



City of Abilene City Council Agenda

Kyle McAlister, Council Member
Weldon Hurt, Mayor Pro-tem
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 May 26, 2022, at 8:30 a.m., at the Abilene Public Library, South Branch, Mall of Abilene, 4310 Buffalo Gap Road, Abilene, Texas , for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

INVOCATION

1. Mayor Pro-tem Weldon Hurt

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. **Proclamations:**

- Lyme Disease Awareness Month
- Flood Awareness Week
- State Farm Day

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 May 12, 2022, and the Special Meeting Held on May 17, 2022 (**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**)
 - Street Maintenance Advisory & Appeals Board
5. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding the Rebid for the Purchase of Bulk Alum and LAS Chemicals Used by Water and Wastewater Treatment Plants in Fiscal Year 2022 (**Rodney Taylor**)
6. **Resolution:** Receive a Report, Hold a Discussion, and Take Action on Approval of Change Order of Contract: Street Resurfacing Project Workzone N15A (**Max Johnson**)
7. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving a Change Order for City Facility Improvements (Festival Park District) with DPR Construction (**Michael Rice**)
8. **Ordinance (First Reading) Z-2022-09:** Receive a Report, Hold a Discussion and Take Action on A Request From Gregory And Marcia Straughn Within The Subdivision Known As The Hillview Addition To Change Zoning Of Approximately 3.906 Acres From Agricultural Open (AO) To Residential Single-Family District-12 (RS-12) (**Tim Littlejohn**)
9. **Ordinance (First Reading) Z-2022-10:** Receive a Report, Hold a Discussion and Take Action on A Request From The Collective Owners Of Property Within The Subdivision Known As The Green Acres Addition To Change The Zoning Of .909 Acres From General Retail (GR) To A Planned Development District (PD-176) on the 2100 Block Of N Willis St., Abilene, Taylor County, Texas. (**Tim Littlejohn**)
10. **Ordinance (First Reading) Z-2022-11:** Receive a Report, Hold a Discussion and Take Action on A Request From Patrick Cowen To Change Zoning From Light Industrial (LI) To Heavy Commercial (HC) On Approximately 3 Acres At The 4200 Block Of Burl Harris Dr. Abilene In Taylor County, Texas. (**Tim Littlejohn**)
11. **Ordinance (First Reading) CUP-2022-02:** Receive a Report, Hold a Discussion and Take Action on A Request From The Collective Owners Of Property Within The Subdivision Known As Original Town Of Abilene To Allow The Use Of Automobile Repair And Maintenance Services-Minor Within The Central Business (CB) District, 633 Oak Street, Abilene, Taylor County, Texas. (**Tim Littlejohn**)
12. **Ordinance (First Reading) CUP-2022-05:** Receive a Report, Hold a Discussion and Take Action on A Request From The Collective Owners Of Property Within The Subdivision Known As Original Town Of Abilene To Allow The Use Of Wholesaling & Storage-Indoor Within The Central Business (CB) District, 149 Oak Street, Abilene, Taylor County, Texas. (**Tim Littlejohn**)

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

13. **Resolution** – Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Application/Permit to Drill and/or Operate an Oil and/or Gas well – Ledger Operating Corporation: “City of Abilene #8A”, Permit No. 875681, located at

EXECUTIVE SESSION

14. **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. James Easley v. City of Abilene, Appeal of Temporary Suspension to Hearing Examiner, filed September 22, 2021
14. Samuel Hightower v. City of Abilene, Appeal of Temporary Suspension to Hearing Examiner, filed December 28, 2021
15. Zach Williams v. City of Abilene, Appeal of Temporary Suspension to Hearing Examiner, filed December 28, 2021
16. Allstate Fire and Casualty Insurance Company as Subrogee of Del Davis v. City of Abilene; Case No. SC22-11166J11, In the Justice Court, Precinct 1, Place 1, Taylor County, Texas, filed March 30, 2022
17. Governor's Executive Orders - COVID-19

B. 551.072 (Deliberations about Real Property)

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

1. City Council may consider appointment, employment, compensation, reassignment, duties, discipline, or dismissal of public officers or employees, City Manager, City Attorney, Municipal Court Judge, City Secretary, and City Board and Commission Members
2. City of Abilene Boards & Commissions May be Discussed, as needed for (re)appointment

E. 551.076 (Deliberations about Security Devices)

F. 551.087 (Business Prospect/Economic Development)

1. Allen Ridge Hotel
2. Allen Ridge Walking Trail
3. Trail Ridge Subdivision

RECONVENE

REGULAR AGENDA

15. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Abilene Zoo's 10-year Master Plan Presentation (**Jesse Pottebaum**)

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 20th day of May, 2022, at 4:45 p.m.

Kaitlin Richardson
Deputy City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 5/26/2022

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 May 12, 2022, and the Special Meeting Held on May 17, 2022 (*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting Held on May 12, 2022, and the Special Meeting Held on May 17, 2022

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 05-12-2022 Minutes - Regular - Morning
2. 05-17-2022 Minutes - Special - Canvass

CITY COUNCIL MEETING
May 12, 2022 at 8:30 a.m.

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

The City Council of the City of Abilene, Texas met in Regular Session on May 12, 2022, at 8:30 a.m. at the South Branch Library, Mall of Abilene, 4310 Buffalo Gap Road. Mayor Anthony Williams was present and presiding, along with Mayor Pro-tem Kyle McAlister, Deputy Mayor Pro-tem Travis Craver, and Councilmembers Shane Price, Donna Albus, and Weldon Hurt. Councilmember Lynn Beard was absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Deputy Mayor Pro-tem Travis Craver delivered the invocation and Councilmember Hurt led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATION OF CONSENT AGENDA

- Proclamations:
 - Bicycle Safety Week & Ride of Silence – accepted by E’Lisa Smentana with the Abilene Metropolitan Planning Organization, and Mark Spurlock, Cathy Strong and Jill Christy.
 - Public Works Week – accepted by the Max Johnson and Public Works Department staff.

The Consent Agenda consisted of items 3-11. No items were pulled for individual consideration.

PUBLIC COMMENTS

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

- David Swart – spoke about item 4, and that he would like to know what TxDot has to do with a railroad crossing, and is concerned that the fire trucks will have to come up Sayles now if this street is closed permanently. Mr. Swart also stated that someone missed his point when he spoke about making Abilene a sanctuary city for the unborn at the last meeting, and that Saturday the 14th, postal workers are collecting non-perishable food for a food drive.

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

CONSENT AGENDA

Mayor Pro-tem McAlister moved to approve the consent agenda, consisting of items 3-11. Councilmember Price seconded the motion. Motion carried.

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

NAYS (0): None

ABSENT (1): Councilmember Beard

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on April 28, 2022
4. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving Agreement to Close Victoria Street Railroad Crossing Upon TXDOT's Completion of Improvements at Sayles BLVD Railroad Crossing
[ASSIGNED RESOLUTION NO. 73-2022]

5. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving Funds for Railroad Improvement on EN 10th Street
[ASSIGNED RESOLUTION NO. 74-2022]
6. Resolution: Receive a Report, Hold a Discussion and Take Action on Adopting a Resolution Amending Resolution 05-2021 by Adopting Article VII - Utility Policies
[ASSIGNED RESOLUTION NO. 75-2022]
7. Resolution: Receive a Report, Hold a Discussion and Take Action on awarding the bid for the Possum Kingdom Drought Response Improvements RO Concentrate Pipeline - Phase I
[ASSIGNED RESOLUTION NO. 76-2022]
8. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Approve Library Materials Purchases from Midwest Tape for Hoopla
[ASSIGNED RESOLUTION NO. 77-2022]
9. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Approve Library Materials Purchases from Baker & Taylor
[ASSIGNED RESOLUTION NO. 78-2022]
10. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Continue the Agreement with OverDrive
[ASSIGNED RESOLUTION NO. 79-2022]
11. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Continue the Agreement with the Abilene Library Consortium
[ASSIGNED RESOLUTION NO. 80-2022]

REGULAR AGENDA

12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster (COVID-19)
[ASSIGNED RESOLUTION NO. 81-2022]

Robert Hanna, City Manager, presented the item. Adoption of the item would modify and extend the Declaration of Local Disaster for COVID-19.

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

Council discussed their concerns and view on this item.

Councilmember Price moved to approve the modified version of the disaster declaration that renews and expires in accordance with the Governor's declaration, with the removal of section 9. Mayor Pro-tem McAlister seconded the motion; motion carried.

AYES (5): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver and Councilmembers Price and Albus

NAYS (1): Councilmember Hurt

ABSENT (1): Councilmember Beard

13. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the Issuance of City of Abilene, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2022; Authorizing the Sale and Delivery of the Certificates; Providing an Effective Date; and Enacting other Provisions Relating to the Subject
[ASSIGNED ORDINANCE NO. 17-2022]

Mike Rains, Finance Director, presented the item. Adoption of the item is Authorizing the Issuance of City of Abilene, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2022; and Authorizing the Sale and Delivery of the Certificates. George Williford with Hilltop Securities also spoke and gave a summary of the ratings and pricing.

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

Mayor Pro-tem McAlister moved to approve the ordinance authorizing the issuance of City of Abilene, Texas, combinations tax and limited surplus revenue certificates of obligation, series 2022; Authorizing the sale and delivery of the certificates; providing an effective date; and enacting other provisions relating to the subject. Councilmember Hurt seconded the motion; motion carried.

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

14. Ordinance (Final Reading) Z-2022-07: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Collective Owner of Properties Within the Subdivision Known as Windmill Acres (Represented By Jacob & Martin LLC) to Amend the Zoning from Planned Development District (PDD 156) to Add Self-Storage as a Permitted Use in Windmill Acres in the City of Abilene, Taylor County, Texas
[ASSIGNED ORDINANCE NO. 18-2022]

Tim Littlejohn, Planning & Development Services Director, presented the item. Adoption of the item would rezone the above referenced property from Planned Development District (PDD 156) to add self-storage.

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

- Tal Filingham, agent – stated that this is an appropriate use of the area. Mr. Filingham is asking the council to support this third and final phase of Spare Feet Storage.

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

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

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

15. Ordinance (Final Reading) Z-2022-08: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Collective Owner of Property Within the Subdivision Known as Mill Ridge Estates to Change the Zoning of 27.859 Acres from Residential Single-Family District-6 (RS-6) to Residential Single-Family Patio Home District (PH) at the 200 Block of Hardison Lane, Abilene, Taylor County, Texas

[ASSIGNED ORDINANCE NO. 19-2022]

Tim Littlejohn, Planning & Development Services Director, presented the item. Adoption of the item would rezone the above referenced property from Residential Single-Family District-6 (RS-6) to Residential Single-Family Patio Home District (PH).

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

- BJ Prichard, represents the applicant – stated this subdivision has a unique shape and the applicant is trying to maximize billable space with a little extra flexibility.

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

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

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

NAYS (0): None

ABSENT (1): Councilmember Beard

16. Ordinance (Final Reading CUP-2022-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from the collective owner of property within the subdivision known as Original Town of Abilene to allow the use of a tattoo parlor within the Central Business (CB) district, 536 Hickory Street, Abilene, Taylor County, Texas

[ASSIGNED ORDINANCE NO. 20-2022]

Tim Littlejohn, Planning & Development Services Director, presented the item. Adoption of the item would approve a conditional use permit to allow a tattoo parlor within the Central Business (CB) District, at the above referenced property.

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

- Bailey Hide – spoke in favor of the item.
- Daniel Meyers – spoke in favor of the item.
- Courtney Jort – spoke in favor of the item.
- David Swart – questioned if the location is the old Hamil Funeral Home. Mr. Swart spoke about his experience with tattoo parlors.

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

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

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

NAYS (0): None

ABSENT (1): Councilmember Beard

17. Discussion: Receive a Report and Hold a Discussion on the 2021 International Building Code.

Van Watson, Building Official, presented the item. Mr. Watson went over the process for reviewing the codes and the committee that worked together to review.

Council and staff had a brief discussion on the item. It was decided to have Councilmembers Price and Beard work with staff to review the codes and present the findings to Council at a later date, so the whole of Council doesn't have to be involved in the process.

This item was for discussion only. No votes or action were taken.

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 9:28 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:

18. A. 551.071 (Consultation with Attorney)

1. James Easley v City of Abilene
2. Samuel Hightower v City of Abilene
3. Zach Williams v City of Abilene
4. Allstate Fire & Casualty Insurance Co as Subrogee of Del Davis v City of Abilene
5. City Council Rules of Procedure

18. D. 551.074 (Personnel Matters)

1. Street Maintenance Advisory & Appeals Board

18. F. 551.072 (Deliberations about Real Property)

1. Council Chamber and City Hall Renovations

The Executive Session ended at 9:44 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:44 a.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____

SPECIAL CALLED MEETING
May 17, 2022 at 4:00 p.m.

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

The City Council of the City of Abilene, Texas met in Special Session on May 17, 2022, at 4:00 p.m. at the South Branch Library, Mall of Abilene, 4310 Buffalo Gap Road. Mayor Anthony Williams was present and presiding, along with Mayor Pro-tem Kyle McAlister, Deputy Mayor Pro-tem Travis Craver, and Councilmembers Shane Price, Lynn Beard, Donna Albus, and Weldon Hurt. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Mayor Pro-tem Kyle McAlister delivered the invocation and led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

AGENDA ITEMS

2. Resolution: Canvassing the Returns and Declaring the Results of the General Election Held in the City of Abilene on May 7, 2022

[ASSIGNED RESOLUTION NO. 83-2022]

Shawna Atkinson, City Secretary, presented the item. The election results reported Kyle McAlister received 61.38% of the votes for City Council Place 5, and Travis Craver received 54.54% of the votes for City Council Place 2. Both are therefore duly elected.

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

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

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

NAYS (0): None

At this time the City Secretary presented Council with their \$1 salary checks for the year.

3. Issue the following to Councilmember-Elect Kyle McAlister
 - Certificate of Election: Presented by Mayor Williams
 - Oath of Office: Administered by City Secretary Atkinson
4. Issue the following to Councilmember-Elect Travis Craver
 - Certificate of Election: Presented by Mayor Williams
 - Oath of Office: Administered by City Secretary Atkinson

6. Oral Resolution: Appointing the Mayor Pro-tem and Deputy Mayor Pro-tem

Mayor Williams stated that according to the rotation, Councilmember Weldon Hurt would be Mayor Pro-tem, and Councilmember Donna Albus would be Deputy Mayor Pro-tem.

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

Councilmember Hurt moved to approve the appointment of Councilmember Weldon Hurt as Mayor Pro-tem and Councilmember Donna Albus as Deputy Mayor Pro-tem. Councilmember Price seconded the motion; motion carried.

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

NAYS (0): None

ADJOURNMENT

The meeting adjourned at 4:12 p.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 5/26/2022

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)**

- **Street Maintenance Advisory & Appeals Board**

GENERAL INFORMATION

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

SPECIAL CONSIDERATIONS

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

FUNDING/FISCAL IMPACT

No cost consideration to the city.

STAFF RECOMMENDATION

(Re)Appointment

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. B&C Resolution
2. Updated 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 26 day of May, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____
EXHIBIT "A"

Board	Term End Date
<i>Street Maintenance Advisory & Appeals Board</i>	
James McCoy [Reappointment]	May-24
Antonio Pallarez [Reappointment]	May-24

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

- Street Maintenance Advisory & Appeals Board





City Council Agenda Memo

City Council Meeting Date: 5/26/2022

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: 5. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding the Rebid for the Purchase of Bulk Alum and LAS Chemicals Used by Water and Wastewater Treatment Plants in Fiscal Year 2022 (Rodney Taylor)

GENERAL INFORMATION

The City of Abilene Water Department is requesting that by written resolution the Abilene City Council award the rebid for Water Treatment Chemicals - Alum and LAS, CB-2242. Notices were published in the Abilene Reporter News on May 1st and 8th, 2022, and the bid opening date was May 13th, 2022. The following table lists the individual chemicals bid, the staff recommended low bidder, the unit price for that bid, the pricing unit used for each chemical, and the maximum projected cost for each chemical for the remainder of fiscal year 2022. The new unit prices are effective June 1st to September 30th, 2022. It is customary that the bulk treatment chemicals be purchased based on unit prices. CB-2242 is the rebidding for Alum and LAS, which were included in the September 23, 2021 agenda item awarding bids for Bulk Chemicals to be Used by Water and Wastewater Treatment Plants in Fiscal Year 2022, CB-2144.

SPECIAL CONSIDERATIONS

Alum (Liquid Aluminum Sulfate) and LAS (Liquid Ammonium Sulfate) are used for the treatment of drinking water at the Grimes, Northeast, and Hargesheimer Water Treatment Plants, and/or for the treatment of wastewater at the Hamby Water Reclamation Facility. Due to unforeseeable economic conditions affecting the price of raw products used in the production of Alum and LAS, the originally awarded vendor for CB-2144 is not able to continue to supply Alum and LAS at the then awarded bid prices. City staff initiated a rebidding process for bulk Alum and LAS. Multiple vendors submitted bids. The originally awarded vendor, Chameleon Industries, submitted the lowest rebid unit price for each of Alum and LAS. Staff recommends awarding the rebids to Chameleon. The rebid of Alum resulted in a cost increase of about \$107,270.00 above the originally budgeted annual cost. The rebid of LAS resulted in a cost increase of about \$27,000.00 above the originally budgeted annual cost.

CHEMICAL	RECOMMEDED VENDOR	UNIT PRICE	PRICING UNIT	ESTIMATED COST FOR REMAINDER OF FY22
Alum	Chameleon Industries, Inc.	\$495.00	Dry Ton	\$624,690.00
LAS	Chameleon Industries, Inc.	\$1,060.00	Dry Ton	\$63,600.00

FUNDING/FISCAL IMPACT

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

STAFF RECOMMENDATION

It is recommended that the Abilene City Council award the rebid for bulk Alum and LAS chemicals for FY22 at the unit prices described in the above table and as recommended by staff.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. WrittenResolution-WtrDpt-Award ReBid-Purchase Bulk Alum and LAS chemicals for W-WW Treatment-FY2022-5-26-2022
2. Bid Tab Sheet-CB2242-Rebid Bulk Alum and LAS Chemicals for remainder of FY22-5-26-2022
3. Presentation-Resolution Award ReBid for Purchase of Bulk Alum and LAS Chemicals for W-WW-FY22-5-26-2022

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING THE REBID FOR THE PURCHASE OF BULK ALUM AND LAS CHEMICALS USED BY WATER AND WASTEWATER TREATMENT PLANTS IN FISCAL YEAR 2022.

WHEREAS, on September 23rd, 2021 the Abilene City Council awarded the bid for various bulk chemicals used for water and wastewater treatment processes during fiscal year 2022; and

WHEREAS, due to unforeseeable economic conditions affecting the price of raw products used in the production of Liquid Aluminum Sulfate (Alum) and Liquid Ammonium Sulfate (LAS), the originally awarded vendor for CB-2144 is not able to continue to supply Alum and LAS at the then awarded bid prices thus requiring City staff to initiate a rebidding process for bulk Alum and LAS; and

WHEREAS, multiple vendors submitted bids, and the originally awarded vendor Chameleon Industries submitted the lowest rebid unit price for each of Alum and LAS as described in the table below:

CHEMICAL	RECOMMENDED VENDOR	UNIT PRICE	PRICING UNIT	PRO RATED 4 MONTH COST
Alum	Chameleon Industries Inc.	\$495.00	Dry Ton	\$624,690.00
LAS	Chameleon Industries Inc.	\$1,060.00	Dry Ton	\$63,600.00

The rebid of Alum resulted in a cost increase of about \$107,270.00 above the originally budgeted annual cost. The rebid of LAS resulted in a cost increase of about \$27,000.00 above the originally budgeted annual cost, and

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

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

The City Manager is hereby authorized to execute a contract with Chameleon Industries, Inc. in the amount of the above listed unit prices for the remainder of fiscal year 2022.

ADOPTED this 26th day of May, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney

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

PAGE
1 OF 1

DEPARTMENT: WATER
BID NO.: CB-2242
TIME OF OPENING: 2:00 P.M.
DATE OF OPENING: MAY 13, 2022

CHEMTRADE
PARISPPANY, NY

AFFINITY CHEMICAL
DALLAS, TX

UNIVAR SOLUTIONS
DOVER, FL

CHAMELEON INDUSTRIES
MESQUITE, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
	WATER TREATMENT CHEMICALS – ALUM & LAS														
1.	ALUM	1262	DRY TON	\$625.00	\$788,750.00	\$535.00	\$675,170.00	\$578.00	\$729,436.00	* \$495.00	\$624,690.00				
2.	LAS	60	DRY TON	\$1,475.00	\$88,500.00			\$2,461.88	\$147,712.80	* \$1,060.00	\$63,600.00				
BASE BID															
DISCOUNT															
TOTAL BID															

*NOTES: INDICATES RECOMMENDED AWARD

Awarding the ReBid for the Purchase of Bulk Alum and LAS Chemicals Used by Water and Wastewater Treatment Plants in Fiscal Year 2022.



- On September 23rd, 2021 the Abilene City Council awarded the bid for various bulk chemicals used for water and wastewater treatment processes during fiscal year 2022
- Due to unforeseeable economic conditions affecting the price of raw products used in the production of Liquid Aluminum Sulfate (Alum) and Liquid Ammonium Sulfate (LAS), the originally awarded vendor for CB-2144 is not able to continue to supply Alum and LAS at the then awarded bid prices
- City staff initiated a rebidding process for bulk Alum and LAS and the originally awarded vendor Chameleon Industries submitted the lowest rebid unit price for each of Alum and LAS



City staff evaluated all bids for conformance with the specifications, and the following list identifies the low bidder recommended for each bid item for the remainder of FY22:

CHEMICAL	RECOMMENDED VENDOR	UNIT PRICE	PRICING UNIT	PRO RATED 4 MONTH COST
Alum	Chameleon Industries Inc.	495.00	Dry Ton	\$624,690.00
LAS	Chameleon Industries Inc.	1,060.00	Dry Ton	\$63,600.00

- The rebid of Alum resulted in a cost increase of about \$107,270.00 above the originally budgeted annual cost
- The rebid of LAS resulted in a cost increase of about \$27,000.00 above the originally budgeted annual cost



Awarding the ReBid for the Purchase of Bulk Alum and LAS Chemicals Used by Water and Wastewater Treatment Plants in Fiscal Year 2022.

QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 5/26/2022

TO: Robert Hanna, City Manager

FROM: Max Johnson, Assistant Director of Public Works

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion, and Take Action on Approval of Change Order of Contract: Street Resurfacing Project Workzone N15A (Max Johnson)

GENERAL INFORMATION

City staff is requesting approval of a Change Order that exceeds 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 \$182,532.28, is for the addition of a portion of Liberty Blvd, Bunker Hill Dr, Trenton Dr, and Continental Ave.

Background: The City Council at their meeting of February 10, 2022 approved a contract with Bontke Brothers Co., Inc. for the resurfacing of the majority of a neighborhood located within the maintenance section N15A for the amount of \$1,417,937.00.

This change order will result in a total contract amount of \$1,600,469.28.

SPECIAL CONSIDERATIONS

N/A

FUNDING/FISCAL IMPACT

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

STAFF RECOMMENDATION

Staff recommends approval of this Change Order, in the amount of \$182,532.28.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. N15A CO Resolution
2. CO for Council
3. Location Map
4. N15A CO ppt

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING
CHANGE ORDER OF THE CONTRACT: STREET RESURFACING PROJECT WORK ZONE
N15A**

WHEREAS, the Public Works Department requests the approval of change order for the contract for Street Resurfacing Project Work Zone N15A.; and

WHEREAS, the change order involves the addition of a portion of Liberty Blvd, Trenton Dr, Continental Ave, and Bunker Hill Dr ; and,

WHEREAS, the following change order was prepared on May 10, 2022:

Bontke Brothers Construction, Inc., Abilene, Texas	\$ 182,532.28
--	---------------

WHEREAS, Bontke Brothers Construction, Inc., Abilene, Texas has agreed to the amount of \$182,532.28 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
\$182,532.28.

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

ADOPTED this 26th day of May, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



CITY OF ABILENE

CHANGE ORDER NUMBER: 1

1. CONTRACTOR: Bontke Brothers Construction Inc.
2. Change Order Work Limits: City of Abilene
3. Type of Change: Major (Major/Minor)
4. Reasons: Adding Continental, Bunker Hill, and Trenton to project

Project: N 15A

Street: Continental, Liberty,
Trenton, and Bunker Hill

Contract Number: 2203

5. Describe the work being revised: Adding 3,183 gallons of prime oil, 4,456 gallons of AC-20-5TR, 116 cy of grade 4 rock, 12,732 sy of milling, 31 cy of excavation, 1400 tons of type "D" HMAC, and 61 tons of type "B" HMAC. All quantities are at original contract prices.

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).

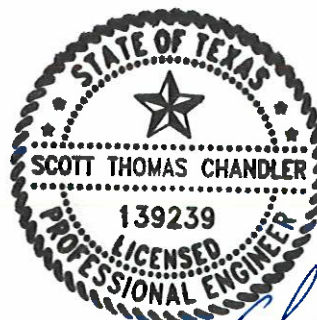
The contractor must sign the Change Order and, by doing so, agrees to waive any and all claims for additional compensation due.	
THE CONTRACTOR  (Signature)	Date <u>5/10/22</u>
Typed/Printed Name <u>Michael Bontke</u>	
Typed/Printed Title <u>UP</u>	
The following information must be provided:	
Change in contract time:	<u>10</u>
Original contract price:	<u>\$ 1,417,937.00</u>
Existing contract price: *	<u>\$ 1,417,937.00</u>
Amount added or subtracted by this CO:	<u>\$ +182,532.28</u>
Revised contract price:	<u>\$ 1,600,469.28</u>
* Includes previous CO's	

RECOMMENDED FOR EXECUTION:

City Manager

Date

City Engineer's Seal:

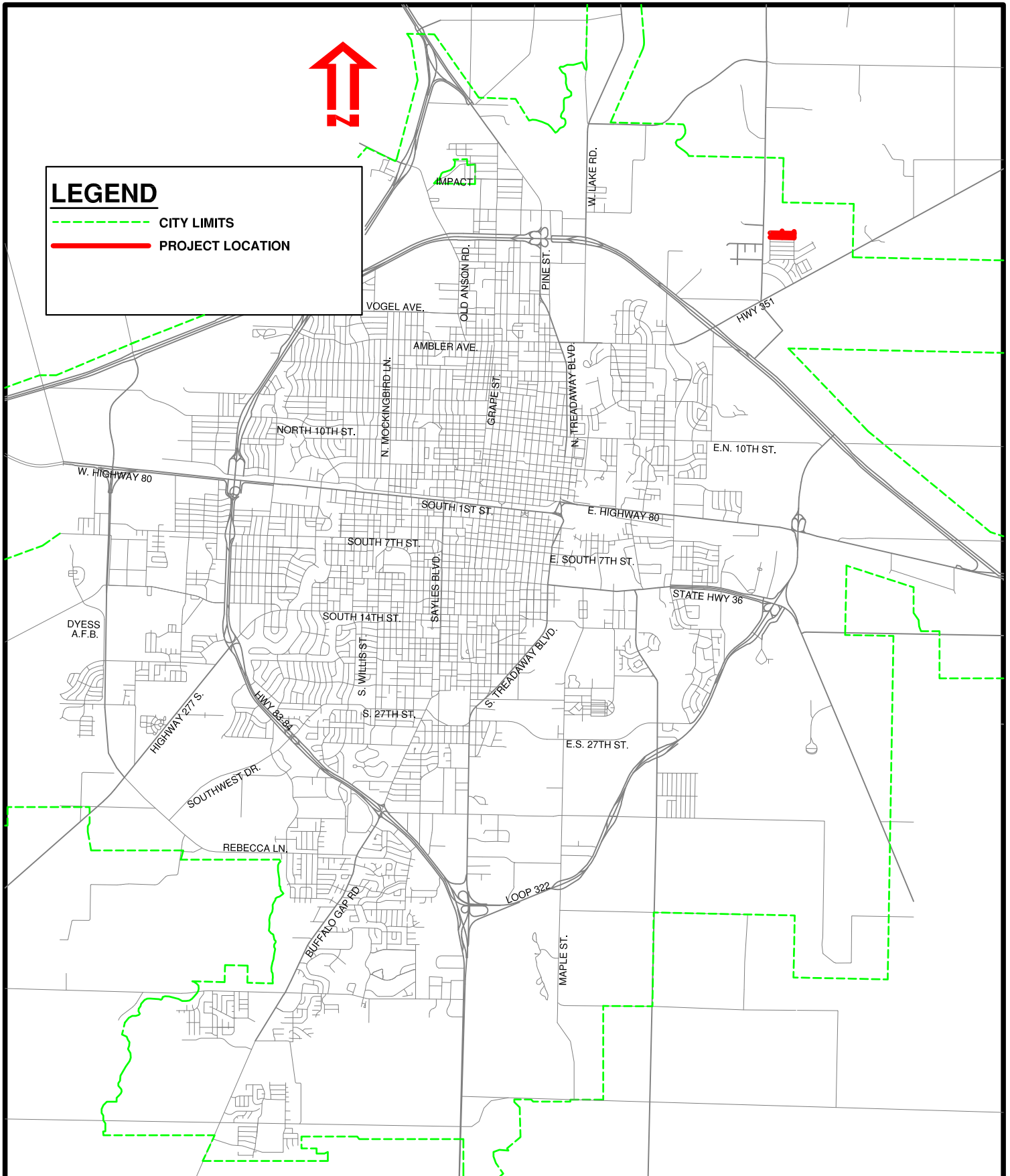



5/10/22



LEGEND

- CITY LIMITS
- PROJECT LOCATION



Sheet
1
Of
1

CITY OF ABILENE, TEXAS
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

STREET RESURFACING PROJECT WORK ZONE N15A CHANGE ORDER

Designed By: S. CHANDLER
Drawn By: T. MATTHEWS
Checked By: S. CHANDLER

Horizontal Scale: N.T.S.
Vertical Scale: N.T.S.

Computer File Name:
2022 STREET
MAINTENANCE
Date: MAY 2022

Agenda Item: Street Resurfacing Project Work Zone N15A

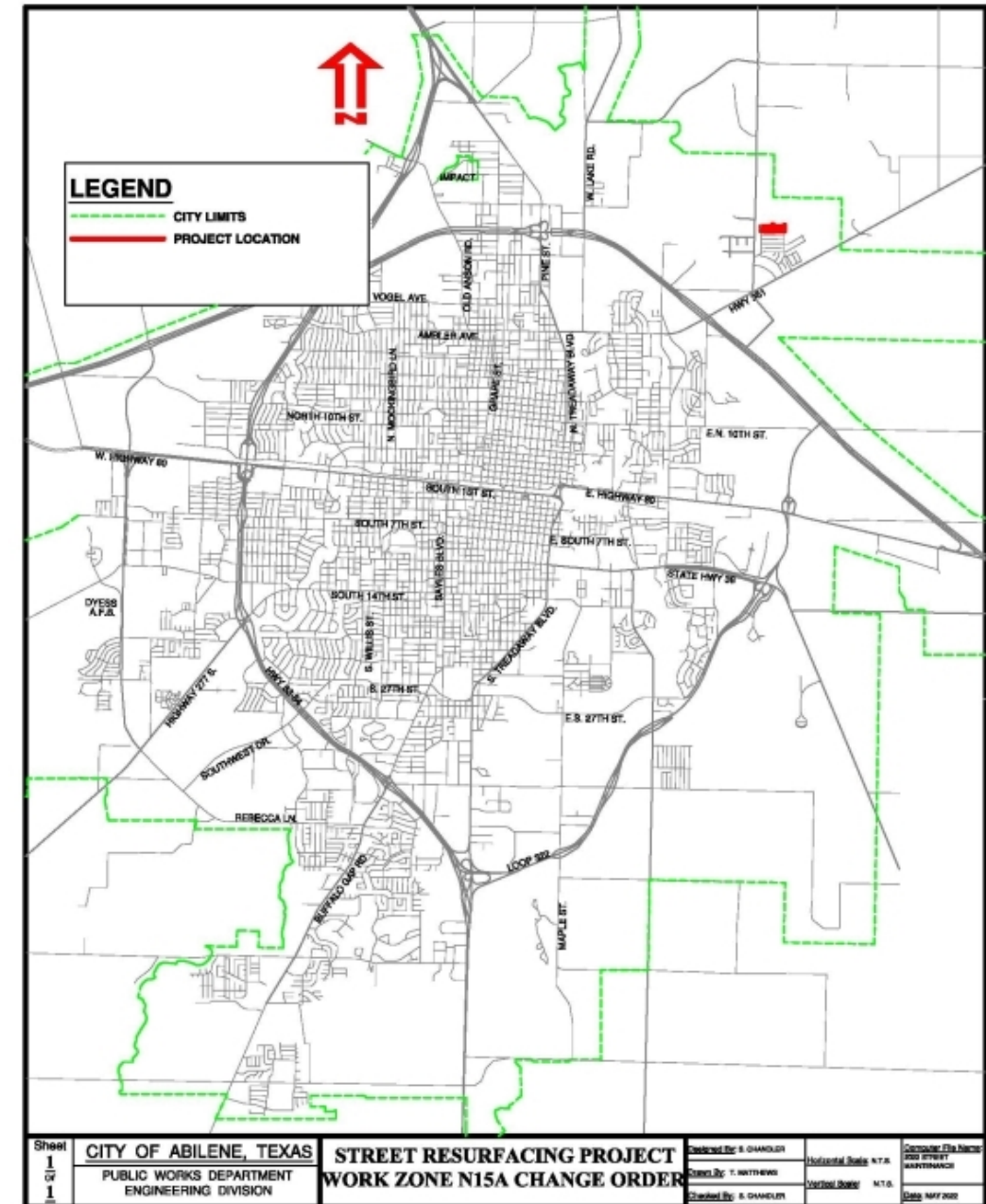
Resolution: Change Order Approval

(Johnson)



Street Resurfacing Project Work Zone N15A

Streets	From	To
Liberty Blvd	Continental Ave	End
Trenton Dr	Continental Ave	End
Bunker Hill Dr	Pewter Ln	Liberty Blvd
Continental Ave	Valley Forge Rd	Liberty Blvd



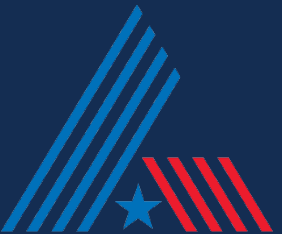
Agenda Item:

Street Resurfacing Project Work Zone N15A

- Addition of a portion of Liberty Blvd, Continental Ave, Trenton Dr, and Bunker Hill Dr
- Change Order Prepared on May 10th 2022
- Prior contract amount of \$1,417,937.00
- New contract amount of \$1,600,469.28
- Staff recommends approval of change order in the amount of \$182,532.28



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 5/26/2022

TO: Robert Hanna, City Manager

FROM: Michael Rice, Assistant City Manager

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving a Change Order for City Facility Improvements (Festival Park District) with DPR Construction (*Michael Rice*)

GENERAL INFORMATION

The Owner and Design/Builder desire to Increase the Initial Guaranteed Maximum Price (“IGMP”) based on the Owner’s acceptance of Festival Park District – 6th Street & Cypress Street Demolition scopes of work and the additional Design Fees for the Festival Park District added by the Owner. The Change Order Value is Two Hundred and Seventy-Five Thousand Four Hundred Eighteen dollars (\$275,418.00).

Execution of this Change Order by the Owner and Design/Builder shall constitute a modification to the Agreement and will be performed subject to all the same terms and conditions in the Agreement and its Amendments, as fully as if the same were repeated in this CHANGE ORDER.

SPECIAL CONSIDERATIONS

The Scope of the Change order includes Demolition of N. 6th Street & Cypress Street, the Festival Park District Design Fee, and PCI-002 Fee Corrections. All of the Scope is located outside of the new Hotel Property.

FUNDING/FISCAL IMPACT

Approval of the Change Order will increase the IGMP by \$275,418.00, resulting in a Revised IGMP of \$24,994,460.00.

Funding for this Change Order is available within the 2016 & 2017 GO Bonds fund balances that have been designated for Festival District Improvements.

STAFF RECOMMENDATION

Approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. RESOLUTION
2. Change Order No.002
3. Change Order #2 Email Backup
4. Chang Order No.002 Backup
5. Change Order No.002 Presentation

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NUMBER
002 FOR CITY FACILITY IMPROVEMENTS (FESTIVAL PARK DISTRICT) WITH
DPR CONSTRUCTION**

WHEREAS, the City desires to design and create a Festival Park District; and

WHEREAS, the City has entered into an agreement with DPR Construction for Public and Hotel Improvements within the City of Abilene; and

WHEREAS, DPR Construction has provided costs for the design for the Festival District, and costs for associated public demolition work, and cost savings identified within PCI-005; and

WHEREAS, the total additional costs for Change Order No. 002 is \$275,418.00, and this total will Revise the Initial Guaranteed Maximum Price (IGMP) with DPR Construction to a total of \$24, 994,460.00.

**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 Change Order No. 002 with DPR Construction.

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

ADOPTED this 26th day of May, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Change NO. 002
DATED April 25, 2022
DESIGN-BUILD AGREEMENT BETWEEN OWNER & DESIGN/BUILDER

Pursuant to Section 3.2 of the Agreement dated June 23, 2021 , between

the Owner, **City of Abilene, Texas**

and the Design/Builder, **DPR Construction, a General Partnership, for the Project,**

The Owner and Design/Builder desire to Increase the Initial Guaranteed Maximum Price ("IGMP") based on the Owner's acceptance of Festival Park District – 6th Street & Cypress Street Demolition scopes of work and the additional Design Fees for the Festival Park District added by the Owner.

The revised IGMP Contract Value, including the Cost of the Work as defined in Article 8 and the Design/Builder's Fee as set forth in Article 7, is Two Hundred and Seventy-Five Thousand Four Hundred Eighteen dollars (\$275,418.00).

Execution of this Change Order by the Owner and Design/Builder shall constitute a modification to the Agreement and will be performed subject to all the same terms and conditions in the Agreement and its Amendments, as fully as if the same were repeated in this CHANGE ORDER

This revised IGMP set forth in this AMENDMENT is based on the following Costs of the Work:

Current IGMP Contract Value	\$24,713,233
Festival Park District - 6th Street & Cypress Street Demolition	\$76,559.00
Festival Park District - Design Fee	\$193,653.00
Total	\$270,212
SDI Insurance @ 1.40% x COW (\$76,559.00)	\$1,072
CCIP @ 2.40% x COW (\$76,559.00)	\$1,837
Fee @ 3.00% x COW (\$76,559.00)	\$2,297
Markup Total	\$5,206
Change Order 002 Total	\$275,418
Revised IGMP Contract Value	\$24,994,460



Owner Change Order No. 002

Abilene City Facilities Component
500 Bock of Cypress & Cedar Street
Abilene TX 79601

DPR Construction, A General Partnership
Project #: D3-C20027-01

Issue Date: 04/01/2022

To Contractor:

DPR Construction, A General Partnership
3131 McKinney Avenue, Suite 200
Dallas, TX 75204

Owner's Contract No.:
Contract Date:
Architect's Job Number:

The Contract is hereby revised by the following items:

PCI No.	Description	Amount
PCI-002	Festival Park District - 6th Street & Cypress Street Demolition	83,850.00
PCI-003	Festival Park District - Design Fee	193,653.00
PCI-005	PCI-002 - Festival Park District - 6th Street & Cypress Street Demolition Fee Correction	-2,085.00

The Original Contract Value was	24,713,233.00
Sum of Changes by prior Owner Change Orders	0.00
The Contract Value prior to this Owner Change Order was	24,713,233.00
The Contract Value will be changed by this Owner Change Order in the amount of	275,418.00
The new Contract Value including this Owner Change Order will be	24,988,651.00
The Contract duration will be changed by	0 Days
The revised Substantial completion date as of this Owner Change Order is	

City of Abilene, Texas

DPR Construction, A General Partnership

OWNER

PO Box 60
Abilene TX 79604

By: _____

Signature: _____

Date: _____

CONTRACTOR

3131 McKinney Avenue, Suite 200
Dallas, TX 75204

By: _____

Signature: _____

Date: _____



Rice, Michael <michael.rice@abilenetx.gov>

Abilene - Change Order #2 - City Facilities Component - Requires Approval

1 message

Rick Wilczak <rick.w@garfieldpublicprivate.com>

Tue, May 3, 2022 at 11:49 AM

To: "Hanna, Robert" <robert.hanna@abilenetx.gov>, "michael.rice@abilenetx.gov" <michael.rice@abilenetx.gov>

Cc: Hugh Cronin <HCronin@broaddususa.com>, Jordan Sanmann <jordans@dpr.com>, Steve Galbreath <Steve.G@garfieldpublicprivate.com>, Mark Bullard <mark.b@garfieldpublicprivate.com>

Robert – please find attached Change Order #02 for the City Facilities Component that requires your review and approval. This particular Change Order (Amendment) pertains to the City Facilities Component as follows;

PCI 002 – Festival Park District – 6th Street & Cypress Street Demolition = \$83,850.00

PCI 003 – Festival Park District – Design Fee = \$193,653.00

PCI 005 – Correction of Fees for PCI 002 = (\$2,085.00)

Total = \$275,418.00

Robert – GPP has verified pricing as being reasonable for the scope of work. In addition, PCI 005 was issued by DPR to correct the initial mark-ups & Fee from PCI 002. Please review and advise as to your approval. If you have any questions and/or wish to discuss, feel free to call me at your convenience. The attachment includes Change order #02 as well as the related PCI's and appropriate back-up. Thank you.

Rick Wilczak

Senior Vice President & Project Executive



Garfield Public/Private LLC

14911 Quorum Drive | Suite 380

Dallas, Texas 75254 | T 469.607.1701 | M 702.523.7343

rick.w@garfieldpublicprivate.com | www.garfieldpublicprivate.com

This message and all attachments are proprietary, confidential and/or privileged. Any review, use, disclosure or distribution by persons other than the intended recipients is prohibited and may be unlawful. If you believe this message has been sent to you in error, please notify the sender by replying to this transmission or calling Greg Garfield at 972-607-1703 and delete this message and any copy of it (in any form) without disclosing it. Unless expressly stated in this email, nothing in this message should be construed as a digital or electronic signature. Thank you.



Please consider the environment before printing this e-mail

----- Forwarded message -----

From: Jordan Sanmann <jordanS@dpr.com>

To: Rick Wilczak <rick.w@garfieldpublicprivate.com>

Cc:

Bcc:

Date: Mon, 25 Apr 2022 21:07:02 +0000

Subject: RE: Abilene - PCI Update?

Rick,

Here is the revised City Facilities OCO 002 – Festival Park District – Demolition and Design Fee. Please review below along with the attached PDF. I have included the following:

- PCI 002 – Festival Park – 6th street and Cypress Street Demolition
 - Cost of Work is \$76,559.00
 - \$73,599.00 is for 21,016 sf of 6th street (See pg. 5 & 6 for sf pricing and takeoff)
 - \$3,000.00 is for the removal of 6 trees (See pg. 5 & 6 for pricing and takeoff)
 - As discussed, the fees were incorrect. The correction for these fees which are credits are captured in PCI 005 which are found on pg. 12.
- PCI 003 – Festival Park District – Design Fee
 - Cost of Work \$193,653.00
 - I have include the email back up from Steve asking Joe Hillard to revise the iGMP design fee budget by 193,653.00 which be in the Festival Park District Design change order. Reference pg. 9 & 10
- PCI 005 – PCI-002 - Festival Park – 6th street and Cypress Street Demolition Fee Correction
 - Credit of (\$2,085.00) – This is the difference between the fee charge in PCI 002 with what should have been actually charged in PCI 002

Fee	Fee Charged in PCI 002	Fee that should had been charged in PCI 002	Fee Credited Back in PCI 005
CCIP	\$ 2,756.00	\$ 1,837.00	\$ (919.00)
Fee	\$ 3,444.00	\$ 2,297.00	\$ (1,147.00)
SDI	\$ 1,091.00	\$ 1,072.00	\$ (19.00)

Feel free to give me a call to discuss in the morning if you'd like.

Thank you,

Jordan Sanmann | DPR Construction
3131 McKinney Ave | Suite 210 | Dallas, TX | 75204

M:214-287-7878
DPR Exists to Build Great Things.



From: Jordan Sanmann
Sent: Monday, April 25, 2022 10:39 AM
To: Rick Wilczak <rick.w@garfieldpublicprivate.com>
Subject: RE: Abilene - PCI Update?

Rick,

I believe I got this corrected. Based on our conversation last week and the notes I have on the paper you gave me.. This is how I have it calculated see below calculation and attached PDF for overall calculation.

SDI @ 1.40% - $1.4\% \times \text{COW } (\$76,559.00) = \$1,072$

CCIP @ 2.4% - $2.4\% \times \text{COW } (\$76,559.00) = \$1,837$

Fee @ 3.00% - $3.00\% \times \text{COW } (\$76,559.00) = \$2,297$

- You noted that Fee could not be charged because it was in the iGMP. The demolition for the Festival Park was never included in the executed iGMP. It was in the originally pricing proposal prior to the iGMP being executed. After reviewing the demolition scope of work, DPR was asked to review the value of the demolition that was associated with the Festival Park district and remove it. The value that was removed was the raw cost of work which did not include fee. I'm currently working on gather up the email traffic and take-off for this.

Thank you,

Jordan Sanmann | DPR Construction
3131 McKinney Ave | Suite 210 | Dallas, TX | 75204
M:214-287-7878
DPR Exists to Build Great Things.



From: Rick Wilczak <rick.w@garfieldpublicprivate.com>
Sent: Monday, April 25, 2022 7:47 AM
To: Jordan Sanmann <jordans@dpr.com>
Subject: Abilene - PCI Update?

Jordan – were you not to provide me with an updated PCI for OCO 002? Did you send it and I missed it? Please advise. We spoke about this early last week and I told Roobert Hanna that I would provide him an update upon receipt. Thank you.

Rick Wilczak
Senior Vice President & Project Executive



Garfield Public/Private LLC

14911 Quorum Drive | Suite 380

Dallas, Texas 75254 | T 469.607.1701 | M 702.523.7343

rick.w@garfieldpublicprivate.com | www.garfieldpublicprivate.com

This message and all attachments are proprietary, confidential and/or privileged. Any review, use, disclosure or distribution by persons other than the intended recipients is prohibited and may be unlawful. If you believe this message has been sent to you in error, please notify the sender by replying to this transmission or calling Greg Garfield at 972-607-1703 and delete this message and any copy of it (in any form) without disclosing it. Unless expressly stated in this email, nothing in this message should be construed as a digital or electronic signature. Thank you.



Please consider the environment before printing this e-mail

3 attachments

2022.04.25_City Facilities_OCO 002 - Festival Park Distric - Demolition & Design Fee.pdf
11066K



2022.04.25_City Facilities_OCO 002 - Festival Park Distric - Demolition & Design Fee.pdf
11066K



RE: Abilene - PCI Update?.eml
15636K



3131 McKinney Avenue 210
Dallas TX 75204
Phone: (214) 979-9900
Fax: (214) 979-9904

03/03/2022

Reference: Abilene City Facilities Component (D3-C20027-01)
Subject: Acceptance Letter / Request for Authorization to Proceed
PCI-002 - Festival Park District - 6th Street & Cypress Street Demolition

Dear Rick Wilczak,

We hereby submit our proposal to perform the following added scope of work:

Description: Festival Park District - 6th Street & Cypress Street Demolition
Proposed Amount: \$83,850.00
Installation Duration: Working Days

Our proposal is based on the following cost breakdown and attached subcontractors' proposals, if applicable:

Description	Amount	Contractor
02C - Selective Demolition - 6th Street	\$76,559.00	Raydon, Inc.
CCIP	\$2,756.00	DPR Construction, A General Partnership
Fee	\$3,444.00	DPR Construction, A General Partnership
SDI Insurance	\$1,091.00	DPR Construction, A General Partnership
Subtotal	\$83,850.00	
Markups		
Total Amount	\$83,850.00	

Scope Description: PCI pricing is for the 6th Street and Cypress Street demolition associated with the Abilene Hotel & Convention Center Festival Park District.
Convention Center iGMP = \$24,713,233.00
Revised iGMP with Festival Park District Demolition = \$24,797,083.00

- ☒ We have proceeded with this work based on your prior authorization.
☐ We have not proceeded with this work and await your prompt direction so as not to impact the project construction schedule.

Please indicate your acceptance of this proposal by signing this letter below and returning a copy for our files. Our proposal is subject to adjustment if it is not accepted within two weeks or if the conditions on which it was based change.

If you have any questions regarding this matter, please contact me at (214) 979-9900

Sincerely,
DPR Construction, A General Partnership

Jordan Sanmann

Accepted By:

Owner's Signature:

Print Name: Rick Wilczak

Date: 3/8/22

EXHIBIT 5
SCHEDULE OF VALUES/UNIT COSTS
FOR THE CONTRACT AGREEMENT WITH
DPR CONSTRUCTION

Client: **Garfield Public Private**

Project Name: **Hilton Double Tree Hotel & Convention Center**

Project Address: **N 6th St Abilene, TX 79601**

DPR Job No: **D3-C20027-00**

Earthwork & Erosion Control Unit Costs:

Strip & Stockpile	\$ 5.00 /cy	
Demo Concrete Paving/Flatwork	\$ 3.50 /sf	21,016 sf x 3.50 = 73,559.00
Onsite Cut to Fill	\$ 8.50 /cy	See attached takeoff on pg.6
Import & Place Select Fill	\$ 20.00 /cy	
Spoil Haul Off	\$ 12.00 /cy	
Fine Grade for Paving	\$ 0.25 /sf	
Backfill Paving or Curbs	\$ 3.50 /cy	
Backfill Walls with Native Soils	\$ 3.50 /cy	
Tree Protection	\$ 200.00 /ea	
Tree Removal	\$ 500.00 /ea	6 trees x 500.00 = 3,000.00
Additional Mobilizations	\$ 0.00 /ea	See attached takeoff on pg.6
Scarify & Recompact 6" Subgrade	\$ 2.25 /sy	
Re-Spread Topsoil	\$ 3.50 /cy	
Lime Stabilization	\$ 1.05 /sf	
Onsite Dust Control	\$ 1,125.00 /week	
8" Flex Base Road/Laydown	\$ 1.54 /sf	
Silt Fence	\$ 5.00 /lf	
Inlet Protection	\$ 300.00 /ea	
Construction Entrance	\$ 1,800.00 /ea	

21,016 sf x \$3.50	\$73,559.00
6 trees x \$5.00	\$3,000.00
Total	\$76,559.00

End of Exhibit 5



architecture | interiors | planning | graphics
807 Park Lane, Ste. 302 | Dallas, Texas 75201
Tel: 972.701.5000 | Fax: 972.991.3008
www.bokapowell.com

owner
ASBLINE
500 CYPRESS ST.
ARLINGTON, TX 76010
(817) 676-4222

client
GARFIELD PUBLIC PRIVATE
1408 PRESTON RD. STE 402
DALLAS, TX 75244
(214) 677-1763

designer / architect
DPR CONSTRUCTION
1408 PRESTON RD. STE 402
DALLAS, TX 75244
(214) 677-1763

interior designer
LOONEY & ASSOCIATES
331 MCINNEY AVENUE, STE 310
DALLAS, TX 75244
(214) 870-9600

structural engineer
THOMSON TOMARETTI
5200 N. CENTRAL EXPRESSWAY, STE 700
DALLAS, TX 75206
(972) 357-6333

MEP engineer
BLUM CONSULTING ENGINEERS
1444 WALNUT HILL LN. STE 200
DALLAS, TX 75231
(214) 375-4222

civil engineer
KIMLEY HORN
6000 QUARREN PKWY., STE 210
DALLAS, TX 75244
(972) 355-3364

landscape architect
KIMLEY HORN
6000 QUARREN PKWY., STE 210
DALLAS, TX 75244
(972) 355-3364

project
ASBLINE HOTEL & CONVENTION CENTER
500 CYPRESS ST., ARLINGTON, TX 76010

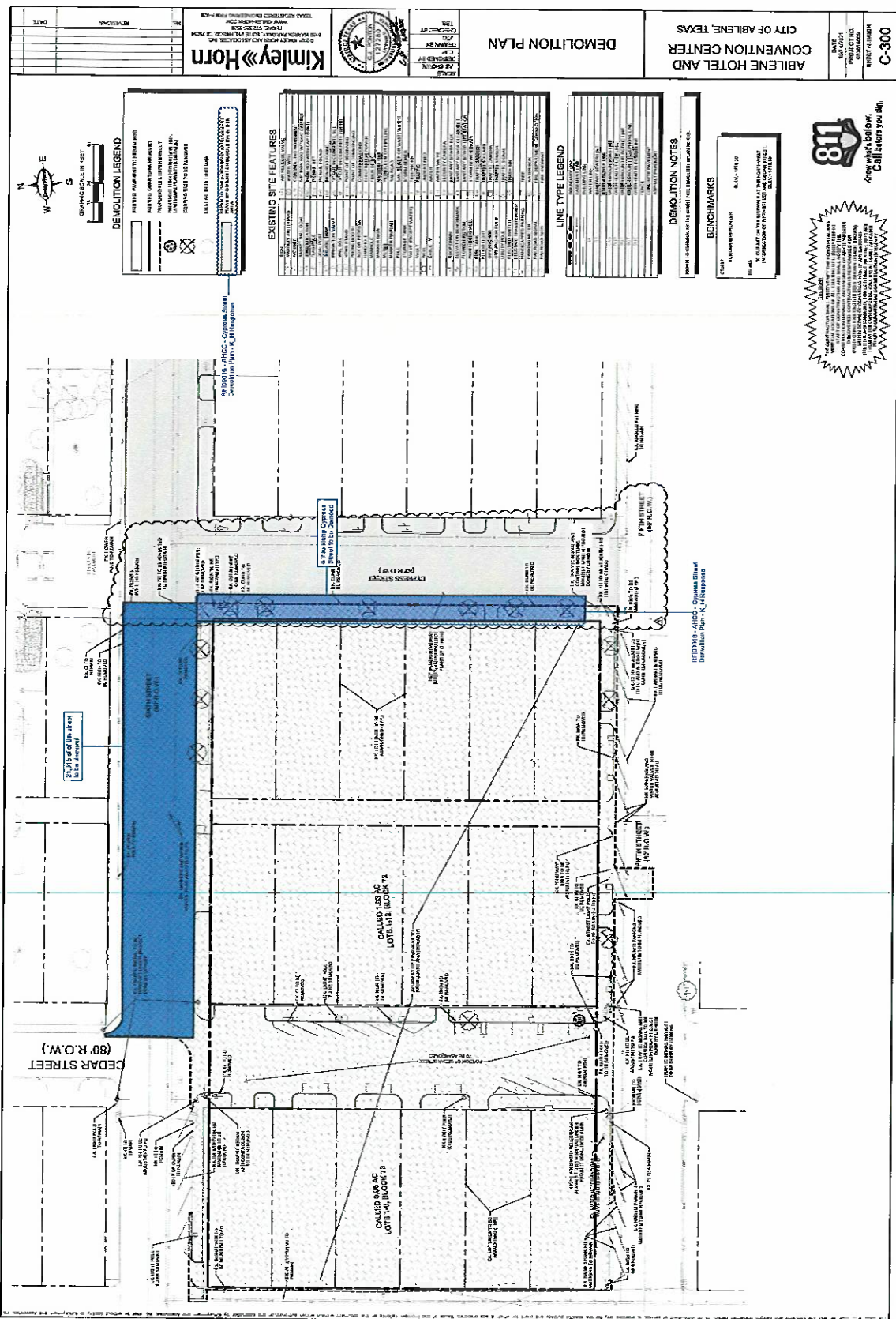
This drawing is a preliminary design and is not to be used for construction without the written consent of the architect. The architect shall not be responsible for the accuracy of the information provided by the owner or other sources. The architect shall not be responsible for the accuracy of the information provided by the owner or other sources. The architect shall not be responsible for the accuracy of the information provided by the owner or other sources.

ASBLINE GRADE EPC PKG 10/14/2021
REVISED

1 SITE PLAN REVISIONS 12/09/2021

DEMOLITION PLAN

project number 14492.100
date 10/14/2021
sheet **C-300**



811
Know what's below.
Call before you dig.

DATE: 10/14/2021
PROJECT NO.: 14492.100
SHEET NO.: C-300



Raydon, Inc.
1465 Elmdale Road North
Abilene, Texas 79601
325-548-9369
Fax 325-548-9370

CUSTOMER:

DPR Construction
3131 McKinney Ave., Suite 200
Dallas, TX 75204
Ph: 214-206-5589

graysonl@dpr.com

REGARDING:

Abilene Hotel & Convention Center

Proposal

22015

DATE: September 30, 2021

DESCRIPTION

TURN KEY PRICE TO INCLUDE THE FOLLOWING WORK TO BE DONE IN ACCORDANCE WITH INDUSTRY STANDARDS. ALL WORK TO BE SCHEDULED NOT TO INTERFERE WITH DAILY ACTIVITIES, HOWEVER, IN SITUATIONS WHERE THIS CAN NOT BE AVOIDED WORK WILL BE DONE IN SECTIONS TO ALLOW PASSAGE.

-DEMO & EXPORT 6 MATURE OAK TREES.

*TAXES ARE NOT INCLUDED IN PRICING

TOTAL: \$3,000.00

Submitted by: JS

9/30/21
Date

Accepted by: _____

Date

WE APPRECIATE YOUR BUSINESS AND THE OPPORTUNITY TO SUBMIT THIS PROPOSAL. WE LOOK FORWARD TO ENHANCING THE QUALITY AND CURB APPEAL OF YOUR PROPERTY. IF YOU HAVE ANY QUESTIONS OR CONCERNS PLEASE CONTACT: SETH SHORTES AT 254-559-0002



3131 McKinney Avenue 210
Dallas TX 75204
Phone: (214) 979-9900
Fax: (214) 979-9904

03/03/2022

Reference: Abilene City Facilities Component (D3-C20027-01)
Subject: Acceptance Letter / Request for Authorization to Proceed
PCI-003 - Festival Park District - Design Fee

Dear Rick Wilczak ,

We hereby submit our proposal to perform the following added scope of work:

Description: Festival Park District - Design Fee
Proposed Amount: \$193,653.00
Installation Duration: Working Days

Our proposal is based on the following cost breakdown and attached subcontractors' proposals, if applicable:

Description	Amount	Contractor
Festival Park District - Design Fee	\$193,653.00	BOKA Powell, LLC
Subtotal	\$193,653.00	
Markups		
Total Amount	\$193,653.00	

Scope Description: PCI pricing is associated with the full design fee for the design of the Festival Park District.

- ☐ We have proceeded with this work based on your prior authorization.
- ☒ We have not proceeded with this work and await your prompt direction so as not to impact the project construction schedule.

Please indicate your acceptance of this proposal by signing this letter below and returning a copy for our files. Our proposal is subject to adjustment if it is not accepted within two weeks or if the conditions on which it was based change.

If you have any questions regarding this matter, please contact me at (214) 979-9900

Sincerely,
DPR Construction, A General Partnership

Jordan Sanmann

Accepted By:

Owner's Signature:

Print Name: Mark Bullard

Date: 04/18/2022



3131 McKinney Avenue 210
Dallas TX 75204
Phone: (214) 979-9900
Fax: (214) 979-9904

04/25/2022

Phone: , Fax:

Reference: Abilene City Facilities Component (D3-C20027-01)

Subject: Acceptance Letter / Request for Authorization to Proceed
PCI-005 - PCI-002 - Festival Park District - 6th Street & Cypress Street Demolition Fee
Correction

Dear ,

We hereby submit our proposal to perform the following added scope of work:

Description: PCI-002 - Festival Park District - 6th Street & Cypress Street Demolition Fee Correction
Proposed Amount: -\$2,085.00
Installation Duration: Working Days

Our proposal is based on the following cost breakdown and attached subcontractors' proposals, if applicable:

Description	Amount	Contractor
Festival Park Demo CCIP Fee Correction	-\$919.00	DPR Construction, A General Partnership
Festival Park Demo Fee Correction	-\$1,147.00	DPR Construction, A General Partnership
Festival Park Demo SDI Fee Correction	-\$19.00	DPR Construction, A General Partnership
Subtotal	-\$2,085.00	
Markups		
Total Amount	-\$2,085.00	

Scope Description: The fees calculated in PCI-002 - Festival Park District - 6th Street & Cypress Street Demolition were incorrect and was over charged. The fees are being corrected in this PCI

CCIP Insurance @ 2.40% x COW - CCIP was originally was calculated at \$2,756. This was calculated incorrectly. The CCIP cost should of been \$1,837.00 which is for only the COW performed. The difference of what was originally charged is a credit of (\$919.00) from the what was originally charged.

Fee @ 3.00% x Overall COW - Fee was originally was calculated at \$3,444. This was calculated incorrectly. Fee was only charged for the demolition scope. The Fee should be calculated on the overall total cost of work (exlcuding design fee) which is \$76,559. The overall fee cost should of been \$2,29700. The difference is an credit of (\$1,147.00)

SDI @ 1.40% x COW - SDI was originally calculated at \$1,091. This calculation was incorrect. The overall SDI cost should had been \$1,072.00. This is a delta of (\$19.00)

- ☐ We have proceeded with this work based on your prior authorization.
- ☒ We have not proceeded with this work and await your prompt direction so as not to impact the project construction schedule.

Please indicate your acceptance of this proposal by signing this letter below and returning a copy for our files. Our proposal is subject to adjustment if it is not accepted within two weeks or if the conditions on which it was based change.

If you have any questions regarding this matter, please contact me at (214) 979-9900



3131 McKinney Avenue 210
Dallas TX 75204
Phone: (214) 979-9900
Fax: (214) 979-9904

Sincerely,
DPR Construction, A General Partnership

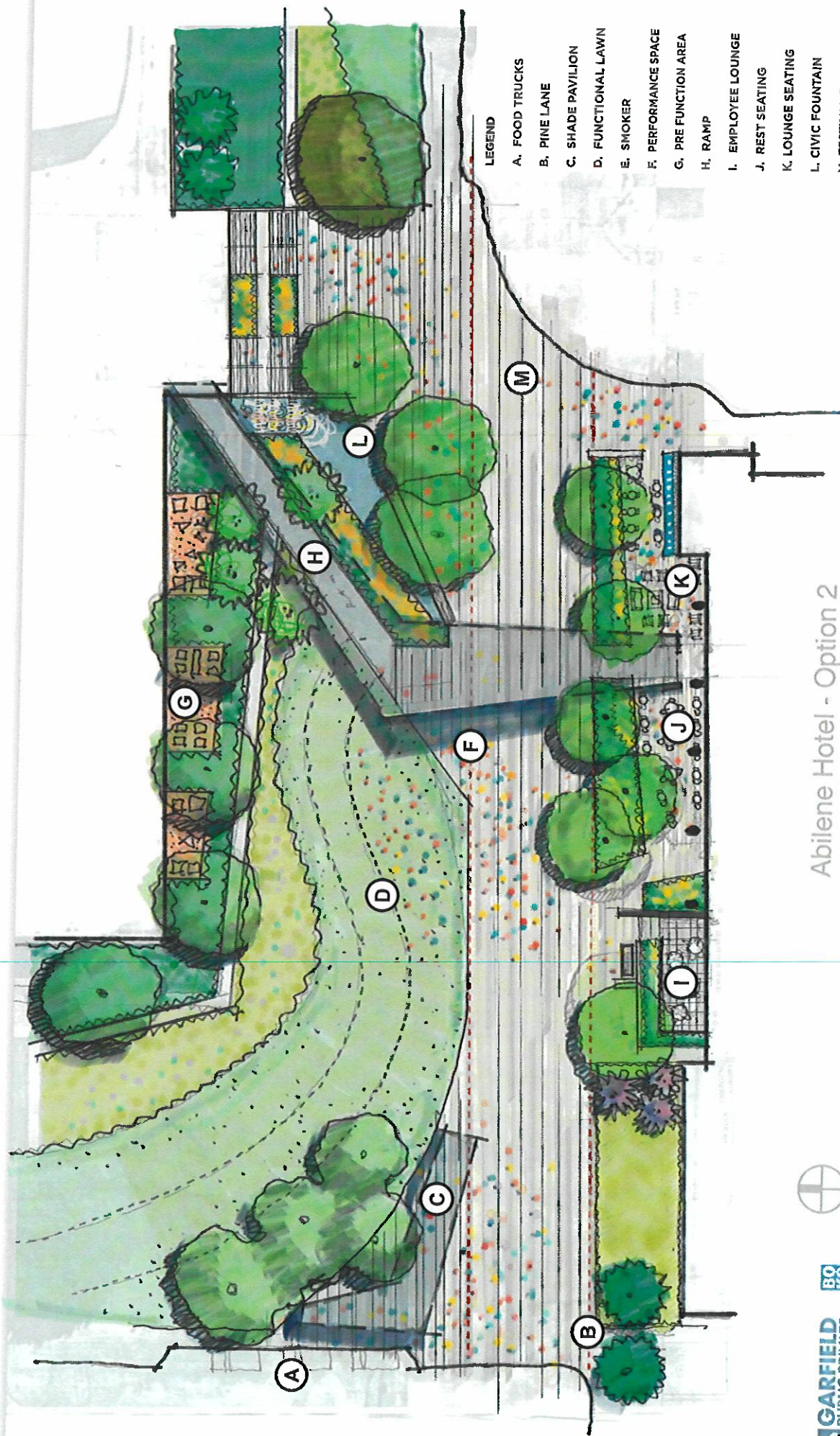
Jordan Sanmann

Accepted By: _____

Owner's Signature: _____

Print Name: _____

Date: _____



Abilene Hotel - Option 2 Abilene, Texas



Change Order for City Facility Improvements (Festival Park District) *(Michael Rice)*



Change Order for City Facility Improvements

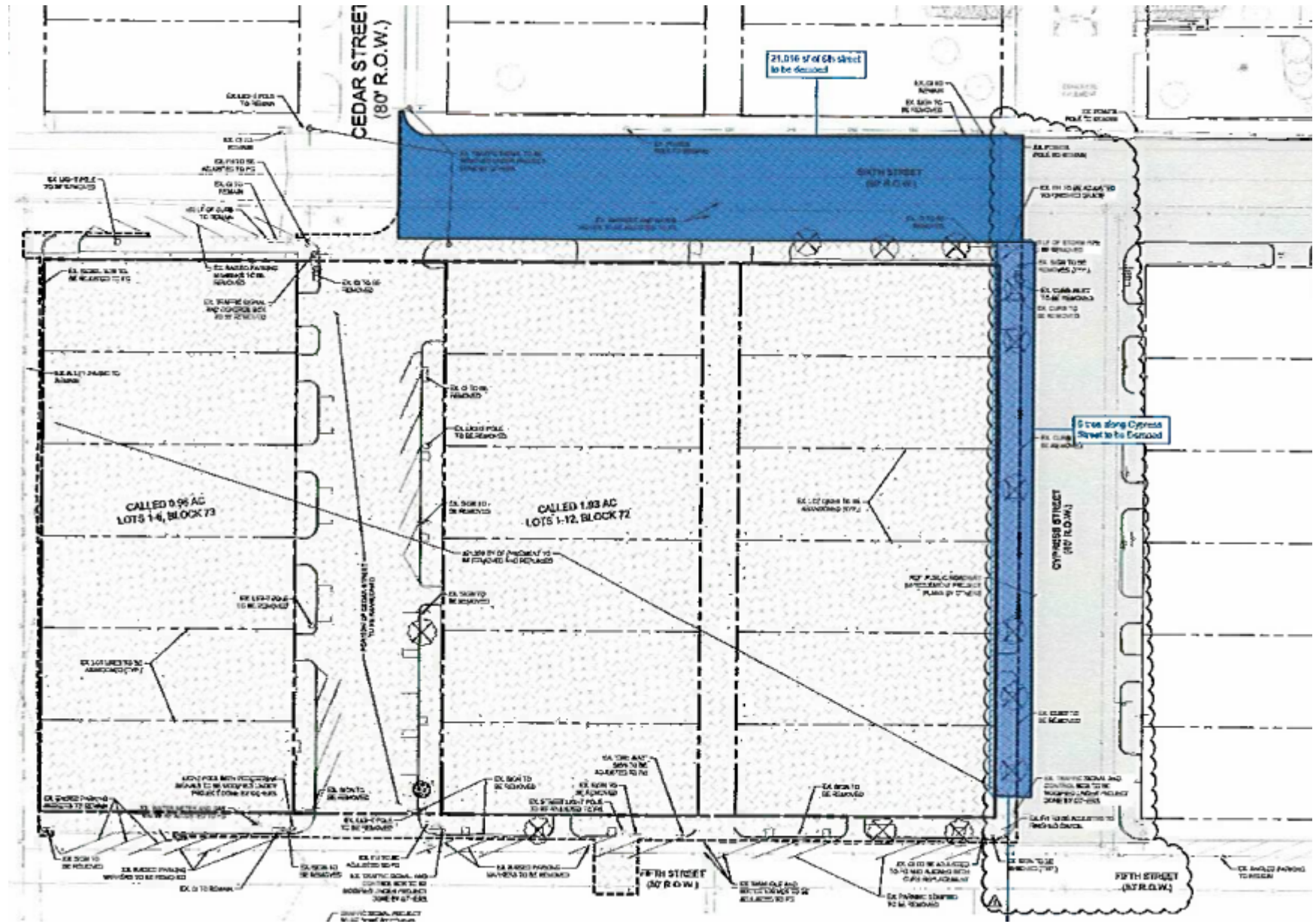
- The Owner and Design/Builder desire to Increase the Initial Guaranteed Maximum Price (“IGMP”) based on the Owner’s acceptance of Festival Park District – 6th Street & Cypress Street Demolition scopes of work and the additional Design Fees for the Festival Park District added by the Owner.
- The Change Order Value is Two Hundred and Seventy-Five Thousand Four Hundred Eighteen dollars (\$275,418.00).
- Execution of this Change Order by the Owner and Design/Builder shall constitute a modification to the Agreement and will be performed subject to all the same terms and conditions in the Agreement and its Amendments, as fully as if the same were repeated in this CHANGE ORDER.



Change Order for City Facility Improvements

- The Scope of the Change order includes Demolition of N. 6th Street & Cypress Street, the Festival Park District Design Fee, and PCI-002 Fee Corrections. All of the Scope is located outside of the new Hotel Property.
- Approval of the Change Order will increase the IGMP by \$275,418.00, resulting in a Revised IGMP of \$24,994,460.00.





Change Order for City Facility Improvements (Festival Park District)

Questions ?





**City Council
Agenda Memo**

City Council Meeting Date: 5/26/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **8. Ordinance (First Reading) Z-2022-09:** Receive a Report, Hold a Discussion and Take Action on A Request From Gregory And Marcia Straughn Within The Subdivision Known As The Hillview Addition To Change Zoning Of Approximately 3.906 Acres From Agricultural Open (AO) To Residential Single-Family District-12 (RS-12) *(Tim Littlejohn)*

GENERAL INFORMATION

The request is to rezone approximately 3.9 acres of Agricultural Open Space (AO) zoning to Residential Single-Family District-12 (minimum 12,000 square-foot lots) (RS12) zoning. The intention, according to the application received by staff is to create 12,000 square feet family home sites.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2022-09 Draft Council Ordinance
2. Z-2022-09 Staff Report
3. Z-2022-09 PZC presentation

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CHANGING THE ZONING DISTRICT BOUNDARIES 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 changing 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 26th day of May, 2022.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 16th day of April, 2022, the same being more than fifteen (15) days prior to a public hearing held at the South Branch Abilene Public Library, 4310 Buffalo Gap Rd, Abilene, TX 79606 in Abilene, Texas, at 8:30 a.m. on the 9th day of June, 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 9th day of June, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land, from Agricultural Open Space (AO) to a Residential Single-Family (RS-12) zoning district:

Lot 12 and the East 150 Feet of Lot 11 of Block 11 within the Hillview Addition.



-END-

ZONING CASE Z-2022-09

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: May 3, 2022

City Council 1st Reading: May 26, 2022

City Council 2nd Reading: June 9, 2022

Applicant

Owner: Gregory and Marcia Straughn

Agent: Kelsey Williams

Request

Rezone approximately 3.9 acres of Agricultural Open Space (AO) zoning to Residential Single-Family District-12 (minimum 12,000 square-foot lots) (RS12) zoning. The intention, according to the application received by staff is to create 12,000 square feet family home sites.

Location

The subject property is approximately 3.9 acres of vacant land in the Hillview addition, lot 112, Block 11, Abilene, Taylor County, Texas.

Background

The subject property was annexed around 1980 and Agricultural Open Space (AO) zoning was applied to the property. The applicant would now like to zone this property to Residential Single-Family District-12 (minimum 12,000 square-foot lots) (RS12) zoning in order to maximize the buildable area using 12,000 square-foot lots.

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the immediate area of the subject property are illustrated on the map included in this report. As indicated on the map, adjacent zoning consists of RS-12, AO, RR-1 districts. Currently single-family residences are to the west, north and east of the subject property, and vacant land is to the South.

Criteria Assessment

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

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

It is the opinion of the staff that the proposed zoning map amendment will serve to implement the goals, objectives, and policies of the Comprehensive Plan and Future Land Use and Development Plan Map. The proposed zone change is consistent with single-family residential land use located nearby on the future land use map.

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

It is the opinion of the staff, that the uses permitted by the proposed zone change are consistent with the surrounding properties in the immediate vicinity. The surrounding properties are residential with RS-12 district adjacent to the site on the west.

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

The future development of the subject property will not necessitate the extension of water and sewer utilities to service the future subdivision.

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

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

Staff Recommendation

Staff recommends approval

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on April 21, 2022, via certified mail to the applicant and other property owners within a 200-foot radius of the subject property. These property owners and associated addresses are identified in Table 1.

TABLE 1

Owner	Property ID	Situs	Response
ALLEN CHARLES D & KAREN C	25669	1701 HILLVIEW RD	
COOKE CYNTHIA L	25384	1601 HILLVIEW RD	
JOHNSTON LOWELL A	24388	1700 HILLVIEW RD	
KASPER ROBERT BLAKE	1011242		
MC GREW OREN S	24514	1618 HILLVIEW RD	
MC GREW STACEY & PAULA	24648	1602 HILLVIEW RD	
STRAUGHN GREGORY B & MARCIA R	25524	1633 HILLVIEW RD	
THOMAS MARK A & LILLIE M	24255	1710 HILLVIEW RD	
WOFFORD CHRISTOPHER EUGENE	1011243		

Owner	Property ID	Situs	Response
THOMAS MARK A & LILLIE M	24255	1710 HILLVIEW RD	
JOHNSTON LOWELL A	24388	1700 HILLVIEW RD	
MC GREW OREN S	24514	1618 HILLVIEW RD	
MC GREW STACEY & PAULA	24648	1602 HILLVIEW RD	
COOKE CYNTHIA L	25384	1601 HILLVIEW RD	
STRAUGHN GREGORY B & MARCIA R	25524	1633 HILLVIEW RD	
ALLEN CHARLES D & KAREN C	25669	1701 HILLVIEW RD	
KASPER ROBERT BLAKE	1011242		
WOFFORD CHRISTOPHER EUGENE	1011243		

Attachments

Application

PowerPoint Presentation

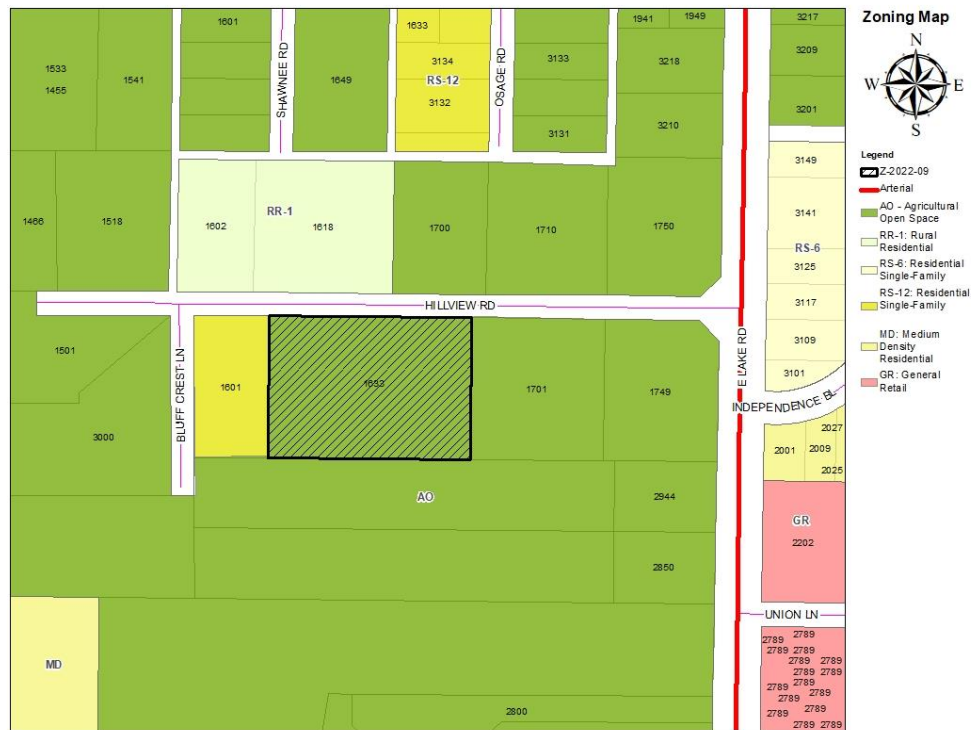
Location Map

Zoning Map

LOCATION MAP

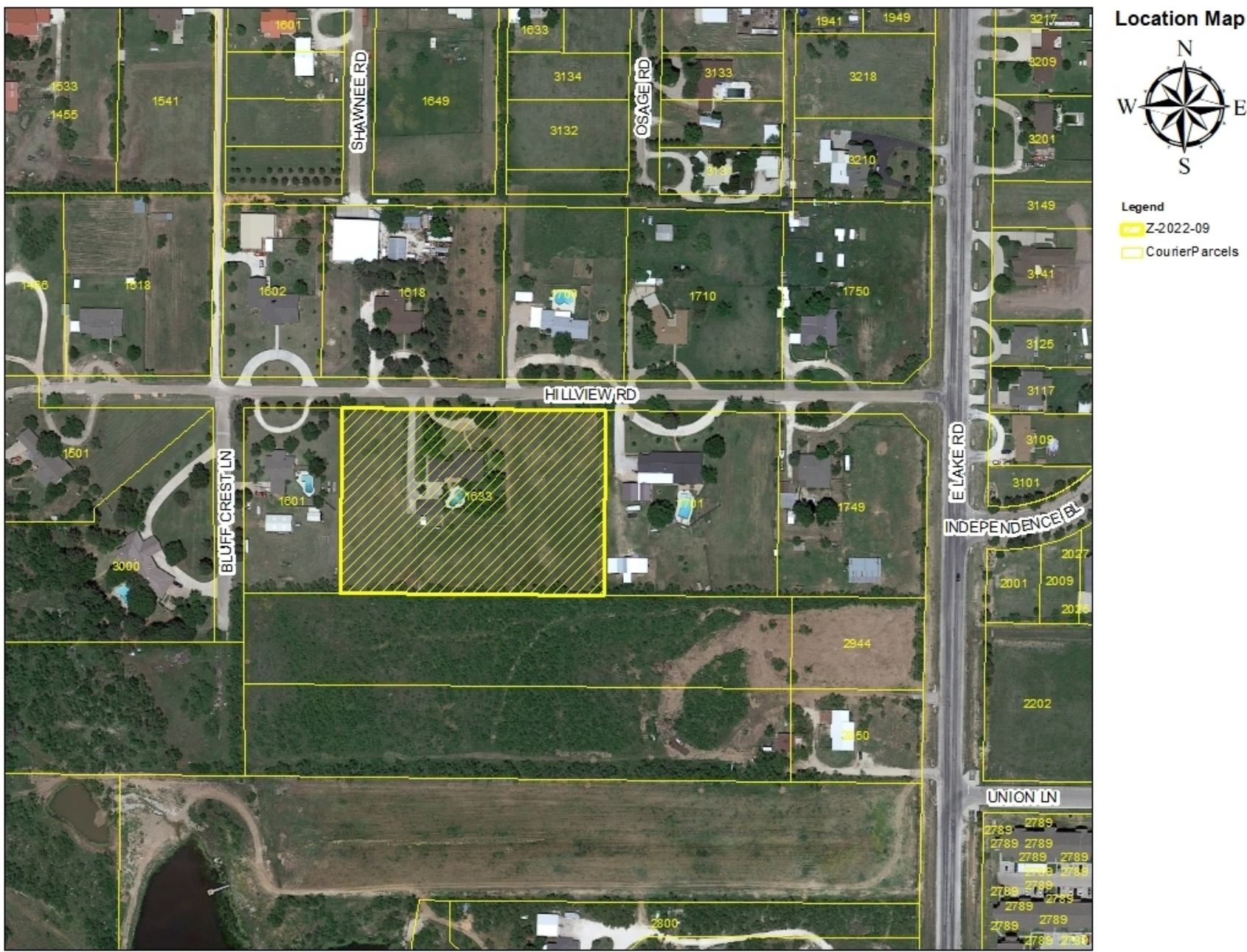


ZONING AND EXISTING LAND USE MAP



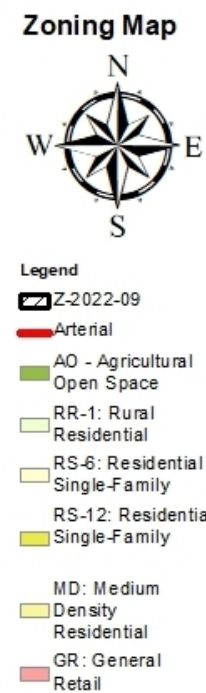
Case:	Z-2022-09
Owner:	Gregory and Marcia Straughn
Agent:	Kelsey Williams-Geotex Property Solutions
Request:	Zoning request for “AO” Agricultural Open Space to “RS-12” Residential
Location:	3.9 Acres of land at 1633 Hillview Road.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	May 3, 2022
City Council Hearings:	1 st : May 26, 2022 2 nd : June 9, 2022

Z-2022-09 LOCATION MAP



Z-2022-09 LOCATION 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

Z-2022-09 VIEWS OF SUBJECT & ADJACENT PROPERTIES

Subject Property (Center)



Neighboring Property (Northeast)



Subject Property (East Side)



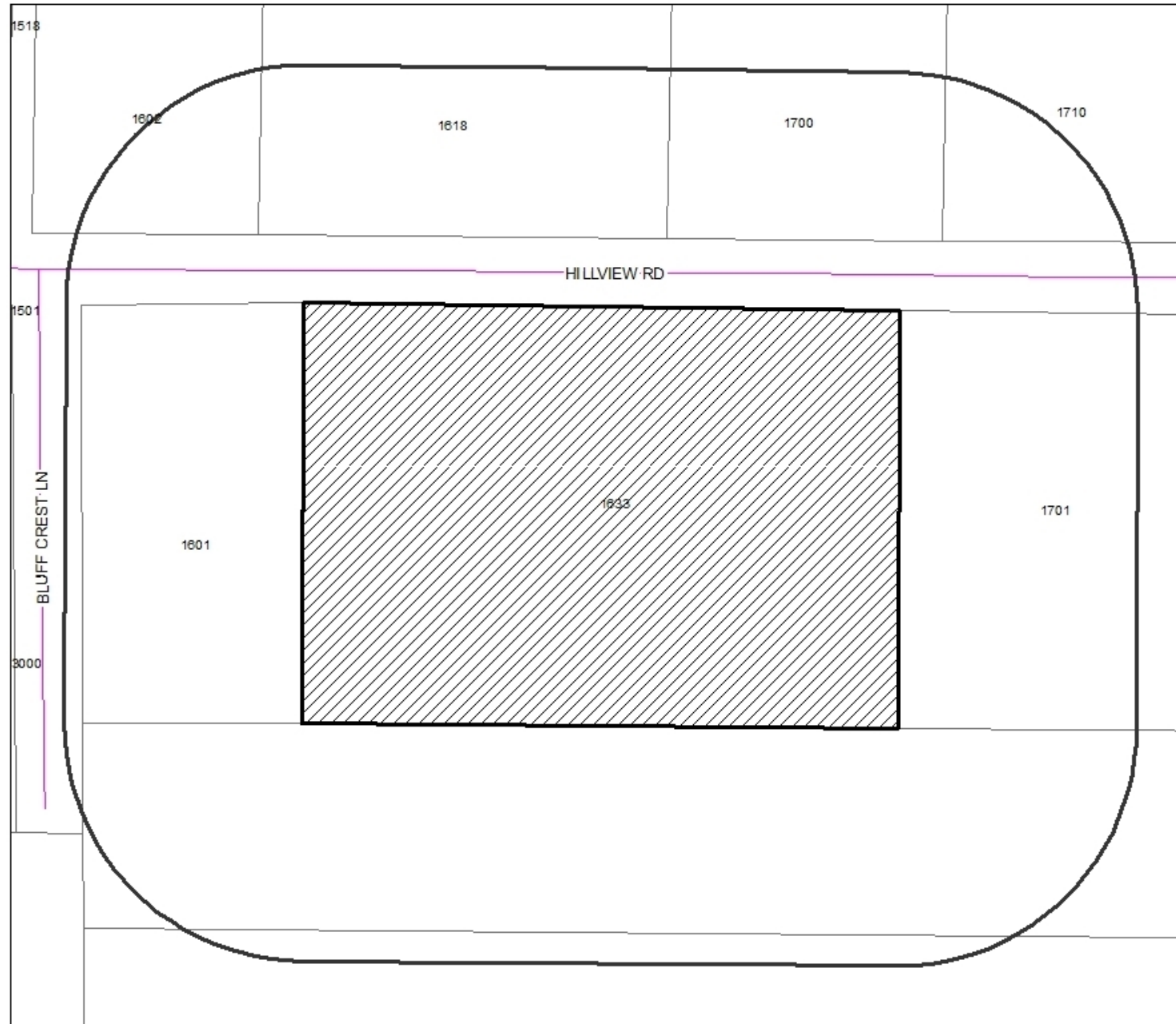
Subject Property (West Side)



Neighboring Property (East)



Z-2022-09 NOTIFICATION AREA MAP



Notification Map



Legend

- 200' Notification Buffer
- Z-2022-09

0 - In Favor-

0- Opposed-

0% in opposition

- 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)
- P&Z Recommends: Approval
- Staff Recommendation: Staff recommends approval.

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 5/26/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **9. Ordinance (First Reading) Z-2022-10: Receive a Report, Hold a Discussion and Take Action on A Request From The Collective Owners Of Property Within The Subdivision Known As The Green Acres Addition To Change The Zoning Of .909 Acres From General Retail (GR) To A Planned Development District (PD-176) on the 2100 Block Of N Willis St., Abilene, Taylor County, Texas. *(Tim Littlejohn)***

GENERAL INFORMATION

The request is to rezone from General Retail (GR) to a Planned Development (PDD) District allowing self-storage units in a base zoning of GR.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

City staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2022-10 ordinance
2. Z-2022-10 staff report
3. Z-2022-10 PZC presentation

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-176 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

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

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

PASSED ON FIRST READING this 26th day of May, 2022.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 16th day of April, 2022, the same being more than fifteen (15) days prior to a public hearing held at the South Branch Abilene Public Library, 4310 Buffalo Gap Rd, Abilene, Texas, at 8:30 a.m. on the 9th day of June, 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 SECOND AND FINAL READING THIS 9th day of June, 2022.

ATTEST:

Shawna Atkins,
CITY SECRETARY

Anthony Williams,
MAYOR

APPROVED:

Stanley Smith,
CITY ATTORNEY

ORDINANCE NO. _____

Exhibit "A"

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

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

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

PART 4: Zoning. That the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries ask hereinafter set forth: from General Retail (GR) to Planned Development (PD) District.

PART 5: Legal Description. The legal description of this PD District is as follows: Lot 112, Block 22, Section 2, Green Acres Addition, Abilene, Taylor County, Texas



Location: .909 acres in the 2100 block of N. Willis St. in North Abilene, Taylor County, Texas

PART 6: Purpose. The purpose of this Planned Development District is to allow Storage-self-service units on land which is otherwise reserved for general retail (GR) uses.

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

A. Permitted Uses:

In addition to uses ordinarily allowed within General Retail (GR) Districts, Storage-self-service units shall also be permitted:

1. For the purpose of this ordinance, the term “Storage-self-service units” shall be construed to mean STORAGE, SELF-SERVICE UNITS: {x} Small individual storage units for rent or lease, restricted solely to the storage of items, such as motor vehicles, trailers, boats, bulky household goods, and sundry personal property. There is no conduct of sales, business or any other activity within the individual storage units.

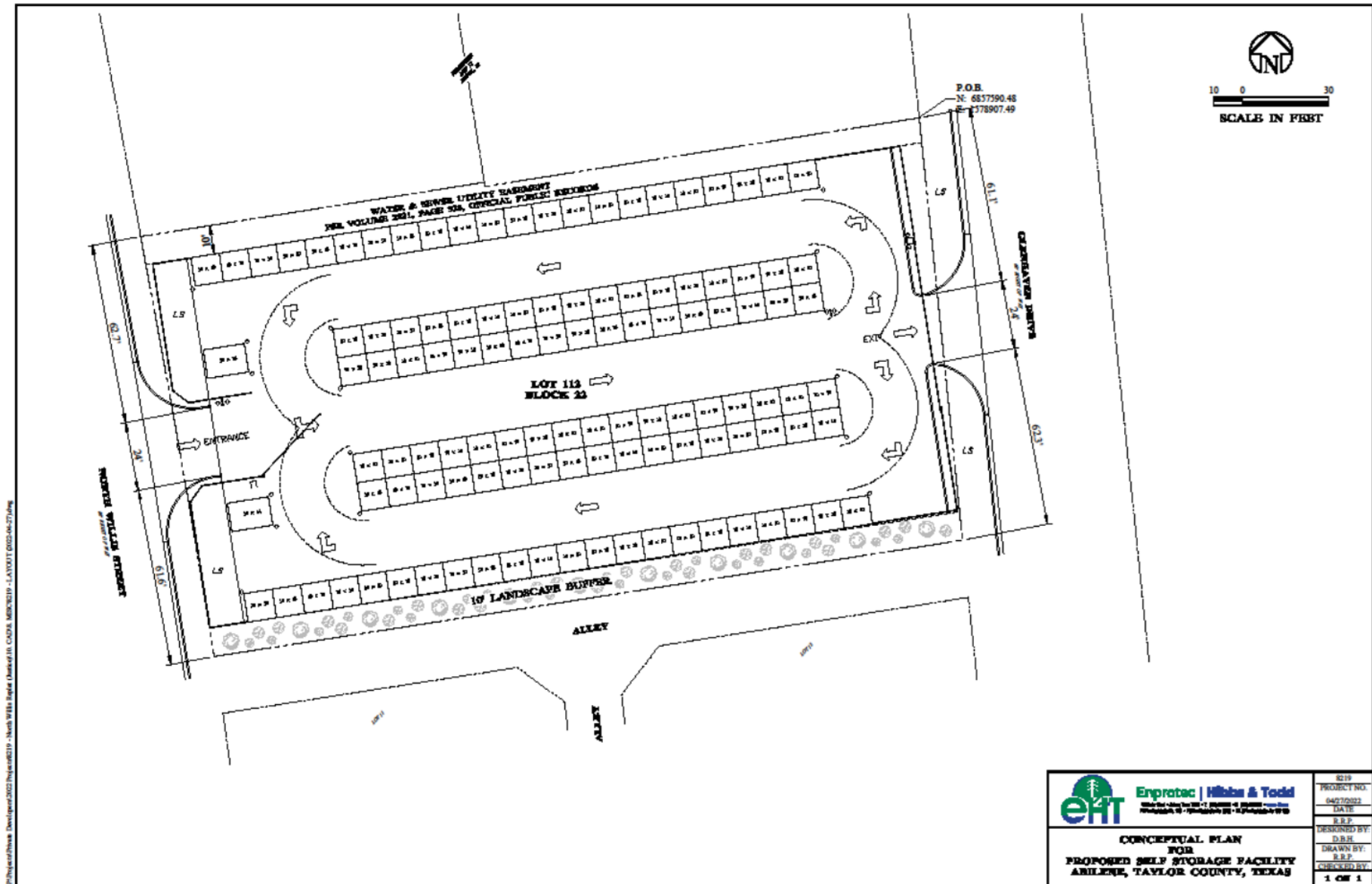
B. Screening Requirements:

All requirements for screening, buffering and fencing (including limitations on outside storage and display) that are ordinarily applicable in General Retail zoning districts shall be applicable in this Planned Development District, as well as the following additional requirements:

1. Type B Buffer is required between Heavy Commercial (HC), General Commercial (GC), or General Retail (GR) districts and a residential district or between any Industrial district and any other non-industrial district other than Heavy Commercial (HC) and General Commercial (GC). A Type B Buffer shall consist of a 5-foot wide buffer yard plus at least 25 points based on the points listed in subsection below.
 - a. Opaque masonry wall with 6-foot minimum height = 15 points.
 - b. Opaque fence with 6-foot minimum height = 5 points.
 - c. An existing, continuous fence or wall on the adjacent property = $\frac{1}{2}$ the points of a fence or wall on the subject property.
 - d. Each additional 5 feet of buffer yard = 5 points (maximum of 15 points).
 - e. One tree with a mature height of at least 20 feet and height of at least 8 feet at time of planting per 25 lineal feet of buffer yard = 10 points.
 - f. Three smaller trees per 25 lineal feet of buffer yard = 10 points.

ORDINANCE NO. _____

EXHIBIT "B" GRAPHIC CONCEPT PLAN



ZONING CASE Z-2022-10

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: May 3, 2022

City Council 1st Reading: May 26, 2022

City Council 2nd Reading: June 9, 2022

Applicant

Owner: Steven & Amy Justice

Agent: BJ Prichard – Enprotec/Hibbs & Todd, Inc.

Request

Rezone from General Retail (GR) to create a Planned Development (PDD-176) District allowing self-storage units with a base zoning of GR.

Location

.9 acres of vacant land at 2109 N Willis St legal description being Lot 112, Block 22 Section 2, Green Acres Addition.

Background

This property was annexed in 1956 and has remained mostly vacant with the exception of some pavement on the property. This lot has been zoned GR (or SC) since The City adopted zoning in 1974.

Zoning, Existing and Proposed 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, properties to the North are zoned GR and are currently a laundromat, church, and a fast food restaurant (Show Cones). East of the subject property is zoned MD and is an apartment complex. West of the subject property is more General retail with offices and retail sales on the properties.

Criteria Assessment

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

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

The future land use and Development Plan Map displayed in Abilene's Comprehensive Plan identifies the subject property to be in a "Commercial" use district. This property is also within a "Community Enhancement Corridor" which encourages revitalizing private properties and

making site improvements. The proposed PD District seems generally consistent with the land-use policies of Abilene's Comprehensive Plan.

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

Given that allowed nonresidential use will be limited to General Retail (GR) activities, which are customarily appropriate at the intersections of major arterial and collector streets. This proposed PD District seems generally compatible with existing residential land uses East of N Willis St and residences West of Beechwood Lane, each of these adjacent residential land uses are separated by an approximate 80-foot-wide and 60-foot-wide right-of-way respectively. Furthermore, the commercial activity at this location will not appear out of character due to the existing office buildings located north of the subject property.

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

This subject property appears well-integrated with the City's system of sewer and water utilities. The subject property also lies adjacent to a fully-improved collector road (N Willis St.)

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

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

Staff Recommendation

City staff recommends approval.

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on April 21, 2022, 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	Property ID	Situs	Response
ABILENE IMPACT GROUP LP	48062	2101 GLENHAVEN DR	
BEARDSHAW ALICE	44073	1973 N WILLIS ST	A
DEEBLE BEEBLE LLC	44330	2023 N WILLIS ST APT 2	
DEEBLE BEEBLE LLC	44330	2023 N WILLIS ST APT 3	
DEEBLE BEEBLE LLC	44330	2023 N WILLIS ST APT 1	
FLORES EMILIO C JR	41665	2002 N WILLIS ST	
FLORES EMILIO C JR	41665	1974 N WILLIS ST	
FLORES MICHAEL & ANGIE	47822	2013 GLENHAVEN DR	
JUSTICE STEPHEN P & AMY E	44450	2109 N WILLIS ST	
LANDEROS JESSE F	45254	2002 GLENHAVEN DR	
MANSELL RICHARD LEE &	47698	2001 GLENHAVEN DR	
MUSQUIZ DANIEL	44947	2024 GLENHAVEN DR	
NANCE FELIX K	44209	2001 N WILLIS ST	
PORTILLO RAYMOND & ANDREA	45100	2014 GLENHAVEN DR	
SHOWCONES LLC	44813	3375 AMBLER AV	
SKINNYS INC	41149	3425 AMBLER AV	
SKINNYS INC	41149	3429 AMBLER AV	
SKINNYS INC	41149	3413 AMBLER AV	
SKINNYS INC	41149	3401 AMBLER AV	
SKINNYS INC	44701	3351 AMBLER AV	
SKINNYS INC	44701	3351 B AMBLER AV	
THOMAS RANDY HAROLD	1002750	2025 GLENHAVEN DR	
THOMAS RANDY HAROLD	1002750	2023 GLENHAVEN DR	
THOMPSON BLAINE	41402	2024 N WILLIS ST APT 1	
THOMPSON BLAINE	41402	2024 N WILLIS ST APT 2	
THOMPSON BLAINE	41402	2024 N WILLIS ST APT 3	
TMAD PROPERTIES LLC	42920	2111 BEECHWOOD LN	
TMAD PROPERTIES LLC	42920	2110 N WILLIS ST	

Owner	Property ID	Situs	Response
SKINNYS INC	41149	3425 AMBLER AV	
SKINNYS INC	41149	3429 AMBLER AV	
SKINNYS INC	41149	3413 AMBLER AV	
SKINNYS INC	41149	3401 AMBLER AV	
THOMPSON BLAINE	41402	2024 N WILLIS ST APT 1	
THOMPSON BLAINE	41402	2024 N WILLIS ST APT 2	
THOMPSON BLAINE	41402	2024 N WILLIS ST APT 3	
FLORES EMILIO C JR	41665	2002 N WILLIS ST	
FLORES EMILIO C JR	41665	1974 N WILLIS ST	
TMAD PROPERTIES LLC	42920	2111 BEECHWOOD LN	
TMAD PROPERTIES LLC	42920	2110 N WILLIS ST	
BEARDSHAW ALICE	44073	1973 N WILLIS ST	A
NANCE FELIX K	44209	2001 N WILLIS ST	
DEEBLE BEEBLE LLC	44330	2023 N WILLIS ST APT 2	
DEEBLE BEEBLE LLC	44330	2023 N WILLIS ST APT 3	
DEEBLE BEEBLE LLC	44330	2023 N WILLIS ST APT 1	
JUSTICE STEPHEN P & AMY E	44450	2109 N WILLIS ST	
SKINNYS INC	44701	3351 AMBLER AV	
SKINNYS INC	44701	3351 B AMBLER AV	
SHOWCONES LLC	44813	3375 AMBLER AV	
MUSQUIZ DANIEL	44947	2024 GLENHAVEN DR	
PORTILLO RAYMOND & ANDREA	45100	2014 GLENHAVEN DR	
LANDEROS JESSE F	45254	2002 GLENHAVEN DR	
MANSELL RICHARD LEE &	47698	2001 GLENHAVEN DR	
FLORES MICHAEL & ANGIE	47822	2013 GLENHAVEN DR	
ABILENE IMPACT GROUP LP	48062	2101 GLENHAVEN DR	
THOMAS RANDY HAROLD	1002750	2025 GLENHAVEN DR	
THOMAS RANDY HAROLD	1002750	2023 GLENHAVEN DR	

Attachments

Application

PowerPoint Presentation

Conceptual Plan

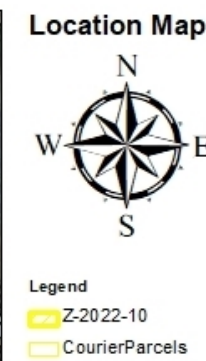
LOCATION MAP



ZONING MAP



Case:	Z-2022-10
Owner:	Steven & Amy Justice
Agent:	BJ Prichard – Enprotec/Hibbs & Todd, Inc.
Request:	Zoning request from “GR” General Retail to create “PDD 176” with a base zoning of “GR” to allow for self-storage units.
Location:	0.9117 Acres of land at 2109 N. Willis Street.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	May 3, 2022
City Council Hearings:	1 st : May 26, 2022 2 nd : June 9, 2022



Z-2022-10 LOCATION MAP



Z-2022-10 ZONING MAP



Permitted Uses in GR Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- C Ambulance Service
- P Fire/Police Station
- P Medical/Dental Laboratory
- P Post Office
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

- P/C Automobile Wash
- C Funeral Home/ Mortuary/Morgue
- P Kennel (Without Outdoor Pens)
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- C Printing, Copying, Reproduction, Publishing
- P Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Tattoo Parlor
- P Veterinary Service (small animals)

TRADE – RETAIL USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower- Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

Z-2022-10 VIEWS OF SUBJECT & ADJACENT PROPERTIES

Subject Property



Neighboring Property (East)



Neighboring Property (North)



Neighboring Property (West)

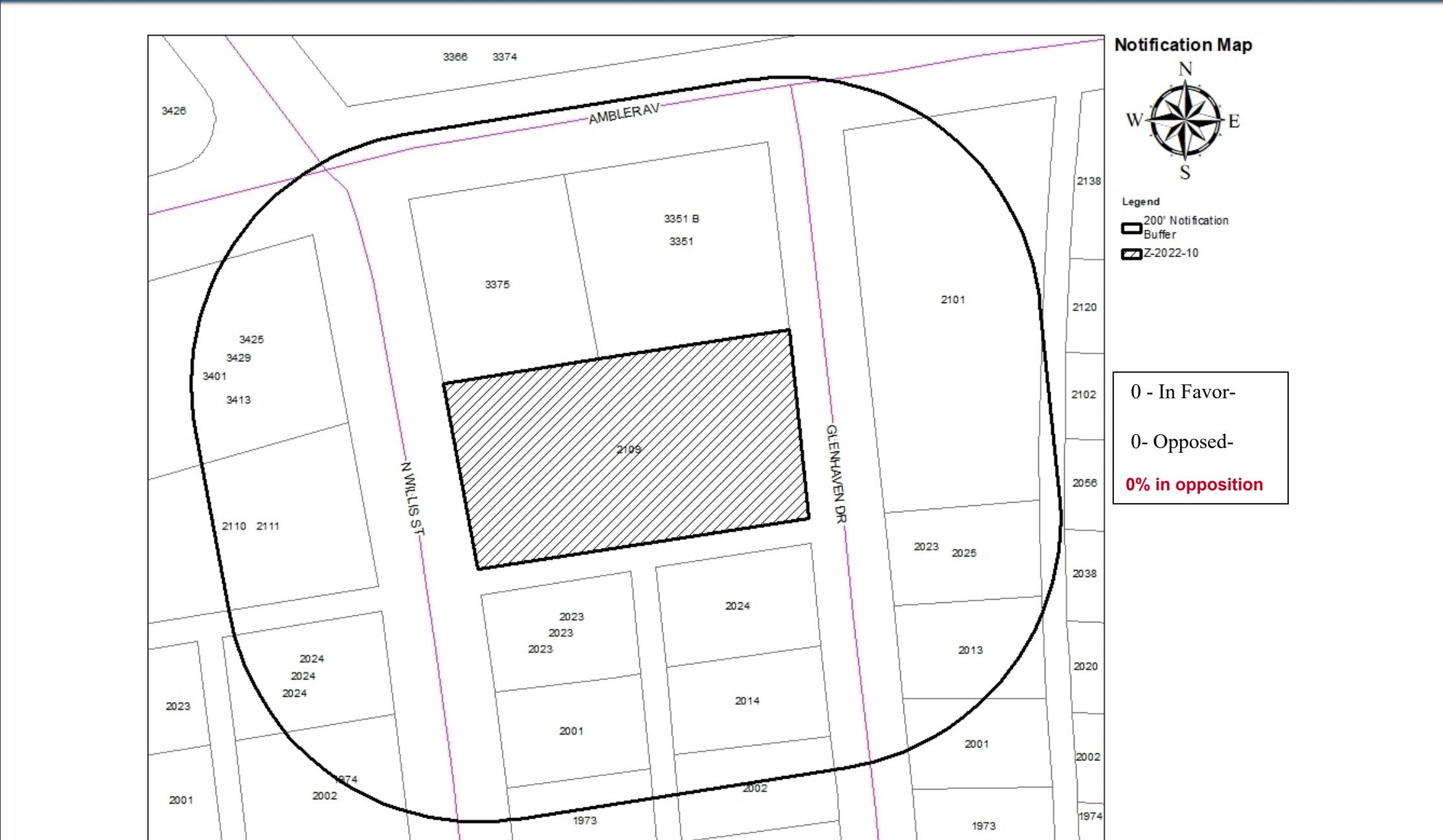


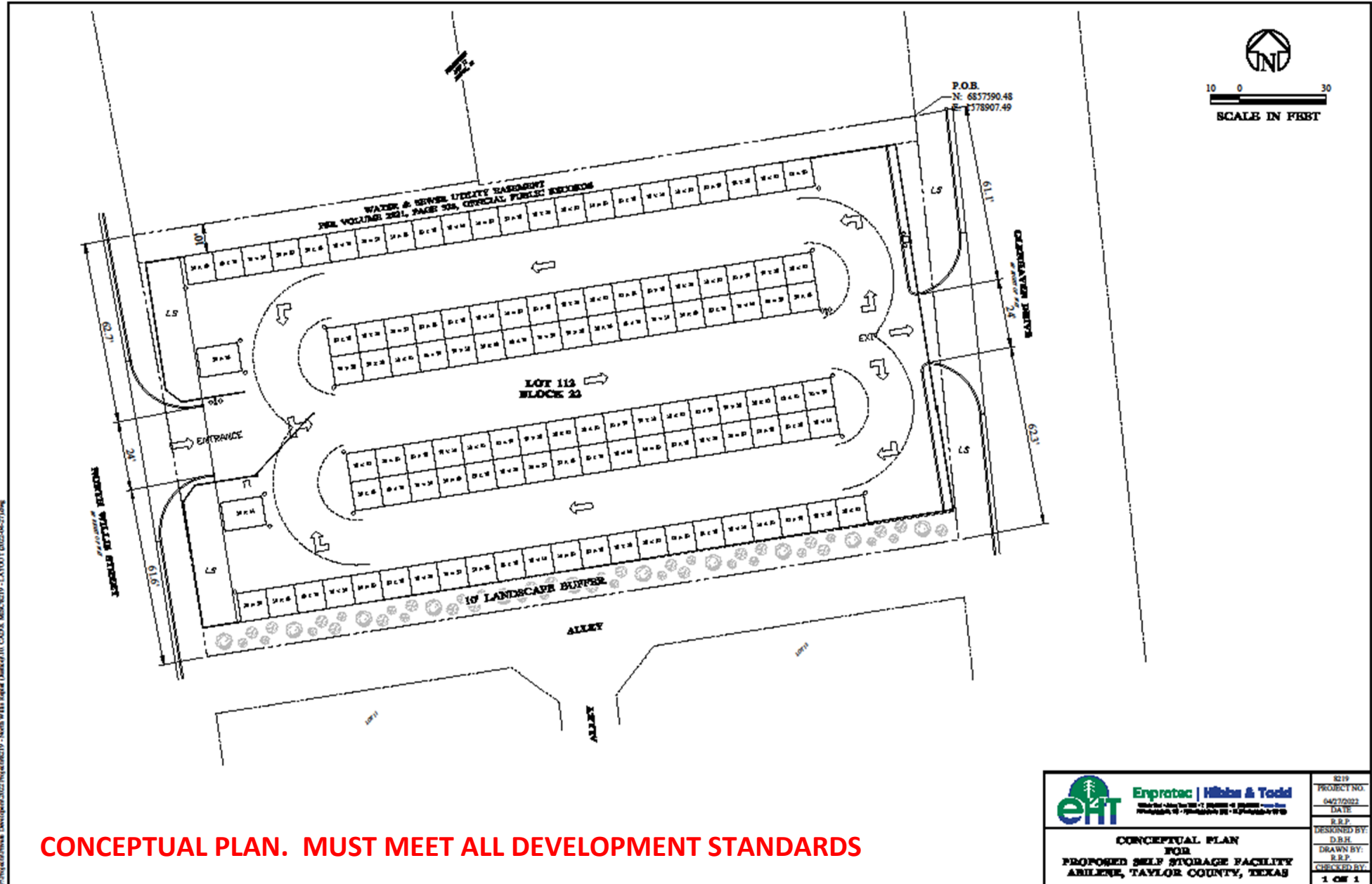
Neighboring Property (South)



Neighboring Property (North)







CONCEPTUAL PLAN. MUST MEET ALL DEVELOPMENT STANDARDS

 Enprotec Hibbs & Todd Enprotec, Inc. 10000 Highway 100, Suite 100, Dallas, TX 75243 Hibbs & Todd, Inc. 10000 Highway 100, Suite 100, Dallas, TX 75243	PROJECT NO:
	04272022
	DATE
	R.P.P.
	DESIGNED BY:
CONCEPTUAL PLAN FOR PROPOSED SELF STORAGE FACILITY ARILENE, TAYLOR COUNTY, TEXAS	D.B.H.
	DRAWN BY:
	R.P.P.
1 OF 1	CHECKED BY:
	1 OF 1

- 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)
- P&Z Recommends: Approval
- Staff Recommendation: Staff recommends approval.

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 5/26/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **10. Ordinance (First Reading) Z-2022-11: Receive a Report, Hold a Discussion and Take Action on A Request From Patrick Cowen To Change Zoning From Light Industrial (LI) To Heavy Commercial (HC) On Approximately 3 Acres At The 4200 Block Of Burl Harris Dr. Abilene In Taylor County, Texas. (Tim Littlejohn)**

GENERAL INFORMATION

The request is to rezone from Heavy Industrial (HI) to a Heavy Commercial (HC) District.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2022-11 Council Ordinance

2. Z-2022-11 staff report
3. Z-2022-11 PZC Presentation

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CHANGING THE ZONING DISTRICT BOUNDARIES 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 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 26th day of May, 2022.

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 April, 2022, the same being more than fifteen (15) days prior to a public hearing held at the Council Chambers of the City Hall at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 9th day of June, 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 9th day of June, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

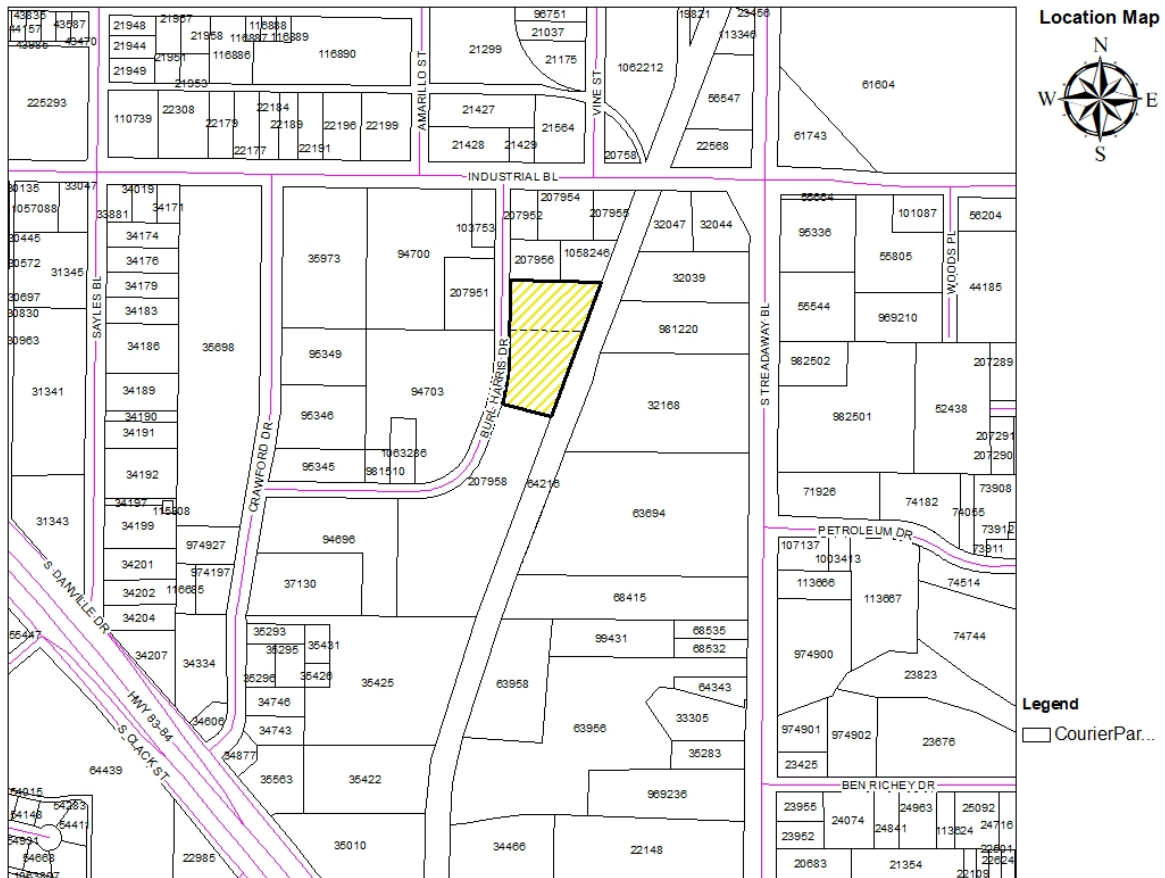
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

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

Lots 508 of block B within the Original Town of Abilene subdivision



-END-

ZONING CASE Z-2022-11

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: May 3, 2022

City Council 1st Reading: May 26, 2022

City Council 2nd Reading: June 9, 2022

Applicant

Owner: Patrick Cower

Agent: ACI Enterprises Inc.

Request

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

Location

3 acres of vacant land at 4249 Burl Harris Drive, approximately 560 feet South Industrial Boulevard, specifically encompassing the southern portion of lot 508, block B in the Industrial Trade Center Subdivision.

Background

The plat of Industrial Trade Center lot 508 block B was recently approved and recorded on March 25, 2022. The subject property is vacant. The rezone request is to clean up this particular lot where the lot line was moved during the plat process thus creating two zoning districts on one lot.

Zoning, Existing and Proposed Land Use

Current zoning on the tract is split between Heavy Industrial on the south and Heavy Commercial on the north part of the property. Instead of having the property split between two zoning categories the applicant wants to have consistent zoning when they bring forth their site plan for warehouse uses and retail sales. Many of the retail sales uses are excluded in the Heavy Industrial District making it necessary to downzone the portion of the property zoned as Heavy Industrial.

Criteria Assessment

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

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

According to the map of Future Land Use and Development in Abilene's Comprehensive Plan, the subject property is located in and adjacent to an area designated as "Community Enhancement Corridor" which are along key arterials that will unify the city, establish a sense of place, and provide enhanced physical and visual links between Activity Centers. This development can facilitate this action.

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

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

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

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

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

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

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

Staff Recommendation

City staff recommends approval.

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on **April 22, 2022, 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

* in property value or user comfort

Owner	Property ID	Situs	Response
CHAPPELL JOHN	103753	1885 INDUSTRIAL BL	
GARNAN LLC	207956		
GARNAN LLC	1058246	4249 BURL HARRIS DR	
GARNAN LLC	207952	1845 INDUSTRIAL BL	
GARNAN LLC	207952	1849 INDUSTRIAL BL	
HARPER & LANGHAM ENTERPRISES LLC	32168	4290 S TREADAWAY BL	
HARPER & LANGHAM ENTERPRISES LLC	32168	4290 1/2 S TREADAWAY BL	
HARRIS ACOUSTICS LTD	981220	4266 S TREADAWAY BL	A
MAC DONALD JAMES & KELLY &	207955	1789 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207954	1821 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207954	1825 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207954	1801 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207954	1813 INDUSTRIAL BL	A
PAK HARRIS ENTERPRISES LTD	207954	1829 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94703	4326 BURL HARRIS DR	A
PAK HARRIS ENTERPRISES LTD	207958	4325 BURL HARRIS DR	A
PAK HARRIS ENTERPRISES LTD	94700	2009 INDUSTRIAL BL	A
PAK HARRIS ENTERPRISES LTD	94700	1893 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1969 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1945 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1917 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1961 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1901 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1959 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	2001 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1977 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1953 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1949 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1991 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207951	4250 BURL HARRIS DR	A
PAK HARRIS ENTERPRISES LTD	207951	4266 BURL HARRIS DR	
PAK HARRIS ENTERPRISES LTD	207951	1939 INDUSTRIAL BL	
RGP ENTERPRISES INC	32047	1773 INDUSTRIAL BL	
UNION PACIFIC SYSTEM	64216		
WESTAIR GAS & EQUIPMENT LP	32039	4258 S TREADAWAY BL	

Owner	Property ID	Situs	Response
WESTAIR GAS & EQUIPMENT LP	32039	4258 S TREADAWAY BL	
RGP ENTERPRISES INC	32047	1773 INDUSTRIAL BL	
HARPER & LANGHAM ENTERPRISES LLC	32168	4290 S TREADAWAY BL	
HARPER & LANGHAM ENTERPRISES LLC	32168	4290 1/2 S TREADAWAY BL	
UNION PACIFIC SYSTEM	64216		
PAK HARRIS ENTERPRISES LTD	94700	2009 INDUSTRIAL BL	A
PAK HARRIS ENTERPRISES LTD	94700	1893 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1969 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1945 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1917 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1961 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1901 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1959 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	2001 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1977 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1953 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1949 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1991 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94703	4326 BURL HARRIS DR	A
CHAPPELL JOHN	103753	1885 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207951	4250 BURL HARRIS DR	A
PAK HARRIS ENTERPRISES LTD	207951	4266 BURL HARRIS DR	
PAK HARRIS ENTERPRISES LTD	207951	1939 INDUSTRIAL BL	
GARNAN LLC	207952	1845 INDUSTRIAL BL	
GARNAN LLC	207952	1849 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207954	1821 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207954	1825 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207954	1801 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207954	1813 INDUSTRIAL BL	A
PAK HARRIS ENTERPRISES LTD	207954	1829 INDUSTRIAL BL	
MAC DONALD JAMES & KELLY &	207955	1789 INDUSTRIAL BL	
GARNAN LLC	207956		
PAK HARRIS ENTERPRISES LTD	207958	4325 BURL HARRIS DR	A
HARRIS ACOUSTICS LTD	981220	4266 S TREADAWAY BL	A
GARNAN LLC	1058246	4249 BURL HARRIS DR	

Attachments

Application

PowerPoint Presentation

LOCATION MAP



ZONING MAP



Case:	Z-2022-11
Owner:	Patrick & Tamara Cowen
Agent:	ACI Enterprises Inc.
Request:	Zoning request from “HI” Heavy Industrial to “HC” Heavy Commercial.
Location:	3.0 Acres of land at 4249 Burl Harris Drive.
Notification:	6 in Favor, 0 Opposed
Planning & Zoning:	May 3, 2022
City Council Hearings:	1 st : May 26, 2022 2 nd : June 9, 2022

ArcGIS Web Map



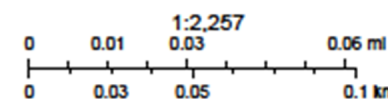
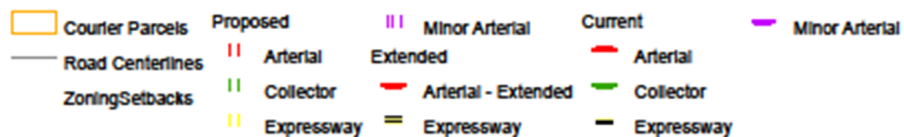
Location Map



Legend

Courier Parcels

4/21/2022, 5:00:33 PM

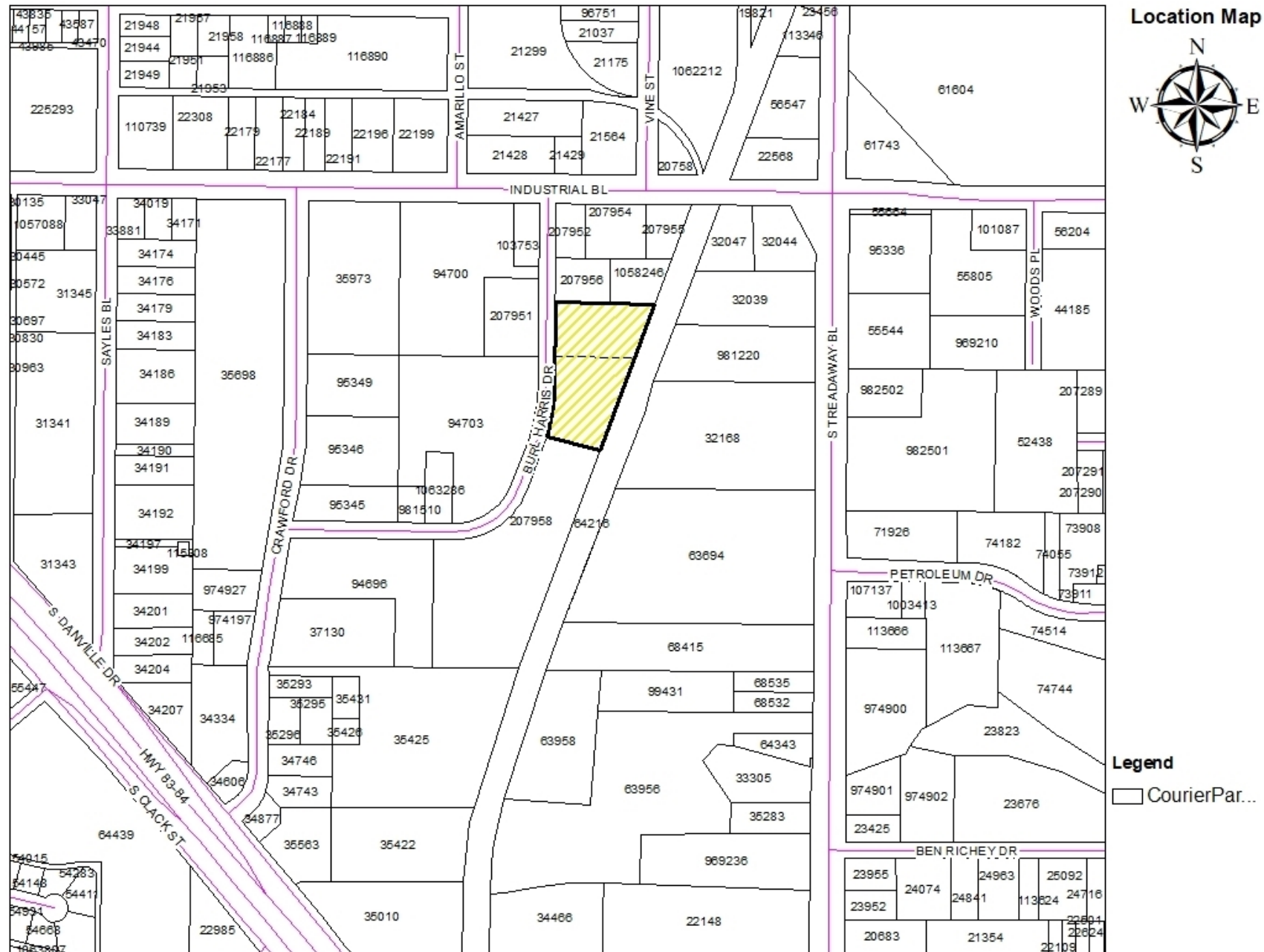


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri

ArcGIS Web AppBuilder

City of Abilene, Taylor County, Texas Parks & Wildlife, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

Z-2022-11 LOCATION MAP



Z-2022-11 ZONING MAP



Permitted Uses in HC Zoning

RESIDENTIAL USES:

C Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

P Aircraft and Accessories
P ATM's, Self-Serve Kiosks, and Similar Facilities
P Fuel Sales
P Head Shop
P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
P Restaurant, Brew Pub
P Restaurant, Fast Food
P Restaurant, Standard
P Retail Sales/Rental (automobile/small truck)
P Retail Sales/Rental (indoor)
P Retail Sales/Rental (outdoors, non-vehicle)
P Retail Sales/Rental (trucks and other large vehicles and equipment)

TRADE – WHOLESALE USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

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

LEGEND

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

Subject Property



Neighboring Property (Northwest)

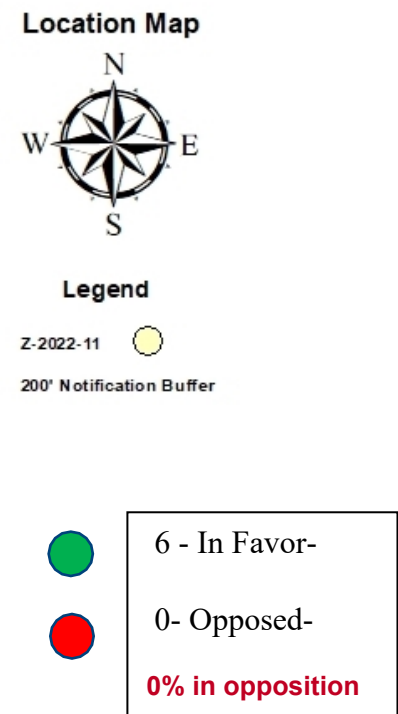


Neighboring Property (North)



Neighboring Property (West)





- 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)
- P&Z Recommends: Approval
- Staff Recommendation: Staff recommends approval.

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 5/26/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **11. Ordinance (First Reading) CUP-2022-02: Receive a Report, Hold a Discussion and Take Action on A Request From The Collective Owners Of Property Within The Subdivision Known As Original Town Of Abilene To Allow The Use Of Automobile Repair And Maintenance Services-Minor Within The Central Business (CB) District, 633 Oak Street, Abilene, Taylor County, Texas. *(Tim Littlejohn)***

GENERAL INFORMATION

This request is to add a Conditional Use Permit (CUP) to approximately .16 acres of vacant property zoned Central Business (CB).

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of this request with the condition that no outdoor storage of parts or non-functioning vehicles be permitted for more than ten (10) days, and outdoor storage will be shielded with opaque fencing.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request (by a vote of 6-0) with the condition that no outdoor storage of parts or non-functioning vehicles be permitted for

more than ten (10) days, and outdoor storage will be shielded with opaque fencing.

ATTACHMENTS:

1. CUP-2022-02 Council Ordinance
2. CUP-2022-02 Staff Report
3. Site plan waiver CUP-2022-02
4. CUP-2022-02 PZC 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 26th day of May, 2022.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 16th day of April, 2022, the same being more than fifteen (15) days prior to a public hearing held at the Abilene Public Library South Branch, Mall of Abilene, 4310 Buffalo Gap Road, Abilene, Texas, at 8:30 a.m. on the 9th day of June, 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 9th day of June, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Conditional Use Permit (CUP) to allow Automobile Repair and Maintenance Services-Minor on the following described property in a Central Business (CB) zoning district with the conditions as follows:

Condition:

1. Approval with the condition that no outdoor storage of parts or non-functioning vehicles be permitted for more than ten (10) days
2. All outdoor storage be shielded with opaque fencing.

Lot 8 of block 130 within the Original Town of Abilene subdivision.



-END-

ZONING CASE CUP-2022-02

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: May 3, 2022

City Council 1st Reading: May 26, 2022

City Council 2nd Reading: June 9, 2022

Applicant

Owner: Sunshine 9 Properties, LLC

Agent: Clint Cheek

Request

Add a Conditional Use Permit (CUP) to permit Automobile repair and maintenance services (minor) on .16 acres of vacant property zoned Central Business (CB).

Location

633 Oak St. (Lot 8, Block 130, OT Abilene Subdivision)

Background

This zone change request incorporates one lot of the Original Town of Abilene Subdivision; originally platted in 1881, This lot has been zoned as Central Business since adopting zoning in 1974.

According to information provided within the application, the owner intends to establish a motorcycle repair shop within the subject property. Prior to 2010, automobile repair and maintenance services were permitted in a CB district by right. In 2010, a new Land Development Code (LDC) was adopted to permit Automobile repair and maintenance services (minor) with specific requirements in CB districts with the approval of a Conditional Use Permit (CUP).

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the subject property's immediate area are illustrated on the map included in this report. As indicated on the map, adjacent zoning consists of Central District to the North, East, West, and immediate South. Further south is a Heavy Commercial District. Current land use for adjacent properties are a contractor's service to the North, an automobile repair shop to the South, a restaurant to the West, and an automotive detailing shop to the East.

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 Central Business/Local Center. The Comprehensive Plan encourages infill and redevelopment of existing 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

Yes, Central Business (CB) Districts are intended to accommodate a wide range of retail trade, services and activities that are needed to serve the community. This district is designed to discourage warehousing and manufacturing and other uses which tend to generate heavy traffic or require open storage of materials.

It is the opinion of staff that the inclusion of purpose and intent of the applicable zoning district regulations to permit Automobile repair and maintenance services (minor) within a CB district with the approval of a conditional use permit accomplishes this criteria for approval.

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 as there are multiple automotive repair services to the North, South, and East.

It is the opinion of staff that the proposed use of this site will not create adverse impacts regarding noise or odors. This use proposed is expected to be of similar intensity or less than adjacent automotive repair facilities to the South.

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. South 7th is a minor arterial and Oak St. is a collector which are designed to carry heavy traffic. Traffic impacts will be mitigated as the infrastructure is already in place.

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.

Currently, no roadway adjustments, traffic control devices or mechanisms are requiring. However, the proposed use will incorporate access restrictions (driveway spacing standards) to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets. The subject properties currently have access to existing utilities and public amenities adequate for the proposed uses. This request presents no apparent conflicts with existing or proposed plans for community facilities and related infrastructure.

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

A Land-use buffer is not required for this site. All repairs are required to be indoors which will mitigate any adverse effects of the proposed use.

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 are necessary to render the use compatible with adjoint development and the neighborhood.

Staff Recommendation

Staff recommends approval with the condition that no outdoor storage of parts or non-functioning vehicles be permitted for no more than ten (10) days, and all outdoor storage be shielded with opaque fencing.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on April 21, 2022 (via certified mail) to the applicant and other property owners within a 200-foot radius of the subject property. These property owners and associated parcel identification numbers are identified in Table 1.

Owner	Property ID	Situs	Response
ABILENE INDUSTRIAL SERVICES INC	1015070	718 PECAN ST	
ABILENE INDUSTRIAL SERVICES INC	1015070	809 S 7TH ST	
CLARK JIM DBA	39804	702 OAK ST	
CORPIAN GARY LEE	53112	617 OAK ST	
CORPIAN GARY LEE	53112	601 OAK ST	
GAMA MARIBEL AREVALO	51160	642 OAK ST	
PHILLIPS DAVID	52307	618 PECAN ST	
PHILLIPS DAVID	52307	818 S 7TH ST	
RISTER PHILIP & MARY	52587	830 S 7TH ST	
RV HIDEOUT LLC	50776	610 OAK ST	O
RV HIDEOUT LLC	50505	602 OAK ST	O
SIMONS TOMMY	52389	701 OAK ST	
SUMRALL CALVIN L	51038	626 OAK ST	
SUNSHINE 9 PROPERTIES LLC	1083856	633 OAK ST	
TAYLOR COUNTY	52189	600 PECAN ST	

Owner	Property ID	Situs	Response
CLARK JIM DBA	39804	702 OAK ST	
RV HIDEOUT LLC	50505	602 OAK ST	O
RV HIDEOUT LLC	50776	610 OAK ST	O
SUMRALL CALVIN L	51038	626 OAK ST	
GAMA MARIBEL AREVALO	51160	642 OAK ST	
TAYLOR COUNTY	52189	600 PECAN ST	
PHILLIPS DAVID	52307	618 PECAN ST	
PHILLIPS DAVID	52307	818 S 7TH ST	
SIMONS TOMMY	52389	701 OAK ST	
RISTER PHILIP & MARY	52587	830 S 7TH ST	
CORPIAN GARY LEE	53112	617 OAK ST	
CORPIAN GARY LEE	53112	601 OAK ST	
ABILENE INDUSTRIAL SERVICES INC	1015070	718 PECAN ST	
ABILENE INDUSTRIAL SERVICES INC	1015070	809 S 7TH ST	
SUNSHINE 9 PROPERTIES LLC	1083856	633 OAK ST	

Attachments

Application

Conceptual Plan

ZONING MAP



LOCATION MAP





To: Clint Cheek

Re: CUP-2022-02

Clint,

I am waiving the requirement for a site plan for CUP-2022-02. This requirement is irrelevant to the decision of the Planning and Zoning Commission and the City Council. The location area maps given in the packet and shown in the presentation will suffice for this request.

Thank you,

Timothy A Littlejohn

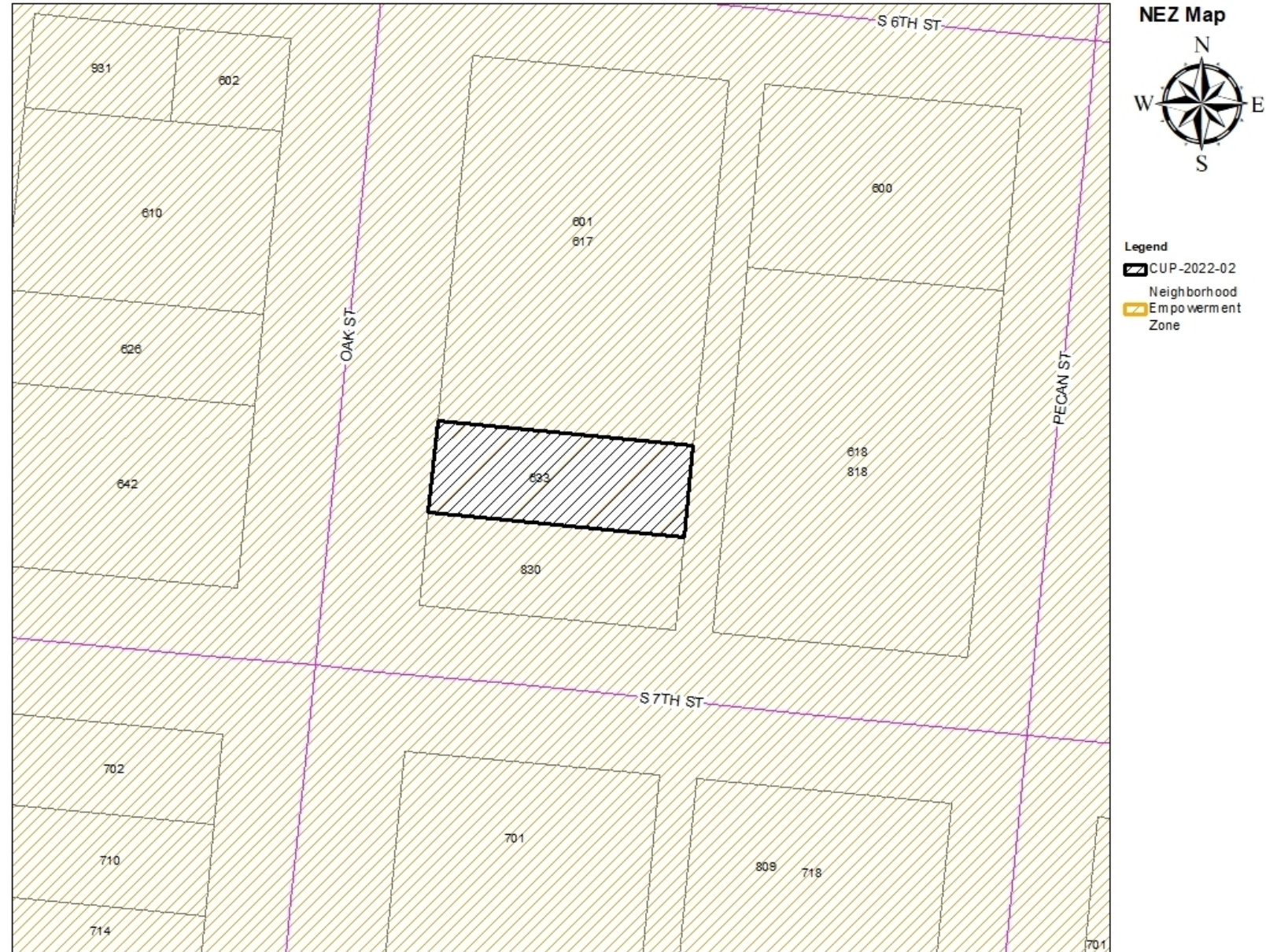
Director of Planning and

Development Services

Case:	CUP-2022-02
Owner:	Sunshine 9 Properties, LLC
Agent:	Clint Cheek
Request:	Condition Use Permit to allow Automobile repair and maintenance services (minor).
Location:	0.1607 Acres of land at 633 Oak Street.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	May 3, 2022
City Council Hearings:	1 st : May 26, 2022 2 nd : June 9, 2022









Permitted Uses in CB Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

Subject Property



Neighboring Property (South)



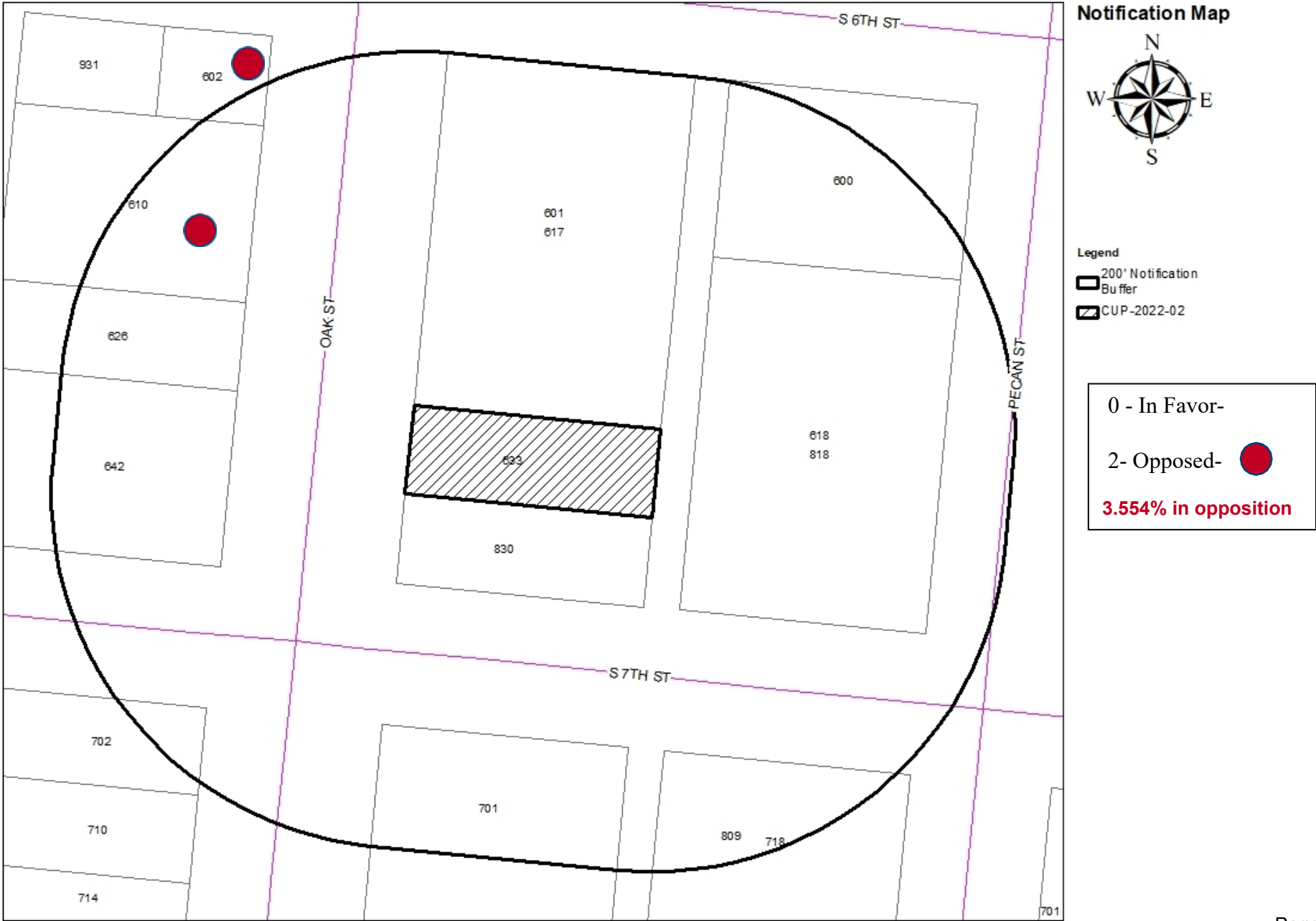
Neighboring Property (Southwest)



Neighboring Property (North)



CUP-2022-02 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)
- P&Z Recommends: Approval with the condition that no outdoor storage of parts or non-functioning vehicles be permitted for no more than ten (10) days, and all outdoor storage be shielded with opaque fencing.
- Staff Recommendation: Staff recommends approval with the P&Z condition.

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 5/26/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **12. Ordinance (First Reading) CUP-2022-05: Receive a Report, Hold a Discussion and Take Action on A Request From The Collective Owners Of Property Within The Subdivision Known As Original Town Of Abilene To Allow The Use Of Wholesaling & Storage-Indoor Within The Central Business (CB) District, 149 Oak Street, Abilene, Taylor County, Texas. (Tim Littlejohn)**

GENERAL INFORMATION

The request is to add a Conditional Use Permit (CUP) to approximately .16 acres of vacant property zoned Central Business (CB) to allow for inside storage of materials not related to retail sales..

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. CUP-2022-05 Council Ordinance
2. CUP-2022-05 Staff Report
3. CUP-2022-05 PZC 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 26th day of May, 2022.

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, 2022, the same being more than fifteen (15) days prior to a public hearing held at the South Branch Abilene Public Library, 4310 Buffalo Gap Rd, Abilene, Texas, at 8:30 a.m. on the 9th day of June, 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 9th day of June, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Conditional Use Permit (CUP) to allow Wholesaling and storage (indoor) on the following described property in a Central Business (CB) zoning district:

Lots 17-18 of block 4 within the Original Town of Abilene subdivision.



-END-

ZONING CASE CUP-2022-05

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: May 3, 2022

City Council 1st Reading: May 26, 2022

City Council 2nd Reading: June 9, 2022

Applicant

Owner: Robert "Lucas" Gibbs

Agent: Robert "Lucas" Gibbs

Request

Add a Conditional Use Permit (CUP) to approximately .16 acres of vacant property zoned Central Business (CB) to allow for inside storage of materials not related to retail sales.

Location

149 Oak St. (Lot 17-18, Block 4, OT Abilene Subdivision)

Background

This zone change request incorporates two lots of the Original Town of Abilene Subdivision; originally platted in 1881, This lot has been zoned as Central Business since adopting zoning in 1974.

According to information provided within the application, the owner intends to establish a residential design/building firm within the subject property and would like to use a new addition to the building as storage. Storage is allowed when used for retail sales inventory.

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the subject property's immediate area are illustrated on the map included in this report. As indicated on the map, adjacent zoning consists of Central District to the North, East, West, and South. Further East is a Light industrial district where wholesaling and storage-indoor is allowed by right. Current land use for adjacent properties are a dance studio to the North, a church to the South, and restaurants to the East.

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 Central Business/Local Center. The Comprehensive Plan encourages infill and redevelopment of existing 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

Yes, Central Business (CB) Districts are intended to accommodate a wide range of retail trade, services and activities that are needed to serve the community. The applicant intends to use the proposed business as a residential design firm and a furniture shop and requires the CUP to allow for storage of materials pertaining to residential design and furniture.

It is the opinion of staff that the inclusion of purpose and intent of the applicable zoning district regulations to permit within a CB district with the approval of a conditional use permit accomplishes this criteria for approval.

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 staff that the proposed use of this site will not create adverse impacts regarding noise or odors. This use proposed is expected to be of similar intensity or less than adjacent restaurants to the East.

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. Oak St. is a collector which is designed to carry heavier traffic. Traffic impacts will be mitigated as the infrastructure is already in place.

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.

Currently, no roadway adjustments, traffic control devices or mechanisms are required. However, the proposed use will incorporate access restrictions (driveway spacing standards) to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets. The subject properties currently have access to existing utilities and public amenities adequate for the proposed uses. This request presents no apparent conflicts with existing or proposed plans for community facilities and related infrastructure.

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

A Land-use buffer is not required for this site. All repairs are required to be indoors which will mitigate any adverse effects of the proposed use.

- 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 are necessary to render the use compatible with adjoint development and the neighborhood.

Staff Recommendation

Staff recommends approval.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on April 21, 2022 (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.

O+A1:E40wner	Property ID	Situs	Response
	1060912	214 PECAN ST	
	1060910	202 PECAN ST	
	1060911	208 PECAN ST	
BDST INVESTMENTS LLC	58259	141 OAK ST	
BDST INVESTMENTS LLC	58259	141 1/2 OAK ST	
BDST INVESTMENTS LLC	58259	822 S 2ND ST	
BLAY FAMILY LLC	58659	126 PECAN ST	
BLAY FAMILY LLC	57419	801 S 1ST ST	
CITY OF ABILENE	101038		
GIBBS LUCAS	58400	149 OAK ST	
MATERA GARDENS LLC	57538	101 OAK ST	
MATERA GARDENS LLC	57538	833 S 1ST ST	
NORTH FIRST COMM CHURCH OF ABILENE	70726	221 OAK ST	
SMITH TIMOTHY R & PAMELA K	70235	817 S 2ND ST	A
SODA DISTRICT WAREHOUSE LLC	58531	806 S 2ND ST	
SODA DISTRICT WAREHOUSE LLC	58531	806A S 2ND ST	
SODA DISTRICT WAREHOUSE LLC	58531	806B S 2ND ST	
SODA DISTRICT WAREHOUSE LLC	58531	806C S 2ND ST	
T&P ARBOR LLC	58127	137 OAK ST	A
T&P ARBOR LLC	58127	137 B OAK ST	
TAYLOR COUNTY	70112	300 OAK ST	
WHITENER FAMILY LIMITED PTSH 1	57132	901 S 1ST ST	
WHITENER FAMILY LIMITED PTSH 1	57132	901 1/2 S 1ST ST	
Owner	Property ID	Situs	Response
WHITENER FAMILY LIMITED PTSH 1	57132	901 S 1ST ST	
WHITENER FAMILY LIMITED PTSH 1	57132	901 1/2 S 1ST ST	
BLAY FAMILY LLC	57419	801 S 1ST ST	
MATERA GARDENS LLC	57538	101 OAK ST	
MATERA GARDENS LLC	57538	833 S 1ST ST	
T&P ARBOR LLC	58127	137 OAK ST	A
T&P ARBOR LLC	58127	137 B OAK ST	
BDST INVESTMENTS LLC	58259	141 OAK ST	
BDST INVESTMENTS LLC	58259	141 1/2 OAK ST	
BDST INVESTMENTS LLC	58259	822 S 2ND ST	
GIBBS LUCAS	58400	149 OAK ST	
SODA DISTRICT WAREHOUSE LLC	58531	806 S 2ND ST	
SODA DISTRICT WAREHOUSE LLC	58531	806A S 2ND ST	
SODA DISTRICT WAREHOUSE LLC	58531	806B S 2ND ST	
SODA DISTRICT WAREHOUSE LLC	58531	806C S 2ND ST	
BLAY FAMILY LLC	58659	126 PECAN ST	
TAYLOR COUNTY	70112	300 OAK ST	
SMITH TIMOTHY R & PAMELA K	70235	817 S 2ND ST	A
NORTH FIRST COMM CHURCH OF ABILENE	70726	221 OAK ST	
CITY OF ABILENE	101038		
	1060910	202 PECAN ST	
	1060911	208 PECAN ST	
	1060912	214 PECAN ST	

Case # CUP-2022-05
May 3rd, 2022

ZONING MAP



LOCATION MAP



Case:	CUP-2022-05
Owner:	Robert “Lucas” Gibbs
Agent:	Robert “Lucas” Gibbs
Request:	Condition Use Permit to allow for storage space for the items needed for a residential design/build firm not related to retail sales.
Location:	0.1607 Acres of land at 149 Oak Street.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	May 3, 2022
City Council Hearings:	1 st : May 26, 2022 2 nd : June 9, 2022



Location Map



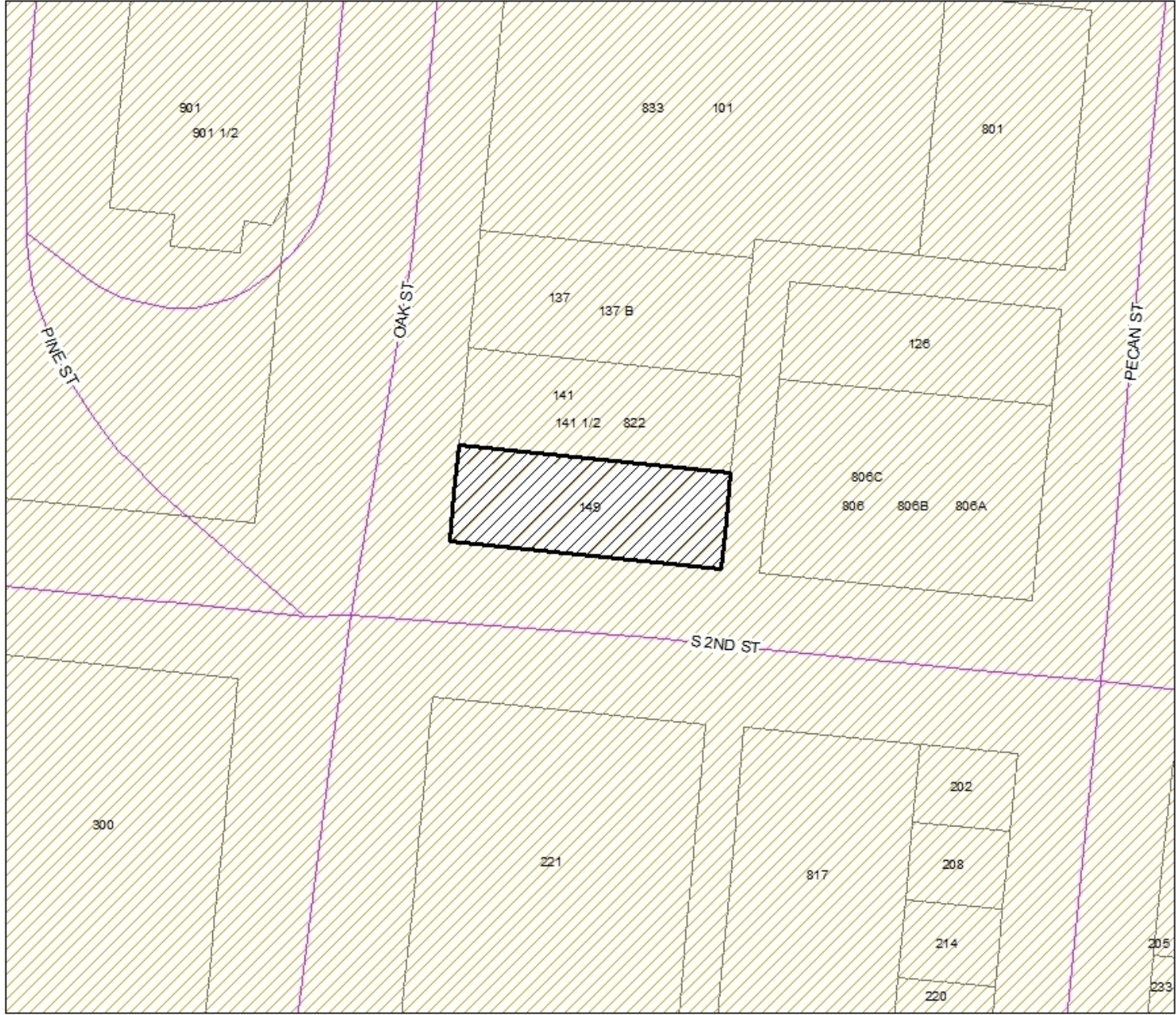
Legend

- CUP-2022-05
- CourierParcels

CUP-2022-05 LOCATION MAP







Permitted Uses in CB Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

Subject Property



Subject Property Looking East



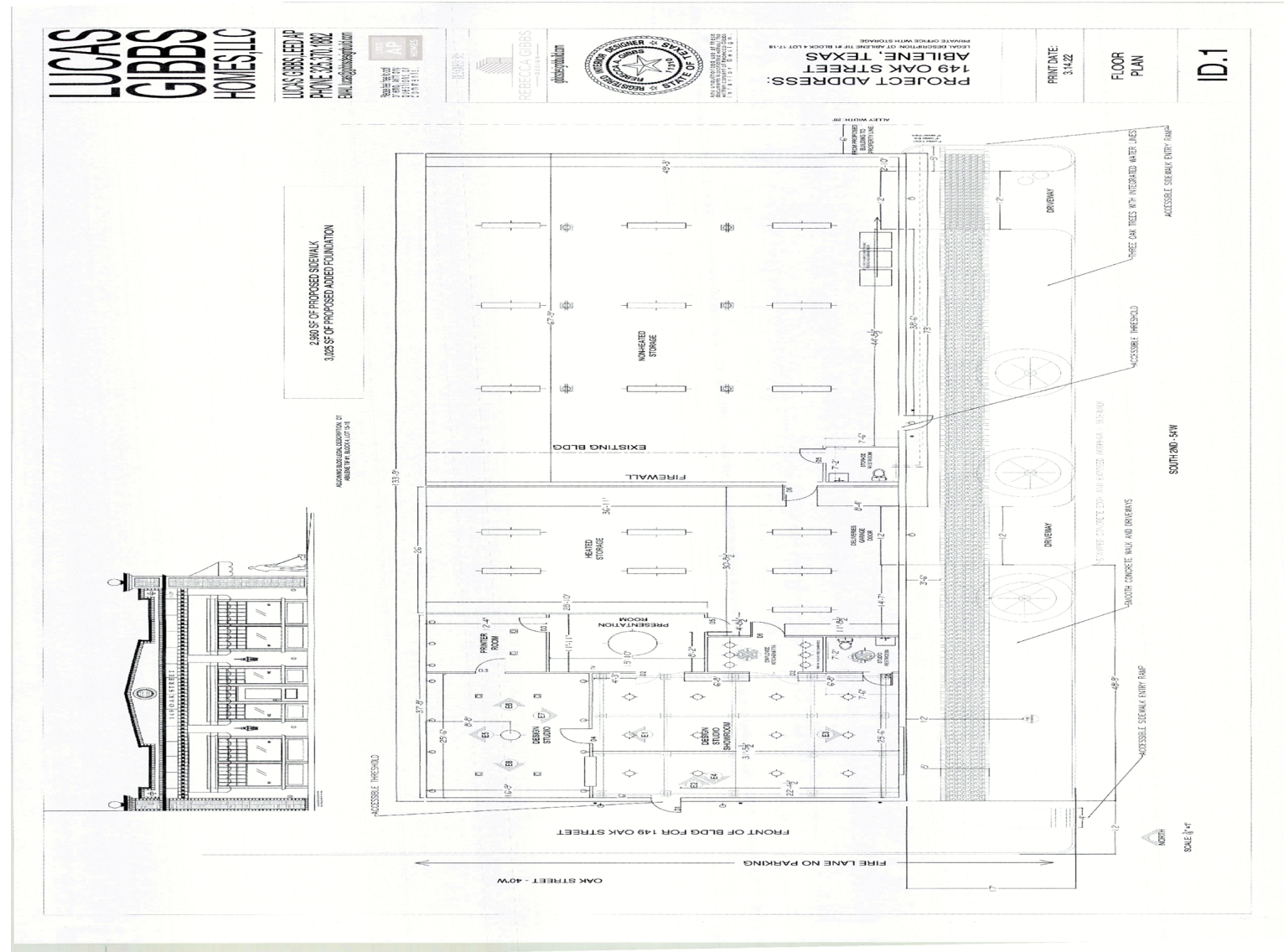
Neighboring Property (East)



Neighboring Property (North)



- Site Plan



CUP-2022-05 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)
- P&Z Recommends: Approval
- Staff Recommendation: Staff recommends approval.

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 5/26/2022

TO: Robert Hanna, City Manager

FROM: Max Johnson, Assistant Director of Public Works

SUBJECT: 13. Resolution – Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Application/Permit to Drill and/or Operate an Oil and/or Gas well – Ledger Operating Corporation: “City of Abilene #8A”, Permit No. 875681, located at 4242 East Lake Road (Max Johnson)

GENERAL INFORMATION

Chapter 21, Oil and Gas, of the City of Abilene Code of Ordinances requires a permit for drilling and operating oil/gas wells within the city limits. As part of the review process, the City Council is to conduct a public hearing and then approve or deny the permit.

Ledger Operating Corporation of Abilene, Texas has submitted an application to drill the “City of Abilene #8A” well on property owned by the City of Abilene, located at 4242 E. Lake Road. This is the City of Abilene’s Northeast Water Treatment Plant and Buck Creek Lift Station property, as shown on the attached map. Because of this well’s close proximity to a City of Abilene effluent water main, the Buck Creek Lift Station, and to Buck Creek, extra time was taken to evaluate the well location, determine the exact location of the effluent water main, and work out access to the well site with the applicant regarding that main. At one point the applicant considered moving the well location, but the effluent main was potholed by the Water Utilities Department and the exact location of the effluent main was found to be farther away from the well location than initially thought, thus making the location more workable.

The City of Abilene has a 1/8 royalty interest in the oil and gas lease that covers this property, as executed by the City in April, 1948.

This application has been reviewed and approved by City Staff. All owners of real property within 500 feet of the proposed drill site have been notified of this application and of the City Council meeting to consider its approval, as required by City ordinance.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Because all prerequisites and requirements of Chapter 21, Oil and Gas, have been met, including no anticipated adverse effect on the health, safety and welfare of the public, staff recommends that the City Council vote to approve the application for this drilling permit and authorize the City Manager to execute permit no. 875681 for Ledger Operating Corporation.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution (2)
2. SignedPermit
3. Presentation2020

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE THE OIL & GAS DRILLING PERMIT
WITH LEDGER OPERATING CORPORATION**

WHEREAS, Chapter 21, Oil & Gas, of the City of Abilene Code of Ordinances requires a permit for drilling and operating oil/gas wells within the city limits; and

WHEREAS, Ledger Operating Corporation has submitted an application to drill the “City of Abilene, 8A” well; and

WHEREAS, this application has been reviewed and approved by City Staff and all owners of real property within 500 feet of the proposed drill site have been notified of this application.

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

PART 1: That the City Manager is hereby authorized to execute the Oil & Gas Permit with Ledger Operating Corporation for “City of Abilene, 8A”, Permit No. 875681.

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

ADOPTED this 26th day of May, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



APPLICATION/PERMIT TO DRILL AND/OR OPERATE
AN OIL AND/OR GAS WELL

Bond/Letter of Credit # _____ RRC Permit # 875681

1. Date January 12, 2022 Lease Name & Well No. :
City of Abilene, 8A

2. Applicant/Permit Holder Ledger Operating Corporation

Address 558 Ambler Avenue, Abilene, Texas 79601

Phone 325.665.7818

3. Local 24 hour phone contact, in case of emergency:

Name paul anthony thomas

Phone 325.665.7818

4. Legal description of drill site including copy of survey by licensed surveyor: Survey plat should show the locations of any buildings, type of construction and use, including residences, within 200 feet of proposed drill site, and flood zone elevation lines (lines of 100 year floodplain and floodway) in relation to the proposed drill site. The survey plat should also include a statement that the drill site is located within the city limits of the city of Abilene. The city limits line should be indicated on the survey plat if within the survey boundary, or a statement should be included indicating the distance to the closest point of the city limits line.

5. Applicant IS/ X IS NOT requesting a variance, per sections 21-26 and 21-27 of Chapter 21 of the City of Abilene Code of Ordinances, Oil and Gas, to drill within 200 feet of any existing building or buildings.

The proposed well location IS/ X IS NOT within 200 feet of any residence or residences. If the proposed well location IS within 200 feet of any residence or residences, applicant should attach a list of the names of the owners of each residence corresponding to each address lying within a 200 foot radius of the proposed well location, indicating their approval/disapproval of the proposed well location.

The notarized written consent of the owner of each residence within a 200 foot radius of the proposed well location should be attached to this application.

Applicant should also attach copies of documentation of any granted exceptions to the Railroad Commission's statewide spacing rules that apply to the proposed well.

6. Proposed date to commence drilling April 1, 2022

The height of the rig used to drill/re-enter this well will be approximately 45 feet.

7. Proposed depth of well 1900

This well is planned/anticipated to be primarily an OIL X or GAS well.

8. Attached as **EXHIBIT 1** the names of the (a) Surface owners
(b) Mineral owners
(c) Royalty owners

9. Attached as **EXHIBIT 2** approved Railroad Commission Form W-1 including required plat of lease, and Groundwater Protection Determination letter from the Groundwater Advisory Unit of the Texas Railroad Commission.

10. Attached as **EXHIBIT 3** a Certificate of Insurance evidencing the applicant as insured under the following:

<u>Type</u>	<u>Amount</u>
(1) Workers Compensation (where Required by State law) Employer's Liability	Statutory \$100,000
(2) Comprehensive General Public Liability to include (but not Limited to):	\$1 million – per Occurrence for Property Damage OR Combined single limit million – Per Occurrence
a) Premises/Operations	
b) Independent Contractors	
c) Personal Injury Liability	
d) Products/Completed Operations	
e) Contractual Liability	
f) Coverage for Explosion, Collapse, and Underground Property Damage (to include seepage, pollution and contamination coverage)	

Said Insurance Policy must insure all activities contemplated under this permit application and must be in effect at all times during production operations. The City must be notified 30 days prior to cancellation of insurance coverage and City shall be named as additional insured.

11. Indemnity

A. Definitions

For the purpose of this section the following definitions apply:

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

“Applicant/Permit Holder’s employees” shall mean any employees, officers, agents, subcontractors, licensee and invitees of Applicant/Permit Holder.

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

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

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

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

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

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

The Applicant/Permit Holder is an independent Applicant/Permit Holder and is not, with respect to its acts or omissions, an agent or employee of the City.

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

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

BOTH CITY AND APPLICANT/PERMIT HOLDER EXPRESSLY INTEND THIS CONTRACT'S INDEMNITY PROVISION TO REQUIRE APPLICANT/PERMIT HOLDER 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.

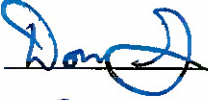
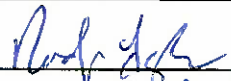
12. Attached as **EXHIBIT 4** - \$10,000 performance bond or an Irrevocable Letter of Credit from a Federally insured bank to meet the performance payment, penalty, abandonment and other provisions as required by City Council and by the Oil/Gas Ordinance, Chapter 21 of the City Code of Ordinances (This amount may be raised in appropriate circumstances).
13. Attached as **EXHIBIT 5**, Applicant's/Operator's Emergency Response Plan, detailing emergency contact names and phone numbers, and procedures to be followed in the event of a pressure kick, blowout or other drillsite emergency.
14. Special requirements for this permit, if any, as set by City Council (drill site lighting, pits/tanks, hours of operation, fencing, buried lines, approved truck routes, noise buffers, pump type, etc.). Attachment EXHIBIT "A".
15. The City of Abilene has required standards for drilling and production as provided by Chapter 21, Oil and Gas, of the City Code of Ordinances. Applicant/Permit Holder shall observe and obey all federal, state, and local laws and regulations. Violation of these or any requirements imposed by ordinance or the City Council will result in the termination of the permit.
16. By signing this application/permit, Applicant/Permit Holder certifies that he has read and agrees to comply with Chapter 21, Oil and Gas, of the City Code of Ordinances.
17. THIS PERMIT EXPIRES SIX (6) MONTHS FROM THE DATE OF CITY COUNCIL APPROVAL. Actual drilling must commence within six (6) months from that date. Cessation of drilling or production for thirty (30) days shall cancel this permit.
18. If the City owns any mineral interest in the location of the proposed well, this permit is subject to compliance with an oil and gas lease obtained from the City.

19. The City Land Agent's office shall be notified prior to commencement of drilling operations.
20. If operation of the well is transferred, the City shall be notified in writing thirty (30) days prior to the transfer of the lease.
21. Applicant/Permit Holder shall make full payment for any and all damages or losses to City's Surface Lessee if the property is City owned, which shall include but not be limited to damages to and/or loss of crops, livestock, or improvements or a part thereof which loss may be the result of the Applicant's/Permit Holder's negligence or use of land.
22. This Application, upon approval, shall become the Drilling Permit.

THIS PERMIT IS NOT TRANSFERRABLE OR ASSIGNABLE

Signature:

Date:

<u></u>	Review & Approval of Airport Director	<u>2/21/22</u>
<u></u>	Review & Approval of City Engineer	<u>2/18/22</u>
<u></u>	Review & Approval of Water Director	<u>2/14/2022</u>
<u></u>	Review & Approval of Stormwater Administrator	<u>02/22/2022</u>
<u></u>	Review & Approval of City Attorney	<u>02/23/2022</u>
<u></u>	Review & Approval of Land Agent	<u>4/27/22</u>

This permit issued this _____ day of _____, 20__.

CITY OF ABILENE

ATTEST:

City Manager

City Secretary

City Seal:

Ledger Operating Corporation



Applicant/Permit Holder

By: Paul A. Thomas

President/Secretary

Title

ATTEST: (If Corporation)


Secretary

Corporate Seal

No Seal

EXHIBIT A

SPECIAL REQUIREMENTS

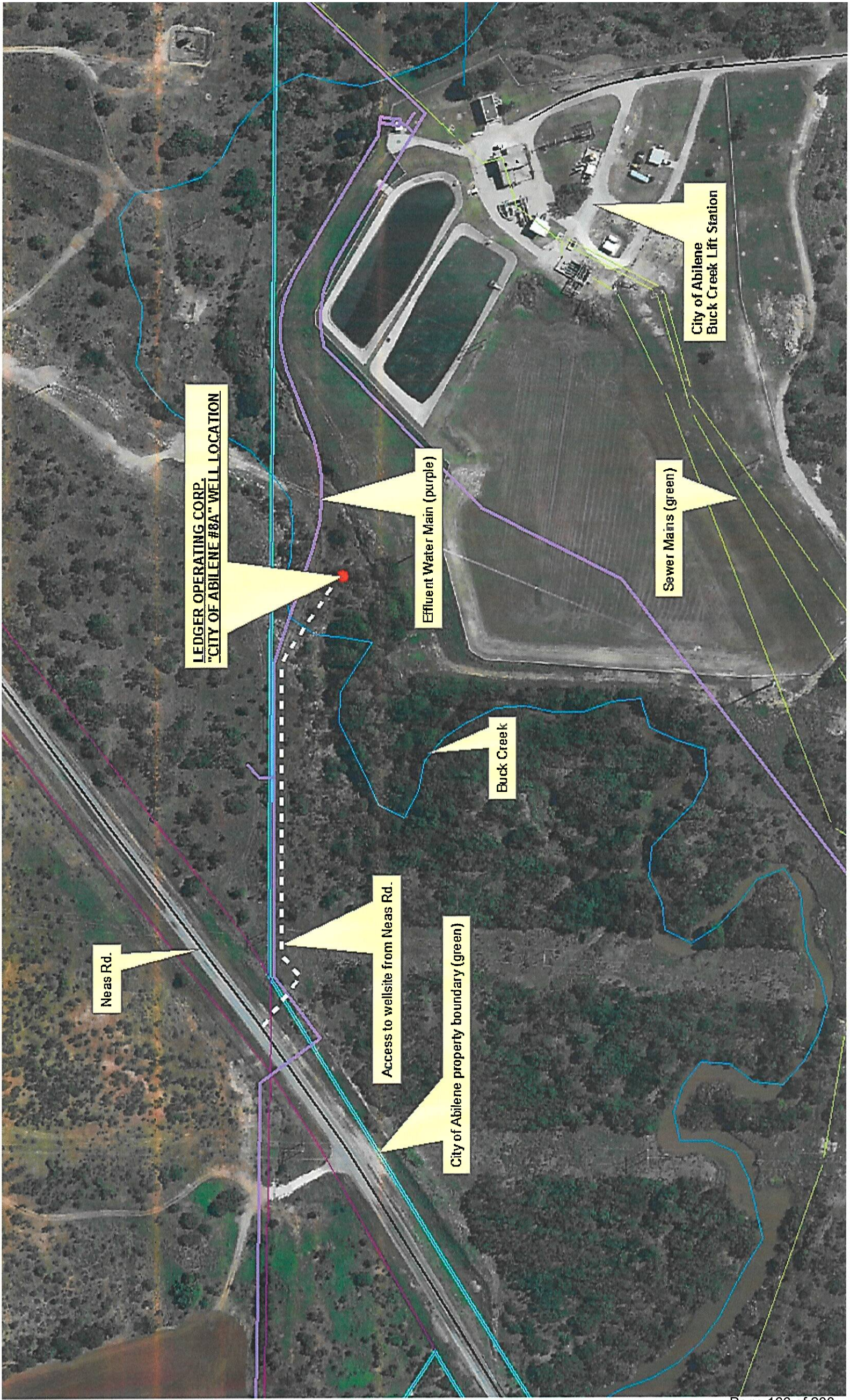
LEDGER OPERATING CORPORATION

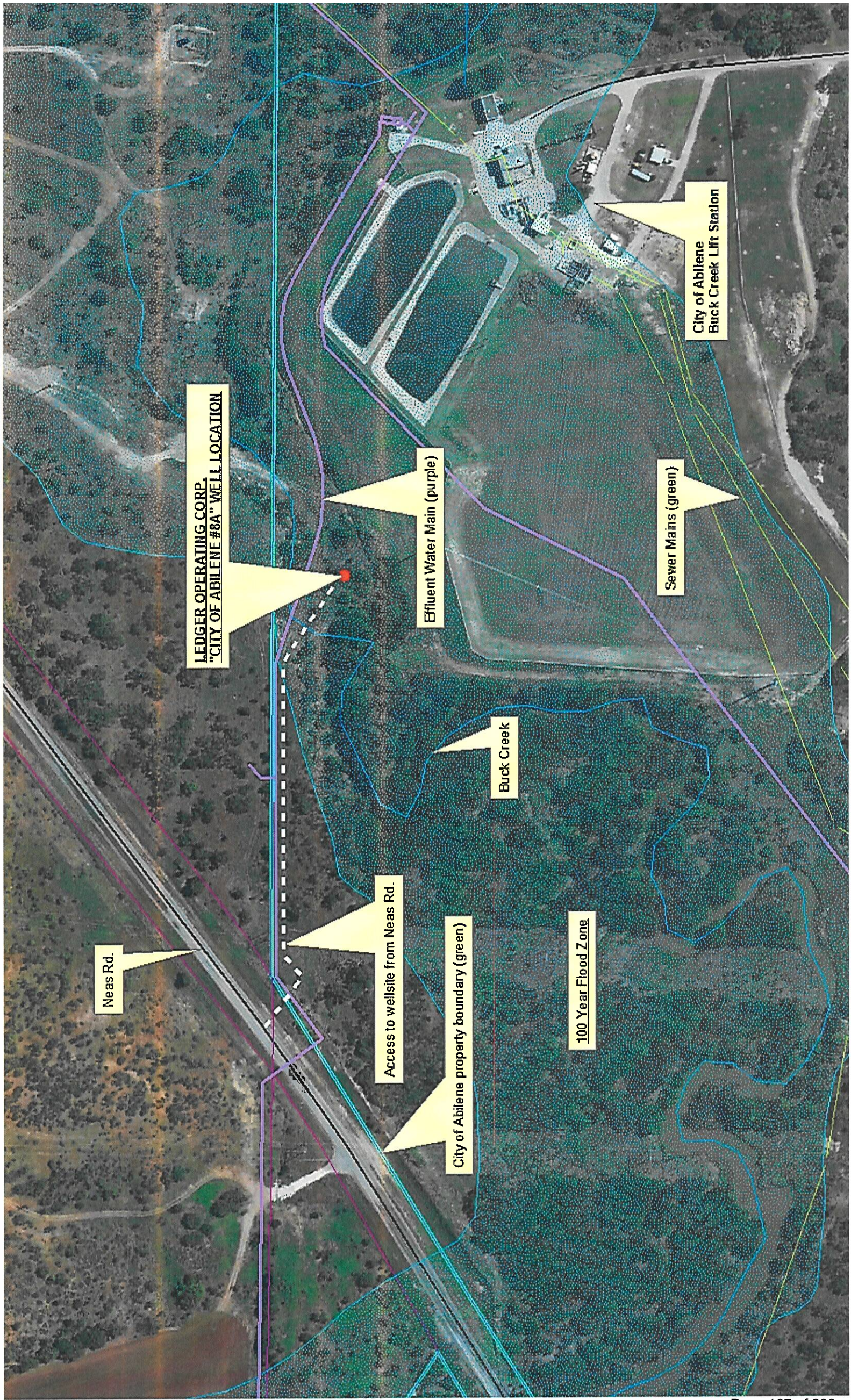
CITY OF ABILENE #8A:

1. BECAUSE THE LOCATION OF THE CITY OF ABILENE #8A WELL IS WITHIN THE 100 YEAR FLOODPLAIN, ALL PERMANENT STRUCTURES AT THE WELL LOCATION, INCLUDING BUT NOT LIMITED TO PUMPING UNITS, PUMPJACKS, TANK BATTERIES, SEPARATION/TREATMENT EQUIPMENT, ETC. MUST BE CONSTRUCTED A MINIMUM OF ONE FOOT (1') ABOVE THE BASE FLOOD ELEVATION (1642) NAVD 88), **OR AT/ABOVE 1643 NAVD 88.**

AN ELEVATION CERTIFICATE PREPARED BY A LICENSED SURVEYOR MUST BE PROVIDED TO THE CITY OF ABILENE SHOWING THAT ALL PERMANENT STRUCTURES INSTALLED/CONSTRUCTED AT THE WELL LOCATION MEET THIS REQUIREMENT.

2. **THE CITY OF ABILENE LAND AGENT'S OFFICE (325-676-6491) MUST BE NOTIFIED AT LEAST TWO BUSINESS DAYS PRIOR TO THE COMMENCEMENT OF DRILLING OPERATIONS.**





Neas Rd.

LEDGER OPERATING CORP.
"CITY OF ABILENE #8A" WELL LOCATION

Access to wellsite from Neas Rd.

City of Abilene property boundary (green)

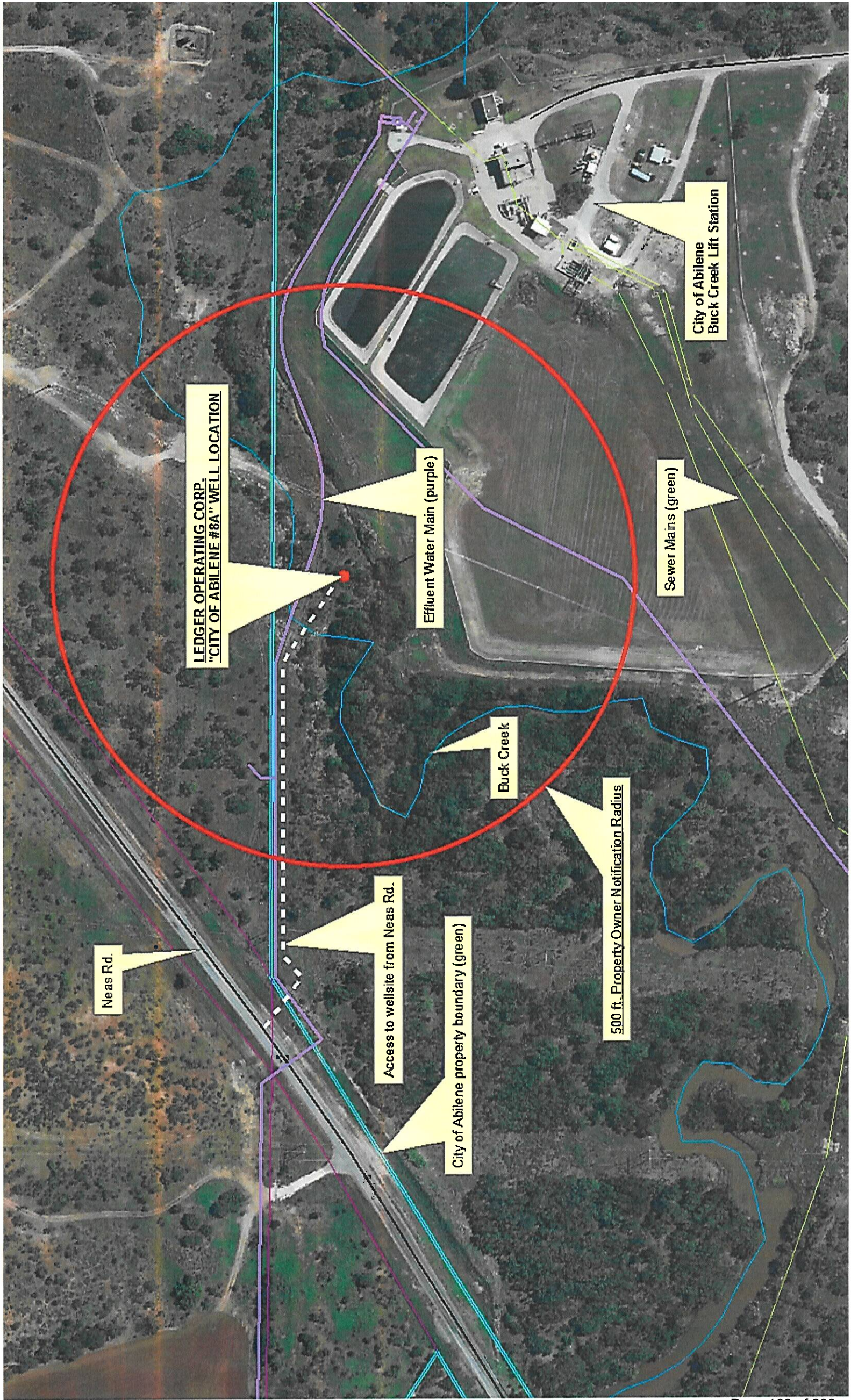
Buck Creek

100 Year Flood Zone

Effluent Water Main (purple)

Sewer Mains (green)

City of Abilene
Buck Creek Lift Station



PLAT SHOWING THE LOCATION OF THE
CITY OF ABILENE #8A LOCATION IN
THE E. ANDERSON SURVEY # 81, A-1381,
TAYLOR COUNTY, TEXAS

T. D. JOHNSON SURVEY # 80
A-1267

HANTMAN TRUST
2021-02913

Ledger Operating Corp
CDA 70 Ac Lease

SPECIAL FLOOD HAZARD AREA

Ledger Operating
Corporation
CITY OF
ABILENE #8A
NAD 27
LAT: 32.51521
LON: -99.69773 N:
315787.0 SFT E:
1322597.6 SFT
ELEV: 1642"

192'

1149'

1786'

81

81

81

SPECIAL FLOOD HAZARD AREA

#81 T. & P. RR. CD.
A-388

E. ANDERSON SURVEY # 81
A-1381

City of Abilene From
Port of Abilene
315/18

oil pipeline co well

LOCATION IS APPROX 5.2 MILES N 23°20'24" E FROM COUNTY COURTHOUSE
NOTE: BEARINGS AND DISTANCES ARE
FROM NAD 27 TNC 4202 FROM OPUS SOLUTION

SHEPARD
SURVEYING

0' 500' 1000' 1500'

NAD 27

MAXEY SHEPARD REGISTERED STATE OF TEXAS 3697		SHEPARD SURVEYING CO. INC. 1013 ENERGY DRIVE, ABILENE TX 79602 TEL: 325-695-4277 FAX: 325-695-3295 TWP: 25N R10E S10E SCALE: 1"=500'	
SURVEY DIST: 1000' X GIVEN DIST STATE PLANE COORDINATES TNC ZONE 4202		GEOD MODEL: CONUS99 PAGE 1 OF 1 SHEPARD SURVEYING CO. INC. ALL RIGHTS RESERVED DATE: 09/02/2021 REVISION DATE: 11/22/21 WORK ORDER # 21-261	
GCS FILE NAME COA FIRE TRAIN CNTR COA FIRE TRAIN CNTR.DWG		COORDINATE FILE NAME COA FIRE TRAIN CNTR.DWG	
DRAWING FILE NAME CITY OF ABILENE WELL 1A.DWG		CITY OF ABILENE WELL 1A.DWG	

APPROX LOCUS CITY OF ABILENE

CP Energy, LLC
Division Of Interest - Division Order Listing
Effective Date: 12/2021
Properties from CITY0004 thru CITY0005

**EXHIBIT 1
ROYALTY, MINERAL AND
SURFACE OWNERSHIP**

CITY0004 CITY OF ABILENE 'A'

Owner#	Owner's Name	Fed ID Num	Type	Susp	Ext Sus	Revenue(NRI)	Billing(WI)
5012	KAREN ANNETTE JONES	456-60-9076	R	PAY		0.00461100	
	Check Payable to: KAREN ANNETTE JONES			Phone #: (254)246-1101			
	2517 LITTLE RD # 414						
	ARLINGTON, TX 76016						
AGAN0001	JANE AGAN	457-76-4476	R	PAY		0.00057600	
	Check Payable to: JANE AGAN						
	C/O PATRICIA BAILEY POA						
	6800 BILTMORE PL						
	PLANO, TX 75023						
AGUL0001	MARLA SMITH AGUILAR	467-86-5434	R	PAY		0.00002880	
	Check Payable to: MARLA SMITH AGUILAR						
	17253 SALT RIVER VALLEY CIRCLE						
	HUMBLE, TX 77346						
ALLE0009	DOREENE ALLEN	459-38-2085	R	L09		0.00028825	
	Check Payable to: DOREENE ALLEN						
	1701 HILLVIEW						
	ABILENE, TX 79601						
ANDR0003	M ANDREWS	- -	R	L07		0.00153700	
	Check Payable to: M ANDREWS						
BESS0001	BESSIE H AND MIRIAM P PEARCE	- -	R	L07		0.00115300	
	Check Payable to: BESSIE H AND MIRIAM P PEARCE						
BLAC0011	THELMA PRATT BLACK (DECEASED)	452-76-3380	R	L11		0.00028800	
	Check Payable to: THELMA PRATT BLACK (DECEASED)						
	PO BOX 3778						
	HUMBLE, TX 77347-3778						
BOBB0002	BOBBIE M & JAMES I SANDERS	702-10-4130	R	L07		0.00001920	
	Check Payable to: BOBBIE M & JAMES I SANDERS						
	3507 BURLINGDELL AVE						
	DALLAS, TX 75211-5011						
BOND0001	BOND,DAN C	464-64-2240	R	PAY		0.00028800	
	Check Payable to: BOND,DAN C						
	509 EUGENE COURT SE						
	ALBUQUERQUE, NM 87123						
BRAD0012	BETTY H BRADFIELD (DECEASED)	524-32-5538	R	L11		0.00069145	
	Check Payable to: BETTY H BRADFIELD (DECEASED)						
	1920 BLUEBELL AVE						
	BOULDER, CO 80302-8024						
BROW0014	MARGARET WALDROP BROWN	452-10-3573	R	L07		0.00013840	
	Check Payable to: MARGARET WALDROP BROWN						
	9634 WEBBS CHAPEL						
	DALLAS, TX 75220-4940						

This information is provided as an accommodation only and no warranty or guarantee is made as to its accuracy.
Any use or reliance upon this information is done at the user's own risk.

CP Energy, LLC
Division Of Interest - Division Order Listing
Properties from CITY0004 thru CITY0005

CITY0004 CITY OF ABILENE 'A' (continued)

Owner#	Owner's Name	Fed ID Num	Type	Susp	Ext Sus	Revenue(NRI)	Billing(WI)
BUIC0001	NANCY ROBERTS BUICE Check Payable to: NANCY ROBERTS BUICE PO BOX 100339 FT WORTH, TX 76185-0339	448-36-3249	R	L09		0.00019240	
CAND0001	C AND LUCILLE MALCOM - UNKNOWN A Check Payable to: C AND LUCILLE MALCOM - UNKNOWN ADDRE	- -	R	L07		0.00038400	
CASE0001	CASEY,JUDY FLORA Check Payable to: CASEY,JUDY FLORA 4302 S 6TH ST ABILENE, TX 79604	457-68-8810	R	L09		0.00057625	
CITY0001	CITY OF ABILENE Check Payable to: CITY OF ABILENE ATTN ACCT DEPT PO BOX 60 ABILENE, TX 79604-0060	75-6000440	R	PAY		0.09445300	
COMP0001	COMPERE (DECEASED),EDWARD N Check Payable to: COMPERE (DECEASED),EDWARD N PO BOX 1593 SAN ANTONIO, TX 78296-1593	454-34-6296	R	L11		0.00057650	
COMP0003	COMPERE,JOHN L Check Payable to: COMPERE,JOHN L 12725 HOVEN LANE BOWIE, MD 20716-1145	455-28-9851	R	L09		0.00057650	
COMP0004	COMPERE,ROBERT E Check Payable to: COMPERE,ROBERT E 6337 THORNBRANCH DR PLANO, TX 75093	- -	R	L09		0.00007683	
COMP0005	CATHERINE A COMPERE Check Payable to: CATHERINE A COMPERE 34 EAST MISSION ST SANTA BARBARA, CA 93101	548-72-2390	R	PAY		0.00007684	
COMP0006	COMPERE,WILLIAM E Check Payable to: COMPERE,WILLIAM E 8700 JAMES DRIVE LANTANA, TN 76226	548-72-2391	R	PAY		0.00007683	
CULV0001	CULVER - BAD ADDRESS,BETTY PIERS Check Payable to: CULVER - BAD ADDRESS,BETTY PIERSON PO BOX 5074 ABILENE, TX 79608-5074	458-38-3152	R	L07		0.00003460	
CWAN0001	CW AND DORIS W PRESSWOOD EST Check Payable to: CW AND DORIS W PRESSWOOD EST LEE ARTHUR PRESWOOD IND EXEC 3005 EL PASO SNYDER, TX 79549	465-34-9712	R	L09		0.00014400	

This information is provided as an accommodation only and no warranty or guarantee is made as to its accuracy.
Any use or reliance upon this information is done at the user's own risk.

CP Energy, LLC
Division Of Interest - Division Order Listing
Properties from CITY0004 thru CITY0005

CITY0004 CITY OF ABILENE 'A' (continued)

Owner#	Owner's Name	Fed ID Num	Type	Susp	Ext Sus	Revenue(NRI)	Billing(WI)
DORO0002	DOROTHY M WESTBROOK EST - BAD A Check Payable to: DOROTHY M WESTBROOK EST - BAD ADDRE 2101 TREASURE HILLS BLVD APT 227 HARLINGEN, TX 78550-8712	450-44-1907	R	L07		0.00002880	
DORT0001	DORTCH III,BENJAMIN MARION Check Payable to: DORTCH III,BENJAMIN MARION 7112 DOUGLAS LANE N RICHLAND HILLS, TX 76180	454-06-2848	R	L09		0.00005750	
DORT0003	DORTCH,CHARLES PHILLIP Check Payable to: DORTCH,CHARLES PHILLIP 2302 SOUTH 35TH STREET ABILENE, TX 79605	- -	R	L09		0.00002875	
DORT0005	DORTCH,KENNETH RUSSELL E-mail: KENNETH.DORTCH@ATT.NET Check Payable to: DORTCH,KENNETH RUSSELL 474 SAN GABRIEL WAY SUNNYVALE, TX 75182	467-35-1979	R	PAY		0.00002875	Phone #: (214)557-5445
ELAN0001	E L AND DOROTHY W (DECEASED) TER Check Payable to: E L AND DOROTHY W (DECEASED) TERBUS 3550 HUNTERS GLEN RD - BAD ADDRESS ABILENE, TX 79605-4922	- -	R	L11		0.00007400	
ELEA0001	ELEANOR H HAMPTON TRUST (DECEAS Check Payable to: ELEANOR H HAMPTON TRUST (DECEASED) 1806 COUNTRY CLUB DRIVE SWEETWATER, TX 79556	-	R	L09		0.00115200	
ESSI0002	ESSIE REINHART, CHARLES LEWIS & ST Check Payable to: ESSIE REINHART, CHARLES LEWIS & STERLI LEWIS 4302 S 6TH ST ABILENE, TX 79605-2756	450-88-2625	R	L09		0.00172875	
FAOD0001	FAO D R Cooper,Taylor County District Check Payable to: FAO D R Cooper,Taylor County District Clerk ATTN: GARY EARNEST PO BOX 1800 Abilene, TX 79604	-	R	L11		0.00230500	Phone #: (325)674-1316
FASKENMIN	STEVEN & PAULA FASKEN MINERAL E-mail: SPFASEN@AOL.COM Check Payable to: STEVEN & PAULA FASKEN MINERAL PROPERTIES, LLC P O BOX 32687 SANTA FE, NM 87594	449-78-2971	R	PAY		0.00008645	Phone #: (505)989-7060
FLOR0004	FLORENCE A AND JH HILL AND J AND Check Payable to: FLORENCE A AND JH HILL AND J AND WARRAINE HILL - UNKNOWN ADDRESS	- -	R	L07		0.00028800	
FOXO0001	FOX OPERATING CO E-mail: JAMGOINES@GMAIL.COM Check Payable to: FOX OPERATING CO 18333 PRESTON RD STE 188 DALLAS, TX 75252	75-2127593	R	PAY		0.00008645	

This information is provided as an accommodation only and no warranty or guarantee is made as to its accuracy.
Any use or reliance upon this information is done at the user's own risk.

CP Energy, LLC
Division Of Interest - Division Order Listing
Properties from CITY0004 thru CITY0005

CITY0004 CITY OF ABILENE 'A' (continued)

Owner#	Owner's Name	Fed ID Num	Type	Susp	Ext Sus	Revenue(NRI)	Billing(WI)
FOXO0001	FOX OPERATING CO E-mail: JAMGOINES@GMAIL.COM Check Payable to: FOX OPERATING CO 18333 PRESTON RD STE 188 DALLAS, TX 75252	75-2127593	W	PAY		0.86299200	0.00000000
G PIERSON	GREY PIERSON Check Payable to: GREY PIERSON 301 WEST ABRAM STREET ARLINGTON, TX 76010-7124	- -	R	L09		0.00003460	
GEOC0001	GEOCHEMICAL SURVEY - UNKNOWN AD Check Payable to: GEOCHEMICAL SURVEY - UNKNOWN ADDRE	-	R	L07		0.00115300	
GLEN0005	GLEN H MCLAUGHLIN REV TR Check Payable to: GLEN H MCLAUGHLIN REV TR GLEN H MCLAUGHLIN TTRR 4114 SHOAL CREEK AUSTIN, TX 78756-3517	456-60-6925	R	L09		0.00014400	
GREE0006	GREEN JR,GERAULT C Check Payable to: GREEN JR,GERAULT C 4333 E 68TH PL TULSA, OK 74136	440-40-2588	R	PAY		0.00014400	
HAMM0001	HAMM - UNKNOWN ADDRESS,MARGAR Check Payable to: HAMM - UNKNOWN ADDRESS,MARGARET	- -	R	L07		0.00057600	
HOLL0009	HOLLAND HEIRS Check Payable to: HOLLAND HEIRS C/O MARCUS HOPKINS & RENNET 772 CASS HOLLAND ROAD MINERAL WELLS, TX 76067-9624	456-64-5837	R	PAY		0.00057700	
HUDS0003	MRS CLIFFORD HUDSPETH Check Payable to: MRS CLIFFORD HUDSPETH F	- -	R	L07		0.00057700	
IDAM0002	IDA MAY HUMPHREYS ESTATE Check Payable to: IDA MAY HUMPHREYS ESTATE PATRICK C HUMPHREYS JR EXECUTOR 10755 EQUESTRIAN DR SANTA ANA, CA 92705-2427	95-7092743	R	L09		0.00023050	
IREN0001	IRENE VLETAS ESTATE Check Payable to: IRENE VLETAS ESTATE C/O PETE VLETAS IND EXECUTOR 734 CEDAR ST ABILENE, TX 79601-5017	461-40-8869	R	L09		0.00057700	
ISBE0001	JAMES C ISBELL Check Payable to: JAMES C ISBELL 1009 SHADY LANE N KELLER, TX 76248-2730	257-68-6553	R	PAY		0.00041490	

This information is provided as an accommodation only and no warranty or guarantee is made as to its accuracy.
Any use or reliance upon this information is done at the user's own risk.

CP Energy, LLC
Division Of Interest - Division Order Listing
Properties from CITY0004 thru CITY0005

CITY0004 CITY OF ABILENE 'A' (continued)

Owner#	Owner's Name	Fed ID Num	Type	Susp	Ext Sus	Revenue(NRI)	Billing(WI)
JDMI0001	JDMI LLC Check Payable to: JDMI LLC PO BOX 271120 CORPUS CHRISTI, TX 78427-1120	20-0017330	R	PAY		0.00010638	
JONE0011	RICHARD W JONES Check Payable to: RICHARD W JONES 1513 MINTER LANE ABILENE, TX 79603-4219	467-70-9719	R	PAY		0.00461100	Phone #: (325)672-6818
JOYC0001	JOYCE ANN MOORE HILL TR Check Payable to: JOYCE ANN MOORE HILL TR HILL ANNE TUW WELLS FARGO BANK - SAO PO BOX 41779 AUSTIN, TX 78704	75-6583672	R	PAY		0.00024200	
KELL0125	JANICE LEE COMPERE KELLER E-mail: nanak49@gmail.com Check Payable to: JANICE LEE COMPERE KELLER P O BOX 2555 MCALLEN, TX 78502	450-82-6959	R	PAY		0.00019217	Phone #: (956)648-0822
KENN0004	WILLIAM DAVID KENNEDY Check Payable to: WILLIAM DAVID KENNEDY 18736 LLOYD CIRCLE DALLAS, TX 75252	464-56-6992	R	L04		0.00014400	
KOON0001	KOONSMAN - BAD ADDRESS,MARIE Check Payable to: KOONSMAN - BAD ADDRESS,MARIE 249 OXFORD ST ABILENE, TX 79605-1505	455-56-2363	R	L07		0.00005750	
LEON0001	JOHN LEONARD Check Payable to: JOHN LEONARD	- -	R	L07		0.00028800	
LISA0001	LISA SWANSON ECHOLS CHILDRENS T Check Payable to: LISA SWANSON ECHOLS CHILDRENS TR LISA S ECHOLS TRUSTEE PO BOX 1597 BRECKENRIDGE, TX 76424	20-7378665	R	PAY		0.00028800	
LOFL0001	LOFLAND JR,HOGAN Check Payable to: LOFLAND JR,HOGAN 4401 CAPROCK RD ABILENE, TX 79606-2815	458-60-8146	R	PAY		0.00011500	
MARL0003	MARLOW - BAD ADDRESS,CRAIG Check Payable to: MARLOW - BAD ADDRESS,CRAIG 8940 CARDIFF RD RICHMOND, VA 23236-1524	435-74-0116	R	L07		0.00000480	
MARL0004	MARLOW - BAD ADDRESS,GARY Check Payable to: MARLOW - BAD ADDRESS,GARY 6618 ARIEL ST HOUSTON, TX 77074-7104	462-13-1727	R	L07		0.00000480	

This information is provided as an accommodation only and no warranty or guarantee is made as to its accuracy.
Any use or reliance upon this information is done at the user's own risk.

CP Energy, LLC
Division Of Interest - Division Order Listing
Properties from CITY0004 thru CITY0005

CITY0004 CITY OF ABILENE 'A' (continued)

Owner#	Owner's Name	Fed ID Num	Type	Susp	Ext Sus	Revenue(NRI)	Billing(WI)
MARL0005	MARLOW,KEITH Check Payable to: MARLOW,KEITH 9211 KALEWOOD DR HOUSTON, TX 77099-1919	462-13-1705	R	L09		0.00000480	
MARL0006	MARLOW - BAD ADDRESS, RONALD E Check Payable to: MARLOW - BAD ADDRESS, RONALD E 4716 DUVAL RD #O-39 AUSTIN, TX 78727-6856	465-48-4630	R	L07		0.00001920	
MAXE0001	MAXEY,CARL L Check Payable to: MAXEY,CARL L BOX 847 MONUMENT, CO 80132-0847	443-09-3872	R	L09		0.00028800	
MAXE0002	MAXEY,KATRINE Check Payable to: MAXEY,KATRINE PO BOX 847 MONUMENT, CO 80132-0847	524-22-0943	R	L09		0.00028800	
MAYF0001	DIXIE L MAYFIELD HESTER AKA DIXIE L Check Payable to: DIXIE L MAYFIELD HESTER AKA DIXIE L HESTER AKA DIXIE L MAYFIELD 10016 LAKESHORE DRIVE TYLER, TX 75707	466-51-7767	R	PAY		0.00000431	
MCLA0001	MCLAUGHLIN,CHARLES PRIDDY Check Payable to: MCLAUGHLIN,CHARLES PRIDDY 10446 COLERIDGE ST DALLAS, TX 75218-2232	449-12-9443	R	L09		0.00014400	
MCLA0002	MCLAUGHLIN,HOWARD PAYNE Check Payable to: MCLAUGHLIN,HOWARD PAYNE 1537 GLENHAVEN DR ABILENE, TX 79603-4319	449-16-8363	R	L09		0.00014400	
MCLA0010	MCLAUGHLIN,JOHN WELDON E-mail: WELDON.MCLAUGHLIN@ATT.NET Check Payable to: MCLAUGHLIN,JOHN WELDON 705 BELMEADE LANE FLOWER MOUND, TX 75028-3477	460-88-7353	R	PAY	Phone #: (972)874-8833	0.00004800	
MCLA0014	TRAVIS BRYON MCLAUGHLIN E-mail: TRAVIS@TMFCDALLAS.COM Check Payable to: TRAVIS BRYON MCLAUGHLIN 9017 CREEKWOOD PASS SPRING BRANCH, TX 78070	461-92-0083	R	PAY	Phone #: (461)920-083	0.00004800	
MCLA0016	KELLYE RENEE MCLAUGHLIN E-mail: KMMLPC@ATT.NET Check Payable to: KELLYE RENEE MCLAUGHLIN 1464 GREENBROOK DR ROCKWALL, TX 75032	463-29-5801	R	L07	Phone #: (214)549-8963	0.00004800	
MCMU0002	MCMURRY UNIVERSITY Check Payable to: MCMURRY UNIVERSITY PO BOX 308 MCMURRY STATION ABILENE, TX 79697	75-0855633	R	PAY		0.00288200	

This information is provided as an accommodation only and no warranty or guarantee is made as to its accuracy.
Any use or reliance upon this information is done at the user's own risk.

CP Energy, LLC
Division Of Interest - Division Order Listing
Properties from CITY0004 thru CITY0005

CITY0004 CITY OF ABILENE 'A' (continued)

Owner#	Owner's Name	Fed ID Num	Type	Susp	Ext Sus	Revenue(NRI)	Billing(WI)
MCWH0001	MCWHORTER JR - BAD ADDRESS,JOHN	462-22-7409	R	L07		0.00002880	
	Check Payable to: MCWHORTER JR - BAD ADDRESS,JOHN C PO BOX 984 KERRVILLE, TX 78029-0984						
MCWH0002	MCWHORTER,JOHN WILLIAM	454-66-4659	R	L09		0.00002880	
	Check Payable to: MCWHORTER,JOHN WILLIAM PO BOX 1334 BEDFORD, TX 76095-1334						
MUSG0001	MUSGRAVE,BECKY	463-17-1363	R	L09		0.00014413	
	Check Payable to: MUSGRAVE,BECKY 302 E AMBLER ABILENE, TX 79601						
MUST0002	MUSTON - BAD ADDRESS,GENEVA Y	466-44-9699	R	L07		0.00057650	
	Check Payable to: MUSTON - BAD ADDRESS,GENEVA Y 1549 FANNIN ST ABILENE, TX 79603-3427						
MUST0003	MUSTON,WILLIAM E	462-80-8362	R	L09		0.00014412	
	Check Payable to: MUSTON,WILLIAM E 6308 MCCOMMAS DALLAS, TX 75214						
MYAS0001	MYA SWANSON EBELING CHILDRENS T	36-7478347	R	PAY		0.00028800	
	Check Payable to: MYA SWANSON EBELING CHILDRENS TR MYA S EBELING TRUSTEE 5203 EMIL AMARILLO, TX 79106						
MYER0029	MYERSCOUGH,SUSAN	450-82-6961	R	PAY		0.00019217	
	E-mail: SUSANMYERSCOUGH@COMCAST.NET Check Payable to: MYERSCOUGH,SUSAN 180 KINGSWOOD DRIVE FAYETTEVILLE, GA 30215				Phone #: (770)461-5175		
ODOM0001	ODOM,MONTIE BETH WARD	455-22-7075	R	L09		0.00014400	
	Check Payable to: ODOM,MONTIE BETH WARD 3312 CENTERVILLE ROAD WILMINGTON, DE 19807						
PERK0002	DALLAS GUINN PERKINS JR	465-82-3368	R	L09		0.00013830	
	Check Payable to: DALLAS GUINN PERKINS JR 324 FRANKLIN ST CAMBRIDGE, MD 02139						
PERK0003	LORA LEE PERKINS	451-96-5977	R	L04		0.00013830	
	Check Payable to: LORA LEE PERKINS 518 NEPTUNE DRIVE REDWOOD CITY, CA 94065						
PERK0004	OLIVER C PERKINS	465-82-3370	R	PAY		0.00013830	
	Check Payable to: OLIVER C PERKINS 10401 BRYSON DR TEMPLE, TX 76502				Phone #: (325)660-4838		

This information is provided as an accommodation only and no warranty or guarantee is made as to its accuracy.
Any use or reliance upon this information is done at the user's own risk.

CP Energy, LLC
Division Of Interest - Division Order Listing
Properties from CITY0004 thru CITY0005

CITY0004 CITY OF ABILENE 'A' (continued)

Owner#	Owner's Name	Fed ID Num	Type	Susp	Ext Sus	Revenue(NRI)	Billing(WI)
PETE0004	DAVID RILEY PETERS Check Payable to: DAVID RILEY PETERS BOX 3186 SAN ANGELO, TX 76902-3186	461-80-2353	R	PAY		0.00019200	
PETE0005	DONALD P PETERS Check Payable to: DONALD P PETERS TEXAS COMPTROLLER OF PUBLIC ACCT UNCLAIMED PROPERTY DIVISION PO BOX 12019 AUSTIN, TX 78711-2019	450-18-2000	R	L09		0.00019200	
PFIE0001	PATRICIA A P PFIESTER Check Payable to: PATRICIA A P PFIESTER 4203 FREDERICKSBURG RD KERRVILLE, TX 78028	461-80-2354	R	PAY		0.00019200	
POLL0001	POLLINGER,MARY C Check Payable to: POLLINGER,MARY C 65238 INFIRMARY RD MCARTHUR, OH 45651-8922	575-22-9823	R	L09		0.00115300	
PRAT0001	PRATT - UNKNOWN ADDRESS,IRA Check Payable to: PRATT - UNKNOWN ADDRESS,IRA	- -	R	L07		0.00028800	
REEC0001	REECE,MERRY B Check Payable to: REECE,MERRY B 822 E WATKINS TYLER, TX 75701-7115	463-86-4944	R	PAY		0.00028800	
REED0006	REED LIVING TRUST DTD 12-27-2001 E-mail: kschutz@gmail.com Check Payable to: REED LIVING TRUST DTD 12-27-2001 Phone #: (719)291-6103 PATRICIA REED SCHUTZ & KEVIN SCHUTZ TTEE P O BOX 1764 MONUMENT, CO 80132	460-42-2746	R	PAY		0.00057600	
ROBE0028	KAY C ROBERTS E-mail: paluxy@juno.com Check Payable to: KAY C ROBERTS 3821 WINSLOW DR FORT WORTH, TX 76109	460-51-6798	R	PAY		0.00019230	Phone #: (817)909-6744
ROBE0029	ROBERTS,T ERIC Check Payable to: ROBERTS,T ERIC 6101 DELHAM DR CHARLOTTE, NC 28215	182-38-9171	R	L09		0.00019230	
ROWL0002	ROWLEY - BAD ADDRESS,EVELYN Check Payable to: ROWLEY - BAD ADDRESS,EVELYN 5200 TOWN & COUNTRY BLVD FRISCO, TX 75034-6903	450-10-3916	R	L07		0.00028800	
SAND0006	SANDERS - BAD ADDRESS,AVON Check Payable to: SANDERS - BAD ADDRESS,AVON PO BOX 210948 DALLAS, TX 75211-0948	458-38-1095	R	L07		0.00002880	

This information is provided as an accommodation only and no warranty or guarantee is made as to its accuracy.
Any use or reliance upon this information is done at the user's own risk.

CP Energy, LLC
Division Of Interest - Division Order Listing
Properties from CITY0004 thru CITY0005

CITY0004 CITY OF ABILENE 'A' (continued)

Owner#	Owner's Name	Fed ID Num	Type	Susp	Ext Sus	Revenue(NRI)	Billing(WI)
SAND0007	SANDERS - BAD ADDRESS,BOBBIE MC Check Payable to: SANDERS - BAD ADDRESS,BOBBIE MCWHOR 3507 BURLINGDELL AVE DALLAS, TX 75211-5011	- -	R	L07		0.00005760	
SIMP0012	SIMPSON,PATRICIA ANN COMPERE E-mail: PSIMPSON1218@GMAIL.COM Check Payable to: SIMPSON,PATRICIA ANN COMPERE 416 P R 5936 YANTIS, TX 75497	450-82-6960	R	PAY		0.00019216	
SMIT0021	MARY KENNEDY SMITH Check Payable to: MARY KENNEDY SMITH 205 E SKYVIEW RD AUSTIN, TX 78752-4527	467-70-9943	R	PAY		0.00014400	
SO0002	SOUTHWEST PETROLEUM COMPANY L E-mail: VICKI@SOUTHWESTPETROLEUM.COM Check Payable to: SOUTHWEST PETROLEUM COMPANY LP PO BOX 702377 DALLAS, TX 75370-2377	27-1043663	R	PAY		0.00014400	
SO0002	SOUTHWEST PETROLEUM COMPANY L E-mail: VICKI@SOUTHWESTPETROLEUM.COM Check Payable to: SOUTHWEST PETROLEUM COMPANY LP PO BOX 702377 DALLAS, TX 75370-2377	27-1043663	R1	PAY		0.00057650	
SO0002	SOUTHWEST PETROLEUM COMPANY L E-mail: VICKI@SOUTHWESTPETROLEUM.COM Check Payable to: SOUTHWEST PETROLEUM COMPANY LP PO BOX 702377 DALLAS, TX 75370-2377	27-1043663	R2	PAY		0.00028800	
SO0002	SOUTHWEST PETROLEUM COMPANY L E-mail: VICKI@SOUTHWESTPETROLEUM.COM Check Payable to: SOUTHWEST PETROLEUM COMPANY LP PO BOX 702377 DALLAS, TX 75370-2377	27-1043663	R3	PAY		0.00002880	
SUBL0001	MRS JW SUBLETT Check Payable to: MRS JW SUBLETT UNKNOWN ADDRESS	- -	R	L07		0.00057600	
SUGA0001	DAVID C SUGAREK Check Payable to: DAVID C SUGAREK 2221 RIVER VALLEY WEST COLUMBIA, TX 77486	464-21-7480	R	PAY		0.00000431	
TERB0001	DOROTHY WARD TERBUSH Check Payable to: DOROTHY WARD TERBUSH 3550 HUNTERS GLEN RD ABILENE, TX 79605-4922	033-14-5271	R	L02		0.00007200	
TOML0001	FRANCES W TOMLINSON Check Payable to: FRANCES W TOMLINSON 4604 S LAMAR BLVD APT A-302 AUSTIN, TX 78745-1362	462-26-7239	R	L09		0.00005750	

This information is provided as an accommodation only and no warranty or guarantee is made as to its accuracy.
Any use or reliance upon this information is done at the user's own risk.

CP Energy, LLC
Division Of Interest - Division Order Listing
Properties from CITY0004 thru CITY0005

CITY0004 CITY OF ABILENE 'A' (continued)

Owner#	Owner's Name	Fed ID Num	Type	Susp	Ext Sus	Revenue(NRI)	Billing(WI)
VALE0001	NANCY BRADFIELD VALENTINE Check Payable to: NANCY BRADFIELD VALENTINE 5389 CR 5 ERIE, CO 80516	522-94-1121	R	PAY		0.00115255	
WALD0001	WALDROP PROPERTY CO LP Check Payable to: WALDROP PROPERTY CO LP C/O NANCY W TURNER 4424 SAM CARLOS DALLAS, TX 75205	75-2705084	R	PAY		0.00027670	
WARD0010	HAZEL F WARD Check Payable to: HAZEL F WARD 3800 ATRIUM DR PLANO, TX 75075-3564	454-56-7638	R	L09		0.00014400	
WATT0002	CHARLA MARLOW WATTS Check Payable to: CHARLA MARLOW WATTS 6105 LOVERS LANE SHREVEPORT, LA 71105-4829	455-66-0284	R	L09		0.00000480	
WCPR0001	W C PRATT ESTATE Check Payable to: W C PRATT ESTATE MITTIE JEAN BALLARD ECUX 241 WILLOW GREEN DR DULUTH, GA 30096	464-36-2841	R	L09		0.00057600	
WHIT0016	MYRTUS OLLIE WHITE Check Payable to: MYRTUS OLLIE WHITE UNKNOWN ADDRESS	- -	R	L07		0.00011800	
TOTAL						1.00000000	0.00000000
Interest Type Totals						WI: RI:	0.86299200 0.13700800

SURFACE OWNERSHIP = CITY OF ABILENE, TEXAS

This information is provided as an accommodation only and no warranty or guarantee is made as to its accuracy.
Any use or reliance upon this information is done at the user's own risk.

**RAILROAD COMMISSION OF TEXAS
OIL & GAS DIVISION**

**EXHIBIT 2
TX RRC DRILLING PERMIT AND
GWD LETTER**

PERMIT TO DRILL, DEEPEN, PLUG BACK, OR RE-ENTER ON A REGULAR OR ADMINISTRATIVE EXCEPTION LOCATION

PERMIT NUMBER 875681	DATE PERMIT ISSUED OR AMENDED Jan 12, 2022	DISTRICT * 7B	
API NUMBER 42-441-34654	FORM W-1 RECEIVED Jan 02, 2022	COUNTY TAYLOR	
TYPE OF OPERATION NEW DRILL	WELLBORE PROFILE(S) Vertical	ACRES 70	
OPERATOR LEDGER OPERATING CORPORATION P O BOX 2677 ABILENE, TX 79601-0000		NOTICE This permit and any allowable assigned may be revoked if payment for fee(s) submitted to the Commission is not honored. District Office Telephone No: (325) 677-3545	
LEASE NAME CITY OF ABILENE		WELL NUMBER 8A	
LOCATION 5 miles NE direction from ABILENE		TOTAL DEPTH 1900	
Section, Block and/or Survey SECTION 81 BLOCK 81 ABSTRACT 1381 SURVEY ANDERSON, E			
DISTANCE TO SURVEY LINES 192 ft. NORTH 1786 ft. EAST		DISTANCE TO NEAREST LEASE LINE ft.	
DISTANCE TO LEASE LINES 192 ft. NORTH 1149 ft. EAST		DISTANCE TO NEAREST WELL ON LEASE See FIELD(s) Below	
FIELD(s) and LIMITATIONS: * SEE FIELD DISTRICT FOR REPORTING PURPOSES *			
FIELD NAME LEASE NAME	ACRES NEAREST LEASE	DEPTH NEAREST LEASE	WELL # NEAREST WE
-----	-----	-----	-----
CALDWELL RANCH	70.00	1,900	8A
CITY OF ABILENE			7B
			0
-----	-----	-----	-----
WILDCAT	70.00	1,900	8A
CITY OF ABILENE			7B
			0

THE FOLLOWING RESTRICTIONS APPLY TO ALL FIELDS

This well shall be completed and produced in compliance with applicable special field or statewide spacing and density rules. If this well is to be used for brine mining, underground storage of liquid hydrocarbons in salt formations, or underground storage of gas in salt formations, a permit for that specific purpose must be obtained from Environmental Services prior to construction, including drilling, of the well in accordance with Statewide Rules 81, 95, and 97.

This well must comply to the new SWR 3.13 requirements concerning the isolation of any potential flow zones and zones with corrosive formation fluids. See approved permit for those formations that have been identified for the county in which you are drilling the well in.

The groundwater determination is known in this area please use the existing determination letter GAU# 176782. There is no requirement to order a determination within these designated abstracts and no refunds will be given should you choose to place an order.

**RAILROAD COMMISSION OF TEXAS
OIL & GAS DIVISION
SWR #13 Formation Data**

TAYLOR (441) County

Formation	Remarks	Geological Order	Effective Date
COLEMAN JUNCTION	corrosive, SW flow	1	12/17/2013
FLIPPEN	disposal	2	12/17/2013
UNIDENTIFIED-COUNTY REGULAR	disposal	3	12/17/2013
SADDLE CREEK	disposal	4	12/17/2013
COOK	disposal	5	12/17/2013
HOPE LIME	disposal	6	12/17/2013
KING SAND	disposal	7	12/17/2013
CISCO	disposal	8	12/17/2013
SWASTIKA	disposal	9	12/17/2013
PALO PINTO LIME	disposal	10	12/17/2013
CANYON REEF	disposal	11	12/17/2013
HOPE SAND	disposal	12	12/17/2013
ELLENBURGER	disposal	13	12/17/2013
CAMBRIAN SAND	disposal	14	12/17/2013

The above list may not be all inclusive, and may also include formations that do not intersect all wellbores. The listing order of the Formation information reflects the general stratigraphic order and relative geologic age. This is a dynamic list subject to updates and revisions. It is the operator's responsibility to make sure that at the time of spudding the well the most current list is being referenced. Refer to the RRC website at the following address for the most recent information.
<http://www.rrc.texas.gov/oil-gas/compliance-enforcement/rule-13-geologic-formation-info>

**GROUNDWATER PROTECTION DETERMINATION****Form GW-2****Groundwater Advisory Unit****Date issued:** 03 January 2022**GAU Number:** 325141**Attention:** LEDGER OPERATING**API Number:**

P O BOX 2677

County: TAYLOR

ABILENE, TX 79601

Lease Name: City of Abilene**Operator No.:** 493835**Lease Number:****Well Number:** 8A**Total Vertical** 1900**Latitude:** 32.515210**Longitude:** -99.697730**Datum:** NAD27**Purpose:** New Production Well**Location:** Survey-Anderson, E.; Abstract-1381; Section-81

To protect usable-quality groundwater at this location, the Groundwater Advisory Unit of the Railroad Commission of Texas recommends:

The base of usable-quality water-bearing strata is estimated to occur at a depth of 100 feet at the site of the referenced well.

This recommendation is applicable to all wells within a radius of 200 feet of this location.

Note: Unless stated otherwise, this recommendation is intended to apply to all wells drilled within 200 feet of the subject well. Unless stated otherwise, this recommendation is for normal drilling, production, and plugging operations only.

This determination is based on information provided when the application was submitted on 01/02/2022. If the location information has changed, you must contact the Groundwater Advisory Unit, and submit a new application if necessary. If you have questions, please contact us at 512-463-2741 or gau@rrc.texas.gov.

Groundwater Advisory Unit, Oil and Gas Division

Form GW-2
Rev. 02/2014

P.O. Box 12967 Austin, Texas 78771-2967 512-463-2741 Internet address: www.rrc.texas.gov.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
1/25/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Perkins Insurance Agencies, LLC 749 Gateway St Bldg D, Suite 401 Abilene, TX 79602	CONTACT NAME: Camille King		
	PHONE (A/C, No, Ext): (325) 673-3900 118	FAX (A/C, No):	
	E-MAIL ADDRESS: camille@perkins-ins.com		
INSURED Ledger Operating Corporation PO Box 2677 Abilene, TX 79604	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: National American Insurance Company		
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:		OP76350042	12/15/2021	12/15/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

City of Abilene
555 Walnut St
Abilene, TX 79601

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



Exhibit 4

OIL AND GAS DRILLING PERMIT BOND
BOND # SU 1177694

THE STATE OF TEXAS }
COUNTY OF TAYLOR }

KNOW ALL MEN BY THESE PRESENTS:

That we, Ledger Operating Corporation 558 Ambler Avenue, Abilene, TX 79601 hereinafter called the Principal(s), as Principal(s), and Arch Insurance Company 2307 River Road, Suite 200 Louisville, KY 40206 hereinafter called the Surety, as Surety (and authorized under the laws of the State of Texas to act as surety on bonds for principals) are held and firmly bound unto the City of Abilene, Texas in the sum of Ten Thousand (\$10,000.00), lawful money of the United States for the payment whereof, the said Principal and Surety bind themselves, and their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has been issued a Permit to drill and operate an oil or gas well within the City of Abilene, Texas pursuant to the Abilene City Council's approval of the issuance of the permit on City of Abilene Well #8.

NOW, THEREFORE, Principal and Surety are hereby bound and obligated, as follows:

- (1) Principal will comply with the terms and conditions of Chapter 21 of the Abilene Municipal Code, in the drilling and operations of said well.
- (2) Principal will promptly pay all fines, penalties and other assessments imposed upon Principal by reason of breach of any of the terms, provisions and conditions of Chapter 21 of the Abilene Municipal Code.
- (3) Principal will promptly restore the streets and sidewalks, and other public property of the City, which may be disturbed or damaged in the operations under said Permit, to their former condition; and Principal shall, following cessation of drilling activities, or production whichever occurs last, plug the oil or gas well in accordance with Texas Railroad Commission requirements, and will promptly clear all premises of all litter, trash, waste, and other substances used, allowed, or occurring in the drilling or producing operations, and will, after abandonment, grade, level and restore such property to the same

surface condition, as nearly as possible, as existed when operations for the drilling of the well were first commenced.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall faithfully comply with the above requirements then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED, that this bond shall remain in full force and effect for at least a period of six (6) months subsequent to the completion of all drilling activities of the oil/gas well authorized by said Drilling Permit, and shall be null and void upon full compliance with the terms hereof, otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF, the said Principal(s) and Surety have signed and sealed this instrument this 1st day of February, 20 22

Ledger Operating Corporation

By _____ Principal Raul A. Thomas
(Title)
By _____ President
(Title)
By _____
(Title)

The undersigned surety company represents that it is duly qualified to do business in Texas, and hereby designates CT Corporation an agent in Taylor County to whom any requisite notices may be delivered and on whom service may be had in matters arising out of such suretyship.

Arch Insurance Company

Surety
*By Deborah Neichter
Deborah Neichter, Attorney-in-Fact

Surety
By _____

***Note:** If signed by an officer of the Surety Company, there must be on file a certified extract from the by-laws showing that this person has authority to sign such obligation. If signed by an Attorney in Fact, a current valid and sealed Power of Attorney must be attached.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for Note, Loan, Letter of Credit, Currency Rate, Interest Rate or Residential Value Guarantees.

POWER OF ATTORNEY

Know All Persons By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal administrative office in Jersey City, New Jersey (hereinafter referred to as the "Company") does hereby appoint:

Barbara Duncan, Brook Thomas Smith, Deborah Sue Neichter, James H. Martin, James Thomas Smith, Jason D. Cromwell, Jill Kemp, Leigh McCarthy, Michele Dawn Lacrosse and Raymond Meyer Hundley of Louisville, KY (EACH)

its true and lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed: Any and all bonds, undertakings, recognizances and other surety obligations, in the penal sum not exceeding Ninety Million Dollars (\$90,000,000.00).

This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

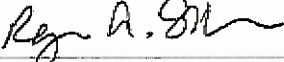
This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on December 10, 2020, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"**VOTED**, That the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them subject to the limitations set forth in their respective powers of attorney, to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances and other surety obligations obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on December 10, 2020:

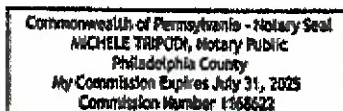
VOTED, That the signature of the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on December 10, 2020, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company. **In Testimony Whereof**, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 20th day of September, 2021.

Attested and Certified


Regan A. Shulman, Secretary

STATE OF PENNSYLVANIA SS
COUNTY OF PHILADELPHIA SS

I, **Michele Tripodi**, a Notary Public, do hereby certify that Regan A. Shulman and Stephen C. Ruschak personally known to me to be the same persons whose names are respectively as Secretary and Executive Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.



Arch Insurance Company

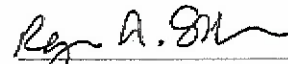


Stephen C. Ruschak, Executive Vice President

CERTIFICATION

I, **Regan A. Shulman**, Secretary of the Arch Insurance Company, do hereby certify that the attached **Power of Attorney dated September 20, 2021** on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said Stephen C. Ruschak, who executed the Power of Attorney as Executive Vice President, was on the date of execution of the attached Power of Attorney the duly elected Executive Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 1st day of February, 2022.



Regan A. Shulman, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Insurance – Surety Division
3 Parkway, Suite 1500
Philadelphia, PA 19102



To verify the authenticity of this Power of Attorney, please contact Arch Insurance Company at SuretyAuthentic@archinsurance.com
Please refer to the above named Attorney-in-Fact and the details of the bond to which the power is attached.

Ledger Operating Corporation

558 Ambler Avenue
 Abilene, Texas 79601
 325-695-1329 Phone ~ Fax 325-695-3585
Paul.a.thomas1110@gmail.com

EMERGENCY RESPONSE PLAN FOR OILFIELD OPERATIONS

CONTENTS

EMERGENCY PERSONNEL PHONE NUMBERS/PURPOSE	PAGE 1
EMERGENCY SERVICES MAP/HAZARD IDENTIFICATION	PAGE 2
EMERGENCY STEPS TO BE TAKEN	PAGE 3
FOLLOW-ON STEPS TO BE TAKEN	PAGE 3
SAFETY MEETINGS AND TRAINING/DISTRIBUTION OF THIS PLAN	PAGE 3

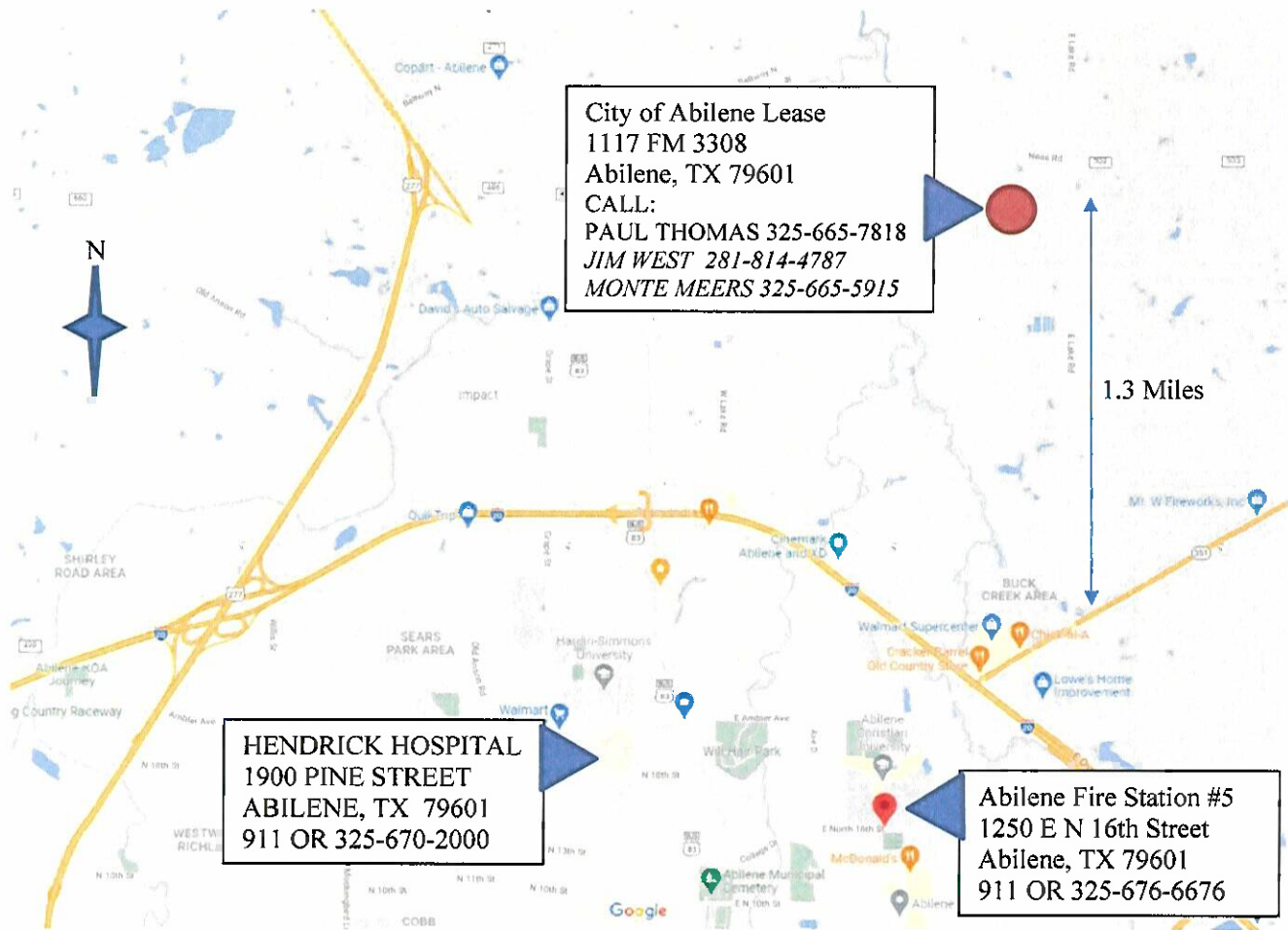
EMERGENCY PERSONNEL PHONE NUMBERS:

<i>Title</i>	<i>Name</i>	<i>Phone</i>
<i>EMERGENCY CONTACT-PRIMARY</i>	<i>PAUL THOMAS</i>	<i>CELL: 325-665-7818</i>
<i>EMERGENCY CONTACT – 2nd</i>	<i>JIM WEST</i>	<i>CELL: 281-814-4787</i>
<i>EMERGENCY CONTACT- 3rd</i>	<i>MONTE MEERS</i>	<i>CELL: 325-665-5915</i>
<i>LEASE FACILITY MANAGER AND EMERGENCY CONTACT ADDRESS</i>	<i>LEDGER OPERATING CORPORATION</i>	<i>558 AMBLER AVENUE ABILENE, TEXAS 79601</i>
<i>LOCAL EMERGENCY NUMBER</i>	<i>IN CASE OF EMERGENCY CALL</i>	<i>911</i>
<i>HOSPITAL CONTACT</i>	<i>HENDRICK HOSPITAL 1900 PINE STREET ABILENE, TEXAS 79601</i>	<i>325-670-2000</i>
<i>AMBULANCE SERVICES</i>	<i>METROCARE</i>	<i>325-691-8906</i>
<i>TEXAS RAILROAD COMMISSION</i>		<i>844-773-0305 512-463-6788</i>
<i>CITY OF ABILENE EMERGENCY RESPONSE PERSONNEL</i>	<i>VINCENT CANTU NATE LESTER, ASSISTANT</i>	<i>325-676-6683 325-676-6525</i>
<i>ABILENE FIRE DEPARTMENT CLOSEST STATION</i>	<i>FIRE STATION #5 1250 EN 16TH AND JUDGE ELY ABILENE, TEXAS 79601</i>	<i>911 OR 325-676-6676</i>
<i>ABILENE POLICE DEPARTMENT</i>		<i>911 OR 325-673-8331</i>
<i>TAYLOR COUNTY SHERIFF'S OFF</i>		<i>911 OR 325-674-1301</i>

PURPOSE

The goals of this emergency response plan are, in order of priority, to protect the lives and health of people, contractors, employees, and protect and minimize damage to property in the event of an emergency.

EMERGENCY SERVICES MAP



HAZARD IDENTIFICATION:

The hazards to human health and the environment present when drilling, completing, working on or operating an oil and gas well are numerous and are listed below. (The following list is not comprehensive).

Human Injury – Any incident that causes injury to a human that requires immediate medical attention from a medical professional.

Uncontrolled Blowout/High Pressure Incident – loss of control of the wellbore and products exiting the wellbore including crude oil, natural gas, saltwater, brine, drilling fluids and other chemical substances.

Spills – the accidental spill or release of a chemical substance considered hazardous to human health in quantities that could endanger human health. .

Air Releases – the accidental release of a chemical substance into the air in quantities that could endanger human health.

EMERGENCY STEPS TO BE TAKEN:

In the event of an accident or incident requiring attention by the responsible party, the following steps will be taken in order:

Step 1: Evacuate and account for all employees, contractors and visitors;

- In the case of an uncontrolled release of chemical, fire, blowout or disruption, all personnel on site will be mustered at the front gate of the oil and gas lease.

Step 2: Contact local emergency services: Call 911

- Upon assessment of the situation by onsite personnel, the appropriate emergency response personnel will be summoned from the list of the front page of this plan.

Step 3: Notify the Lease Operator's Emergency Contacts: Paul Thomas 325-665-7818

- Upon notification of emergency personnel, the on-site representative will immediately notify the Lease Operator of the emergency. The lease operator will assume responsibility for the response once notified.

Step 4: To notify the City of Abilene Emergency Response Coordinator: Call 911 or 325-676-6683

FOLLOW-ON STEPS TO BE TAKEN:

1. Prevent further property damage through protective measures;
2. Perform repair, cleanup and salvage as needed;
3. Conduct post-incident critique and evaluation;
4. Coordinate with the City of Abilene Emergency personnel on Follow-on Steps;
5. File any applicable reports with regulatory agencies.

SAFETY MEETINGS AND TRAINING

Ledger Operating Corporation will conduct safety meetings of all employees and contractors working on site daily and with every shift change. Ledger Operating will train all employees on the procedures contained in this plan. New employees will be trained upon hiring, and re-trained any time the employees responsibilities under the plan change or whenever the plan changes.

The company also will designate and train a sufficient number of employees to assist in the safe and orderly evacuation of employees and visitors. These employees will be trained and re-trained as needed. Training will cover:

- Emergency reporting;
- Specific assigned duties.

DISTRIBUTION OF THIS PLAN

The company will provide copies of all emergency response plans to be kept in employee handbooks and operation manuals and will post copies on location.

Agenda Item:

Permit To Drill and/or Operate an Oil and/or Gas Well

Resolution: Permit to Drill and/or Operate
an Oil and/or Gas Well (4242 E. Lake Road)
(Johnson)



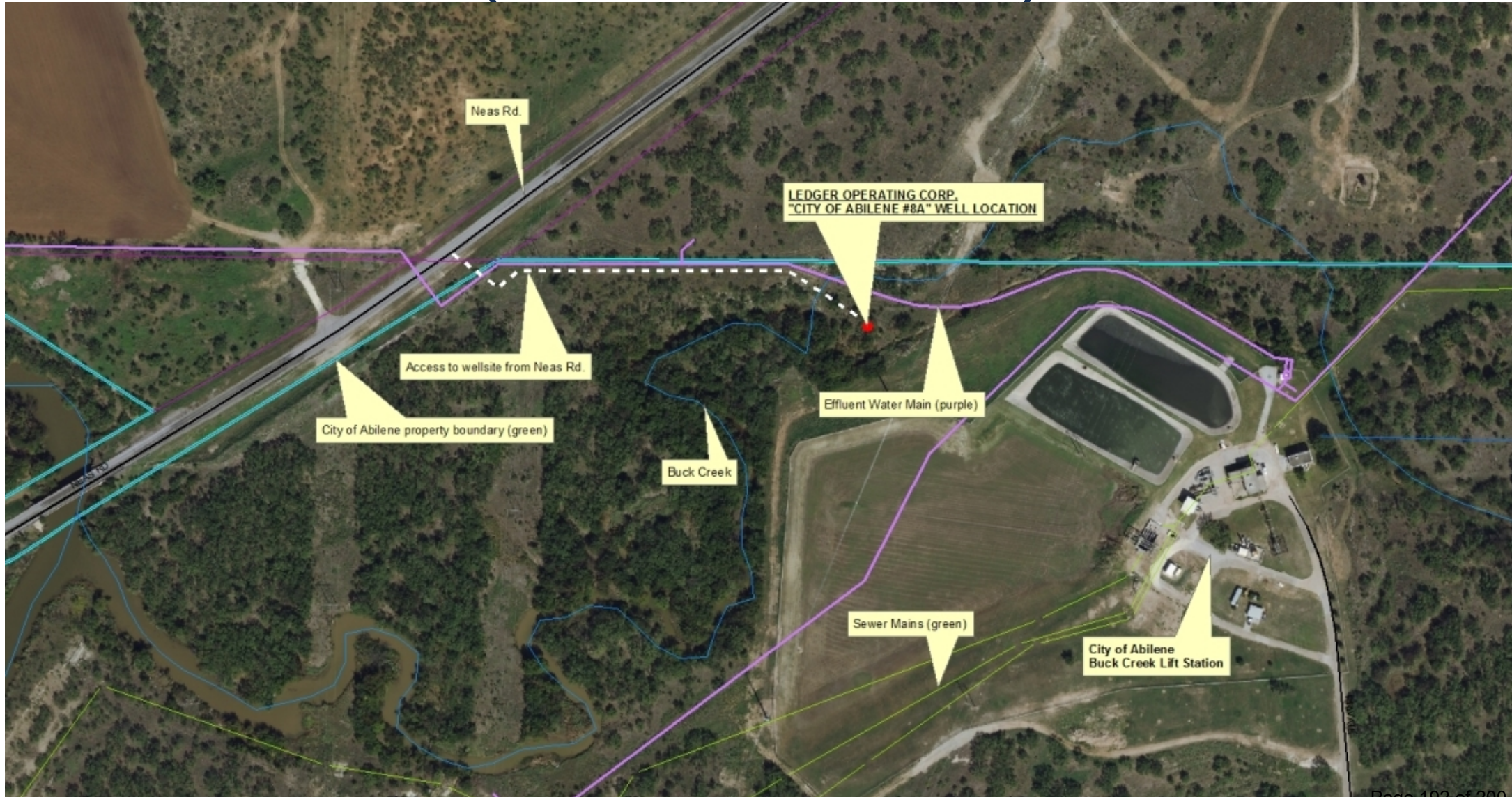
Agenda Item:

Permit to Drill and/or Operate an Oil and/or Gas Well

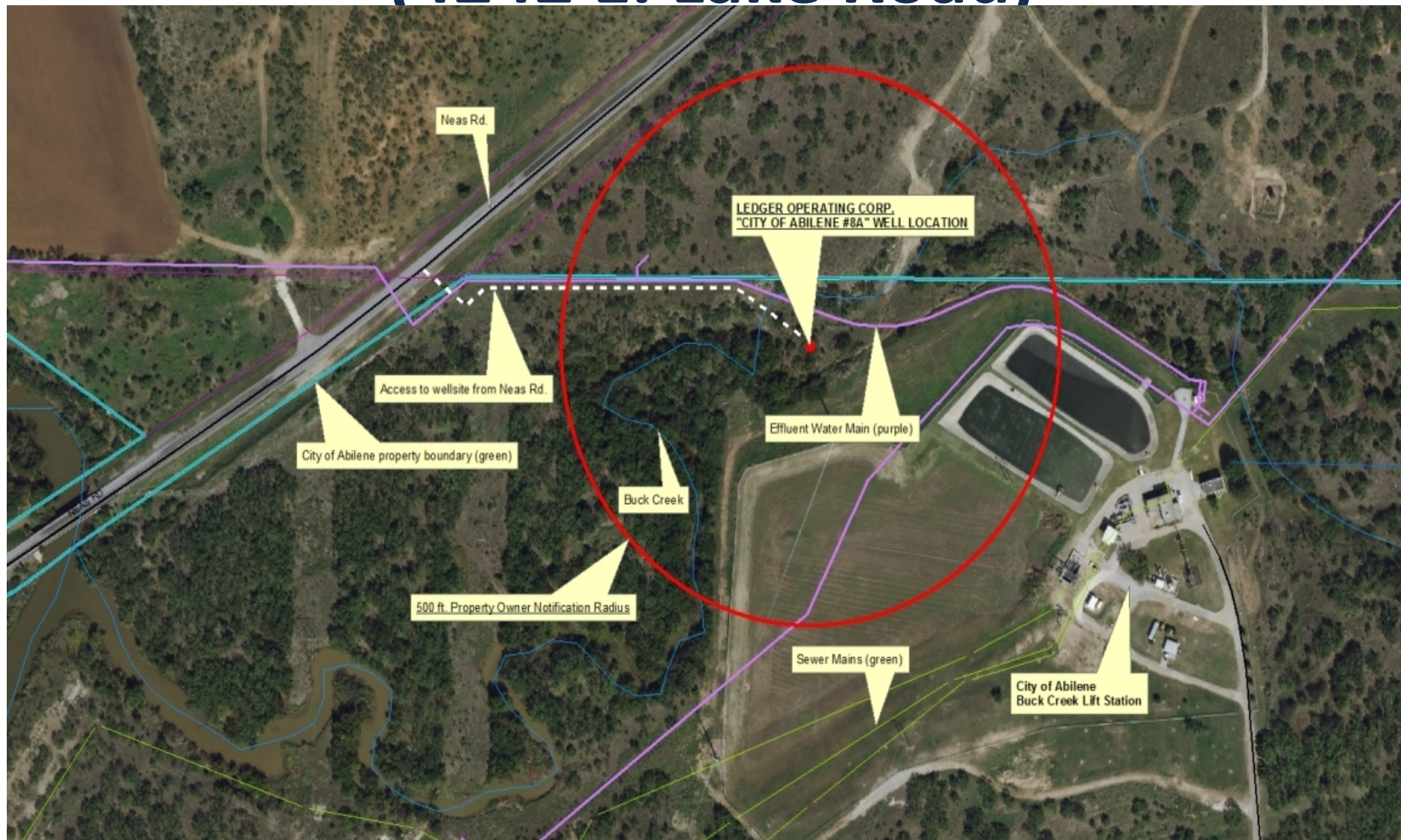
- Ledger Operating Corporation submitted an Application/Permit to Drill and/or Operate an Oil and/or Gas Well within the city limits of Abilene. The proposed location is identified as “City of Abilene, 8A”.
- The application has been reviewed and found to be complete.
- All property owners within 500 feet of the proposed location have been notified
- Staff recommends approval of the Permit To Drill and/or Operate an Oil and/or Gas Well to Ledger Operating Corporation, for the “City of Abilene, 8A” location.



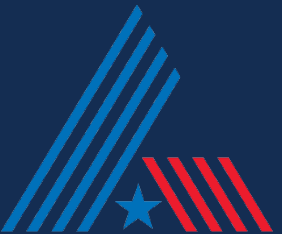
Well Location Map (4242 E. Lake Road)



Property Owner Notification Radius (4242 E. Lake Road)



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 5/26/2022

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 14. 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. James Easley v. City of Abilene, Appeal of Temporary Suspension to Hearing Examiner, filed September 22, 2021

14. Samuel Hightower v. City of Abilene, Appeal of Temporary Suspension to Hearing Examiner, filed December 28, 2021

15. Zach Williams v. City of Abilene, Appeal of Temporary Suspension to Hearing Examiner, filed December 28, 2021

16. Allstate Fire and Casualty Insurance Company as Subrogee of Del Davis v. City of Abilene; Case No. SC22-11166J11, In the Justice Court, Precinct 1, Place 1, Taylor County, Texas, filed March 30, 2022

17. Governor's Executive Orders COVID-19

B. 551.072 (Deliberations about Real Property)

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

1. City Council may consider appointment, employment, compensation, reassignment, duties, discipline, or dismissal of public officers or employees, City Manager, City Attorney, Municipal Court Judge, City Secretary, and City Board and Commission Members
2. City of Abilene Boards 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



**City Council
Agenda Memo**

City Council Meeting Date: 5/26/2022

TO: Robert Hanna, City Manager

FROM: Jesse Pottebaum, Zoo Director

SUBJECT: 15. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Abilene Zoo's 10-year Master Plan Presentation (Jesse Pottebaum)

GENERAL INFORMATION

Abilene Zoo's 10-year Master Plan presentation. Documentation presented to council during the meeting.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution Zoo 10 Year Master Plan
2. Zoo 10 Year Master Plan (1)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE ABILENE ZOO'S 10 YEAR MASTER PLAN.

WHEREAS, On September 23, 2021 the City Council of the City of Abilene, authorized a contract with Parkhill for the development of the Abilene Zoo Master Plan; and

WHEREAS, April 19, 2022 the Parks and Recreation Board approved Abilene Zoo's 10 year Master Plan; and

WHEREAS, The Master Plan has been presented.

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

Part 1: The City Council approves the Abilene Zoo 10 year Master Plan.

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

ADOPTED this 26th day of May 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Zoo 10 Year Master Plan



Zoo 10 Year Master Plan

