIBBS, P.E., #115729, DO HEREBY CERTIFY THAT THE ABOVE REFERENCED BIDS WERE RECEIVED, IN ACCORDANCE WITH THE ADVERTISED PROCEDURES, OPENED, AND READ ALOUD.
THE BID TABULATION HEREIN IS A TRUE AND ACCURATE REPRESENTATION OF THE BIDS READ ALOUD.


JORDAN S. HIBBS, P.E., #115729



11/30/2021

Awarding the Bid for Northeast Water Treatment Plant SCADA System Improvements.



- Award of bid to SOAP Engineering, LLC for the Northeast Water Treatment Plant SCADA System Improvements Project.
- The recommended bid price of \$776,584.00 includes the Base Bid of \$721,871.00 and Add Alternate Bid Items A1, A2, and A3.
- The Base Bid includes a line item for "Owner's Allowance" as provided for in Administrative Directive No. AD-025. The value of the owners allowance item is \$50,000.00. The allowance bid item is for work not required within the Plans and Specifications and may be used in the event additional (or less) work from that shown on the Plans and Specifications is required.



- The Northeast WTP Supervisory Control and Data Acquisition (SCADA) system is the computer based system for collecting process data, making automatic process adjustments, and allowing plant operators to observe and control plant and system processes.
- The SCADA system is antiquated and obsolete making system maintenance, repairs, and updates very difficult.
- The project provides for the replacement of the SCADA system with modern programmable logic controllers using industry standard ladder-logic programming.
- Numerous process sensors and meters will be replaced throughout the plant site.
- The contract provides for application engineering services for development and testing of the new HMI and PLC application programming.



Awarding the Bid for Northeast Water Treatment Plant SCADA System Improvements.

QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 1/13/2022

TO: Robert Hanna, City Manager

FROM: Michael Rice, Assistant City Manager

SUBJECT: 11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving a Contract with Incircle Management Inc. for Mowing Services (*Michael Rice*)

GENERAL INFORMATION

The City of Abilene advertised bids for 15 different mowing services across the City of Abilene. The bid document estimated a total of 40,524 annually mowed acres based upon current expectations for maintaining city-owned properties and non-city-owned properties. The different mowing services included: Parks Type 1 - High Profile Manicured Areas, Parks Type 2 - Right-of-way Medians, Parks Type 3 - Parks, Parks Type 4 - Vacant Lots, Parks Type 5 - Large Areas, Parks Type 6 - Cemetery, Airport Type 1 - Small Areas, Airport Type 2 - Airport, Public Works Admin - TXDOT ROW, Water Utilities - Type 1, Water Utilities - Type 2, Water Utilities Type 3, Solid Waste, Fire Dept. Type 1 - Fire Station Buildings, and Fire Dept. Type 2 - back lots.

Three bids were received from contractors, plus the Parks Department and the Airport also submitted bids for specific portions of various mowing services. After all bids were received, a thorough review and evaluation of the information from all submittals was completed.

SPECIAL CONSIDERATIONS

This is the first Managed Competition process where the City of Abilene has determined outside vendors provide a lower cost of service for the Abilene citizens when compared to performing the same activities with City of Abilene staff. Based upon the proposals, contracting out the mowing of the Parks right-of-ways and Cemetery is approximately \$80,000 less than the costs submitted by Parks for the same services.

FUNDING/FISCAL IMPACT

Funding for the Parks categories Type 2 (Medians) and Type 6 (cemetery) will be funded with a reduction of 3 staff positions plus reduced operating budget expenses.

Funding for the Transportation Services Type 1 (small areas) will be funded with the Airport CARE'S grant funds.

Funding for the Public Works Admin (TXDOT ROW) will be funded from the Public Works operating budget within the ROW Maintenance line item.

Funding for the Water Utilities Type 1 and Type 2 areas will be funded from the Water operating budget.

Funding for the Solid Waste area will be funded from the Solid Waste operating budget within the Outsources Maintenance line item.

Funding for the Fire Department Type 1 and Type 2 areas will be funded from the Fire operating budget within the Outsources Maintenance line item.

This contract will be fully funded with existing funds within the City Council approved budget.

STAFF RECOMMENDATION

The City of Abilene recommends the award of 9 of the 15 mowing categories be awarded to Incircle Management Inc., with an annual estimated contract amount of \$478,675. The contract is a thirty-six month contract, with the option of two additional one year extensions. The Contract would begin on Feb. 1, 2022, and would extend through Jan. 31, 2025.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution.Incircle Management Inc.Mowing Services
2. CB2206 TABSHEET
3. CB2206 CITY DEPT TABSHEET
4. PARKS Mowing Contract Proposed Plan 2021.12.06
5. Signed
6. Presentation.Incircle Management Inc.2022.01.13

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY
OF ABILENE AND INCIRCLE MANAGEMENT INC. FOR MOWING SERVICES FOR THE
CITY OF ABILENE**

WHEREAS, The City of Abilene desires to provide the most cost effective mowing services for the City of Abilene; and,

WHEREAS, The City of Abilene received bids on Oct. 20th, 2021 from three outside contractors and from two city departments for mowing services; and,

WHEREAS, The City of Abilene has evaluated the bids received from all bidders for mowing services; and,

WHEREAS, The City of Abilene recommends award of nine of the fifteen total different mowing bid items to Incircle Management Inc. who submitted the lowest bids for these nine mowing items; and,

WHEREAS, The City Council authorizes the City Manager to execute an agreement with Incircle Management Inc. for a 36 month contract for mowing services with an option for two additional 1 year extensions.

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

PART 1: The City Council authorizes the City Manager to execute an agreement with Incircle Management Inc. in the amount of \$478,675 per year for a 36 month contract with an option for two additional 1 year extensions.

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

ADOPTED this 13th day of January, 2022.

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-2206
TIME OF OPENING: 2:00 P.M.
DATE OF OPENING: OCTOBER 20, 2021

INCIRCLE MANAGEMENT
INC.
COLLEYVILLE, TX

RON LAWN
ABILENE, TX

3RD LETTER VULTURES
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.	CITY-WIDE PARKS / FACILITIES / RIGHTS OF WAY / OPEN ACREAGE MOWING SERVICES														
	PARKS AND RECREATION – TYPE 1				254,016.00										
	PARKS AND RECREATION – TYPE 2				*106,720.00										
	PARKS AND RECREATION – TYPE 3				442,152.00										
	PARKS AND RECREATION – TYPE 4				29,640.00										
	PARKS AND RECREATION – TYPE 5				22,185.00										
	PARKS AND RECREATION – TYPE 6				*79,235.00										
	TRANSPORTATION SERVICES (AIRPORT) – TYPE 1				*9,744.00										
	TRANSPORTATION SERVICES (AIRPORT) – TYPE 2				446,760.00				689,850.00						
	PUBLIC WORKS ADMIN (TXDOT ROW)				*140,400.00										
	WATER UTILITIES – TYPE 1				*33,660.00										
	WATER UTILITIES – TYPE 2				*56,880.00										
	WATER UTILITIES – TYPE 3				574,470.00				927,990.00						
	SOLID WASTE				*21,600.00										
	FIRE DEPARTMENT – TYPE 1				*19,488.00		100,800.00								
	FIRE DEPARTMENT – TYPE 2				*10,948.00		48,300.00								
BASE BID															
DISCOUNT															
TOTAL BID															

*NOTES: INDICATES RECOMMENDED AWARD



MEMORANDUM

DATE: December 6, 2021

TO: Lesli Andrews, Director of Parks and Recreation

FROM: Jesus Coronado, Parks Division Manager

SUBJECT: Mowing Contract Proposal

Here are the proposed cuts from the Parks Division as requested per administration to offset the \$185,955.00 the type II (Medians) and type VI (Cemeteries) contract amounts require.

The amount bid from the contractor for the cemeteries mowing contract raise concern for me. I believe the bid amount is low for the number of mowing duties required with this contract. The contract should include a clause that requires the contractor to be responsible for any damage done to head stones while performing the work.

I believe that for the contractor to perform all duties, especially the weed eating duties, they will have to perform at a very accelerated pace. My concern is that this will allow for less care when performing mowing duties around the monuments, raising the potential for damage.

The cemeteries mowing is a big part of our job at this location, but the funeral services (preparation, opening and closing of graves, set up and tear down, leveling of headstones) are also a big part of our duties and a significant amount of revenue for the cemeteries (FY22 \$134,350). I recommend we keep these services in house. At the rate below it would take another 11 to 12 years before we are full.

Purchased/Empty Plots-	6037
Available Cremains Plots-	380
Available Infant Plots-	170
Available Plots-	1536
Average Plot Purchases/Year	132

Our suggested personnel cuts consist of 1 Crew Chief, 1 Park Worker III and 1 Park Worker I/II helping the process to offset the \$185,955.00. The potential loss of these three positions will impact our production during our winter projects especially. For example we will lose 1500+/- labor hours which is the equivalent to what we use to make up our painting crew. This is the equivalent of painting 15-18 buildings.

The loss of these positions will affect us when it comes to helping other departments with special

requests or work orders outside our division.

The parks division is always ready and willing to help with any duties that come our way, however it will limit how much we can help in the future if we are to meet the contract expectations for the mowing services we are retaining.

Our goal in the Parks Division is to perform our duties with the mindset of delivering the highest level of service possible for our community members.

In order for our division to meet the expectations of the mowing services we are retaining, and to raise the level of service with our non-mowing duties, we will have to be precise in our allocation of man power and resources to achieve these goals moving forward.

Please feel free to contact me with any needs or questions you may have pertaining to this memorandum.

Cemetery Budget Proposed Cuts	Amount	Division Proposed Position Cuts	Amount
Non - Capital Minor Tools & Equipment	\$1,000.00	Crew Chief	\$58,062.70
Botanical Supplies	\$700.00	Park Worker III	\$45,019.26
Uniforms & Clothing	\$1,900.00	Park Worker I/II	\$38,722.32
Postage	\$250.00		
Chemical Supplies	\$250.00		
Office Supplies	\$300.00		
Fleet Fuel & Maintenance	\$3,001.47		
Total	\$7,401.47	Total	\$141,804.28
Medians & ROW Budget Proposed Cuts	Amount		
Non - Capital Minor Tools & Equipment	\$1,300.00		
Professional Services	\$18,875.00		
Fleet Fuel & Maintenance	\$3,764.25		
Animal Supplies	\$1,000.00		
Park & Rec System	\$11,810.00		
Total	\$36,749.25		
Total Budget Proposed Cuts	\$44,150.72		
Total Budget Position Proposed Cuts	\$141,804.28		
Total Proposed Cuts	\$185,955.00		



SERVICES CONTRACT

This contract, dated the 1st day of February, 2022, is between the City of Abilene, a home rule municipal corporation of the State of Texas ("City"), and Incircle Management Inc. a Corporation organized under the laws of the State of Texas ("Contractor").

The purpose of this Contract is to state the terms and conditions under which Contractor will provide mowing services to the City during the term stated herein.

In consideration of the mutual promises contained in this Contract, City and Contractor agree as follows:

I. TERMS

Contractor must provide all services as described in Attachment A, which is incorporated by reference for all purposes, within 36 months after the effective date of this Contract. The initial term of this contract may be extended for two, 12-month extensions at the option of the parties and upon written agreement to extend the term.

II. PAYMENT

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

III. MATERIALS AND SUPPLIES

The Contractor will furnish all materials and equipment necessary to perform the services agreed to under this Contract, which are to be supplied by the Contractor.

IV. TERMINATION

This agreement may be canceled or terminated by either party for (1) the other party's violation or failure to comply with any terms or conditions contained herein, or (2) upon the giving of sixty (60) days written notice by either party of the desire to terminate the same. Upon the termination of this agreement as provided herein, an accounting shall be made between the parties and payments made to the parties as provided for herein to the day of termination.

V. ASSIGNMENT

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

VI. STATUS OF CONTRACTOR

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

VII. AMENDMENT OR MODIFICATION

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

VIII. INDEMNITY

A. Definitions

For the purpose of this section the following definitions apply:

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

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

"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.**

IX. INSURANCE

A. GENERAL REQUIREMENTS

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

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

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

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

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

- (A) erecting or preparing to erect a structure, including a building, bridge, roadway, public utility facility, or related appurtenance;
- (B) remodeling, extending, repairing, or demolishing a structure; or
- (C) otherwise improving real property or an appurtenance to real property through similar activities.

B. ADDITIONAL REQUIREMENTS

The required liability insurances and their certificates shall:

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

C. TYPES AND AMOUNT OF INSURANCE

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

	<u>Type</u>	<u>Amount</u>
X1.	Workers' Compensation Employer's Liability	Statutory \$100,000 per occurrence
X2.	Commercial (Public) Liability including, but not limited to: • Premises/Operations • Independent Contractors • Products/Completed Operations • Contractual Liability (Insuring above indemnity) and where the exposures exist • Explosion Collapse and Underground	\$500,000 combined single limit for bodily injury and property damage (per occurrence)
X3.	Business Automobile Liability to include coverage for: • Owned/Leased Autos • Non-Owned Autos • Hired Cars	\$500,000 combined single limit for bodily injury and property damage (per occurrence)
___ 4.	Professional Liability	\$500,000 combined single limit (per occurrence)
___ 5.	See Addendum for Special Coverages and/or revisions	
___ 6.	No Insurance Required	

X. VENUE, CHOICE OF LAW AND INTERPRETATION

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

XI. NOTICE

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

City - ATTN: Michael Rice, Assistant City Manager
 PO Box 60
 Abilene, Texas 79604-0060

Contractor - ATTN: Heebok Jung / Incircle Management Inc.
 5992 Mahotea Boone Trl
 Westlake, Texas 76262

XII. COMPLIANCE WITH LAWS, CHARTER, ORDINANCES

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

XIII. NO INDEBTEDNESS

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 and interest. Contractor is responsible for ensuring that no indebtedness exists.

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

XIV. EQUAL EMPLOYMENT OPPORTUNITY

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

XV. VERIFICATION OF EMPLOYMENT ELIGIBILITY

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

XVI. MINORITY AND WOMEN BUSINESS ENTERPRISES

The City hereby gives notice that Minority and Women Business Enterprises will be afforded equal opportunities to submit bids in for this contract and will not be discriminated against on the grounds of race, ethnicity, color, sex, religion or national origin in awarding the contract. Technical assistance is available to Minority and Women Business Enterprises through the Texas Tech University Small Business Development Center, 749 Gateway St., #301, Building C, Abilene, Texas, 79602, 325-670-0300.

XVII. SALES TAX

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

XVIII. LEGAL CONSTRUCTION

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

XIX. 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.

XX. SECTIONS AND OTHER HEADINGS

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

XXI. COUNTERPARTS

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

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

IN WITNESS HEREOF the parties have entered into this agreement as of the date written above.

CITY OF ABILENE

By:

Title: City Manager

SERVICE CONTRACTOR

By: Heebok Jung 

Title: President

Address:

5992 Mahotea Boone Trl

Westlake, TX 76262

Phone Number:

214-587-5257

Federal Tax ID #:

75-2785292

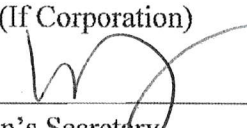
ATTEST:

City Secretary

APPROVED:

City Attorney

ATTEST: (If Corporation)



Corporation's Secretary

Corporate Seal (If available):

ATTACHMENT A
SCOPE OF SERVICES

Mowing Services for the following types/locations:

City-wide Mowing Areas by Department - Summary of Acreage						
Total Area Further Separated by Department Operations	Mowing Class	Mowing Cycle	Total Locations	Rotation Acres	No. of Cycles	Annual Acreage
<u>Parks & Recreation</u>						
- Type 2	II	B+D	120	80	23	1,840
- Type 6	II	B+D	2	53	23	1,219
<u>Transportation Services (Airport)</u>						
- Type 1	I	A+D	11	4	42	168
<u>Public Works Admin (TxDOT ROW)</u>						
	III	C	431	200	9	1,800
<u>Water Utilities</u>						
- Type 1	I	C	6	44	9	396
- Type 2	II	C	26	79	9	711
<u>Solid Waste</u>						
	II	C	9	30	9	270
<u>Fire Department</u>						
- Type 1	I	A+D	11	8	42	336
- Type 2	I	B+D	3	7	23	161

MOWING CLASSES

A. Mowing – CLASS I

1. Mowing typical of residential lawns and including trimming and edging of all buildings, fences, landscape features, and site specific fixed items.
2. Any changes in the mowing height are to be pre-approved by the Contract Administrator.

Optimal Mowing Height

2 inches plus/minus ¼ inches

3. Bruising or rough cutting of the grass is not permitted. Mowers will be adjusted and operated so that the grass is cut at a uniform height.
4. Mowing will not be permitted within 6" of each tree, fence, or fixed object in order to avoid damage to same.
5. Roadsides and Rights of Ways (ROW's) will be mowed from back-of-curb to a maximum of 16 feet or to any existing fencing

B. Mowing – CLASS II

1. Mowing typical of recreational grounds typically suitable for outdoor activities and pedestrian traffic and including trimming and edging of all buildings, fences, landscape features, and site specific fixed items.
2. Any changes in the mowing height are to be approved by the Contract Administrator.

Optimal Mowing Height

3 inches plus/minus ½ inches

3. Mowers will be adjusted and operated so that the grass is cut at a uniform height.
4. Mowing will not be permitted within 6" of each tree, fence, or fixed object in order to avoid damage to same.
5. Roadsides and Rights of Ways (ROW's) will be mowed from back-of-curb to a maximum of 16 feet or to any existing fencing.

C. Mowing – Class III

1. Mowing typical of TxDOT right of way and pastures including heavy growth and small woody vegetation using heavy mower or shredder and including rough trimming around fences, signs, and site specific fixed items.
2. Any changes in the mowing height are to be approved by the Contract Administrator.

Optimal Mowing Height

6 inches plus/minus ½ inches

3. Mowers will be adjusted and operated so that the grass is cut at a uniform height.
4. Mowing will not be permitted within 6" of each tree, fence, or fixed object in order to avoid damage to same.
5. Roadsides and Rights of Ways (ROW's) will be mowed from back-of-curb to a maximum of 16 feet or to any existing fencing.

D. Edging / Trimming

1. All edging/trimming will be done with an edger/trimmer commonly used for this purpose. Edging shall refer to the vertical removal of any and all plant material which encroaches over or onto sidewalks, curbs, steps, driveways and pavements. Edges shall be vertical, minimum

depth of 1", and minimum width of 1/4". This task must be done neatly to present a clean, crisp appearance, having a smooth line.

2. All turf will be edged and trimmed each time turf is mowed.
3. Both Sides of All sidewalks, curbs, and steps will be edged/trimmed as applicable.
4. All material dislodged by edging must be cleaned, leaving the site in a neat and maintained condition.

MOWING CYCLES

CYCLE A - 39 CYCLES (WEEKLY) March 1-Nov 30

CYCLE B - 20 CYCLES (BI-WEEKLY) March 1-Nov 30

CYCLE C - 9 CYCLES (MONTHLY) March 1-Nov 30

CYCLE D - 3 CYCLES (MONTHLY) DEC.-FEB.

GENERAL CONTRACTUAL TERMS AND CONDITIONS:

Below are the general contractual terms and conditions for items where specific arrangements are not listed.

1. EQUIPMENT:

Rotary mowers will normally be required to mow rights-of-way. Mowers shall have adjustable cutting heights. All mowers shall be equipped with safety chains or factory installed deflector type guards to prevent damage to property and persons by debris expelled from under the mower. Mowers equipped with chains shall have chains of sufficient length and spacing around the mower to prevent debris from exiting from beneath the mower deck. Mowers for Parks and Recreation cemetery shall be finish mowers (no shredders). Tractors equipped with flex finish mowers will be allowed in all but class I areas if desired but turf tires are required.

All mowers shall be kept in good operating condition and shall be maintained at all times to provide clean, sharp cuts of vegetation. All factory safety devices and guards shall be in good condition to ensure safety for workers and passersby.

2. EXECUTION OF WORK:

Prior to beginning operations, the City of Abilene shall arrange a conference between the Departments and the Contractor. In this meeting, the Contractor will outline the Contractor's proposed mowing procedures and submit the Contractor's plans for performing the work consistent with safety requirements for the general public. It is mandatory that a review of the contracted area be conducted prior to beginning the first mowing cycle. Such a review shall be attended by the vendor/s and the Contract Administrator. Plans, specifications, unusual conditions, methods for marking non-mow areas and other pertinent issues regarding work will be discussed.

The mowing schedule shall begin on the effective date of the fully executed General Services Contract. The Contractor shall complete each mowing cycle within the specified working days unless prevented by weather conditions. Any weather-related time extensions requested by the

Contractor and granted by the City should be in writing. The Contractor shall notify the City representative to request inspection of each finished mowing site and receive approval by the City for acceptance of completed work, during each mowing cycle.

If the Contractor fails to complete the work within the specified time period for each mowing cycle, or within any extension time granted in writing by the City, then the Contractor shall pay to the City, as liquidated damages, the sum of Fifty Dollars (\$50.00) for each working day that the Contractor is in default for that mowing cycle. The sum shall be treated as liquidated damages and not as a penalty, and the City may withhold from the Contractor's compensation such sums as liquidated damages.

Mowers shall be operated at speeds appropriate to produce quality cutting.

Mower operators will establish cutting paths that provide one hundred percent (100%) traverse coverage of each area required to be mowed. Missed stands of vegetation or areas not uniformly cut will be re-cut at no additional cost subject to final approval by the City.

The required mowing areas shall include rights-of-way down slopes, channel bottoms and tops of banks from the top of slope to the boundary, to designated width or, to obstruction such as fence, or assigned berm width.

Ruts, holes and other disfigurement caused by the Contractor's mowing equipment shall be the responsibility of the Contractor to restore to the original condition. If the Contractor is in doubt as to soil conditions (wet, muddy, etc.) before mowing, he is required to contact the City representative before commencing work.

The Contractor shall not park unattended equipment within thirty feet (30') of travel lanes or streets.

4. DEBRIS THROWN ON THE ROADWAY:

The Contractor shall immediately remove and properly dispose of any debris (grass clippings, leaves, tires, shopping carts, signs, limbs, etc.) thrown on any roadway and/or adjacent parking area. In addition to debris removal, mud that is tracked or dragged onto any roadway by mowers shall be removed immediately.

5. LITTER:

The Contractor shall provide litter and all debris pick-up prior to each mowing cycle as specified. Litter is defined as all trash, 1" X 1" and larger. Debris includes, but is not limited to, tires, shopping carts, stake signs, paper and tree limbs. Contractor will be required to cooperate with others to avoid the mowing of litter as directed by the City. Contractor is required to collect Litter along the edge of roadways, fences, or tree/ brush lines to the boundary of rights of way, within all landscape beds, all turf areas, and all Parking lots, sidewalks, and adjacent frontage roads. Picked-up litter will be legally disposed of off-site in accordance with all City, State, and Federal environmental guidelines.

6. MEASUREMENT:

The unit of measure for mowing unimproved areas shall be per acre per mowing cycle and shall consist of one complete mowing of each area. Unless otherwise instructed, the Contractor shall

accomplish all tasks listed on a regular schedule, as agreed upon by the Contractor and the Contract Administrator. All mowing is to be accomplished Monday through Friday, weather permitting. It will be considered a breach of the contract if the schedule is repeatedly missed. The Contract Administrator reserves the right to cancel or add scheduled mowing cycles on a week-to-week basis, based upon need, prevailing weather conditions, and available funding.

7. INSPECTIONS AND ACCEPTANCE OF WORK:

The City reserves the right to inspect the work under contract at any time for final acceptance by the City. The Contractor shall direct all written and verbal communications to the City Point of Contact, who has ultimate responsibility for scheduling, tracking, inspecting, and verifying the Contractor's work.

8. CONTRACTOR SUPERVISION:

The Contractor shall provide, at Contractor's own expense, competent, full-time supervision of the work at all times while work is in progress.

All work shall be performed and completed in a thorough, workman-like manner by skilled and experienced workers, and in accordance with the latest proven practices of the trade.

9. COMPLIANCE WITH CODES:

Contractor shall comply with all City, county, state and federal codes, laws, and ordinances in force at the time of award of contract and applicable to such work.

Contractor shall obtain, at their own expense, such permits, certificates and licenses as may be required in the performance of the work specified.

10. STORAGE:

The City of Abilene does not assume responsibility for any materials, tools and equipment stored on or about the premises. The Contractor, upon completion of the work, shall clear each area of all items.

11. PROTECTION:

The Contractor shall provide adequate protection to persons, adjacent property, utilities and the traveling public, and shall avoid interference with such persons, property and facilities. Contractor shall furnish all signage, traffic control, barricades, warning lights and other safety devices necessary for the safety and protection of the public and shall remove them upon completion of this contract.

The Contractor shall be responsible for any damage to the property during the maintenance operation, and shall be responsible for replacement of all trees, fences, shrubs, and ground covers destroyed by the contractor, employees or agents of the contractor during the maintenance operation.

Trees, shrubs, permanent fixtures and other improvements must not be bumped or marked by mowing or edging equipment. Vendor will be responsible to replace damaged trees, plant material

and other park improvements if struck or damaged by mowing/trimming equipment. Mulch rings shall be reshaped within twenty-four (24) hours when dislodged by mowing equipment. Contractor shall be responsible for immediate repair/replacement of any irrigation damage caused by his forces.

Any hazardous conditions and/or damage to City property will be reported to the Contract Administrator prior to leaving the work site.

Vendor shall use proper safety methods as defined within the Texas Manual on Uniform Traffic Control Devices (MUTCD), if working within the roadway. Vendor's vehicles shall not block traffic or work in the street during rush hour traffic. Vendor shall use applicable cones / barriers and coordinate with the City's Traffic Engineering Division for Traffic Safety Plans, as required.

The Contractor shall maintain a "spill-kit" with each mowing crew, minimum 5 gallon capacity, in order to contain or mitigate any small fuel or oil spills that may occur while performing the work. The Contractor shall be responsible to promptly pick up and legally dispose of any contaminated absorbent materials. Contractor shall be solely responsible for any notification requirements in accordance with federal, state, and local laws.

12. DAILY CLEANUP:

The Contractor shall confine to the site all materials and refuse generated by his/her operations. Materials and/or equipment, which are stored on-site, shall be stored in an orderly manner. Materials which become scattered in adjacent areas shall be collected and returned to the site or otherwise satisfactorily disposed of.

13. RESPONSIBILITY FOR PROPERTY:

Contractor shall assume full responsibility for any loss of or damage to private and public property by employees or agents of the Contractor and will reimburse the private or public entity in the event of any loss of or damage to said property. The City shall not be responsible for loss or damage to Contractor's property arising from any cause.

SCOPE OF WORK, SPECIFIC AREAS, AND MOWING STANDARDS BY DEPARTMENT

Each mowing operational department has specific mowing areas, standards, specifications and requirements.

PARKS, FACILITIES AND MEDIANS

Parks and Recreation has divided all mowing operations into six (6) different similar categories. These categories include Manicured Areas such as developed park space, Medians, Park properties, Vacant Lots, Large Areas, and the Cemetery.

TRANSPORTATION SERVICES (AIRPORT)

Abilene Regional Airport uses tractors with attached shredder decks to maintain approximately 730 acres of Class III mowing on Airport property. These areas must be maintained at a grass between 6" - 12" to deter wildlife activity that could pose a hazard to aircraft.

Much of the acreage to be mowed is within the fence of the Airport known as the Aircraft Operating Area (AOA). A selected contractor's employees must undergo a Transportation Security Administration background check to hold an Airport-issued security badge and go through training to operate equipment within the AOA. Training and badging costs shall be handled administratively by the Airport Management.

Tractors operating within the AOA must be equipped with a flashing amber beacon and shall be equipped with a VHF radio programmed to the designated air traffic control tower frequency. Tractor operators shall be properly trained prior to conducting any operations within the AOA, and the Required Operations Training shall include proper radio use.

Close coordination with Airport Management is required to schedule each mowing rotation to ensure that adjacent runways and taxiways can be closed while mowing is occurring.

PUBLIC WORKS ADMIN (TxDOT ROW)

Growing Season is defined as March thru November. The contractor shall complete approximately nine (9) mow cycles annually.

Each cycle shall include mowing, litter pick up and trimming around all obstacles that cannot be mowed around closely (i.e. manholes, fire hydrants, water valves, trees, utility poles, fences, culverts, inlets, signs, etc.).

Tractors with bush hog mower decks, shredders, and other attachments; and zero turn mowers have historically been used to mow TxDOT rights-of-way mowing routes.

WATER UTILITIES SERVICES

Water Utilities Department facilities are located within the Abilene City Limits and remote facilities located within the region. Water Utilities facilities consist of the Abilene Environmental Laboratory, water and wastewater treatment plants, pump stations, water storage sites, and lake properties.

The Water Department Representative shall attempt to identify and mark with paint and/or flagged markers those facilities and appurtenances such as valve boxes and exposed piping which might pose a hazard when mowing. This does not relieve the Contractor from using reasonable care when operating mowing and edging equipment on City properties. Should an emergency occurs, the contractor's personnel shall follow the direction of City staff. If any accident occurs, (i.e. a chemical feed line gets damaged, etc.), the contractor shall immediately notify water utility personnel on site and the City's Water Department Representative.

SOLID WASTE

Zero turn mowers currently perform mowing on Solid Waste maintained properties. The sites - 2209 Oak St, 4580 Buffalo Gap Rd, 1301 South 8th St, and 4374 Southwest Drive require mower and weed eating equipment to complete the task. The 2149 Sandy Street location requires a tractor-shredder along with weed eating.

FIRE DEPARTMENT

Mowing will consist of utilizing zero-turn or walk behind mowers along with weed eating, and blowing the sidewalks, driveways and gutters.

A. Mowing Class I with Mowing Cycle A

Eight (8) Fire Stations with total approximate acreage of 8 acres.

- Fire Station 1 – 250 Grape Street
- Fire Station 2 – 941 ES 27th Street
- Fire Station 3 – 1625 Vine Street
- Fire Station 4 – 3750 Grape Street
- Fire Station 5 – 1250 EN 16th Street
- Fire Station 6 – 1482 S. Danville
- Fire Station 7 - 431 N Pioneer
- Fire Station 8 – 5680 Buffalo Gap Road
- Old Fire Station 7 – 4310 N. 10th Street
- Logistics Operations Center – 643 S. 7th Street
- Abilene Fire Fleet Facility – 1805 Navajo Circle

B. Mowing Class I with Mowing Cycle B

Designated Fire Station locations and three additional facilities. Approximate acreage of 7 acres

- Fire Station 3 (Back lot only) – 1625 Vine Street
- Fire Station 7 (Back lot only) – 431 N. Pioneer
- Old Fire Station 7 (Back lot only) – 4310 N. 10th Street

ATTACHMENT B

PAYMENT SCHEDULE

Payment is a fixed fee amount per mowing of each location, as listed on the attached chart, and payable per month upon City's receipt of invoice from Contractor which lists the type and location of mowing, and upon completion of the work and written acceptance by City's Project Representative.

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

**CITY OF ABILENE
CITY-WIDE PARKS/ FACILITIES/ RIGHTS OF WAY / OPEN ACREAGE MOWING SERVICES
BID #CB-2206**

ATTACHMENT B - BID FORM

The successful bidder/contractor shall furnish all labor, materials, equipment, tools and supervision necessary and required in the mowing of city-wide rights-of-way areas listed on the attached Exhibits. City-wide Parks/ Facilities/ Rights of Way / Open Acreage Mowing covered under the contract totals approximately **3,020 acres per cycle**. Number of cycles varies for each specific section of properties.

PARKS AND RECREATION

Type 1 - Manicured Areas- areas to be mowed, trimmed, edged, debris removed weekly during the growing season and monthly out of season for the removal and/ or mulching of leaves and other similar debris and vegetation.

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre of Manicured property, <u>Mowing Class II.</u>	\$ 48.00
B.	Cycle Cost (126 acres X unit price per acre (A) above)	\$ 6,048.00
C.	<u>(Mowing Cycles A+D) X (Cycle Cost)</u> (42 X cycle cost (B) above)	\$ 254,016.00

Type 2 - Medians etc.- areas to be mowed, trimmed, edged, debris removed bi-weekly during the growing season and monthly out of season for the removal and/ or mulching of leaves and other similar debris and vegetation.

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre of medians and similar property, <u>Mowing Class II.</u>	\$ 58.00
B.	Cycle Cost (80 acres X unit price per acre (A) above)	\$ 4,640.00
C.	<u>(Mowing Cycles B+D) X (Cycle Cost)</u> (23 X cycle cost (B) above)	\$ 106,720.00

Type 3 - Parks etc. - areas to be mowed, trimmed, edged, debris removed bi-weekly during the growing season and monthly out of season for the removal and/ or mulching of leaves and other similar debris and vegetation.

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre of parks and similar property, <u>Mowing Class II.</u>	\$ 36.00
B.	Cycle Cost (534 acres X unit price per acre (A) above)	\$ 19,224.00
C.	<u>(Mowing Cycles B+D) X (Cycle Cost)</u> (23 X cycle cost (B) above)	\$ 442,152.00

Type 4 - Vacant Lots etc.- to be mowed, trimmed, edged and debris removed, upon request.

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre of vacant lots / open areas, <u>Mowing Class II.</u>	\$ 78.00
B.	Cycle Cost (38 acres X unit price per acre (A) above)	\$ 2,964.00
C.	<u>(Mowing Cycle R) X (Cycle Cost) (10 X cycle cost (B) above)</u>	\$ 29,640.00

Type 5 - Large Areas - to be mowed, trimmed, edged and debris removed.

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre of large area shredding, <u>Mowing Class III.</u>	\$ 85.00
B.	Cycle Cost (87 acres X unit price per acre (A) above)	\$ 7,395.00
C.	<u>(Mowing Cycle E) X (Cycle Cost) (3 X cycle cost (B) above)</u>	\$ 22,185.00

Type 6 - Cemetery - areas to be mowed, trimmed, edged, debris removed bi-weekly during the growing season and monthly out of season for the removal and/ or mulching of leaves and other similar debris and vegetation.

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre of cemetery property maintenance, <u>Mowing Class II.</u>	\$ 65.00
B.	Cycle Cost (53 acres X unit price per acre (A) above)	\$ 3,445.00
C.	<u>(Mowing Cycles B+D) X (Cycle Cost) (23 X cycle cost (B) above)</u>	\$ 79,235.00

TRANSPORTATION SERVICES (AIRPORT)

Type 1

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre of Manicured property, <u>Mowing Class I.</u>	\$ 58.00
B.	Cycle Cost of 4 acres/Cycle (4 acres x Unit Price in A)	\$ 232.00
C.	<u>(Mowing Cycle A+D) X (Cycle Cost) (42 X cycle cost (B) above)</u>	\$ 9,744.00

Type 2

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre of shredding, <u>Mowing Class III.</u>	\$ 68.00
B.	Cycle Cost of 730 acres/Cycle (730 acres x Unit Price in A)	\$ 49,640.00
C.	<u>(Mowing Cycle C) X (Cycle Cost) (9 X cycle cost (B) above)</u>	\$ 446,760.00

PUBLIC WORKS ADMIN (TxDOT ROW)

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre of Rights of Way / Open Acreage Mowing, <u>Mowing Class III.</u>	\$ 78.00
B.	Cycle Cost (200 acres X unit price per acre (A) above)	\$ 15,600.00
C.	<u>(Mowing Cycle C) X (Cycle Cost)</u> (9 X cycle cost (B) above)	\$ 140,400.00

WATER UTILITIES

Type 1

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre, <u>Mowing Class I.</u>	\$ 85.00
B.	Cycle Cost (44 acres X unit price per acre (A) above)	\$ 3,740.00
C.	<u>(Mowing Cycle C) X (Cycle Cost)</u> (9 X cycle cost (B) above)	\$ 33,660.00

Type 2

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre, <u>Mowing Class II.</u>	\$ 80.00
B.	Cycle Cost (79 acres X unit price per acre (A) above)	\$ 6,320.00
C.	<u>(Mowing Cycle C) X (Cycle Cost)</u> (9 X cycle cost (B) above)	\$ 56,880.00

Type 3

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre of Rights of Way / Open Acreage Mowing, <u>Mowing Class III.</u>	\$ 65.00
B.	Cycle Cost (982 acres X unit price per acre (A) above)	\$ 63,830.00
C.	<u>(Mowing Cycle C) X (Cycle Cost)</u> (9 X cycle cost (B) above)	\$ 574,470.00

SOLID WASTE

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre of Open Acreage Mowing, <u>Mowing Class I.</u>	\$ 80.00
B.	Cycle Cost (30 acres X unit price per acre (A) above)	\$ 2,400.00
C.	<u>(Mowing Cycle C) X (Cycle Cost)</u> (9 X cycle cost (B) above)	\$ 21,600.00

FIRE DEPARTMENT

Type 1 - Manicured Areas- areas to be mowed, trimmed, edged, debris removed weekly during the growing season and monthly out of season for the removal and/ or mulching of leaves and other similar debris and vegetation.

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre of Manicured Areas, <u>Mowing Class I.</u>	\$ 58.00
B.	Cycle Cost (8 acres X unit price per acre (A) above)	\$ 464.00
C.	<u>(Mowing Cycles A+D) X (Cycle Cost)</u> (42 X cycle cost (B) above)	\$ 19,488.00

Type 2 – open lots - areas to be mowed, trimmed, edged, debris removed bi-weekly during the growing season and monthly out of season for the removal and/ or mulching of leaves and other similar debris and vegetation.

ITEM	DESCRIPTION	AMOUNT
A.	Unit price per acre of Open Lots, <u>Mowing Class I.</u>	\$ 68.00
B.	Cycle Cost (7 acres X unit price per acre (A) above)	\$ 476.00
C.	<u>(Mowing Cycles B+D) X (Cycle Cost)</u> (23 X cycle cost (B) above)	\$ 10,948.00

ATTACHMENT C

STATE MANDATED WORKERS' COMPENSATION INSURANCE LANGUAGE THIS ATTACHMENT IS ONLY APPLICABLE IF WORKERS' COMPENSATION COVERAGE IS PROVIDED

a. Definitions

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

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

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

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

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

f. The Contractor shall retain all required certificates of coverage for the duration of the project and for one (1) year thereafter.

g. The Contractor shall notify the City in writing by certified mail or personal delivery, within ten (10) days after the Contractor knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project.

h. The Contractor shall post on each project site a notice, in the text, form and manner prescribed by the Texas Workers' Compensation Commission, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.

i. The Contractor shall contractually require each person with whom it contracts to provide services on a project to:

(1) provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all of its employees providing services on the project, for the duration of the project;

(2) provide to the Contractor, prior to that person beginning work on the project, a certificate of coverage showing that coverage is being provided for all employees of the person providing service on the project, for the duration of the project;

(3) provide the Contractor, prior to the end of the coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project;

(4) obtain from each other person with whom it contracts, and provide to the Contractor:

(a) a certificate of coverage, prior to the other person beginning work on the project; and

(b) a new certificate of coverage showing extension of coverage, prior to the end of the coverage period, if the coverage period shown on the current certificate of coverage ends during the duration of the project;

(5) retain all required certificates of coverage on file for the duration of the project and for one (1) year thereafter;

(6) notify the City in writing by certified mail or personal delivery, within ten (10) days after the person knew or should have known, of any change that materially affects the provision of coverage of any person providing service on the project;

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

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

(End of Document)

Award Bid to Incircle Management Inc. for Mowing Services



Award Bid to Incircle Management Inc. for Mowing Services

- The City of Abilene is using a Managed Competition Process to determine the best value for Mowing Services
- 15 different mowing types were identified by staff including areas currently mowed by Parks, Airport, Public Works, Water Utilities, Solid Waste, and Fire
- The City mows over 3,000 total acres with over 40,000 total mowed acres per year based upon various mowing frequencies

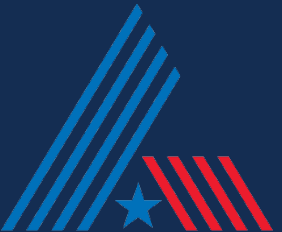
Award Bid to Incircle Management Inc. for Mowing Services

- Project was advertised on Oct. 1st and Oct. 10th, with a bid opening date of Oct. 20th
- Received 3 outside bids and 2 internal bids
- Evaluation of all bids determined Incircle Management Inc. provided the lowest bid for 9 of the 15 identified mowing types (no internal bids for 6 of these 9 mowing types)

Award Bid to Incircle Management Inc. for Mowing Services

- Contract is for 36 months, with 2 optional 1 year extensions, beginning Feb. 1, 2022
- Recommend Award of 9 mowing types to Incircle Management Inc. in the annual amount of \$478,675 per year
- Funding for this contract is available within the approved budgets of the operating departments

QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 1/13/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **12. Ordinance (Final Reading) CUP-2021-02:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Thomas Paul Anthony (Represented by Enprotec/Hibbs & Todd, Engineering Consultants) for Approval of a Conditional Use Permit Allowing a Vacation Travel Trailer/Recreational Vehicle Park on 60.01 Acres Bordering the 2600-2700 Blocks (West Side) of West Lake Road in North Central Abilene. *(Tim Littlejohn)*

GENERAL INFORMATION

Add a Conditional Use Permit (CUP) to approximately 59.36 acres of vacant property zoned Agricultural Open (AO).

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. CUP-2021-02 Council Ordinance
2. CUP-2021-02 Council Staff Report
3. CUP-2021-02 Council Presentation

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY APPROVING A CONDITIONAL USE PERMIT (CUP) AFFECTING CERTAIN PROPERTY; 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 approving a Conditional Use Permit (CUP) 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 17th 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 11th day of December, 2021, the same being more than fifteen (15) days prior to a public hearing held at the Abilene Public Library's South Branch in the Mall of Abilene at 4310 Buffalo Gap Road in Abilene, Texas, at 8:30 a.m. on the 13th day of January, 2022, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 13th day of January, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Conditional Use Permit (CUP) to allow Vacation Travel Trailer Park on the following described property in an Agricultural Open (AO) zoning district:

BEING 60.1 acres of land out of a 64.263-acre tract recorded in Document No. 2008-11790, Official Public Records, Taylor County, Texas, out of a 112-acre tract of land recorded in Volume 515, Page 80, Deed Records, Taylor County, Texas out of Block Nos. 7,8,20, and 21, North Park Addition to the City of Abilene, Taylor County, Texas as shown by plat recorded in Plat Cabinet 2, Slide 137-C, Plat Records, Taylor County, Texas. Said 60.1 acre tract contains a portion of Plum Street and Lowden Street both being abandoned per Volume 402, Page 180, Deed Records, Taylor County, Texas. Said 60.1 acres being more particularly described as follows.

BEGINNING at a found ½” metal rebar on the East line of said Block 8, the East line of said 112-acre tract and the West line of West Phantom Hill Road (60’ right-of-way) at the Northeast corner of a 20.00-acre tract recorded in Volume 3162, Page 469, Official Public Records, Taylor County, Texas for the Southeast corner of this tract, whence a found ½” metal rebar, at an old 8” cedar post, for the Southeast corner of a 10.00-acre tract recorded in Volume 2546, Page 952, Official Public Records, Taylor County, Texas bears S 00°16’ 19” W 1073.66’. Said post called to be the Southeast corner of said 112-acre tract and the Southeast corner of Lot 4 of said block 7;

THENCE N 89°31’03” W 1268.00’ to a found ½” metal rebar on the West line of said Block 8 at the Northwest corner of said 20.00-acre tract for the South most Southwest corner of this tract;

THENCE N 00°15’49” E 855.18’ to a set ½” metal rebar for an interior corner of this tract;

THENCE S 89°58’06” W 36.05’ to a point in tank whence the center of a 6” cedar fence corner post bears S 89°58’06” W 79.61’. Said point being the Southwest corner of a 21.624-acre tract surveyed this same day for the North most Southwest corner of this tract;

THENCE N 00°39’15” W 1145.82’ to a found 3/8” metal rebar at the Southwest corner of Lot 101, Replat of part of Lot 1, Block 21, North Park Addition, recorded in Plat Cabinet 1, Slide 521, Plat Records, Taylor County, Texas for the South most Northwest corner of this tract, whence a found 3/8” metal rebar at the Northwest corner of said Lot 101 bears N 00°39’15” W 568.50’;

THENCE S 89°33’49” E 382.92’ to a found 3/8” metal rebar at the Southeast corner of a 5.0-acre tract recorded in Volume 1333, Page 575, Deed Records, Taylor County, Texas for an interior corner of this tract;

THENCE N 00°40’10” W 122.94’ to a point on the east line of said 5.0 acre tract for a corner of this tract, where a found 3/8” metal rebar at the northeast corner of said 5.0 acre tract bears 445.62’ N 00°40’10” W;

THENCE N 89°33’39” E, at a distance of 279.14’ passing a found ½” metal rebar at the southwest corner of a 7.521-acre tract recorded in Volume 1188, Page 115, Deed Records, Taylor County, Texas, continuing for a total distance of 522.37’ to a found ½” metal rebar at an interior corner of the said 7.521-acre tract;

THENCE S 01°31’50” E, at 81.50’ passing found ½” metal rebar at a corner of said 64.263-acre tract, continuing for a total distance of 209.12 feet to a point for a corner of this tract;

THENCE N 89°43'30" E 412.60' to a point on the West line of said West Phantom Hill Road and the East line of Lot 4, Block 21 of said North Park Addition for the Northeast corner of this tract, where a found 5/8" metal rebar at the Southeast corner of said 7.521-acre tract and the Northeast corner of said 112-acre tract bears 127.59' N 00° 15'49" E;

THENCE S 00°15'49" W (bearing basis per said Volume 3162, Page 469) with the West line of said West Phantom Hill Road, the East line of said 112-acre tract and the East line of said Blocks 21 and 8, 1920.54' to the Point of Beginning and containing 60.1 acres of land.



ZONING CASE CUP-2021-02

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: December 7, 2021

City Council 1st Reading: December 17, 2021

City Council 2nd Reading: January 13, 2022

Applicant

Owner: Thomas Paul Anthony

Agent: Enprotec Hibbs and Todd, LLC

Request

Add a Conditional Use Permit (CUP) to approximately 59.36 acres of vacant property zoned Agricultural Open (AO).

Location

2600-2700 blocks (west side) of West Lake Road in north central Abilene. Legal description being 59.36 acres out of Block Nos. 7, 8, 20, and 21 (as well as intervening and the adjacent abandoned segments of Plum and Lowden Streets) in North Park Addition to Abilene, Taylor County, Texas.

Background

This subject property was annexed into the City Limits of Abilene in 1957. The subject property has been zoned Agricultural Open (AO) zoning since at least 1974. This property was vacant up until 2009 at which time permits were issued for the agricultural buildings which currently reside on the property.

According to information provided within the application, the owner wishes to establish a Vacation Travel Trailer/Recreational Vehicle Park on this subject property. According to the Land Use Matrix located in Section 2.4.2.1 of the City of Abilene's Land Development Code; vacation travel trailer/recreational vehicle parks are only permitted in Agricultural Open (AO) zoning with the approval of a Conditional Use Permit.

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 to the north consists of Agricultural Open (AO) and Heavy Industrial (HI) zoning, within these districts are single-family residences. West of the subject property is Light Industrial (LI) and Agricultural Open (AO) zoning districts that are presently vacant. South and east of the subject property are Agricultural Open (AO) zoning districts that are currently vacant.

Criteria Assessment

Staff has reviewed the request based upon the factors established in Section 1.4.3.5, Criteria for Approval, of the Land Development Code. These factors are identified and addressed below:

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.

The Future Land Use and Development Plan Map identifies this area as low-density residential. The proposed use of this site will function much like a residential land use; however, it will house temporary residences and visitors to the City of Abilene. The planned use of this property will achieve the goal of the Comprehensive Plan for infill development by promoting the use of a large tract of vacant land that is predominately inundated by the floodway and therefore presents challenges to development.

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 as well as the Future Land Use and Development Plan Map.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations

No, Agricultural Open (AO) zoning and applicable regulations are designed to preserve valuable agricultural land and to preserve open space. However, Agricultural Open zoning is also utilized as a “holding zone” for land that is annexed into the City of Abilene until a request for a more intense zoning classification or conditional use is sought after. The purpose of a Conditional Use Permit is to allow the establishment of uses that may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses. The extensive floodplains and floodways in this vicinity present a development challenge to the subject property and limit the development potential of surrounding properties. Taking this into consideration, the planned use of a vacation travel trailer/RV park is desirable given the temporary nature of the recreational vehicles that will be placed at this location.

3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.

It is the opinion of the staff that the proposed use is appropriate in the immediate area of the land to be reclassified. The area is predominately undeveloped and will likely remain undeveloped due to the extensive amount of floodways in the immediate area.

It is the opinion of the staff that the proposed use of this site will not create adverse impacts regarding traffic, noise, or odors.

4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

Yes, the proposed use will not generate pedestrian and vehicular traffic that will be hazardous or conflict with existing and anticipated traffic. West Lake Road is a major arterial road. Roadways such as this are designed to carry large volumes of traffic and built to a standard that can withstand heavy vehicle traffic.

5. **The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.**

The development of this site will require an official Site Plan review by the City of Abilene's Development Review Committee. Prior to the approval of this site plan, the owner of the property will be required to formally plat the property. Prior to the subdivision plat being approved public improvements will be required. Said public improvements are to include but not be limited to the expansion in the width of the street pavement for West Lake Road.

6. **The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.**

There are no plans to incorporate features to minimize adverse effects, including visual impacts that the proposed use may have on adjacent properties. However, due to the substantial amount of floodways in the immediate vicinity, the majority of the surrounding properties are vacant and will likely remain so for the foreseeable future. The two residences located immediately north of the subject property are north of an existing drainage channel; along this drainage channel is significant vegetation that may serve as a natural land use buffer.

7. **The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.**

Yes, the variations from the standards for the zoning district will promote a form of residential land use on a property that is otherwise unfit for much else due to the existing flood plains and floodways that intersect the subject property.

Staff Recommendation

Staff recommends approval.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on November 20, 2021 (via certified mail) to the applicant and other property owners within a 200-foot radius of the subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1

Owner	Parcel ID	Situs	Response
BASHFORD DAVID H	32365	789 ANSON AV	
BASHFORD DAVID H	32363	749 ANSON AV	
CRYSTAL CITY RAILROAD INC	31725	801 ANSON AV	
FULLERTON GAYLA	976212	2826 W LAKE RD	
FULLERTON GAYLA	41835	2749 W LAKE RD	
FULLERTON GAYLA D	981929	601 ANSON AV	
GOGGANS & SONS INC	53114		
GOODIN MARION J JR	42213	2801 W LAKE RD	
HERMANN RUTH	68541	104 E AMBLER AV	OPPOSED
JOHNSON WILLIAM	41969	2701 W LAKE RD	FAVOR
PELTON ROBERT	65541		
STEPHENS PEGGY CAROLYN	32236	349 ANSON AV	
THOMAS PAUL ANTHONY	64271	2648X W LAKE RD	
THOMAS PAUL ANTHONY	106790	2502 W LAKE RD	

Attachments

Application

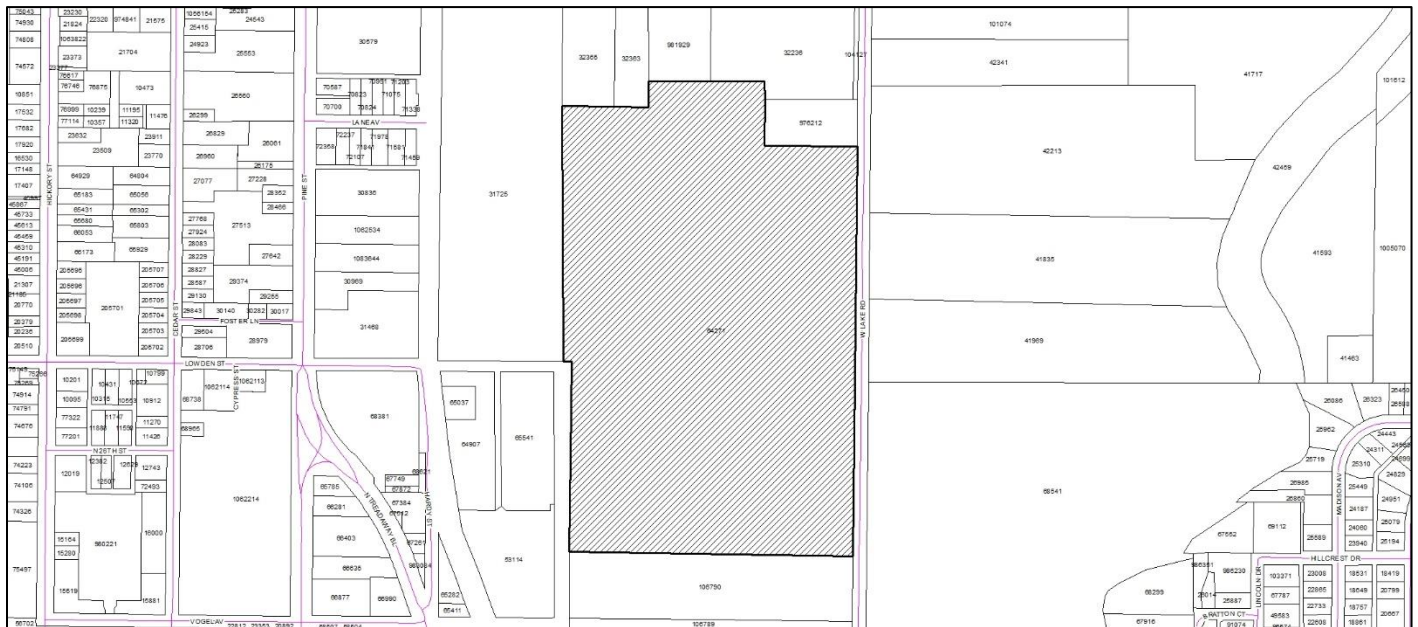
Draft Site Exhibit

PowerPoint Presentation

ZONING MAP



LOCATION MAP





Development Application

Planning

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

Project Name: Grapevine Farms RV Park
 Address: West Lake Road No. of lots: 1 Acreage: 59.4
 Legal Description: Lot 1 Block 8 North Park Addition
 Subdivision Name: _____ Block: _____ Lot: _____
 Current Zoning: AO Proposed Zoning (if applicable): conditional use to allow RV Park

OWNER AND AUTHORIZATION

Owner Name: Thomas Paul Anthony
 Address: 601 Anson Ave
 City, State, Zip: Abilene, Tex 79601 Fax: _____
 Phone: 665-7810 Email: paul@customprivateequity.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) EAT will act as my agent before the Planning and Zoning Commission.

Agent Name: EAT
 Address: 402 Cedar
 City, State, Zip: Abilene, Tex 79601 Fax: _____
 Phone: 698-5560 Email: david.todd@e-lit.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: Paul Anthony Date: 11-3-21

FOR OFFICE USE ONLY

Received: 10/26/21 Fee: \$ 1500.00 Receipt No.: 0001065553
 Case No.: CUP-2021-02 Reviewed By: [Signature]

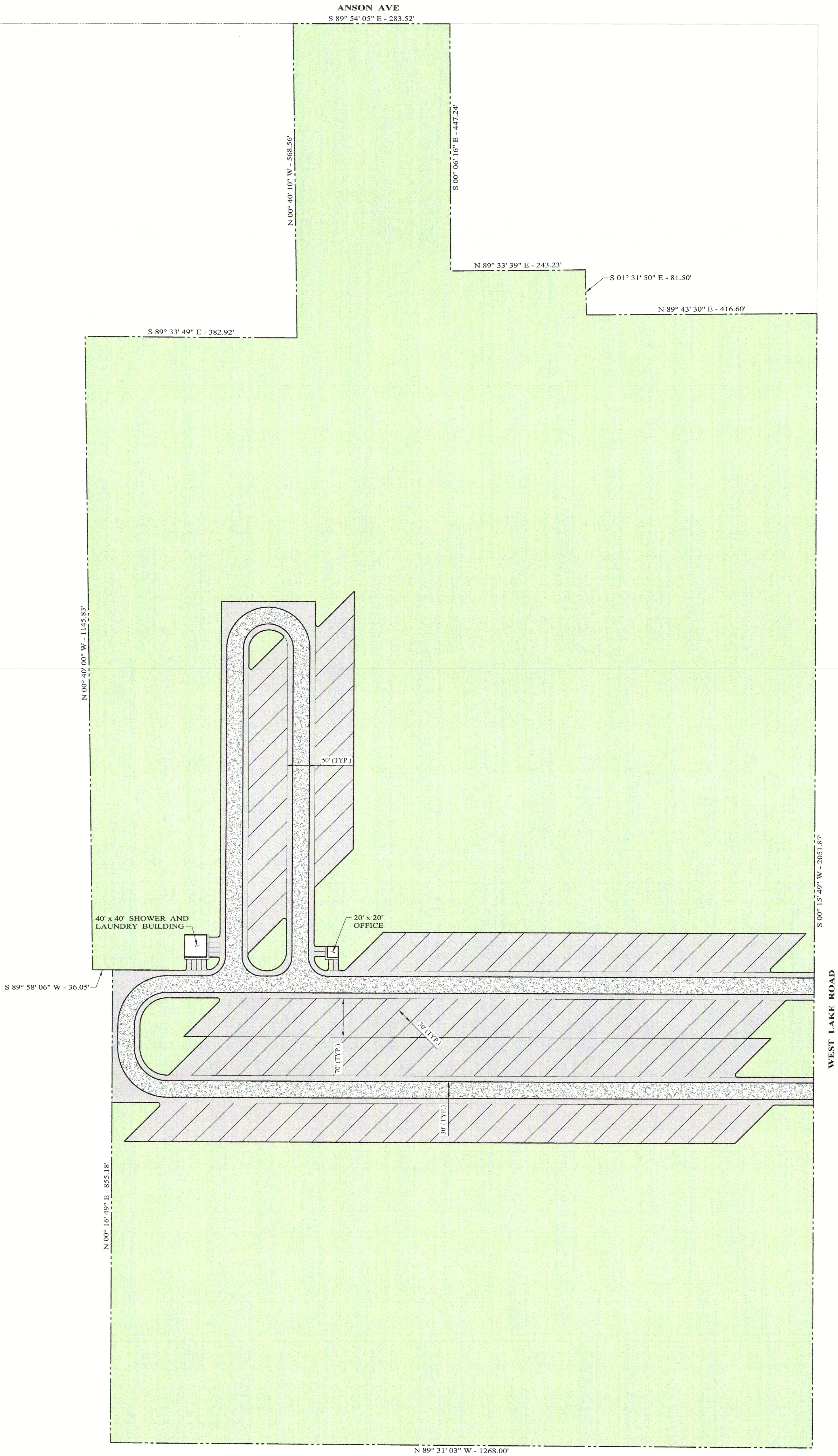
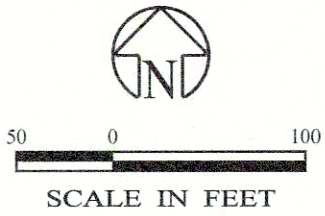


Development Application

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.

1. Allow an RV park in an AO
zone





Enprotec | Hibbs & Todd

402 Cedar Street • Abilene, Texas 79601 • T: (325) 698-5560 • F: (325) 690-3240 • www.e-ht.com
PE Firm Registration No. 1151 • PG Firm Registration No. 50103 • RPLS Firm Registration No. 10011900

CONCEPTUAL SITE PLAN
FOR
GRAPEVINE FARMS RV PARK
ABILENE, TAYLOR COUNTY, TEXAS

8081
PROJECT NO.
10/27/2021
DATE
J.D.T.
DESIGNED BY:
D.B.H.
DRAWN BY:
J.D.T.
CHECKED BY:
1 OF 1

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

CASE #: CUP-2021-02

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: JOHNSON WILLIAM
Parcel I.D.: 41969
Address: 2701 W LAKE RD

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

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

*Hope it passes.
Abilene needs this.*

Signature: 

NOV 29 PM 3:53

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.



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HERMANN RUTH
1836 WHITE MINES RD
ABILENE, TX 79603-8912

NOTICE OF PUBLIC HEARING

RE: ZONE CHANGE REQUEST NUMBER CUP-2021-02

11/22/2021

The Planning and Zoning Commission will hold a public hearing on **December 7, 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 Thomas Paul Anthony (represented by Enprotec/Hibbs & Todd, Engineering Consultants) for approval of a Conditional Use Permit allowing a vacation travel trailer/recreational vehicle park on 60.01 acres bordering the 2600-2700 blocks (west side) of West Lake Road in north central Abilene. Legal description being 60.01 acres out of Block Nos. 7, 8 20 and 21 (as well as intervening and adjacent abandoned segments of Plum and Lowden Streets) in the North Park 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 the Conditional Use Permit 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 **January 13, 2022 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Jared Smith at telephone 325-676-6490 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 #: CUP-2021-02

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: HERMANN RUTH
Parcel I.D.: 68541
Address: 104 E AMBLER AV

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:

Janis Langley POA

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

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PLANNING & DEVELOPMENT SERVICES

HERMANN RUTH
1836 WHITE MINES RD
ABILENE, TX 79603-8912

RECEIVED
DEC 17 2021
PLANNING

NOTICE OF PUBLIC HEARING

RE: ZONE CHANGE REQUEST NUMBER CUP-2021-02

12/09/2021

The Planning and Zoning Commission held a public hearing on December 7, 2021 at 1:30 PM, in City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets. During this meeting, the Planning & Zoning Commission recommended approval to City Council on a request from Thomas Paul Anthony (represented by Enprotec/Hibbs & Todd, Engineering Consultants) for approval of a Conditional Use Permit allowing a vacation travel trailer/recreational vehicle park on 60.01 acres bordering the 2600-2700 blocks (west side) of West Lake Road in north central Abilene. Legal description being 60.01 acres out of Block Nos. 7, 8 20 and 21 (as well as intervening and adjacent abandoned segments of Plum and Lowden Streets) in the North Park Addition to Abilene, Taylor County, Texas.

This request will be presented for consideration to City Council during a public hearing that will be 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 the Conditional Use Permit request. The solid boundary line around the subject area is only a notification area. This case will be heard by City Council for the 2nd and Final Reading with a public hearing on January 13, 2022 at 8:30 AM at the Abilene Public Library's South Branch in the Mall of Abilene at 4310 Buffalo Gap Road in Abilene, Texas

If you have any questions, please contact Jared Smith at telephone 325-676-6490 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 #: CUP-2021-02

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: HERMANN RUTH
Parcel I.D.: 68541
Address: 104 E AMBLER AV

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature:

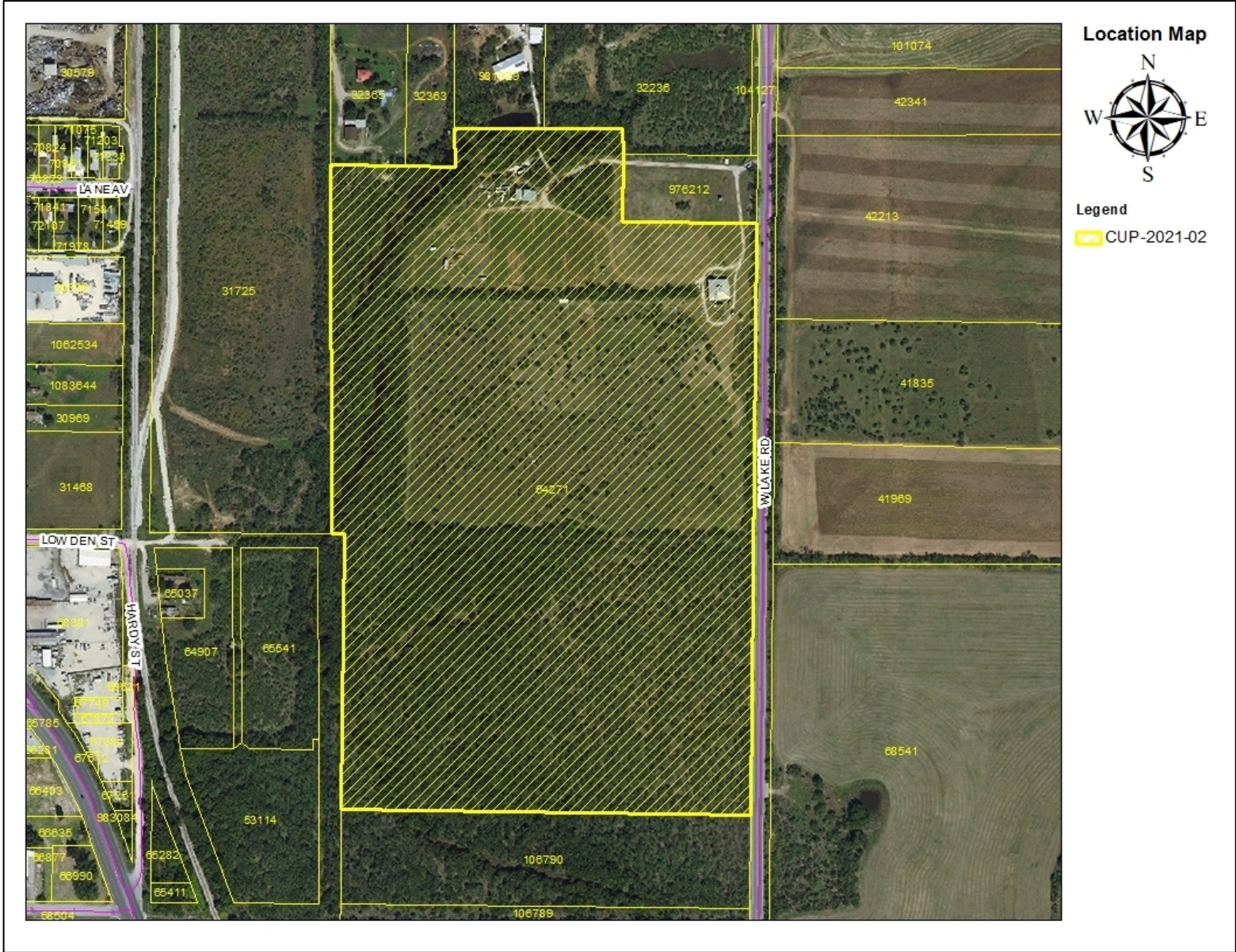
James L. Randle POA

*We just got this today! 12/17/21
mail all future letters to 2618 Hwy 83-84
Tuscola, TX 79562*

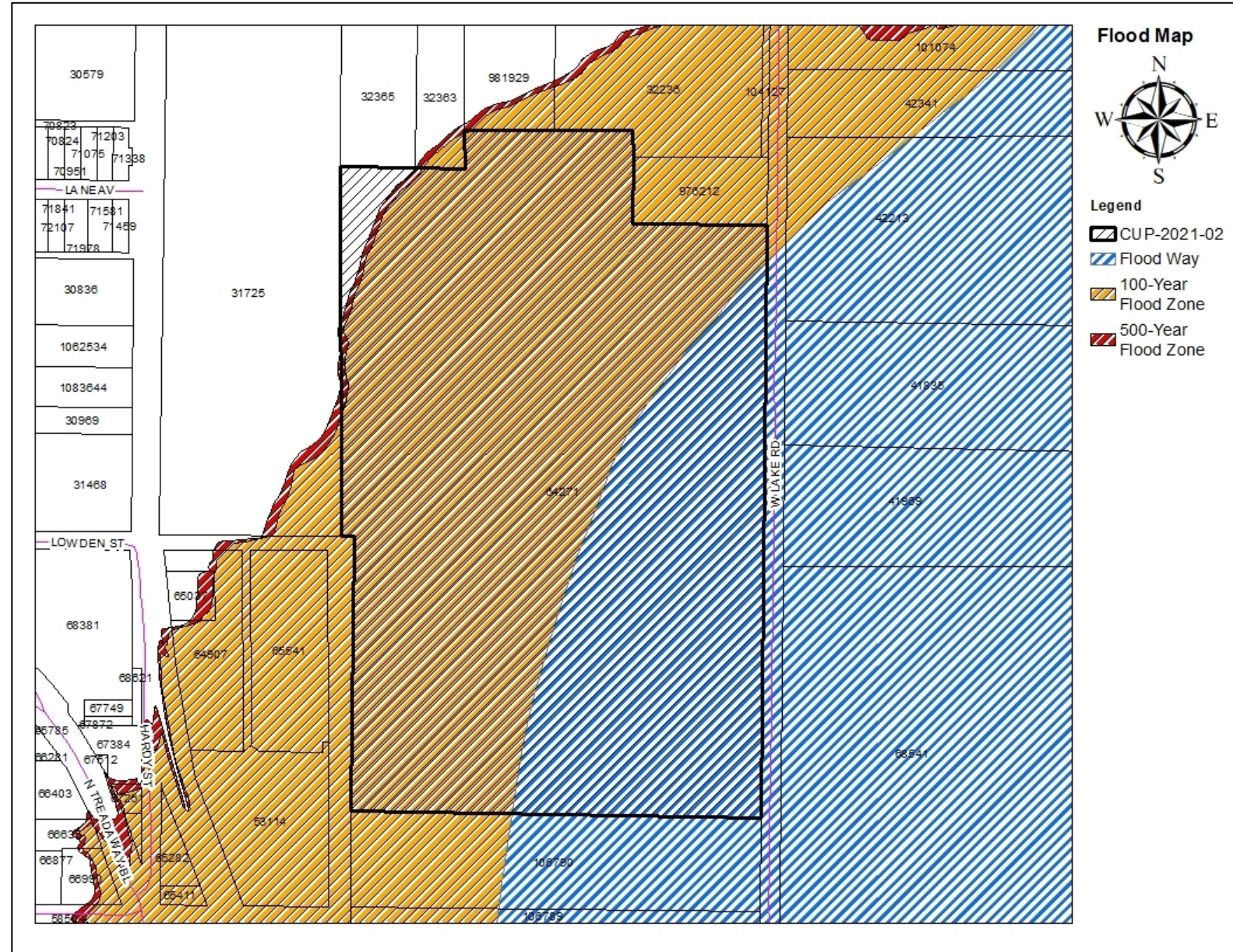
555 WALNUT STREET • P.O. BOX 60 • ABILENE, TEXAS 79604-0060

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

Case:	CUP-2021-02
Owner:	Thomas Paul Anthony
Agent:	Enprotec Hibbs and Todd, LLC
Request:	Conditional Use Permit to allow a Vacation Travel Trailer/RV park on 59.36 acres of vacant property zoned Agricultural Open (AO)
Location:	2600-2700 blocks (west side) West Lake Road
Notification:	1 in Favor, 1 Opposed
Planning & Zoning:	Approval, December 7, 2021







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

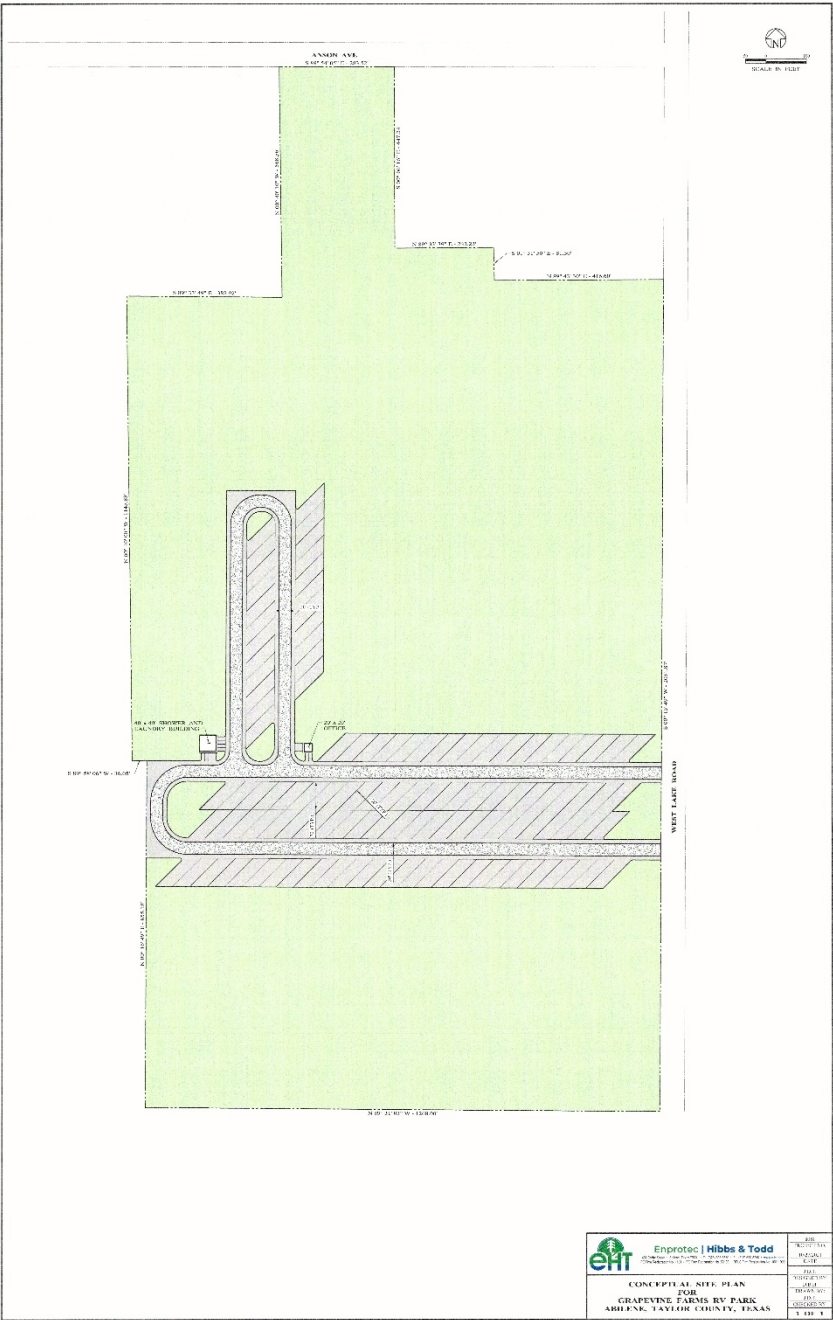
RESOURCE PRODUCTION AND EXTRACTION USES:

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

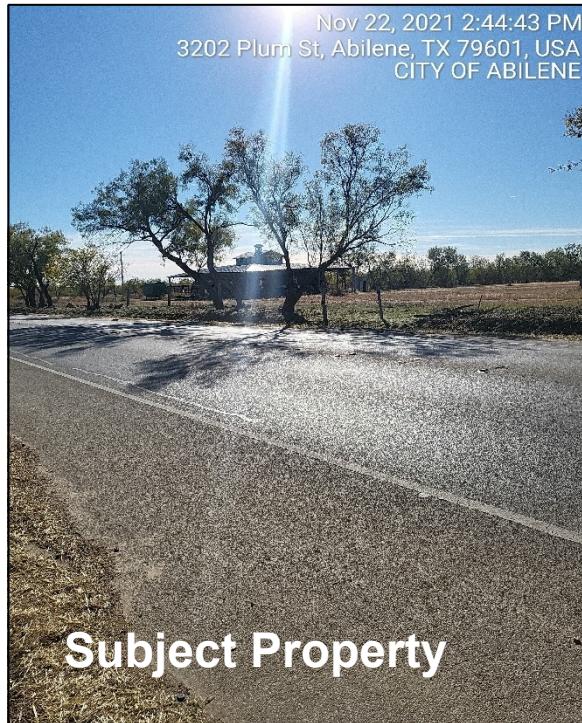
LEGEND

P
C
TP

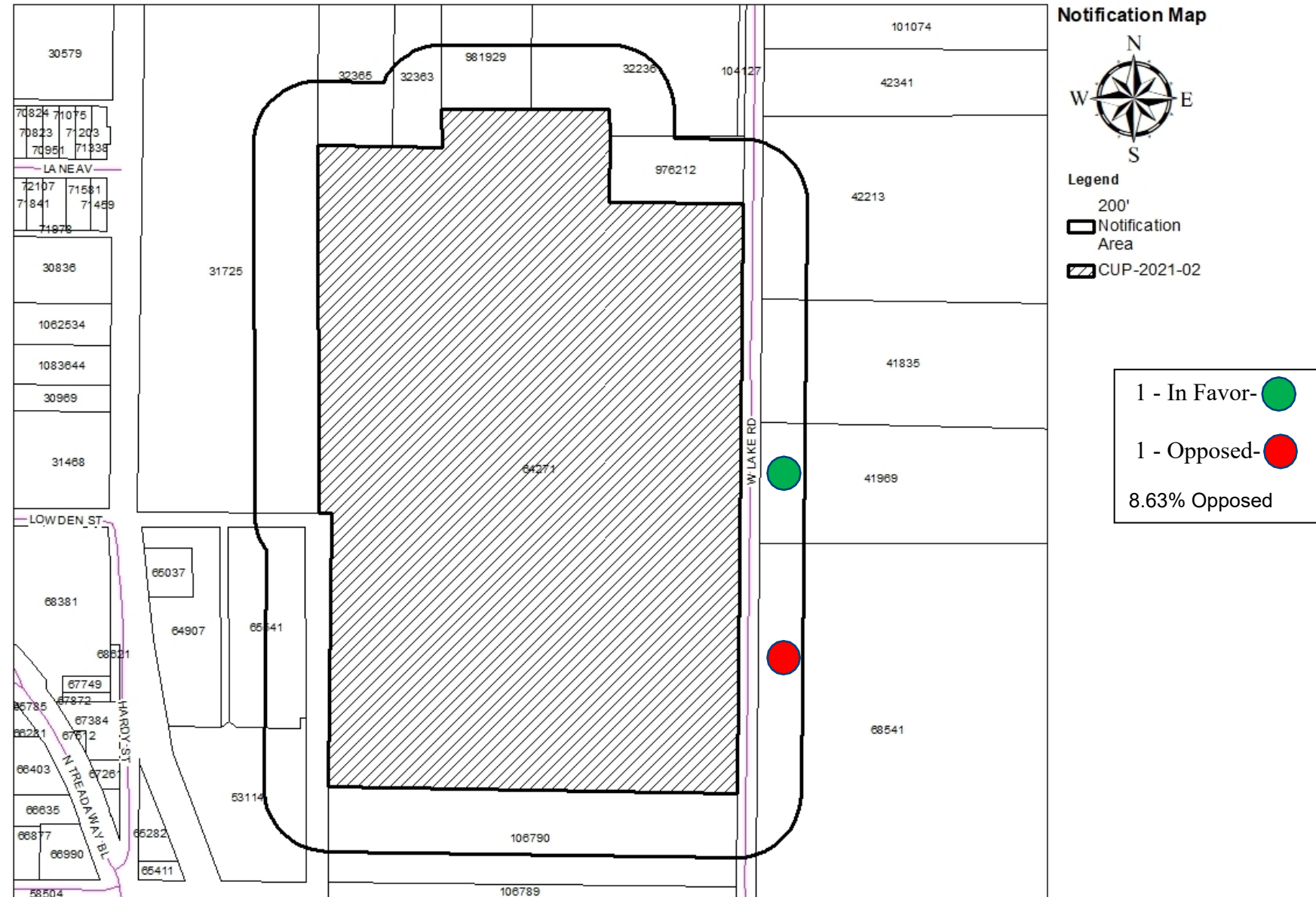
Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)
Permitted as a Conditional Use Permit, Requiring Approval by City Council
Permitted by Temporary Permit Only, Requiring Approval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



CUP-2021-02 VIEWS OF SUBJECT & ADJACENT PROPERTIES



CUP-2021-02 NOTIFICATION AREA MAP



- Consistent with the *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.3.5 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 1/13/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: 13. Ordinance (Final Reading) Z-2021-37: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Abilene Forrest Hill LLC (Represented By Jacob & Martin, Civil Engineering) To Change Zoning On Approximately 10.6 Acres Of Now-Vacant Land From Residential Single-Family (RS-6) To A Residential Medium-Density (MD) District, And To Change Zoning On Approximately 22 Acres Of Now-Vacant Land From Residential Single-Family (RS-8) To A Residential Single-Family (Rs-6) District, All Approximately 32.6 Acres Of Which Are Located Approximately 1000 Feet East From The 6900 Block Of Old Forrest Hill Road And 1200-2200 Feet West From The 7100 Block Of Hardwick Road In South Abilene. (Tim Littlejohn)

GENERAL INFORMATION

Rezone from Residential Single-Family (RS-6) District to Medium-Density (MD) District and Residential Single-Family (RS-8) District to a Residential Single-Family (RS-6) District

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2021-37 Council Ordinance
2. Z-2021-37 Council Staff Report
3. Z-2021-37 Council Presentation

ORDINANCE NO. _____

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

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

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

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

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

PASSED ON FIRST READING the 17th 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 11th day of December, 2021, the same being more than fifteen (15) days prior to a public hearing held at the Abilene Public Library's South Branch in the Mall of Abilene at 4310 Buffalo Gap Road in Abilene, Texas, at 8:30 a.m. on the 13th day of January, 2022, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 13th day of January, 2022.

ATTEST:

CITY SECRETARY

MAYOR
APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of TRACT 1, from a Residential Single-Family (RS-6) District to a Medium-Density (MD) District

The Legal Description of Tract 1 being:

BEING a 10.470-acre tract of land out of Lots 1 & 2 of the T.C. Garner Survey Subdivision as shown per plat recorded in Cabinet 4, Slide 11, Plat Records, Taylor County, Texas, and being out of the T.C. Garner Survey, Abstract No. 1366, Taylor County, Texas. Said 10.470-acre tract also being out of the remainder of that certain 63.95-acre tract described in a Warranty Deed with Vendor's Lien to Abilene Forrest Hill, L.L.C. recorded in Instrument No. 201901397, Official Public Records, Taylor County, Texas. Said 10.470-acre tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the north corner of this described tract, and being at the northeast corner of Lot 4, Block C, Forrest Meadows Addition, Section 1, as shown per plat recorded in Cabinet 4, Slide 584 of said Plat Records;

THENCE South 53°46'44" East, 816.40 feet to a point for the northeast corner of this tract;

THENCE South 19°39'03" West, 188.89 feet to a point for an interior corner of this tract;

THENCE South 00°48'13" West, 81.39 feet to a point for the southeast corner of this tract;

THENCE North 89°11'47" West, at 386.00 feet, pass a point at the intersection of the most southerly east line of said Forrest Meadows Addition, Section 1, with the centerline of Tin Cup (60' wide right-of-way) as shown per plat of said Forrest Meadows Addition, Section 1, and continuing along the centerline of said Tin Cup, for a total distance of 837.50 feet to a point for the southwest corner of this tract;

THENCE North 00°48'13" East, at 30.00 feet, pass a point in the north right-of-way line of said Tin Cup, and being at the southeast corner of Lot 14, Block C of said Forrest Meadows Addition, Section 1, and continuing along the easterly line of said Forrest Meadows Addition, Section 1, for a total distance of 172.00 feet to a point for an interior corner of this tract, same being a corner in the easterly line of said Forrest Meadows Addition, Section 1;

THENCE along the westerly line of this tract, same being the easterly line of said Forrest Meadows Addition, Section 1, the following bearings and distances:

- North 01°15'04" East, 64.00 feet to a point for an interior corner of this tract;
- North 05°16'14" East, 64.20 feet to a point for an interior corner of this tract;
- North 07°02'44" East, 64.38 feet to a point for an interior corner of this tract;
- North 08°56'01" East, 63.64 feet to a point for an interior corner of this tract;
- North 11°35'16" East, 64.13 feet to a point for an interior corner of this tract;
- North 14°11'46" East, 64.76 feet to a point for corner of this tract;
- North 68°35'57" East, 55.00 feet to a point for an interior corner of this tract;
- North 44°05'53" East, 121.02 feet to a point for an interior corner of this tract;
- North 36°13'16" East, 87.62 feet to the POINT OF BEGINNING and containing 10.470 acres of land, more or less.

Change the zoning classification of the following TRACT 2, from a Residential Single-Family (RS-8) District to a Residential Single-Family (RS-6) District.

The Legal Description of Tract 2 being:

BEING a **21.124-acre** tract of land out of Lots 1 & 2 of the T.C. Garner Survey Subdivision as shown per plat recorded in Cabinet 4, Slide 11, Plat Records, Taylor County, Texas, and being out of the T.C. Garner Survey, Abstract No. 1366, Taylor County, Texas. Said **21.124-acre** tract also being out of the remainder of that certain 63.95-acre tract described in a Warranty Deed with Vendor's Lien to Abilene Forrest Hill, L.L.C. recorded in Instrument No. 201901397, Official Public Records, Taylor County, Texas. Said **21.124-acre** tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the northwest corner of this described tract and being in the north line of Forrest Meadows Addition, Section 1, as shown per plat recorded in Cabinet 4, Slide 584 of said Plat Records, from which the northwest corner of said 63.95-acre tract, same being the northwest corner of said Forrest Meadows Addition, Section 1, bears South 89°55'51" West, a distance of 1175.05 feet;

THENCE North 89°55'51" East along the north line of this tract and said 63.95 acre tract, and along the north line of said Forrest Meadows Addition, Section 1, at a distance of 6.81 feet, pass a point at the most easterly northeast corner of said Forrest Meadows Addition, Section 1, and continuing along the north line of this tract and the remainder of said 63.95 acre tract, for a **total distance of 620.59 feet** to a slight angle point corner of this tract and of the remainder of said 63.95 acre tract;

THENCE South 88°41'51" East, and continuing along the north line of this tract and the remainder of said 63.95-acre tract, a distance of 1243.91 feet to a point for the northeast corner of this tract, same being the northeast corner of the remainder of said 63.95-acre tract;

THENCE South 27°23'10" West along the southeast line of this tract and the remainder of said 63.95-acre tract, a distance of 1092.30 feet to a point for the south corner of this tract, from which the southeast corner of the remainder of said 63.95-acre tract bears South 27°23'10" West a distance of 37.24 feet;

THENCE North 53°46'44" West along the southwest line of this tract, and over and across the remainder of said 63.95 acre tract, at a distance of 1466.66 feet, pass a point at the northeast corner of Lot 4, Block C of said Forrest Meadows Addition, Section 1, and continuing along the northeast line of said Forrest Meadows Addition, Section 1, at a distance of 1679.49 feet, pass a point at an interior corner in the easterly line of said Forrest Meadows Addition, Section 1, and continuing along the southwest line of this described tract, for a **total distance of 1687.94 feet** to the **POINT OF BEGINNING** and containing **21.124 acres** of land, more or less;

Page 184 of 282

ZONING CASE Z-2021-37

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: December 7, 2021

City Council 1st Reading: December 17, 2021

City Council 2nd Reading: January 13, 2022

Applicant

Owner: Abilene Forest Hill LLC

Agent: Jacob & Martin - Civil Engineering

Request

Rezone from Residential Single-Family (RS-6) District to Medium-Density (MD) District and Residential Single-Family (RS-8) District to a Residential Single-Family (RS-6) District

Location

1000 feet east from the 6900 block of Old Forrest Hill Road and 1200-2200 feet west from the 7100 block of Hardwick Road in south Abilene.

Background

In 1980, these two tracts of land, including others tracts of land along Buffalo Gap Road, were annexed into Abilene City Limits and given a base zoning of Agricultural Open Space (AO) District (53-1980). In 1997, these two tracts were rezoned to Residential Single-Family (RS-8) District and Old Forrest Hill Road was renamed to Forrest Hill Road (08-1997). In 2019, 35.408 acres were rezoned from RS-8 to RS-6 District (26-2019). Section 1 of Forrest Meadows Addition was formally platted in March of 2021 (FP-1421). The applicants are now requesting to continue the development of these vacant tracts of land.

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 identifies this area as mixture of single-family and multi-family land uses. 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 the uses permitted by the proposed zone change are consistent with the surrounding properties in the immediate vicinity

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

It is the opinion of the staff that this application is in accord with existing plans for public services and any public improvements will be addressed during the platting process.

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

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

Staff Recommendation

City staff recommends approval of the request. The rezoning request was reviewed pursuant to Section 1.4.1.4 (Criteria for Approval) of the Land Development Code.

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on November 26 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 FORREST HILL LLC	1063981	7117 TIN CUP	FAVOR
ABILENE FORREST HILL LLC	1063980	7125 TIN CUP	
ABILENE FORREST HILL LLC	1063980	7127 TIN CUP	FAVOR
ABILENE FORREST HILL LLC	1063979	7133 TIN CUP	FAVOR
ABILENE FORREST HILL LLC	1063978	7141 TIN CUP	FAVOR
ABILENE FORREST HILL LLC	1063978	7143 TIN CUP	
ABILENE FORREST HILL LLC	1063977	7149 TIN CUP	FAVOR
ABILENE FORREST HILL LLC	1063913	7150 PHOENIX DR	FAVOR
ABILENE FORREST HILL LLC	1063931	7149 PHOENIX DR	FAVOR
ABILENE FORREST HILL LLC	1063932	3601 YAMINI DR	FAVOR
ABILENE FORREST HILL LLC	1063953	3606 YAMINI DR	FAVOR
ABILENE FORREST HILL LLC	1063968	3517 HARI TEXAN CT	FAVOR
ABILENE FORREST HILL LLC	1063963	3518 HARI TEXAN CT	FAVOR
ABILENE FORREST HILL LLC	1063964	3510 HARI TEXAN CT	FAVOR
ABILENE FORREST HILL LLC	10258		FAVOR
ABILENE FORREST HILL LLC	1063976	7025 FORREST MEADOWS DR	FAVOR
ABILENE FORREST HILL LLC	1063975	7017 FORREST MEADOWS DR	FAVOR
ABILENE FORREST HILL LLC	1063974	7009 FORREST MEADOWS DR	FAVOR
ABILENE FORREST HILL LLC	1063973	7001 FORREST MEADOWS DR	FAVOR
ABILENE FORREST HILL LLC	1063972	6947 FORREST MEADOWS DR	FAVOR
ABILENE FORREST HILL LLC	1063971	6939 FORREST MEADOWS DR	FAVOR
ABILENE FORREST HILL LLC	1063970	6931 FORREST MEADOWS DR	FAVOR
ABILENE FORREST HILL LLC	1063969	6923 FORREST MEADOWS DR	FAVOR
ABILENE FORREST HILL LLC	1063967	3509 HARI TEXAN CT	FAVOR
ABILENE FORREST HILL LLC	1063966	3501 HARI TEXAN CT	FAVOR
ABILENE FORREST HILL LLC	1063965	3502 HARI TEXAN CT	FAVOR
ABILENE FORREST HILL LLC	1063982	7109 TIN CUP	FAVOR
BYRD MIKE	23442		
BYRD MIKE	101424	7128 HARDWICK RD	
BYRD MIKE	23697	6328 HARDWICK RD	
BYRD MIKE	23299		
BYRD MIKE	23569		
BYRD MIKE	32416	6542 FAIRWAY OAKS BL	
CROWN MONEY LLC	10149		
MESA RIDGE ESTATES INC	14753		
STOCKARD INVESTMENTS INC	1012813		

Attachments

Application

PowerPoint Presentation

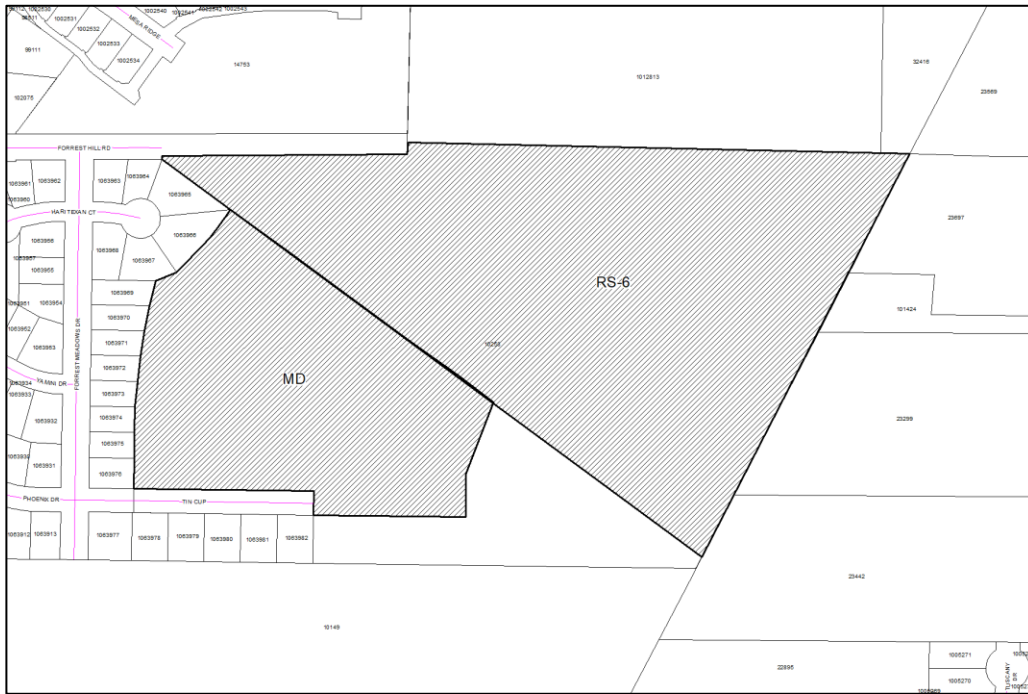
Ordinance NO. 26-2019

Ordinance NO. 8-1997

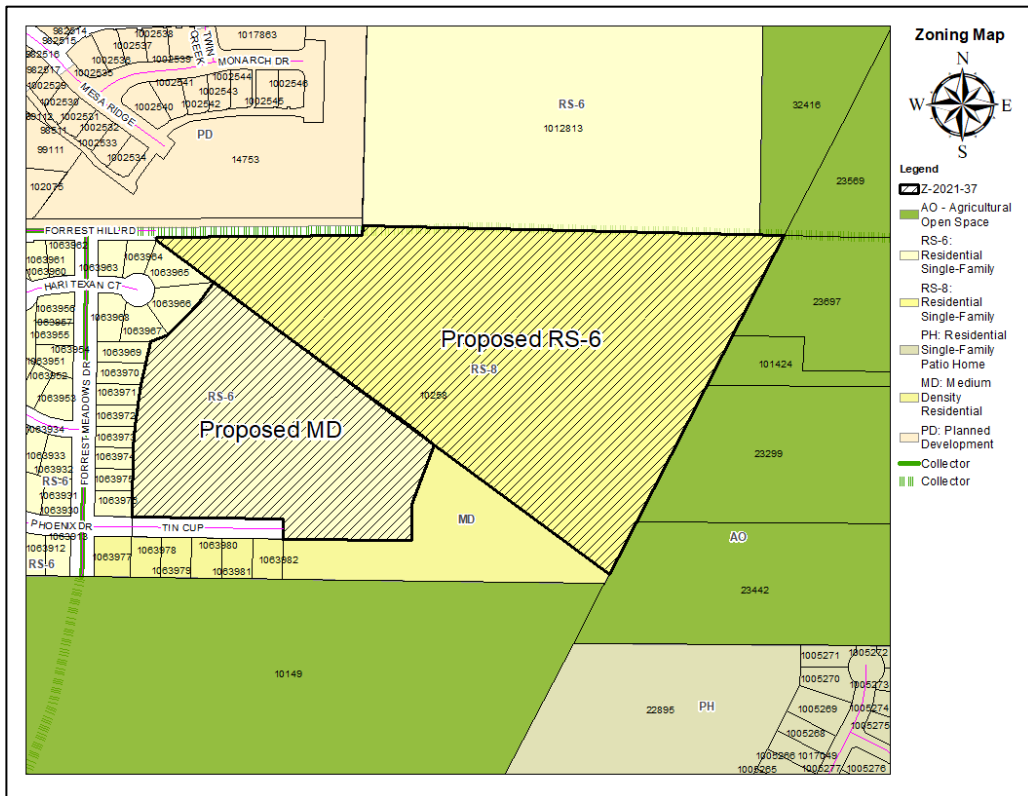
Ordinance NO. 53-1980

FP-1421 (Forrest Meadows Addition, Section 1)

LOCATION MAP



ZONING MAP



PROJECT OVERVIEW

Project Type: Zoning Application | **Project Title:** Rezoning to Combination of RS-6 & MD
ID # 21-000164 | **Started** 11/05/2021 at 9:25 AM



Address

Abilene, TX USA 79606

Legal

A1366 T C Garner Blk
Tract E Pa Lot Acres 45.3
A1366 T C Garner, Tract
E Part 1 & 2, Acres 63.95

Property Info

Property ID: 10258

Description

Rezoning of RS-6 land to MD, and rezoning of adjacent RS-8 land to RS-6

INFORMATION FIELDS

Owner Name

Abilene Forrest Hill, LLC.

Agent Name

Jacob & Martin

Block

-

Lot

-

Acreage

-

Legal Description of property

A1366 T C GARNER, TRACT E PART 1 & 2, ACRES 36.638

Subdivision Name

-

Current Zoning

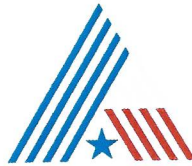
RS-6 & RS-8

Proposed Zoning

MD & RS-6 (respectively)

Agree to Terms

Clayton Farrow 11-5-2021



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83 APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

RE: Z-2021-37 - Rezone from RS-6 to MD and RS-8 to RS-6

11/23/2021

The Planning and Zoning Commission will hold a public hearing on **December 7, 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 Forrest Hill LLC (represented by Jacob & Martin, Civil Engineering) to change zoning on approximately 10.6 acres of now-vacant land from Residential Single-Family (RS-6) to a Residential Medium-Density (MD) District, and to change zoning on approximately 22 acres of now-vacant land from Residential Single-Family (RS-8) to a Residential Single-Family (RS-6) District, all approximately 32.6 acres of which are located approximately 1000 feet east from the 6900 block of Old Forrest Hill Road and 1200-2200 feet west from the 7100 block of Hardwick Road in south Abilene. Legal description being approximately 32.6 acres out of the T.C. Garner Survey in the City of Abilene, Taylor County, Texas

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

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for 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 **January 13, 2022 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-2021-37

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 FORREST HILL LLC
Parcel I.D.: 1063967
Address: 3509 HARI TEXAN CT

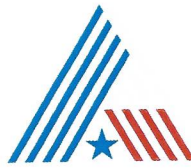
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: Kalle



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83 APT D
ABILENE, TX 79602-5484

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063969
Address: 6923 FORREST MEADOWS DR

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

Email: planning@abilenetx.gov

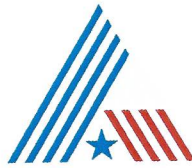
I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: Kell

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.



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

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11/23/2021

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CASE #: Z-2021-37

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063932
Address: 3601 YAMINI 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: _____

Kelle

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 FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

RE: Z-2021-37 - Rezone from RS-6 to MD and RS-8 to RS-6

11/23/2021

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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-2021-37

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063931
Address: 7149 PHOENIX 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: _____



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063913
Address: 7150 PHOENIX 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: Kate



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063980
Address: 7127 TIN CUP

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: Kall



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063979
Address: 7133 TIN CUP

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: Kate



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063978
Address: 7143 TIN CUP

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: Kate



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063975
Address: 7017 FORREST MEADOWS 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: Kau



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

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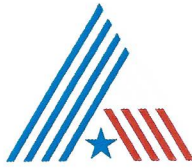
Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063976
Address: 7025 FORREST MEADOWS DR

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: Kate



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83 APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

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Name: ABILENE FORREST HILL LLC

Parcel I.D.: 10258

Address:

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: Kew

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 FORREST HILL LLC
545 S US HIGHWAY 83APT D
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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063972
Address: 6947 FORREST MEADOWS 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: Kat



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063971
Address: 6939 FORREST MEADOWS 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: Kate



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

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

CASE #: Z-2021-37

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 FORREST HILL LLC
Parcel I.D.: 1063973
Address: 7001 FORREST MEADOWS 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: Kall



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

RE: Z-2021-37 - Rezone from RS-6 to MD and RS-8 to RS-6

11/23/2021

The Planning and Zoning Commission will hold a public hearing on **December 7, 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 Forrest Hill LLC (represented by Jacob & Martin, Civil Engineering) to change zoning on approximately 10.6 acres of now-vacant land from Residential Single-Family (RS-6) to a Residential Medium-Density (MD) District, and to change zoning on approximately 22 acres of now-vacant land from Residential Single-Family (RS-8) to a Residential Single-Family (RS-6) District, all approximately 32.6 acres of which are located approximately 1000 feet east from the 6900 block of Old Forrest Hill Road and 1200-2200 feet west from the 7100 block of Hardwick Road in south Abilene. Legal description being approximately 32.6 acres out of the T.C. Garner Survey in the City of Abilene, Taylor County, Texas

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CASE #: Z-2021-37

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063974
Address: 7009 FORREST MEADOWS 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: Kat



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

RE: Z-2021-37 - Rezone from RS-6 to MD and RS-8 to RS-6

11/23/2021

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CASE #: Z-2021-37

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063970
Address: 6931 FORREST MEADOWS 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: Kate



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

RE: Z-2021-37 - Rezone from RS-6 to MD and RS-8 to RS-6

11/23/2021

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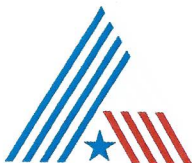
Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063982
Address: 7109 TIN CUP

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: Kat



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

RE: Z-2021-37 - Rezone from RS-6 to MD and RS-8 to RS-6

11/23/2021

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For the PLANNING & ZONING COMMISSION

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CASE #: Z-2021-37

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Name: ABILENE FORREST HILL LLC

Parcel I.D.: 1063965

Address: 3502 HARI TEXAN CT

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: _____

Kathy



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

RE: Z-2021-37 - Rezone from RS-6 to MD and RS-8 to RS-6

11/23/2021

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

CASE #: Z-2021-37

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063966
Address: 3501 HARI TEXAN CT

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: Kay



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

RE: Z-2021-37 - Rezone from RS-6 to MD and RS-8 to RS-6

11/23/2021

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Name: ABILENE FORREST HILL LLC

Parcel I.D.: 1063968

Address: 3517 HARI TEXAN CT

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: _____

Kate



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

RE: Z-2021-37 - Rezone from RS-6 to MD and RS-8 to RS-6

11/23/2021

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CASE #: Z-2021-37

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063963
Address: 3518 HARI TEXAN CT

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: Kate



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83 APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

RE: Z-2021-37 - Rezone from RS-6 to MD and RS-8 to RS-6

11/23/2021

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For the PLANNING & ZONING COMMISSION

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CASE #: Z-2021-37

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Name: ABILENE FORREST HILL LLC

Parcel I.D.: 1063981

Address: 7117 TIN CUP

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: _____

Kalle

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.

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-2021-37

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063977
Address: 7149 TIN CUP

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: _____

Kate

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 FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

RE: Z-2021-37 - Rezone from RS-6 to MD and RS-8 to RS-6

12/09/2021

The Planning and Zoning Commission held a public hearing on **December 7, 2021 at 1:30 PM**, in **City Council Chambers, 2nd Floor**, City Hall, N. 5th and Walnut Streets. During this meeting, the Planning & Zoning Commission recommended approval to City Council on a request from Abilene Forrest Hill LLC (represented by Jacob & Martin, Civil Engineering) to change zoning on approximately 10.6 acres of now-vacant land from Residential Single-Family (RS-6) to a Residential Medium-Density (MD) District, and to change zoning on approximately 22 acres of now-vacant land from Residential Single-Family (RS-8) to a Residential Single-Family (RS-6) District, all approximately 32.6 acres of which are located approximately 1000 feet east from the 6900 block of Old Forrest Hill Road and 1200-2200 feet west from the 7100 block of Hardwick Road in south Abilene. Legal description being approximately 32.6 acres out of the T.C. Garner Survey in the City of Abilene, Taylor County, Texas

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

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For the PLANNING & ZONING COMMISSION
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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063953
Address: 3606 YAMINI 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: Kaw



PLANNING & DEVELOPMENT SERVICES

ABILENE FORREST HILL LLC
545 S US HIGHWAY 83APT D
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

RE: Z-2021-37 - Rezone from RS-6 to MD and RS-8 to RS-6

12/09/2021

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Name: ABILENE FORREST HILL LLC
Parcel I.D.: 1063964
Address: 3510 HARI TEXAN CT

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: Kell

ORDINANCE NO. 26-2019

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 25th day of April, 2019.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of March, 2019, 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 9th day of May, 2019, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 9th day of May, 2019.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO. 26-2019

EXHIBIT A

Rezone 41.94 acres of now-vacant land, from Residential Single-Family (RS-8) zoning to a combination of Residential Single-Family (RS-6) and Residential Medium Density (MD), zoning districts, specifically as follows:

Legal description being Tract One

BEING a 35.408 acre tract of land out of Lots 1 & 2 of the T.C. Garner Survey Subdivision recorded in Cabinet 4, Slide 11, Plat Records, Taylor County, Texas, and being out of the T.C. Garner Survey, Abstract No. 1366, Taylor County, Texas. Said 35.408 acre tract also being out of that certain 63.95 acre tract of land described in a Warranty Deed with Vendor's Lien to Abilene Forrest Hill, L.L.C. recorded in Instrument No. 201901397, Official Public Records, Taylor County, Texas. Said 35.408 acre tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the northwest corner of this described tract and of said 63.95 acre tract;

THENCE N89°55'51"E along the north line of this described tract and the north line of said 63.95 acre tract, a distance of 1175.05 feet to a point for the most northerly northeast corner of this described tract;

THENCE S53°46'44"E along the northeasterly line of this described tract and over and across said 63.95 acre tract, a distance of 1037.68 feet to a point for the most easterly northeast corner of this described tract;

THENCE S19°39'03"W along an easterly line of this described tract and over and across said 63.95 acre tract, a distance of 188.89 feet to a point for an interior corner of this described tract;

THENCE S00°48'13"W along an easterly line of this described tract and over and across said 63.95 acre tract, a distance of 81.39 feet to a point for the most easterly southeast corner of this described tract;

THENCE N89°11'47"W along a southerly line of this described tract and over and across said 63.95 acre tract, a distance of 985.00 feet to a point for an interior corner of this described tract;

THENCE S00°48'13"W along the an easterly line of this described tract and over and across said 63.95 acre tract, a distance of 150.00 feet to a point for the most southerly southeast corner of this described tract, and being in the south line of said 63.95 acre tract;

THENCE N89°11'47"W along a southerly line of this described tract and the south line of said 63.95 acre tract, a distance of 339.23 feet to a slight angle point of this described tract and of said 63.95 acre tract;

THENCE N89°17'45"W along a southerly line of this described tract and said south line of said 63.95 acre tract, a distance of 495.21 feet to a point for the southwest corner of this described tract and of said 63.95 acre tract;

THENCE N07°12'59"W along the west line of this described tract and of said 63.95 acre tract, a distance of 1004.30 feet to the POINT OF BEGINNING and containing 35.408 acres of land, more or less.

Tract Two now in an MD District

BEING a 6.532 acre tract of land out of Lots 1 & 2 of the T.C. Garner Survey Subdivision recorded in Cabinet 4, Slide 11, Plat Records, Taylor County, Texas, and being out of the T.C. Garner Survey, Abstract No. 1366, Taylor County, Texas. Said 6.532 acre tract also being out of that certain 63.95 acre tract of land described in a Warranty Deed with Vendor's Lien to Abilene Forrest Hill, L.L.C. recorded in Instrument No. 201901397, Official Public Records, Taylor County, Texas. Said 35.408 acre tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the southeast corner of this described tract and the southeast corner of said 63.95 acre tract;

THENCE N89°11'47"W along the south line of this described tract and the south line of said 63.95 acre tract, a distance of 1559.29 feet to a point for the southwest corner of this described tract;

THENCE N00°48'13"E along the most southerly west line of this described tract and over and across said 63.95 acre tract, a distance of 150.00 feet to a point for the northwest corner of this described tract;

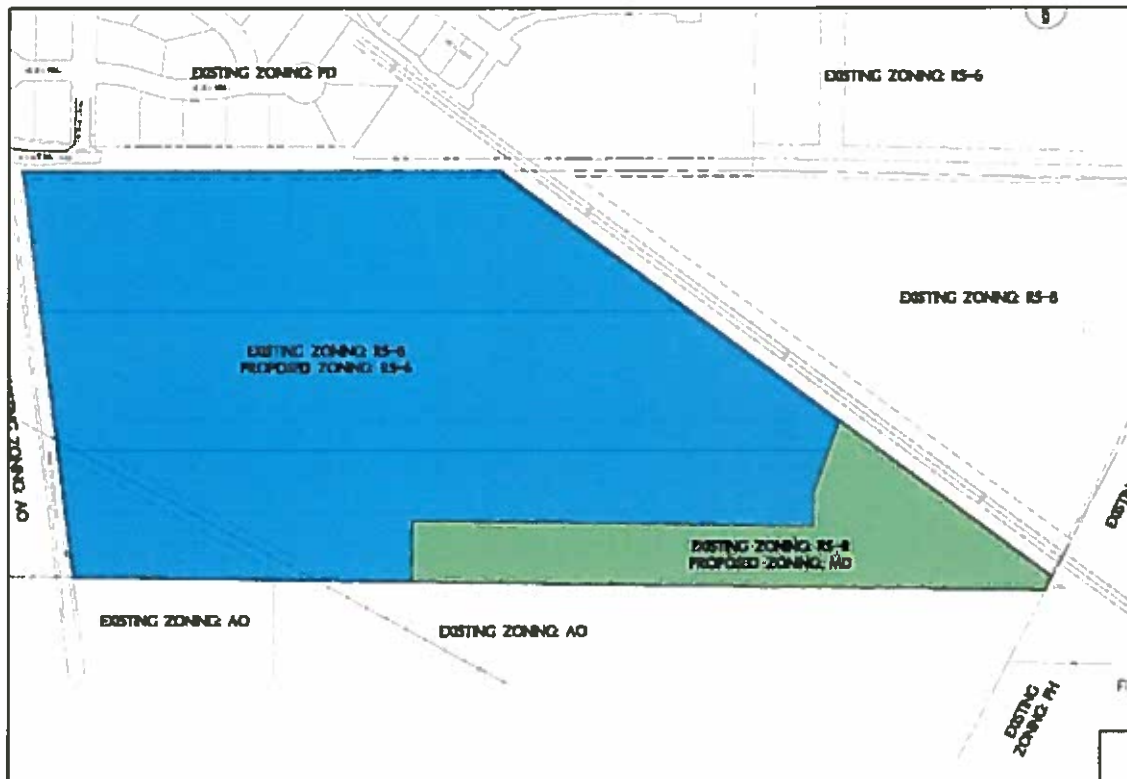
THENCE S89°11'47"E along the northerly line of this described tract and over and across said 63.95 acre tract, a distance of 985.00 feet to a point for an interior corner of this described tract;

THENCE N00°48'13"E along a westerly line of this described tract and over and across said 63.95 acre tract, a distance of 81.39 feet to a point for an angle point of this described tract;

THENCE N19°39'03"E along the northwesterly line of this described tract and over and across said 63.95 acre tract, a distance of 188.89 feet to a point for the north corner of this described tract;

THENCE S53°46'44"E along the northeasterly line of this described tract and over and across said 63.95 acre tract, a distance of 650.26 feet to a point for the east corner of this described tract, and being in the southeast line of said 63.95 acre tract;

THENCE S27°23'10"W along the southeast line of this described tract and of said 63.95 acre tract, a distance of 37.24 feet to the POINT OF BEGINNING and containing 6.532 acres of land, more or less.



-END-

Location: 42 acres of now-vacant land bordering east side of Old Forrest Hill Road, south from Forrest Hill Road.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF **FORREST HILL ROAD TO OLD FORREST HILL ROAD.**

WHEREAS, it is the recommendation of the Planning and Zoning Commission of the City of Abilene that Forrest Hill Road, in the City of Abilene, which is from the south right-of-way line of the east-west street called Forrest Hill Road, south to the north right-of-way line of F.M. 707 (Beltway South) and being a distance of approximately 4,978 feet, should be renamed; and,

WHEREAS, it is the opinion of the City Council that this street should be renamed; now, therefore,

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

PART 1: That Forrest Hill Road from the south right-of-way line of the east-west street called Forrest Hill Road, south to the north right-of-way line of F.M. 707 (Beltway South), as described above, be renamed and will hereafter be known as Old Forrest Hill Road.

PART 2: That the City Engineer be and is hereby authorized and directed to change his maps, plats, and records to include such name to be the proper name of the street described above.

PART 3: That the Planning Department, be and is hereby authorized and directed to change its maps, plats, and records to reflect such name change, and further that the Planning Department shall provide notice of the renaming of such street to all other City departments including the Fire and Police Departments.

PART 4: 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 2 day of February, 19 97, the same being more than twenty-four (24) hours prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 9:00 a.m., on the 27 day of February, 19 97, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FIRST READING this 13 day of February A.D. 19 97.

PASSED ON SECOND AND FINAL READING THIS 27 day of February, A.D. 19 97.

ATTEST:

[Signature]
CITY SECRETARY

[Signature]
MAYOR

APPROVED:

[Signature]
CITY ATTORNEY

00019

(43) 5-29-80
ORDINANCE NO. 53-1980

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF ABILENE, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY LYING ADJACENT TO AND ADJOINING THE PRESENT BOUNDARY LIMITS OF THE CITY OF ABILENE, TEXAS.

WHEREAS, Section 4 of the Charter of the City of Abilene, Texas, provides that the City shall have the power, by ordinance, to fix and change the boundaries and limits of the City and to provide for the extension of said boundaries and limits and the annexation of additional territory lying adjacent to the City with or without the consent of the territory and inhabitants thereof annexed; and,

WHEREAS, notice of a public hearing, pursuant to Article 970a, the Texas Municipal Annexation Act, was published in the Abilene Reporter News, a newspaper having a general circulation in the property to be annexed and in the City of Abilene, Texas, on the 29th day of March, 1980, which date was not more than twenty (20) nor less than ten (10) days prior to the date of a public hearing on said annexation; and,

WHEREAS, a public hearing before the City Council of the City of Abilene, Texas, where all interested persons were provided with an opportunity to be heard on said proposed annexation, was held at City Hall on the 10th day of April, 1980, which date was not more than twenty (20) nor less than ten (10) days prior to the institution of annexation proceedings (first reading of this Ordinance); and,

WHEREAS, said territory lies adjacent to and adjoins the present boundaries of the City of Abilene, Texas; now, therefore,

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

PART 1: That the following described land and territory lying adjacent to and adjoining the present boundaries of the City of Abilene, Texas, is hereby added and annexed to the City of Abilene, Texas, and said territory hereinafter described shall hereafter be included within the boundary limits of the City of Abilene, Texas, and the present boundary limits of the City of Abilene, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of Abilene, Texas, to-wit:

2A

PART 2: That upon passage hereof, the property hereinabove annexed shall be zoned as AO (Agricultural Open Space) District, and that any fireworks display presently in existence shall be allowed to continue until August 1, 1981.

PART 3: That, upon final passage hereof, the above described annexed territory shall be a part of the City of Abilene, Texas, and the property situated therein shall bear its pro rata portion of the taxes levied by the City of Abilene, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Abilene.

PASSED ON FIRST READING, this 24th day of April, A.D. 1980.

PART 4: That upon passage of this ordinance on first reading, the City Secretary is hereby directed to publish this ordinance at least one (1) time in the Abilene Reporter News on April 25 or April 26, 1980. This ordinance shall not be considered for final passage until at least thirty (30) days have elapsed after said publication thereof in accordance with Section 4 of the Charter of the City of Abilene, Texas.

PART 5: That upon passage of this ordinance on first reading, the City Secretary is hereby directed to have published at least one (1) time in the Abilene Reporter News, a notice on May 19, 20 or 21, 1980, that a public hearing will be held in the Council Chambers of the City Hall in Abilene, Texas, at 9:00 A.M. on the 29th day of May, 1980, to permit the public to be heard prior to the consideration of this ordinance for second and final reading.

PASSED ON SECOND AND FINAL READING, this 29th day of May,
A.D. 1980.

ATTEST:

Ruth B. Hodgkin
CITY SECRETARY

[Signature]
MAYOR PRO TEMPORE

APPROVED:

[Signature]
CITY ATTORNEY

ANNEXATION

South Tract

BEGINNING at a point on the existing City Limits Line 100 feet East of U.S. Highway 83-84 and on the North Right of Way Line of Antilley Drive if extended;

THENCE South along the existing City Limits a distance of approximately one (1) mile to a point;

THENCE East along the existing City Limits to a point in the East Line of the Southwest 1/4 of Section 14 Lunatic Asylum Land in Taylor County, Texas;

THENCE South to a point 500 feet South and measured at right angles to the South Right of Way Line of F.M. Highway 707;

THENCE West along a line 500 feet South and parallel to the South Right of Way Line of F.M. Highway 707 a distance of approximately 5.7 miles to a point in the Centerline of Elm Creek;

THENCE Northerly, following the meanders of the Centerline of Elm Creek to a point 500 feet North of the Centerline of Antilley Drive;

THENCE East along a line 500 feet North of the Centerline of Antilley Drive to a point in the existing City Limits;

THENCE South with the Existing City Limits Line a distance of 1000 feet;

THENCE East with the Existing City Limits Line to the Centerline of Catclaw Creek;

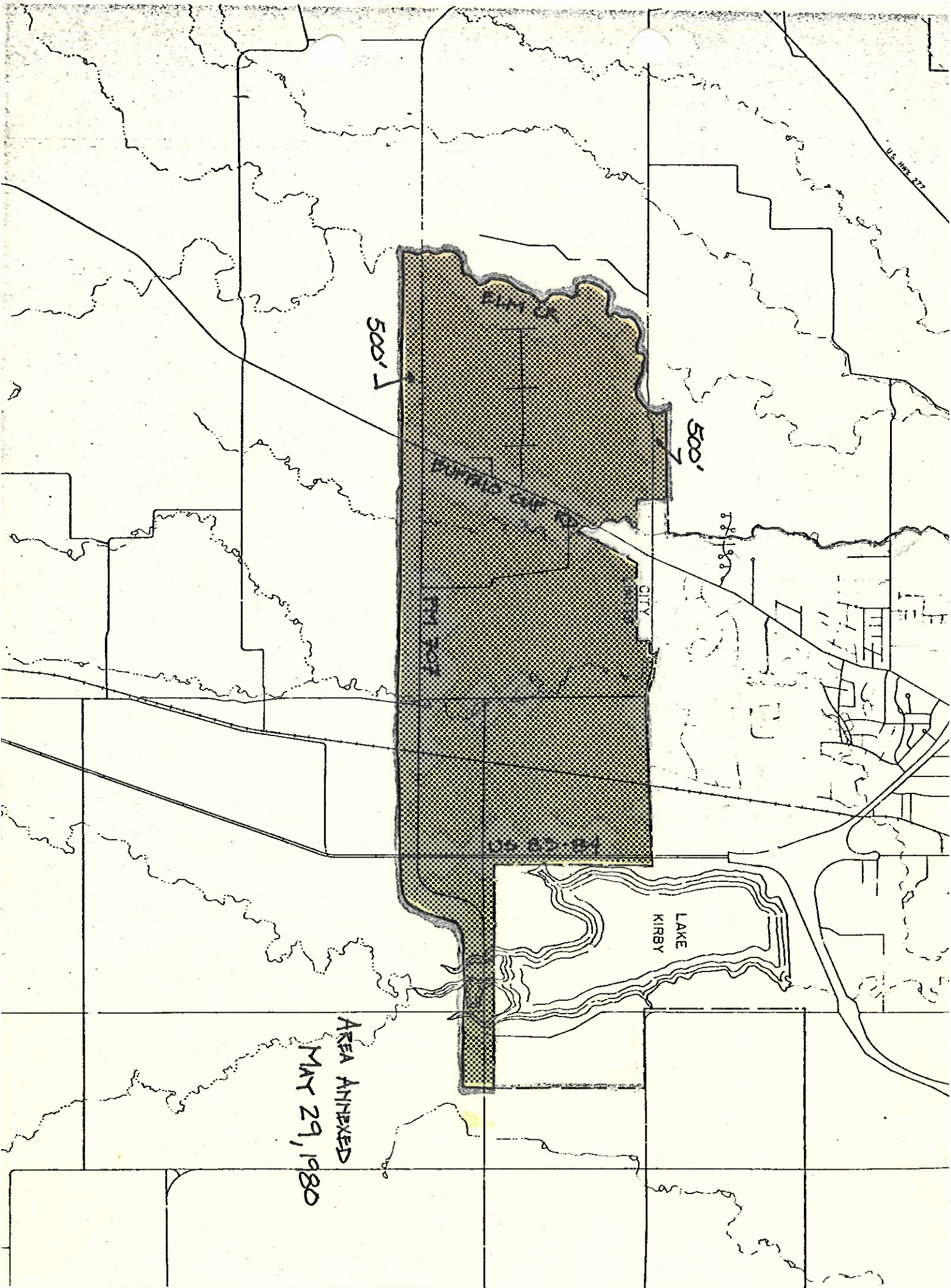
THENCE continuing in a Southerly direction with the Existing City Limits Line being the meanders of the Centerline of Catclaw Creek to a point 500 feet East of and measured at right angles to the East Right of Way Line of Buffalo Gap Road;

THENCE continuing with the Existing City Limits Line in a Northeasterly direction parallel to and 500 feet East of measured at right angles to the East Right of Way Line of Buffalo Gap Road to a point 500 feet South of and measured at right angles to the South Right of Way Line of a County Road known as Antilley Drive;

THENCE East and continuing with the existing City Limits Line along a line 500 feet South of and measured at right angles to the South Right of Way Line of the County Road known as Antilley Drive to a point in the East Line of W. E. Vaughn Survey No. 101 in Taylor County, Texas;

THENCE continuing North with the existing City Limits Line being the East Line of the W. E. Vaughn Survey No. 101 in Taylor County, Texas, to the North Right of Way Line of an East-West County Road known as Antilley Drive;

THENCE continuing with the existing City Limits being the North Right of Way Line of an East-West County Road known as Antilley Drive to the place of beginning.



3-4 Slide 584

CURVE TABLE				
CURVE NO.	ARC LENGTH	RADIUS	Δ ANGLE	TANGENT
C1	54.70'	330.00'	9°29'52"	27.41'
C2	62.00'	330.00'	10°45'53"	31.09'
C3	62.00'	330.00'	10°45'53"	31.09'
C4	62.00'	330.00'	10°45'53"	31.09'
C5	62.00'	330.00'	10°45'53"	31.09'
C6	11.31'	330.00'	1°57'47"	5.65'
C7	70.90'	330.00'	12°18'34"	35.59'
C8	70.90'	330.00'	12°18'34"	35.59'
C9	16.37'	330.00'	2°50'30"	8.18'
C10	29.41'	270.00'	6°14'28"	14.72'
C11	90.30'	270.00'	19°09'45"	45.58'
C12	110.21'	270.00'	23°23'17"	55.88'
C13	26.99'	270.00'	5°43'41"	13.51'
C14	97.40'	270.00'	20°40'12"	49.24'
C15	32.00'	270.00'	6°47'26"	16.02'
C16	71.12'	270.00'	14°49'04"	35.76'
C17	58.44'	275.00'	12°10'32"	29.33'
C18	2.24'	275.00'	0°28'02"	1.12'
C19	1.32'	275.00'	0°16'30"	0.66'
C20	58.19'	275.00'	12°07'24"	29.20'

CURVE TABLE				
CURVE NO.	ARC LENGTH	RADIUS	Δ ANGLE	TANGENT
C21	58.39'	275.00'	12°09'54"	29.30'
C22	57.35'	275.00'	11°56'53"	28.78'
C23	56.46'	275.00'	11°45'49"	28.33'
C24	29.97'	275.00'	6°14'40"	15.00'
C25	25.39'	50.00'	28°05'25"	12.97'
C26	54.70'	50.00'	62°41'07"	30.45'
C27	50.18'	50.00'	57°30'17"	27.43'
C28	59.21'	50.00'	67°51'03"	33.63'
C29	62.16'	50.00'	71°13'42"	35.82'
C30	10.16'	50.00'	11°38'27"	5.10'
C31	75.19'	225.00'	19°08'50"	37.95'
C32	111.05'	225.00'	28°16'41"	56.68'
C33	27.86'	225.00'	7°05'39"	13.95'
C34	107.84'	225.00'	27°27'38"	54.98'
C35	110.26'	375.00'	16°50'46"	55.53'
C36	13.05'	50.00'	14°57'31"	6.56'
C37	72.45'	50.00'	8°30'13"	44.26'
C38	50.24'	50.00'	57°34'06"	27.47'
C39	53.08'	50.00'	60°49'18"	29.35'
C40	66.69'	50.00'	76°24'57"	39.36'

CURVE TABLE				
CURVE NO.	ARC LENGTH	RADIUS	Δ ANGLE	TANGENT
C41	6.21'	50.00'	7°06'41"	3.11'
C42	51.33'	425.00'	6°50'10"	25.69'
C43	76.52'	425.00'	10°18'57"	38.36'
C44	59.34'	425.00'	7°59'58"	29.72'
C45	11.03'	425.00'	1°29'11"	5.51'
C46	98.45'	50.02'	86°57'14"	33.98'
C47	56.08'	50.02'	64°14'21"	31.40'
C48	54.05'	50.02'	61°54'50"	30.63'
C49	66.29'	50.02'	75°56'03"	39.63'
C50	26.94'	50.02'	3°05'11"	13.81'
C51	59.48'	375.00'	9°05'16"	29.80'
C52	34.95'	280.00'	7°09'06"	17.50'
C53	27.46'	220.00'	5°38'26"	13.75'
C54	31.21'	250.00'	7°09'06"	15.62'
C55	285.46'	300.00'	54°31'10"	154.57'
C56	143.78'	300.00'	27°27'38"	73.30'
C57	119.82'	250.00'	27°27'38"	61.08'
C58	237.89'	250.00'	54°31'10"	128.81'
C59	162.35'	400.00'	23°15'19"	82.31'
C60	108.23'	400.00'	15°30'09"	54.45'

LINE TABLE		
LINE NO.	LENGTH	BEARING
L1	87.62'	S36°13'16"W
L2	121.02'	S44°05'53"W
L3	55.00'	S88°35'57"W
L4	64.76'	S14°11'46"W
L5	64.13'	S11°35'16"W
L6	63.64'	S8°56'01"W
L7	64.38'	S7°02'44"W
L8	64.20'	S5°16'14"W
L9	64.00'	S1°15'04"W
L10	142.00'	S0°48'13"W
L11	451.50'	S89°11'47"E
L12	485.21'	N89°17'45"W
L13	1004.30'	N71°25'59"W
L14	1181.86'	N89°55'51"E
L15	50.00'	S0°04'09"E
L16	212.83'	S53°46'44"E
L17	5.12'	S0°03'53"E
L18	5.12'	N0°03'53"W
L19	12.93'	N89°11'47"W
L20	12.93'	N89°11'47"W

PLAT NOTES:

- AREA OF SUBDIVISION = 27.312 ACRES, AREA OF ALL PUBLIC R.O.W. DEDICATIONS IS 6.095 ACRES.
- NO PORTION OF THIS SUBDIVISION LIES WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO TAYLOR COUNTY FEMA FIRM MAP NO. 48441-C-0332-F EFFECTIVE JANUARY 6, 2012.
- NO LAND WITHIN THIS SUBDIVISION WILL BE DEDICATED FOR PARKS, OR OPEN SPACE.
- THIS SUBDIVISION IS LOCATED ENTIRELY WITHIN THE CITY LIMITS OF THE CITY OF ABILENE, TEXAS.
- BUILDING SETBACK LINES SHALL COMPLY WITH CURRENT CITY OF ABILENE ZONING REGULATIONS.
- UPON COMPLETION OF THE SUBDIVISION STREETS, BURIED UTILITIES, AND FINAL GRADING, MONUMENTATION WILL BE SET AS FOLLOWS: CENTERLINE MARKERS ARE MAG-NAILS WITH WASHERS; LOT CORNERS ARE 1/2" REBAR RODS WITH PLASTIC CAPS STAMPED "J&M BOUNDARY".
- IF OBSTACLES (FENCES, TRANSFORMERS, OPEN TRENCHES, ETC.) ARE ENCOUNTERED DURING THE COURSE OF SETTING MONUMENTATION, THOSE AFFECTED LOT CORNERS WILL BE SET AT AN OFFSET ALONG THEIR RESPECTIVE LOT LINES AT A WHOLE FOOT INTERVAL BETWEEN 1 AND 6 FEET. SURVEYOR WILL SET SAID OFFSET AS CLOSE AS PRACTICAL TO ACTUAL LOT CORNER AND WILL KEEP RECORD OF THE FINAL STAKED LOCATION.
- THE R.O.W. WIDTH OF THIS PORTION OF FORREST HILL ROAD IS COMPOSED OF A CALLED 30' STRIP DEDICATED TO THE CITY OF ABILENE IN VOL. 2127, PG. 351, O.P.R. ON THE SOUTH SIDE ALONG WITH VARIOUS R.O.W. DEDICATIONS (OF 30' TYPICALLY, SOME GREATER) DURING THE SEQUENCE OF MULTIPLE PLATS FOR THE VISTA RIDGE ADDITION (NUMEROUS SECTIONS) ON THE NORTH SIDE.

BASIS OF BEARINGS:

BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED ON GRID NORTH REFERENCING THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, AND NAD 83 AS DETERMINED FROM GPS SURVEY DATA. DISTANCES CAN BE CONVERTED TO SURFACE BY MULTIPLYING EACH BY THE COMBINED SCALE FACTOR OF 1.000143527.

FINISHED FLOOR ELEVATION:

ALL FINISHED FLOOR ELEVATIONS SHALL BE 18" MINIMUM ABOVE THE HIGHEST ADJACENT STREET CURB AND 12" MINIMUM ABOVE THE HIGHEST ADJACENT FLOOR ELEVATION.

DEVELOPER/SUBDIVIDER:
ABILENE FORREST HILL, LLC
545 SOUTH US HIGHWAY 83,
APT D
ABILENE, TX 79602
325-690-9991

BLOCK A

LOT AREA TABLE		
LOT NO.	AREA (SQ.FT.)	AREA (ACRES)
1	8,717	0.200
2	6,820	0.157
3	6,820	0.157
4	6,820	0.157
5	6,820	0.157
6	6,820	0.157
7	7,972	0.183
8	9,310	0.214
9	12,342	0.281
10	12,342	0.283
11	10,484	0.241
12	8,684	0.199
13	8,370	0.192
14	8,370	0.192
15	8,370	0.192
16	8,370	0.192
17	8,370	0.192
18	8,697	0.200
19	10,440	0.240
20	12,408	0.285
21	9,002	0.207
22	97,163	2.231

BLOCK B

LOT AREA TABLE		
LOT NO.	AREA (SQ.FT.)	AREA (ACRES)
1	8,901	0.204
2	6,613	0.152
3	6,621	0.152
4	6,629	0.152
5	6,636	0.152
6	6,245	0.189
7	9,316	0.214
8	10,554	0.242
9	7,567	0.174
10	6,641	0.152
11	6,641	0.152
12	6,641	0.152
13	6,734	0.155
14	7,195	0.165
15	7,860	0.180
16	9,209	0.211
17	9,367	0.215
18	11,067	0.254
19	9,085	0.208
20	7,708	0.177
21	7,661	0.176
22	7,661	0.176
23	7,661	0.176
24	8,638	0.198

LOT AREA TABLE		
LOT NO.	AREA (SQ.FT.)	AREA (ACRES)
25	10,442	0.240
26	9,766	0.224
27	9,507	0.218
28	7,842	0.180
29	9,732	0.223
30	17,766	0.408
31	16,300	0.374
32	9,035	0.207
33	9,689	0.222
34	11,076	0.254
35	8,566	0.197
36	7,559	0.174
37	7,535	0.173
38	7,512	0.172
39	11,797	0.271
40	8,996	0.207
41	7,542	0.173
42	9,575	0.220
43	10,452	0.240
44	12,404	0.285
45	17,168	0.394
46	10,778	0.247
47	8,272	0.190
48	8,712	0.200

BLOCK C

LOT AREA TABLE		
LOT NO.	AREA (SQ.FT.)	AREA (ACRES)
1	8,595	0.197
2	7,596	0.174
3	14,686	0.337
4	15,721	0.361
5	11,618	0.267
6	11,048	0.254
7	9,671	0.222
8	8,820	0.202
9	8,159	0.187
10	7,776	0.179
11	7,392	0.170
12	7,216	0.166
13	7,312	0.168
14	8,663	0.199

BLOCK D

LOT AREA TABLE		
LOT NO.	AREA (SQ.FT.)	AREA (ACRES)
1	13,080	0.300
2	10,920	0.251
3	10,920	0.251
4	10,920	0.251
5	10,920	0.251
6	10,920	0.251

FORREST MEADOWS ADDITION, SECTION 1
BEING 27.312 ACRES, A REPLAT OF
A PART OF LOTS 1 & 2, OF THE T.C. GARNER
SURVEY SUBDIVISION, AND BEING OUT OF THE
T.C. GARNER SURVEY, ABSTRACT NO. 1366,
CITY OF ABILENE,
TAYLOR COUNTY, TEXAS

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 974A, VERNON'S ANNOTATED CIVIL STATUTES, AND ARTICLE 927B PENAL CODE OF TEXAS, AS AMENDED.

DATE: 3/9/21

ATTEST: [Signature]

PLANNING DIRECTOR

PLANNING DIRECTOR

FILED WITH PLANNING DIRECTOR, CITY OF ABILENE, TEXAS.

3-4-21 FP H21

DATE: 3/9/21

FILE NUMBER: [Blank]

PLANNING DIRECTOR

FEES: [Blank]

COUNTY CLERK

I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON:

3/9/21 2021-04811

DATE: 3/9/21

FILE NUMBER: 2021-04811

Larry G. Bevil Taylor

COUNTY CLERK

Carlynn Flow

DEPUTY

DIRECTOR OF PUBLIC WORKS

THE DEDICATION 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.

3/9/21

DIRECTOR OF PUBLIC WORKS

OWNER'S CERTIFICATE AND DEDICATION

THE UNDERSIGNED MANAGER OF THE HEREINAFTER DESCRIBED REAL PROPERTY HAS CAUSED SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE SUBDIVIDED INTO BLOCKS, LOTS, STREETS AND ALLEYS UNDER THE NAME OF:

FORREST MEADOWS ADDITION, SECTION 1
BEING 27.312 ACRES, A REPLAT OF
A PART OF LOTS 1 & 2, OF THE T.C. GARNER SURVEY
SUBDIVISION, AND BEING OUT OF THE
T.C. GARNER SURVEY, ABSTRACT NO. 1366,
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, LINES, 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 METES & BOUNDS DESCRIPTION

EXECUTED THIS 9th DAY OF MARCH, A.D. 2021

K. Hari Krishna

HARI KALLA

ABILENE FORREST HILL, LLC

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

HARI KALLA

KNOWN TO ME TO BE THE PERSON AND MANAGER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF THE SAID

ABILENE FORREST HILL, LLC

A LIMITED LIABILITY CORPORATION, AND THAT HE EXECUTED THE SAME AS THE ACT OF SUCH CORPORATION, FOR THE PURPOSES AND CONSIDERATIONS HEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATES.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 9th DAY OF MARCH, A.D. 2021

RACHEL VASSAR

Notary Public, State of Texas

Comm. Expires 10-28-2024

Notary ID 132751413

GENERAL NOTES

ACREAGE: 27.312 ACRES

SCALE: 1"=100'

SMALLEST LOT: 0.152 ACRES

LARGEST LOT: 2.231 ACRES

LOT WIDTH: MIN. 60.00' MAX. 212.83'

LOT DEPTH: MIN. 105.00' MAX. 177.21'

CENTERLINE MARKER SET (SMB01)

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:

FORREST MEADOWS ADDITION, SECTION 1
BEING 27.312 ACRES, A REPLAT OF
A PART OF LOTS 1 & 2, OF THE T.C. GARNER SURVEY
SUBDIVISION, AND BEING OUT OF THE
T.C. GARNER SURVEY, ABSTRACT NO. 1366,
CITY OF ABILENE,
TAYLOR COUNTY, TEXAS

2. W. M.

SIGNATURE

LEE W. ROSENBAUM

(PRINT)

REGISTERED PROFESSIONAL LAND SURVEYOR

MARCH 3, 2021

DATE

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

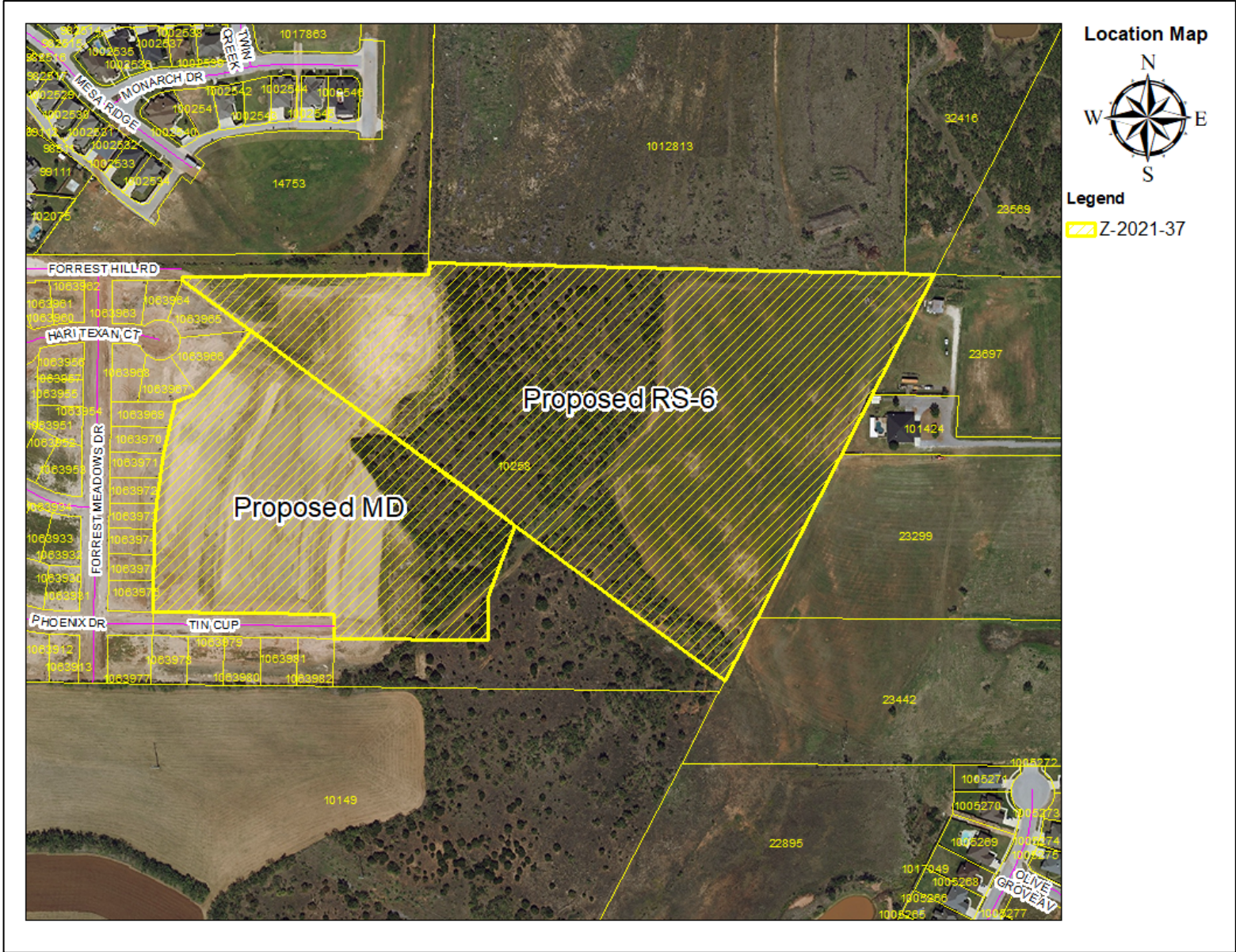
1508 SANTA FE DR, STE 204
WEATHERFORD, TX 76086
817-594-9880

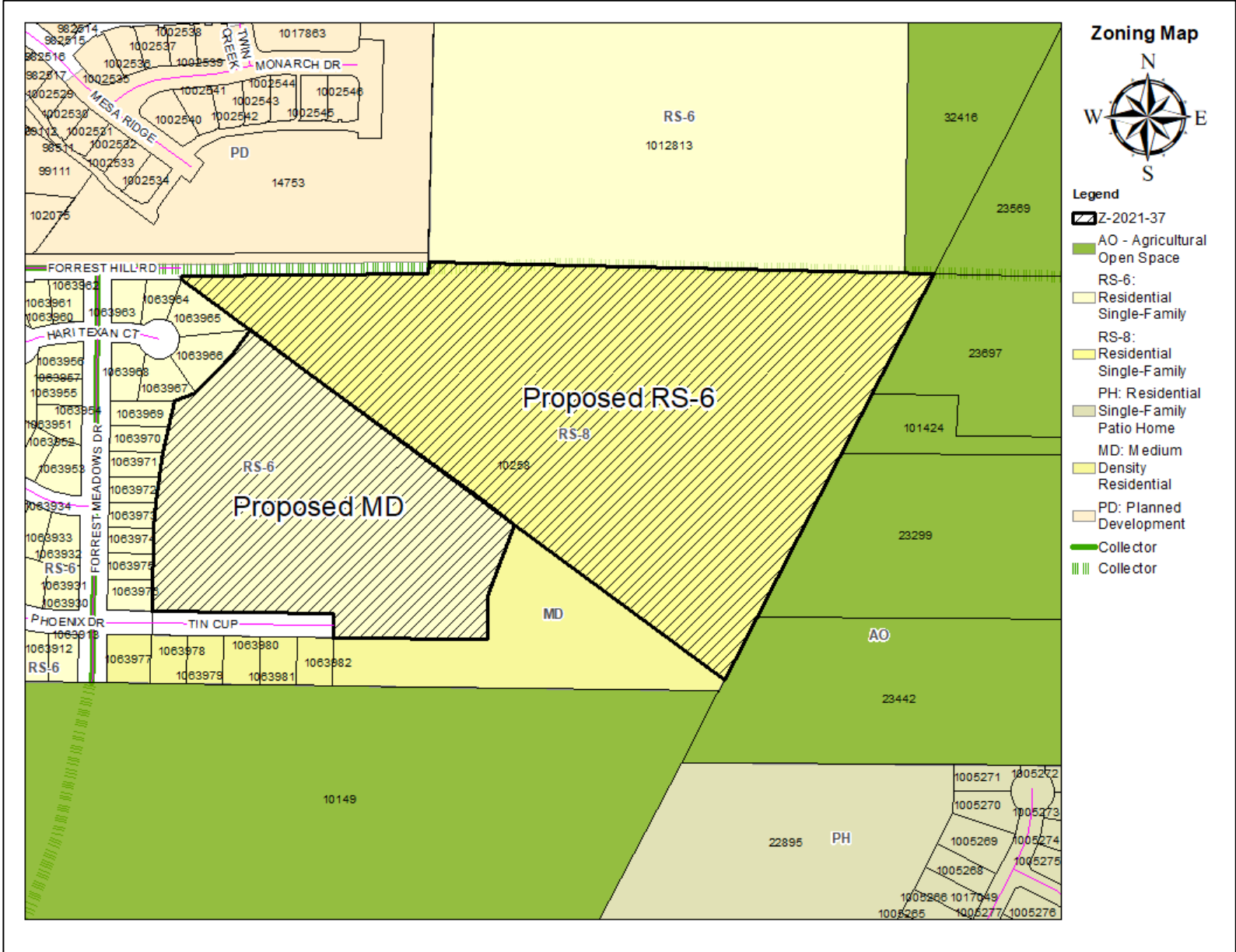
4920 S. LOOP 289, STE 104
LUBBOCK, TX 79414
806-368-6375

JACOB MARTIN

TBPELS FIRM # 10194493

Case:	Z-2021-37
Owner:	Abilene Forrest Hill, LLC.
Agent:	Jacob & Martin - Civil Engineering
Request:	Rezone from Residential Single-Family (RS-6) District to Medium-Density (MD) District and Residential Single-Family (RS-8) District to a Residential Single-Family (RS-6) District
Location:	1000 feet east from the 6900 block of Old Forrest Hill Road and 1200-2200 feet west from the 7100 block of Hardwick Road in south Abilene
Notification:	25 in Favor, 0 Opposed
Planning & Zoning:	Approval, December 7, 2021





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 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

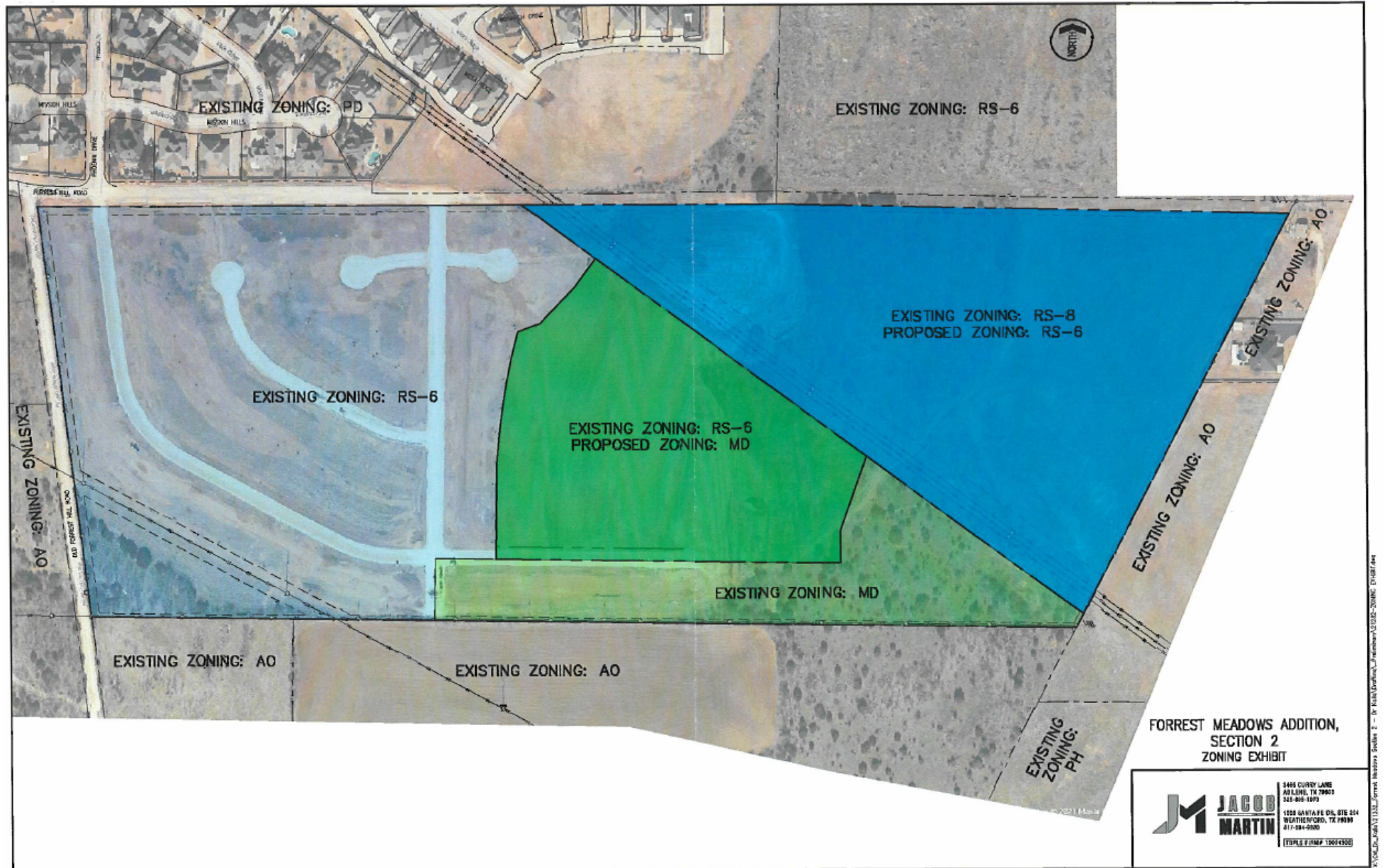
RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

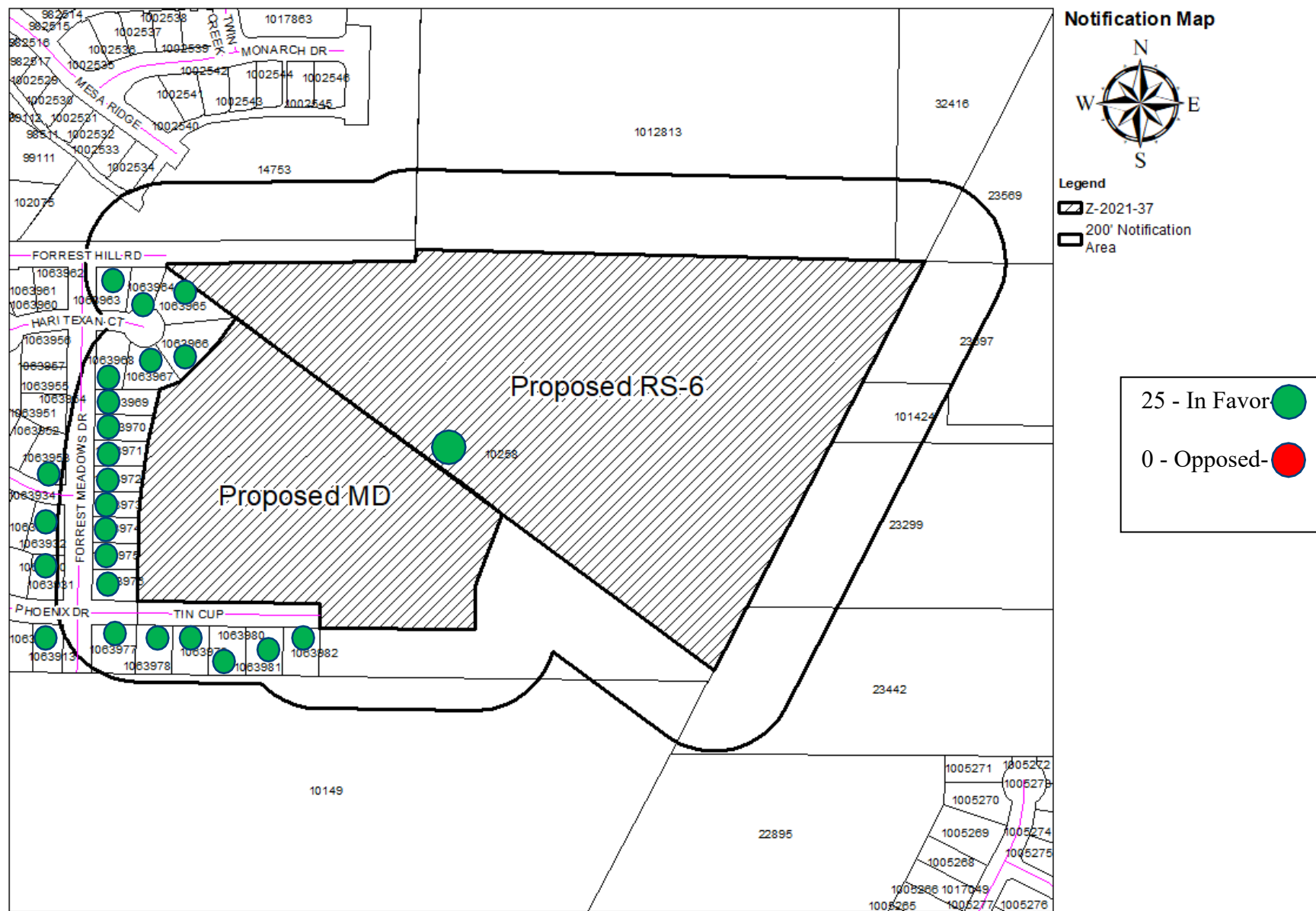
P
C
TP

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-2021-37 VIEWS OF SUBJECT & ADJACENT PROPERTIES





- 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: 1/13/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **14. Ordinance (Final Reading) Z-2021-39: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Bobby Brown To Change Zoning From Residential Single-Family (RS-6) To A Neighborhood Retail (NR) District On Approximately 0.308 Acre Of Land At 2549 And 2601 Ross Street In South Central Abilene. Legal Description Being The West 78 Feet Of The North 172 Feet Of Lot 4 In Block 1 Of The Over Place Addition To The City Of Abilene, Taylor County, Texas *(Tim Littlejohn)***

GENERAL INFORMATION

Rezone from Single-Family Residential (RS-6) to a Neighborhood Retail (NR) District.
Location

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2021-39 Council Ordinance
2. Z-2021-39 Council Staff Report
3. Z-2021-39 Council Presentation

ORDINANCE NO. _____

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

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

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

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

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

PASSED ON FIRST READING the 17th 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 11th day of December, 2021, the same being more than fifteen (15) days prior to a public hearing held at the Abilene Public Library's South Branch in the Mall of Abilene at 4310 Buffalo Gap Road in Abilene, Texas, at 8:30 a.m. on the 13th day of January, 2022, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 13th day of January, 2022.

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) to a Neighborhood Retail (NR) District:

the west 78 feet of the north 172 feet of Lot 4 in Block 1 of the Over Place Addition to the City of Abilene, Taylor County, Texas.

location: 2549 and 2601 Ross Avenue



-END-

ZONING CASE Z-2021-39

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: December 7, 2021

City Council 1st Reading: December 17, 2021

City Council 2nd Reading: January 13, 2022

Applicant

Owner: Bobby Brown

Request

Rezone from Single-Family Residential (RS-6) to a Neighborhood Retail (NR) District.

Location

2549 and 2601 Ross Avenue, including approximately 0.31 acre on the east side of Ross Avenue and extending approximately 115 to 285 feet north from South 27th Street

Background

This property has been embraced within an RS-6 zoning district since 1960. A single-family home remains within the approximate center of this 0.31 acre of land.

Until 1985, the entire city block where this property is located (bounded by Ross Avenue, Buffalo Gap Road, South 25th and 27th Streets) was embraced within an RS-6 District. It was during 1985 that this city block began commercializing. The greater part of this city block was then embraced within a Planned Development District for retail commercial use, extending approximately 400 feet north and west from the northwest corner of Buffalo Gap Road and South 27th Street.

Buffalo Gap Road and South 27th Street are both classified (and fully improved) as major arterial streets. It is generally appropriate for intensive retail commercial use to be clustered at strategic intersections of major streets, to maximize exposure of commercial use to passing motorists, while minimizing negative impacts on residents.

More recently, the following other rezoning efforts have occurred on this same city block where the subject property (at 2549-2601 Ross Avenue) is situated:

- In 1996, the Planned Development District approved eleven years earlier (on the northwest corner of Buffalo Gap Road and South 27th Street) was converted to a conventional General Commercial District.
- In 2019, land at the northwest corner of this city block (and specifically on the southeast corner of Ross Avenue and South 25th Street) was embraced within a General Retail District. A 48-unit apartment building is now under construction there.
- At its meeting on November 2 of 2021, Abilene's Planning & Zoning Commission recommended approving a Neighborhood Retail District on 0.33 acre of land located directly south of the subject property and situated on the northeast corner of Ross Avenue and South 27th Street. This property is occupied by a residence at 2414 South 27th Street.

Nearby Zoning and Land Use (Existing)

The current zoning of properties adjacent to (and in the immediate area of) this proposed zone change are illustrated on a map included with this report:

- To the east of this subject property is a vacant tract of less than one acre which remains primarily in the same RS6 District as the subject property. Still farther to the east (by a distance of 120 feet) is an auto parts store followed by an automated car wash and a dry cleaning store. All these commercial facilities are located in a General Commercial District extending (a distance of approximately 500 feet) to Buffalo Gap Road.
- To the south of this subject property is a single-family home site that, as of this writing, remains in the same RS-6 District as the subject property. On December 2, Abilene's City Council will be considering a request to change the zoning of this adjoining home site, to a Neighborhood Retail (NR) District. This prospective NR District lies at the northeast corner of Ross Avenue and South 27th Street.
- To the west of this subject property (across the width of Ross Avenue) is a church building and parking lot. This church campus and the entire city block where it is located lies in a Single-Family Residential (RS-6) District.
- To the north of this subject property is a single-family home site which lies in the same RS-6 District as the subject property. Still farther to the north, separated by a distance of 66 feet, is yet another single-family home site. This other single-family home, however, lies in a Neighborhood Retail (NR) zoning district.

Proposed Zoning and Land Use

The owner of this subject property (at 2549-2601 Ross Avenue) seeks its rezoning to a Neighborhood Retail District. The applicant has offered no specific indication of how this property is planned to be used. However, as its name implies, Neighborhood Retail zoning is intended to accommodate a limited range of retail trade and services needed to serve a neighborhood area.

The level of intensity and scale of development permissible in NR Districts are designed for more compatibility with nearby residences, as compared to most commercial zoning. In NR Districts, maximum coverage by any one or more building(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.

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 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 in an area dominated by low-density residential use. Even within such areas, some localized retail districts should still be created to efficiently serve nearby residential districts. These land use arrangements help maximize convenience (for nearby residents) and minimize traffic congestion. Residents need not 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.

This subject property (at 2549-2601 Ross Avenue) lies at the west end of a city block that extends all the way east to Buffalo Gap Road, directly north from its intersection with South 27th Street. As mentioned earlier above, both these thoroughfares are major arterial streets, and clusters of intensive retail zoning are generally appropriate at or near the intersection of such streets. Accordingly, almost all the land located within a 500-foot radius north and west from the intersection of Buffalo Gap Road and South 27th Street lies within either a General Commercial (GC) or General Retail (GR) zoning district.

This subject property lies on the same city block as these GC and GR Districts, but outside the 500-foot reach of these intensive commercial zoning classifications. As a result, it is appropriate for the remainder of this city block (outside the existing GC and GR Districts) to be included within some transitional zoning classification, to provide a useful and effective separation between intensive commercial use (closer to Buffalo Gap Road) and the single-family residential environment remaining to the west. The Neighborhood Retail (NR) zoning classification offers just such a transition in the allowed intensity of use.

(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 adjoins Ross Avenue, a subcollector street that is fully-improved with a 36-foot-wide pavement as well as curb-and-gutter. This subject property also lies less than 120 feet from South 27th Street, a fully improved arterial. This arterial street can accommodate increased traffic flow stemming from future commercial use of the subject property, with little or no additional traffic flow through the residential fabric of the adjoining neighborhood.

Suitable water and sewer mains also exist in the adjoining right-of-way for Ross Avenue, directly accessible to 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 of the community.

Staff Recommendation

City staff recommends approving this requested zone change to a Neighborhood Retail (NR) District. As mentioned above, such commercial zoning can provide a useful and effective transition between an intensive retail environment (existing to the east) and a low-density residential neighborhood remaining to the west.

Notification

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

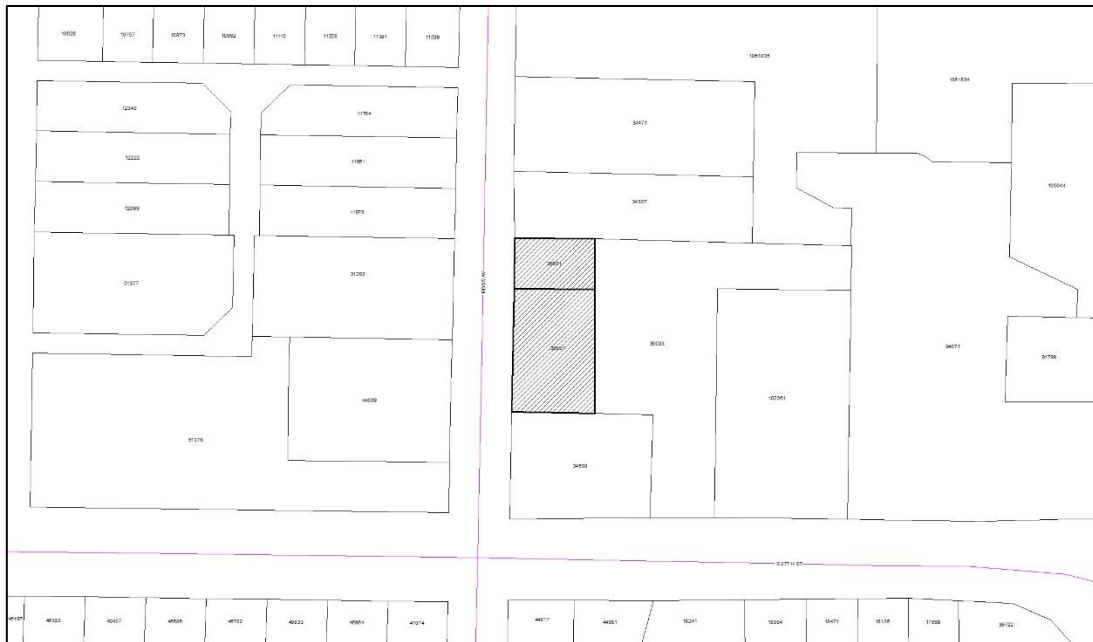
Owner	Parcel ID	Situs	Response
ADKISSON RICHARD L & MARSHA A	34327	2541 ROSS AV	
ADKISSON RICHARD L & MARSHA A	34471	2525 ROSS AV	
BAZE JUSTIN DAVID	11539	2501 S 25TH ST	
BROADVIEW BAPTIST CHURCH	51376	2500 S 27TH ST	
BROADVIEW BAPTIST CHURCH	11973	2542 ROSS AV	
BROADVIEW BAPTIST CHURCH	11704	2526 ROSS 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	
HONG ANG	44951	2441 S 27TH ST	
LANDEROS JUAN	47074	2501 S 27TH ST	
O REILLY AUTO ENTERPRISES LLC	102361	2366 S 27TH ST	
ORTIZ ADAM DARREN	11851	2534 ROSS AV	OPPOSED
RONDO PROPERTIES PTSH	35003		
TORRES BEATRIZ	44817	2449 S 27TH ST	
WESTERN BANK	1061835	2501 ROSS AV	

Attachments

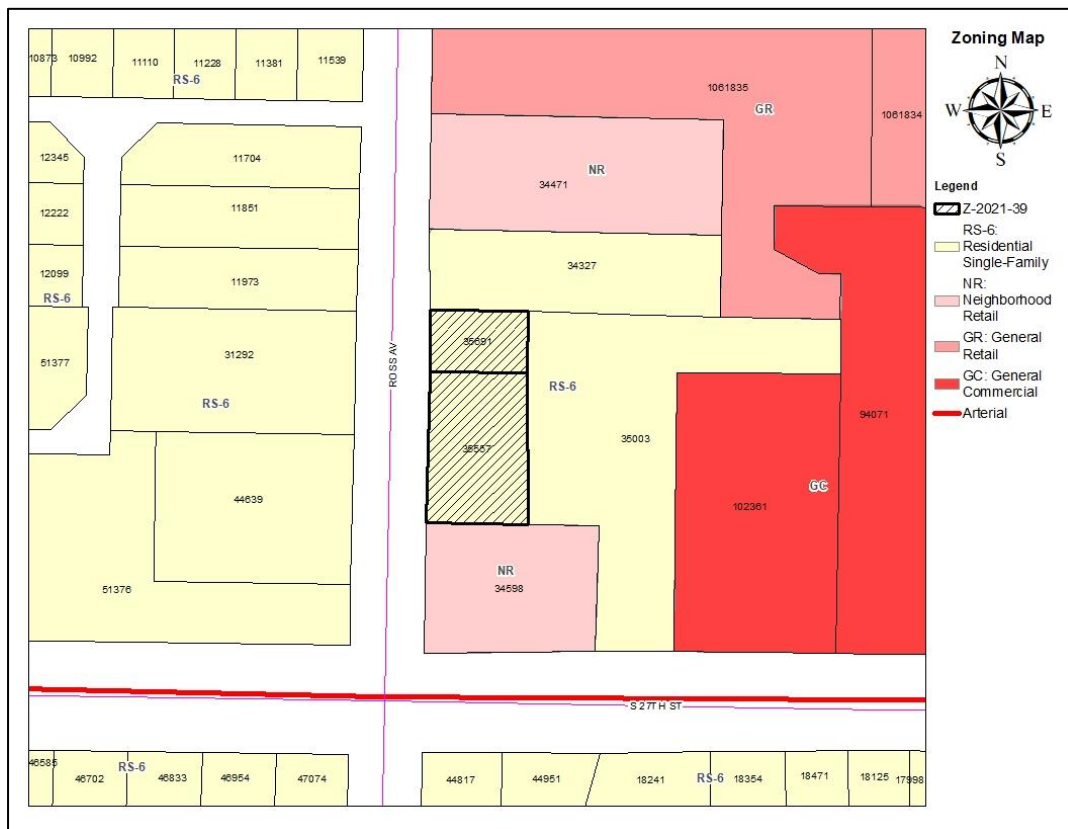
Application

PowerPoint Presentation

LOCATION MAP



ZONING MAP





Development Application

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

Project Name: Bobby Brown
 Address: 2549 Ross Ave. & 2601 Ross Ave. Abilene, TX No. of lots: 2 Acreage: _____
 Legal Description: Over place block 1, Lot N50 W78 L1 & Over place block 1, Lot W78 S1 22 of N 172
 Subdivision Name: Overplace Block: 1 Lot: N50 W78 L1 & W78 S1 22 of Lot 4
 Current Zoning: R56/COR Proposed Zoning (if applicable): NR

OWNER AND AUTHORIZATION

Owner Name: Bobby Brown
 Address: 4049 Inverrary Drive
 City, State, Zip: Abilene, Texas 79606 Fax: _____
 Phone: 325-721-3998 Email: brownproperties24@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) Bobby Brown will act as my agent before the Planning and Zoning Commission.

Agent Name: Bobby Brown
 Address: 4049 Inverrary Drive
 City, State, Zip: Abilene, Tx 79606 Fax: _____
 Phone: 325-721-3998 Email: brownproperties24@yahoo.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: Bobby Brown Date: October 29, 2021

FOR OFFICE USE ONLY

Received: 10/30/2021 Fee: \$ 1500 Receipt No.: 0001065455
 Case No.: _____ Reviewed By: P.S.

* NOTE: The legal description for each of these two properties is as follows:

2549 Ross Avenue includes the north 50 feet of the west 78 feet of Lot 4 in Block 1 of the Over Place Addition to the City of Abilene, Texas;
2601 Ross Avenue includes the west 78 feet of the north 122 feet of the north 172 feet of Lot 4 in Block 1 of the Over Place Addition to the City of Abilene, Texas.



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.

My name is Bobby Brown. I am the owner of the property at 2549 Ross Avenue, Abilene, Texas. Over twenty years ago I bought this vacant lot at the same time I bought the joining property at 2601 Ross Avenue to be rental property. I am now wanting to sell the property. The property has O'Reilly's on the east side and is zoned general retail. The block on which the lot sits is full of general retail zoning. The property at 2417 South 27th street to the south of my property is in the process of changing its zoning to general retail. I think this being a fact will make my property more attractive to retail buyers. There are no liens or other obligations that keep me from moving forward. Now is the time to move on it. Please change zoning to neighborhood retail.

Thank you,
Bobby Brown



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.

My name is Bobby Brown. I am the owner of the property at (2601 Ross Avenue), Abilene, Texas. Over twenty years ago I bought the house for rental property. The property has O'Reilly's on the east side and is zoned general retail. The block on which the house sits is full of general retail zoning. The property joining my property on the south is in the process of changing their zoning to general retail. I think this being a fact will make my property more attractive to retail buyers rather than residential buyers. There are no liens or other obligations that keep me from moving forward. Now is the time to move on it. The current state of the housing market, along with the interest rates and business growth in Abilene, makes this a good time to act. Please change zoning to neighborhood retail.

Thank you,
Bobby Brown



Watts, Nick <nick.watts@abilenetx.gov>

[Planning] Property Owner of 2534 Ross Avenue Address Opposed to Zoning Change1 message

Adam O <itconsultanttexas@gmail.com>
To: planning@abilenetx.gov

Wed, Nov 24, 2021 at 2:18 PM

Hello Mr. Brad Stone and Planning and Development Services of Abilene, TX,

I have received a Notice of Public Hearing letter in the mail. It is in regards to Zone Change Request Number Z-2021-39. This letter informs me of a zoning change near my property, [2534 Ross, Abilene, TX 79605](#) (PID: 11851). I want to notify the Planning and Development Services of Abilene, TX, that I strongly oppose this request from Mr. Bobby Brown to change the current zoning from Residential Single Family (RS-6) code into a Neighborhood Retail (NR) code.

I have lived in my property with my family for 20+ years. I do not want to live within the same zone as retail. Retailers get customers who will bring unwanted day-to-day traffic congestion, hearing of frustrations from upset customers, and potentially violent acts, such as theft. This zoning change for retail will mean the police will have to oversee these issues on a typical basis. Honestly, I feel unsafe and fear I might hear a police siren and a dangerous incident going on outside more than I hear my television at night. Also, this decision will bring construction, which will lead to traffic redirections and increase. I do not want my street to be busier for my family or me during the day or night.

I appreciate the opportunity to protest changes of any kind near my property. Would you please call or email me if you have any questions?

Thank you for your time

Adam Ortiz
Address: [2534 Ross Ave, Abilene, TX 79605](#)
Occupation: IT Support Specialist
Central Appraisal District of Taylor County
Personal Phone: 325-271-5399
Personal Email: itconsultanttexas@gmail.com

--

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.



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

ORTIZ ADAM DARREN
2534 ROSS AVE
ABILENE, TX 79605-6355

NOTICE OF PUBLIC HEARING

RE: ZONE CHANGE REQUEST NUMBER Z-2021-39

11/22/2021

The Planning and Zoning Commission will hold a public hearing on **December 7, 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 Bobby Brown to change zoning from Residential Single-Family (RS-6) to a Neighborhood Retail (NR) District on approximately 0.308 acres of land at 2549 and 2601 Ross Street in south central Abilene. Legal description being the west 78 feet of the north 172 feet of Lot 4 in Block 1 of the Over Place Addition to the City of Abilene, Taylor County, Texas.

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

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for a 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 **January 13, 2022 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-2021-39

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: ORTIZ ADAM DARREN
Parcel I.D.: 11851
Address: 2534 ROSS AV

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: _____

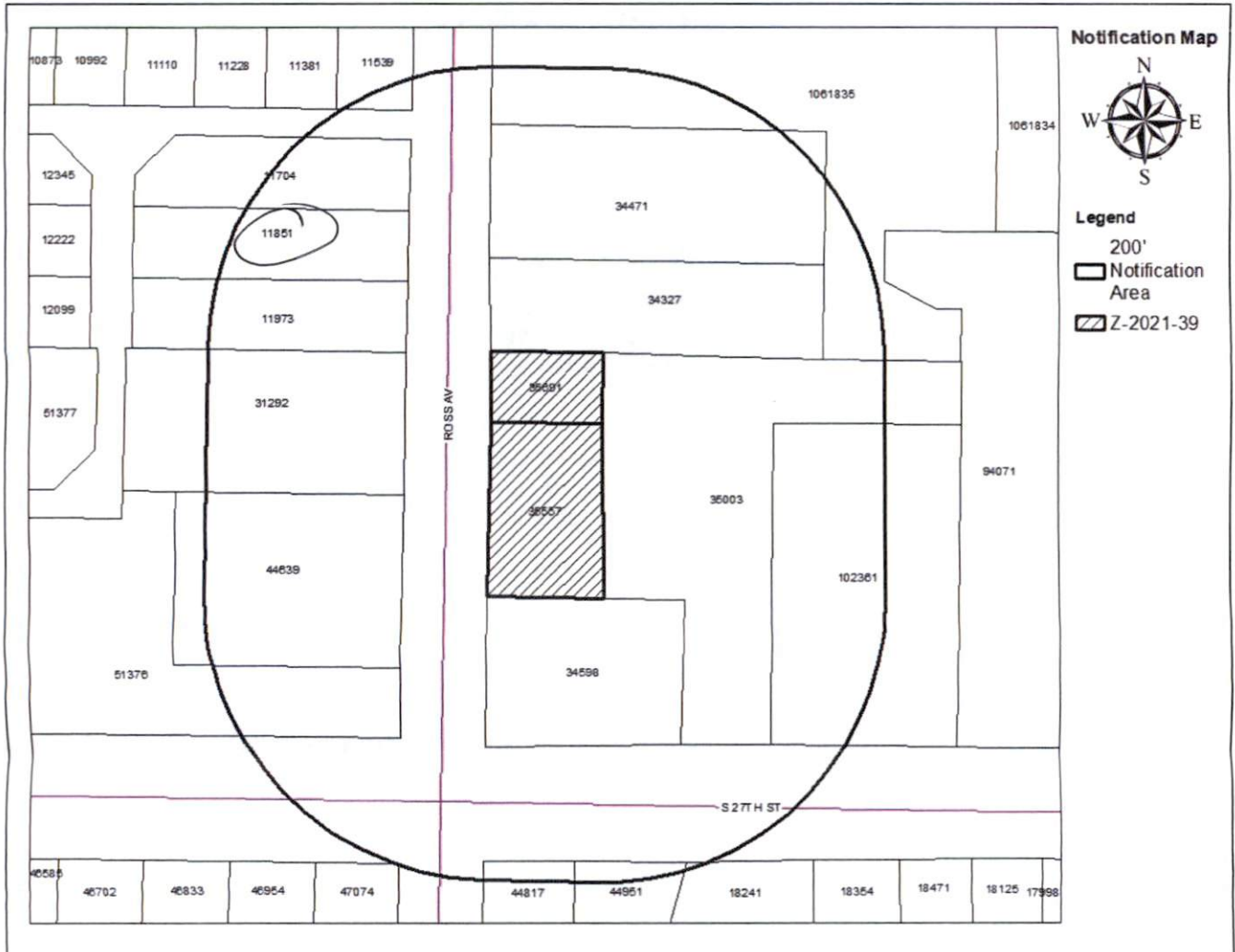
Adam Ortiz



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

Z-2021-39

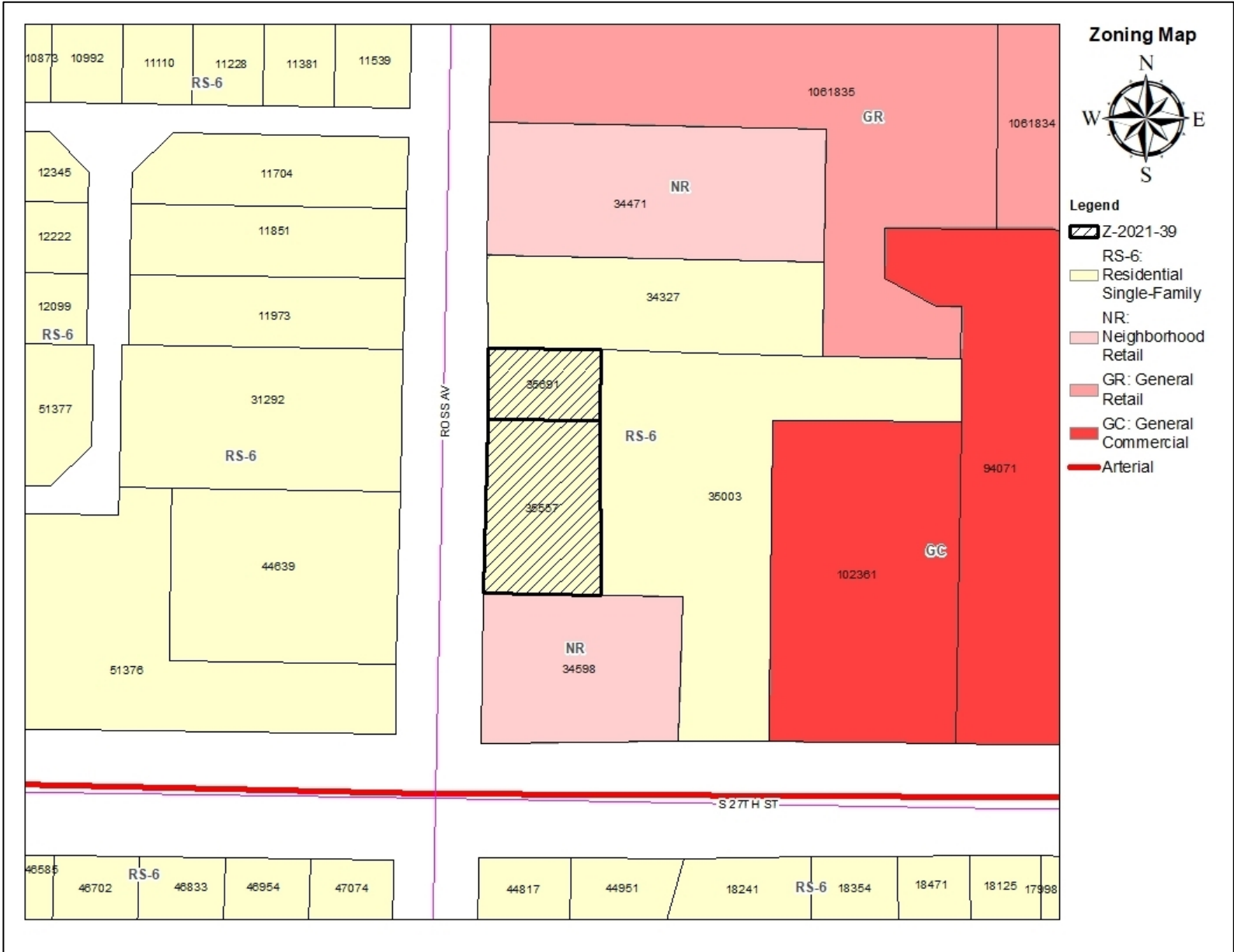


Case:	Z-2021-39
Owner:	Bobby Brown
Request:	Rezone from Residential Single-Family (RS-6) District to Neighborhood Retail (NR) District
Location:	2549 & 2601 Ross Avenue
Notification:	0 in Favor, 1 Opposed
Planning & Zoning:	Approval, December 7, 2021

Z-2021-39 LOCATION MAP



Z-2021-39 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 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-2021-39 VIEWS OF SUBJECT & ADJACENT PROPERTIES



Z-2021-39 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: 1/13/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **15. Ordinance (Final Reading) TC-2021-07: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Severo Garcia (Represented By Geotex Property Solutions LLC) To Abandon Certain Segments Of Unimproved Right-Of-Way Dedicated For Benbrook Street Extending As Much As 500 Feet West From Baker Street In Western Abilene, Leaving At Least A 30-Foot Width Of Right-Of-Way Therein To Function As An Alleyway (*Jared Smith*)**

GENERAL INFORMATION

The request is to abandon certain north portions of existing unimproved right-of-way for Benbrook Street projecting west from Baker Street, leaving at least a 30-foot wide right-of-way to someday function as an alleyway.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. TC-2021-07 Council Ordinance
2. TC-2021-07 Council Staff Report
3. TC-2021-07 Council Presentation

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR ABANDONMENT OF CERTAIN PORTIONS OF PUBLIC RIGHT-OF-WAY FOR BENBROOK STREET EXTENDING AS MUCH AS 500 FEET WEST FROM BAKER STREET, PROVIDING FOR TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

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

PART 1: That the following described portion of public right-of-way for Benbrook Street, as described on Exhibit "A" attached hereto and made part of this ordinance for all purposes, be and the same are hereby abandoned, vacated and closed insofar as the right, title or easement of the City of Abilene is concerned, subject to conditions expressed also in attached Exhibit "A".

PART 2: That said portion of public right-of-way is not needed for public purposes, and it is in the public interest to abandon the above described portion of public right-of-way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tract of land specifically described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING THE 17th 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 11th day of December, 2021, the same being more than fifteen (15) days prior to a public hearing held at the Abilene Public Library's South Branch in the Mall of Abilene at 4310 Buffalo Gap Road in Abilene, Texas, at 8:30 a.m. on the 13th day of January, 2022, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 13th day of January, 2022.
ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons the following portions of right-of-way presently available for Benbrook Street:

the north 30 feet of the westernmost 313.1 feet of the right-of-way presently available for Benbrook Street, and

the north 10 feet of that certain portion of the 40-foot-wide right-of-way presently available for Benbrook Street and extending 184.88 feet west from right-of-way presently available for Baker Street, SUBJECT TO the following conditions:

1. A suitable graphic subdivision plat is prepared by a Texas-registered surveyor, approved by the City of Abilene and, then, recorded with the Taylor County Clerk. Such plat must illustrate how both the affected rights-of-way (authorized to be abandoned) will be integrated with adjoining property.
2. Easements for drainage and utilities are reserved over the entire length and width of rights-of-way authorized to be abandoned.



-END-

TC-2021-07

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: December 7, 2021

City Council 1st Reading: December 17, 2021

City Council 2nd Reading: January 13, 2021

Applicant

Owner (of adjacent property): Severo Garcia

Agent: Geotex Property Solutions, LLC

Request

Abandon certain north portions of existing unimproved right-of-way for Benbrook Street projecting west from Baker Street, leaving at least a 30-foot wide right-of-way to someday function as an alleyway there.

Location

Portions of right-of-way for Benbrook Street proposed to be abandoned extend approximately 500 feet west from Baker Street in far west Abilene.

Background

Abilene has two separate and distinct segments of Benbrook Street:

- One segment extends ¼ mile between Presidio Drive and Corsicana Avenue. This first segment of Benbrook Street is fully-improved with pavement and completely lined with single-family homes. No portion of this segment of Benbrook Street is proposed to be abandoned.
- The other segment of Benbrook Street extends west from Redbird Lane in far west Abilene, at 1000 feet crossing Baker Street, after which it “dead ends” in a cul-de-sac turnaround approximately 500 feet west from Baker Street. No portion of this second segment of Benbrook Street is now improved with pavement or even gravel. Until 1992, this second segment of Benbrook Street extended even farther west to Veterans Drive (formerly Vapor Trail). But the western 420+ feet of Benbrook Street was officially abandoned in June of 1992. The land within that already-abandoned segment of Benbrook Street is now incorporated within a parking lot for the VFW Post at 1049 Veterans Way.

An owner of land on the west side of Baker Street has applied to have abandoned certain north portions of unimproved right-of-way for Benbrook Street extending west from Baker Street. With approval of this requested abandonment, the applicant (Severo Garcia) will be able to expand the land available for existing and future home site(s) on his property.

Assessment

The applicant is seeking to have abandoned only certain portions of right-of-way* on the north side of Benbrook Street projecting west from Baker Street. If this abandonment is approved, the leftover

* specifically, the north 10 feet of a 40-foot-wide right-of-way dedicated for Benbrook Street extending 184.88 feet directly west from Baker Street’s right-of-way, as well as the north 30 feet of at least a 60-foot-wide right-of-way for Benbrook Street extending 184.88 to 497.98 feet west from Baker Street’s right-of-way

portions of Benbrook Street's right-of-way will remain wide enough (at least 30 feet) to someday function as a useful alleyway. This alleyway will come complete with enough right-of-way for a suitable turnaround at its otherwise dead end, located approximately 500 feet west of Baker Street.

Also, if approved as requested, this abandonment will leave no existing lot or parcel of land with access only to the remaining alley right-of-way, and without access to a street.

No utilities (underground or overhead) are now located within the unimproved right-of-way proposed to be abandoned, or within the leftover right-of-way which would remain west of Baker Street.

Staff Recommendation

City staff recommends approving the current request to abandon certain north portions of Benbrook Street's unimproved right-of-way west of Baker Street, leaving at least a 30-foot-wide right-of-way to someday function as an alleyway.

- With 1992's abandonment of the western 420+ feet of Benbrook Street's original right-of-way extending to Veteran's Way, the remaining 500 feet of Benbrook Street (west of Baker Street) was left a dead end with little or no prospects for future extension.
- The applicant's plan for subdividing his property north of this dead end street does not include creating any new lots with access only to Benbrook Street.

Given these circumstances, the only prospective use for this dead-end right-of-way will be as an alley, for which only a 20- to 30-foot-wide right-of-way is necessary. The remaining right-of-way (after abandonment) will be at least 30 feet wide and terminated by a useful turnaround (already dedicated) at its dead end.

City staff also urges that any ordinance authorizing this abandonment be made subject to the following two conditions:

1. That a suitable graphic resubdivision (replat) is prepared by a registered surveyor, approved by the City of Abilene and, then, recorded with the Taylor County Clerk. Such replat must illustrate how the affected right-of-way (authorized to be abandoned) will be integrated with adjoining property.
2. That drainage and utility easements is reserved within the otherwise abandoned right-of-way, if for no other reason than similar such easements were reserved with the earlier (1992) abandonment of Benbrook Street's western right-of-way extending to Veteran's Way.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on November 22 of 2021 (via certified mail) to the applicant and to other owners of property within a 200-foot radius of the subject street right-of-way. These property owners and associated parcel identification numbers are identified below:

Owner	Parcel ID	Situs	Response
GARCIA ISAAC & PETRINA	56562	6126 FAIRMOUNT ST	
GARCIA SEVERO & MARTA	72843	1026 BAKER ST	
GARCIA SEVERO & MARTA	24520	1034 BAKER ST	
HUDMAN LINDA M & E VICTOR	73260	1065 BAKER ST	
MARTIN D DENSON POST	91120		FAVOR
SANCHEZ JUAN JR & ANDREA	74075	1117 BAKER ST	FAVOR
VFW POST #6873	73939	1110 BAKER ST	
VFW POST 6873	24523	1049 VETERANS DR	FAVOR

Attachments

- Application
- PowerPoint

LOCATION MAP



ZONING MAP





Development Application

Planning

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

Project Name: Severo Garcia Addition
 Address: 1034 Baker Street No. of lots: 1 Acreage: 5.11 Ac.
 Legal Description: Lot 5 Anderson & Berry
 Subdivision Name: Severo Garcia Block: _____ Lot: 5
 Current Zoning: RS-6 Proposed Zoning (if applicable): N/A

OWNER AND AUTHORIZATION

Owner Name: Severo Garcia
 Address: 1034 Baker St
 City, State, Zip: Abilene TX Fax: _____
 Phone: (325) 518-2742 Email: _____

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

Agent Name: Geotex Property Solutions, LLC
 Address: 209 S. Pioneer Dr., Ste. 2
 City, State, Zip: Abilene, TX 79605 Fax: _____
 Phone: 325-677-6712 Email: _____

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

Signature Owner: [Signature] Date: 11-8-21

FOR OFFICE USE ONLY

Received: 11/08/2021 Fee: \$ 1500 Receipt No.: 0001065456
 Case No.: TC-2021-07 Reviewed By: P. S.

* Specifically, the north 10 feet of a 40-foot-wide right-of-way dedicated for Benbrook Street extending 184.88 feet directly west from Baker Street and the north 30 feet of at least a 60-foot-wide right-of-way for Benbrook Street extending 184.88 to 497.98 feet west from Baker Street



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 413.2-Foot ROW of

This is for the abandoning of ↓ Benbrook Street West of
Baker Street ^{adjacent to} ~~out of~~ the property owned by Severo Garcia.

Contact Alonso Garcia at 325-518-2742 or

Geotex Property Solutions, LLC at 325-677-6712

Trying to close down street to be able to build two
houses (one for myself other is for my son).

02, Block 2,
1 Subdivision
t 4, Slide 267
at Records

ck 1,

y City rdinance No.
ity Easement
P.O.B.
BROOK STREET
(R/W Varies)

lock A,
on No. 1
bdivision
Slide 190
ords

TEI D NOTES

VPW Post 6873
(12.910 Ac.)
2966/496 O.P.R.

Un-Platted

Richmond Street abandoned by
City Ordinance No. 30-2013,
recorded in Instrument No.
2013-15710 O.P.R.
Retained for Access and Accessible
Utility Easement

EAST 497.78' total
EAST 487.78'

Lot 1

(A)

RIGHT-OF-WAY PROPOSED
TO BE ABANDONED

313.1

WEST 487.78'
WEST 497.98'

ALLEY

Lot 2, Block 1,
BOWMAN SUBDIVISION
Cabinet 2, Slide 128-D
Plat Records

RIGHT-OF-WAY
PROPOSED TO
REMAIN

5
4
3
Block A
EDITH HARRIS SUBDIVISION
Cabinet 2, Slide 264-C
Plat Records

BAKER STREET (R/W Varies)

SOUTH 447.42' total

BAKER STREET (R/W Varies)

Charles & Leta Barbee
(2 Ac.)
950/488 & 450 D.R.

Un-Platted

RICHMOND
(R/W Vari

Linda Mae & Eugene Hudm
(2 Ac.)
1748/69 O.P.R.

Un-Platted

BENBROOK
(R/W Varies

Andrea & Juan Sanchez
(2 Ac.)
Instrument No. 2008-1275

Un-Platted

CASE #: TC-2021-07

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: SANCHEZ JUAN JR & ANDREA
Parcel I.D.: 74075
Address: 1117 BAKER ST

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

Email: planning@abilenetx.gov

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

Signature: Andrea Sanchez

DEC 5 AM 9:27

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

CASE #: TC-2021-07

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: VFW POST 6873
Parcel I.D.: 24523
Address: 1049 VETERANS 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: Richard A. Marshall

DEC 15 AM 10:26

TC-2021-07

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

CASE #: TC-2021-07

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: MARTIN D DENSON POST
Parcel I.D.: 91120
Address:

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

Email: planning@abilenetx.gov

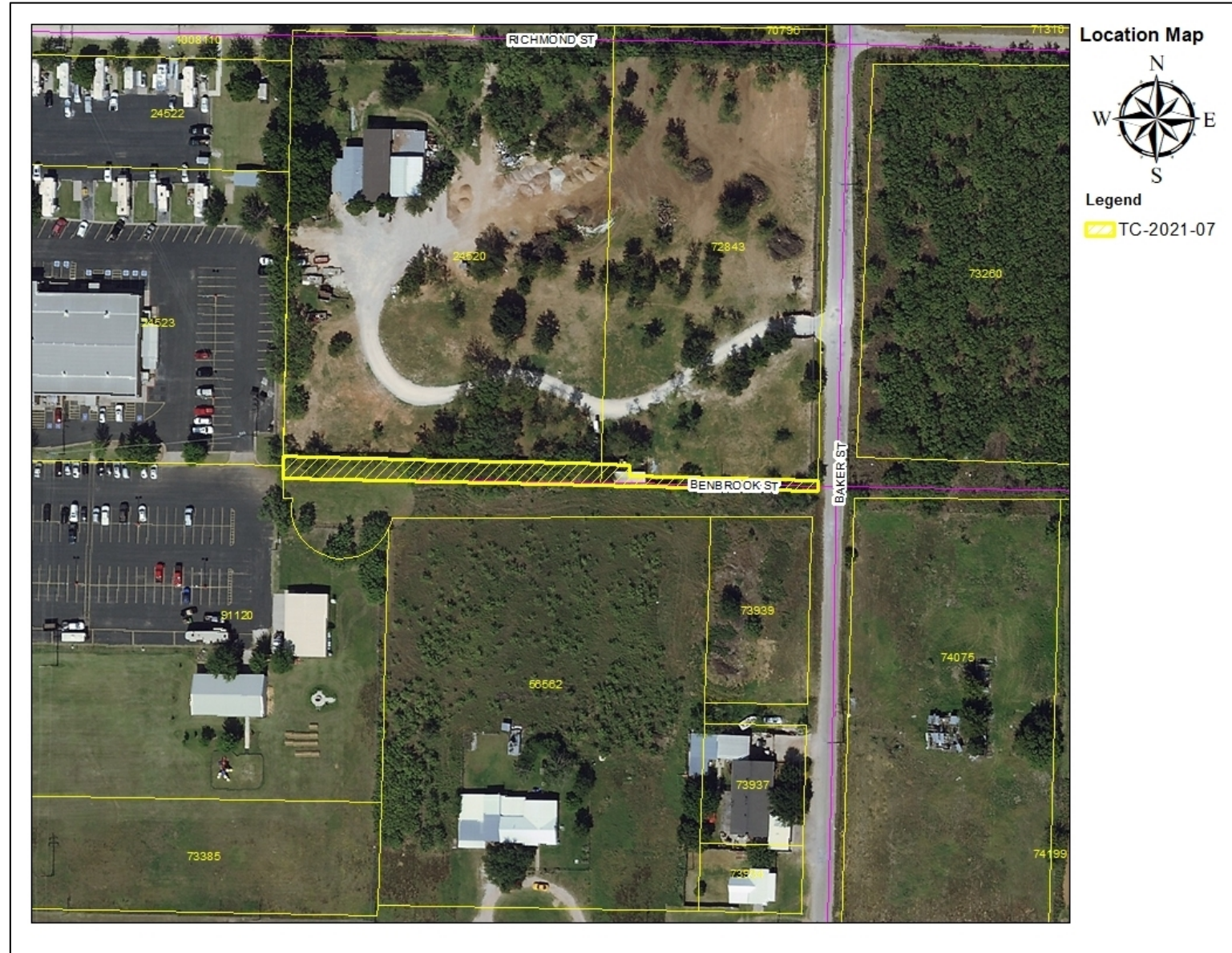
I am in favor ☒ I am opposed ☐
Additional Comments:

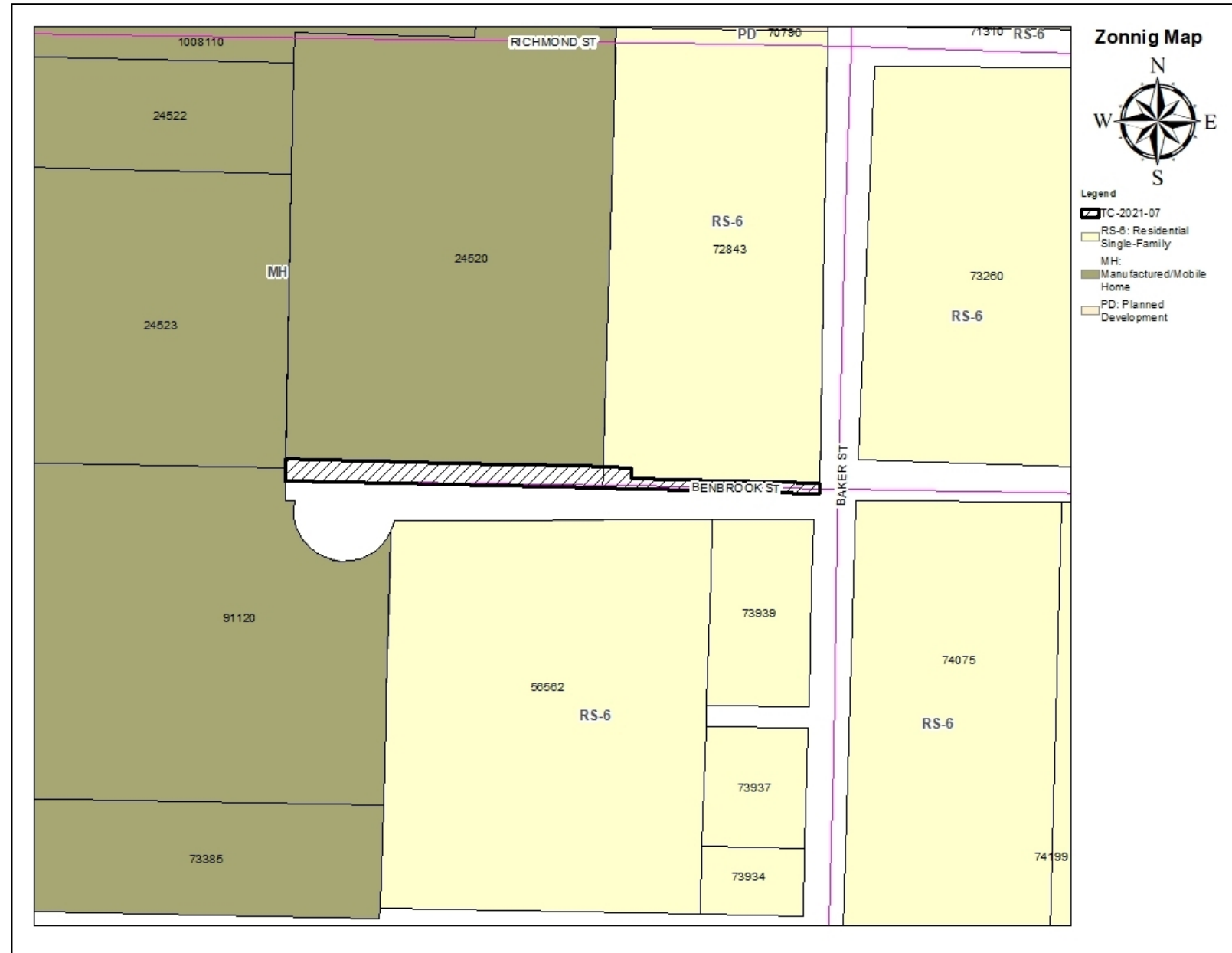
Signature: Richard A. Marshall

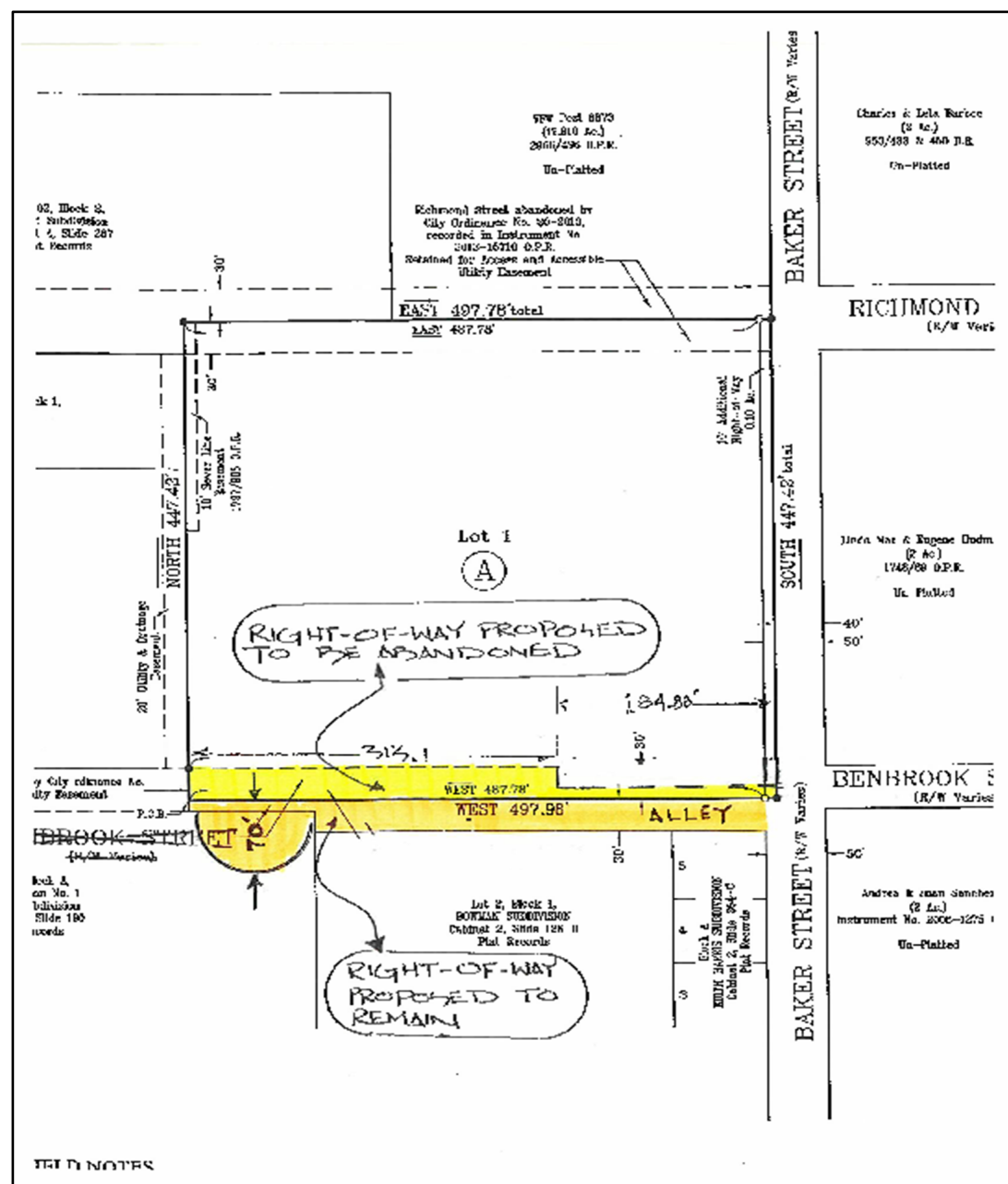
DEC 17 PM 4:55

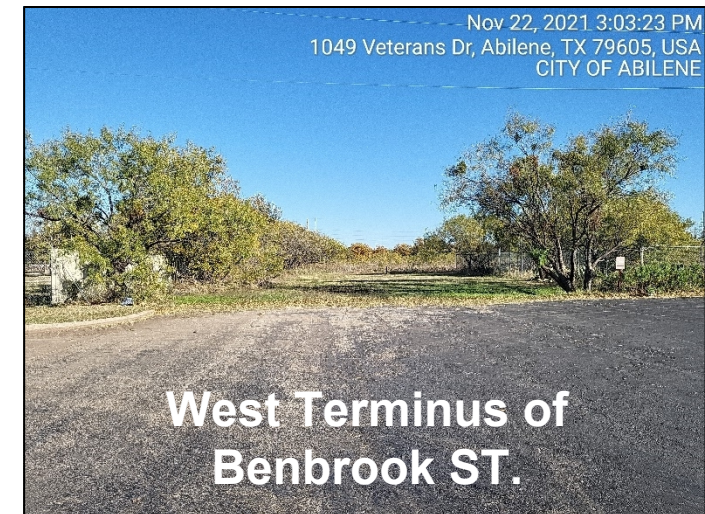
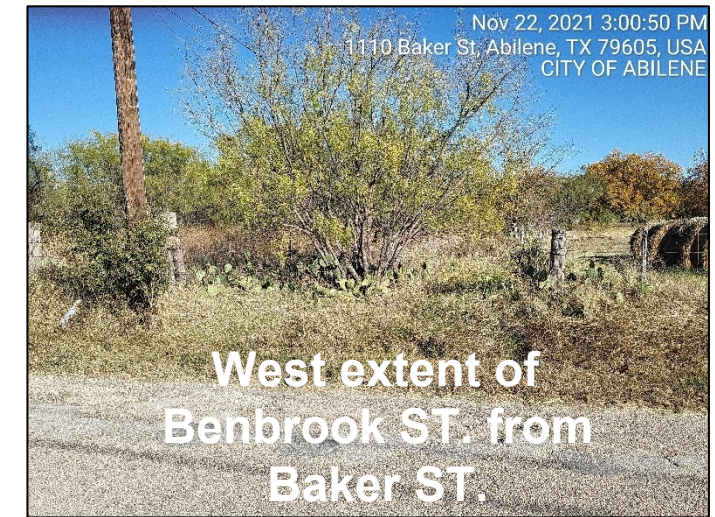
TC-2021-07

Case:	TC-2021-07
Applicant:	Severo Garcia
Agent:	Geotex Property Solutions, LLC.
Request:	Abandon certain north portions of existing unimproved right-of-way for Benbrook Street
Location:	Approximately 500 feet west from Baker Street in far west Abilene
Notification:	3 in Favor, 0 Opposed
Planning & Zoning:	Approval, December 7, 2021

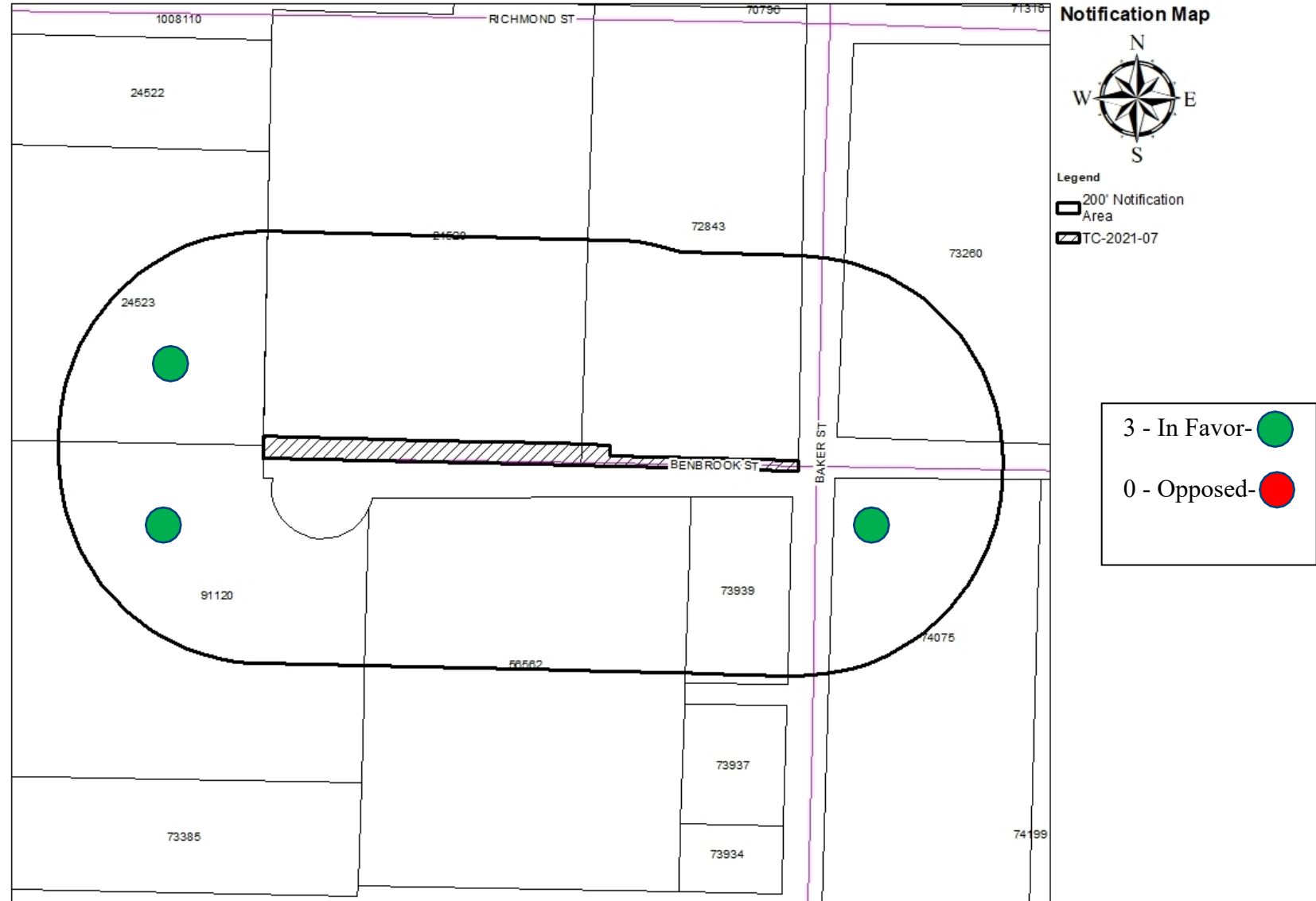








TC-2021-07 NOTIFICATION AREA MAP



- 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: 1/13/2022

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

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

GENERAL INFORMATION

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

A. 551.071 (Consultation with Attorney)

1. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
2. City of Abilene v. 3118 South 22nd Street, Abilene, Texas, et al.; Cause No. 11968-D, In the 350th Judicial District Court, Taylor County, Texas; filed October 11, 2019
3. Chandler Brooks v. Taylor County, et al.; Civil Action No. 1:20-cv-00049, In the United States District Court, Northern District of Texas, Abilene Division; filed March 5, 2020
4. John Doe v. Robert Hanna, Individually and as City Manager; Cause No. 28078-B; In the 104th Judicial District Court, Taylor County, Texas; filed July 7, 2020
5. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-004598, In the 53rd Judicial District Court, Travis County, Texas; filed September 1, 2020
6. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
7. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-007028, In the 459th Judicial District Court, Travis County, Texas; filed November 18, 2020
8. Natasha Jones v. City of Abilene, Texas; EEOC Charge of Discrimination, 450-2020-06446; filed September 15, 2020
9. 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
10. 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

11. 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

12. 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

13. Governor's Executive Orders COVID-19

B. 551.072 (Deliberations about Real Property)

1. 4810 S 3rd Street

2. 204 S San Jose Dr

3. 4674 S 3rd St

4. 4809 S 3rd

5. 550 & 610 E S 11th St

6. 4725 Loop 322 & 4902 Eagle Pass

C. 551.073 (Deliberations about Gifts and Donations)

1. Train Sculpture

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