



City of Abilene City Council Agenda

Weldon Hurt, Mayor Pro-tem
Shane Price, Council Member
Lynn Beard, Council Member
Robert Hanna, City Manager

Anthony Williams, Mayor

Donna Albus, Council Member
Kyle McAlister, Council Member
Travis Craver, Council Member
Stanley Smith, City Attorney
Shawna Atkinson, City Secretary

AMENDED

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on June 9, 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 Anthony Williams

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. **Service Awards:**

- Denise Ibarra - Zoological Gardens - 20 Years

3. **Proclamations:**

- Elder Abuse Awareness Month
- Waste & Recycling Workers Week
- Ride to Work 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.

4. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on May 26, 2022 (**Shawna Atkinson**)
5. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter (**Shawna Atkinson**)
 - Abilene-Taylor County 9-1-1 District Board of Directors (nomination only)
 - Abilene-Taylor County Public Health District Board
 - Citizens Advisory Board for People with Disabilities
 - Parks & Recreation Board
 - Street Maintenance Advisory & Appeals Board
6. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Accepting Permanent Sculptures Donated to the City of Abilene (**Lesli Andrews**)
7. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving the City Manager to Enter into a Contract with AMKO, Inc. for the Construction Documents, Bidding, and Construction Administration of a Roof Project for the Police Department, Municipal Court, and Water Office Complex (**Lesli Andrews**)
8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to enter into a contract with Bontke Brothers Construction Company, Inc. for the Cedar Creek Development Trail Project (**Lesli Andrews**)
9. **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**)
10. **Resolution:** Receive a Report, Hold a Discussion and Take Action on the Acceptance of the DEAAG grant funds for the Dyess Air Force Improved and Expanded Fiber and 5-G Infrastructure Project (**Michael Rice**)

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

11. **Ordinance (Final Reading) Z-2022-09:** Receive a Report, Hold a Discussion and Public Hearing, 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

12. **Ordinance (Final Reading) Z-2022-10:** Receive a Report, Hold a Discussion and Public Hearing, 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)**
13. **Ordinance (Final Reading) Z-2022-11:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Patrick Cowen To Change Zoning From Heavy Industrial (HI) To Heavy Commercial (HC) On Approximately 3 Acres At The 4200 Block Of Burl Harris Dr. Abilene In Taylor County, Texas. **(Tim Littlejohn)**
14. **Ordinance (Final Reading) CUP-2022-02:** Receive a Report, Hold a Discussion and Public Hearing, 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)**
15. **Ordinance (Final Reading) CUP-2022-05:** Receive a Report, Hold a Discussion and Public Hearing, 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)**
16. **Discussion:** Receive a Report, Hold a Discussion and Public Hearing on the Collection Development Policy of the Abilene Public Library **(Julee Hatton)**

EXECUTIVE SESSION

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

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

15. 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

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

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 AMENDED meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 6th day of June, 2022, at 8:20 a.m.

Shawna Atkinson, TRMC, CMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 6/9/2022

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on May 26, 2022
(*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting Held on May 26, 2022

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 05-26-2022 Minutes - Regular - Morning

CITY COUNCIL MEETING
May 26, 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 26, 2022, at 8:30 a.m. at the South Branch Library, Mall of Abilene, 4310 Buffalo Gap Road. Mayor Pro-tem Weldon Hurt was present and presiding, along with Deputy Mayor Pro-tem Donna Albus, and Councilmembers Shane Price, Lynn Beard, Kyle McAlister and Travis Craver. Mayor Anthony Williams was absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and Deputy City Secretary Kaitlin Richardson.

Mayor Pro-tem Weldon Hurt delivered the invocation.

Sterling Bush, Royce Lane, Zackary McLaughlin, Keshia McLaughlin, Jessalyn Patterson, Ethan Montoya, Cheri Bates, and Salem Holloman, from various Abilene schools, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATION OF CONSENT AGENDA

- Proclamations:
 - Lyme Disease Awareness Month – accepted by Lea Holloman.
 - Flood Awareness Week – accepted by the staff of Stormwater Services and Public Works.
 - State Farm Day – accepted by Risha Sanders and local State Farm agents in recognition of the company's 100th anniversary.

The Consent Agenda consisted of items 3-12. No items were pulled for individual consideration. Item 7 was pulled from consideration prior to the meeting.

PUBLIC COMMENTS

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

- David Swart – spoke about Memorial Day and the meaning of the holiday.
- Jennifer Bell – spoke about books at the Public Library that she thinks are inappropriate.
- Rebecca Gangridge – spoke about books at the Public Library that she thinks are inappropriate.
- Craig Istre – spoke about books at the Public Library that he thinks are inappropriate.
- Alice Brown – spoke about books at the Public Library that she thinks are inappropriate.
- Erika Batton – spoke about books at the Public Library that she thinks are inappropriate.
- Cheslae Istre – spoke about books at the Public Library that she thinks are inappropriate.
- Ruby Batton – spoke about books at the Public Library that she thinks are inappropriate.
- Francisca Rodriguez – spoke about books at the Public Library that she thinks are inappropriate.
- Denise Marsh – spoke about books at the Public Library that she thinks are inappropriate.
- Edward Mufas – spoke about books at the Public Library that he thinks are inappropriate.
- James Sargent – spoke about books at the Public Library that he thinks are inappropriate.
- Charles Byrn – spoke about books at the Public Library that he thinks are inappropriate.
- Tonya Ortiz – spoke about books at the Public Library that she thinks are inappropriate.

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

CONSENT AGENDA

Councilmember McAlister moved to approve the consent agenda, consisting of items 3-6 and 8-12. Deputy Mayor Pro-tem Albus seconded the motion. Motion carried.

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

NAYS (0): None

ABSENT (1): Mayor Williams

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
4. Resolution: Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter
[ASSIGNED RESOLUTION NO. 84-2022]
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
[ASSIGNED RESOLUTION NO. 85-2022]
6. Resolution: Receive a Report, Hold a Discussion, and Take Action on Approval of Change Order of Contract: Street Resurfacing Project Workzone N15A
[ASSIGNED RESOLUTION NO. 86-2022]
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)
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
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
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
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

ITEMS PULLED FROM CONSIDERATION

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
[NOT CONSIDERED]

REGULAR AGENDA

12. 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
[ASSIGNED RESOLUTION NO. 88-2022]

Max Johnson, Director of Public Works, presented the item. Adoption of the item would approve a permit to drill and/or operate an oil and/or gas well at 4242 East Lake Road.

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

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

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

NAYS (0): None

ABSENT (1): Mayor Williams

EXECUTIVE SESSION

Mayor Pro-tem Hurt recessed into Executive Session at 9:20 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:

13. D. 551.074 (Personnel Matters)

1. City Manager

13. F. 551.072 (Deliberations about Real Property)

1. Allen Ridge Walking Trail

The Executive Session ended at 9:47 a.m. and reconvened to Open Session. Mayor Pro-tem Hurt reported no votes or action were taken in Executive Session.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:47 a.m.

Shawna Atkinson
City Secretary

Weldon Hurt
Deputy Mayor Pro-tem

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 6/9/2022

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 5.

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

- **Abilene-Taylor County 9-1-1 District Board of Directors
(nomination only)**
- **Abilene-Taylor County Public Health District Board**
- **Citizens Advisory Board for People with Disabilities**
- **Parks & Recreation Board**
- **Street Maintenance Advisory & Appeals Board**

GENERAL INFORMATION

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

SPECIAL CONSIDERATIONS

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

FUNDING/FISCAL IMPACT

No cost consideration to the city.

STAFF RECOMMENDATION

(Re)Appointment

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

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

RESOLUTION NO. _____

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

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

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

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

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

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

PASSED this 9th day of June, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____
EXHIBIT "A"

Board	Term End Date
<i>Abilene-Taylor County 9-1-1 District Board</i>	
Michael Rice (Nomination Only - Board Votes)	
<i>Abilene-Taylor County Public Health Advisory Board</i>	
Dr. Leslie Hutchins [New]	November 2024 [unexpired term]
<i>Citizens Advisory Board for People with Disabilities</i>	
Rodney Young [New]	October 2023 [unexpired term]
<i>Parks & Recreation Board</i>	
Tony Pallaerez [New]	May 2025
Tanell Smith [New]	May 2025
<i>Street Maintenance Advisory & Appeals Board</i>	
David Todd [New] [Chair]	March 2023 [unexpired term]
Matthew Lubin [Reappointment]	May 2024

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

- Abilene-Taylor County 9-1-1 Board of Directors (Nomination Only)
- Abilene-Taylor County Public Health District Board
- Citizens Advisory Board for People with Disabilities
- Parks & Recreation Board
- Street Maintenance Advisory & Appeals Board





**City Council
Agenda Memo**

City Council Meeting Date: 6/9/2022

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Take Action on Accepting Permanent Sculptures Donated to the City of Abilene (*Lesli Andrews*)

GENERAL INFORMATION

In 2021 , the Abilene Cultural Affairs Council (ACAC) was contacted about the potential donation of six sculptures to the City of Abilene. If approved, the donations are to include shipping of the artwork to Abilene with no shipping costs incurred to the City of Abilene.

The sculptures are to be placed as follows:

"Kinetic Spinner" - front flower bed at T&P Depot on North 1st

"Dancing Pony" - corner of North 1st and Hickory

"Singing Ringing Tree" - North 1st and Treadaway

"Davidians" - North 1st and Cedar

"Rainbow Bear" - To Be Determined

"Critter" - To Be Determined.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Installation of the sculptures will be funded by the Abilene Cultural Affairs Council.

STAFF RECOMMENDATION

Staff recommendation is to approve the acceptance of the donation of the six (6) sculptures.

BOARD OR COMMISSION RECOMMENDATION

On March 28th, 2022, the Visual Arts Jury Board approved the donation of the "Kinetic Spinner", "Dancing Pony", "Singing Ringing Tree" and the "Davidians" sculptures.

On May 16th, 2022, the Visual Arts Jury Board, via a Special Called Meeting, approved the donation of the "Rainbow Bear" and "Critter" sculptures.

ATTACHMENTS:

1. Resolution_2022_donated_sculptures
2. Outdoor SculpTOUR Appraisal-Sculpture Locations 5-18-2022
3. SingingRingingTree-Mockup
4. Presentation Acceptance of Sculptures for Public Display

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING
ACCEPTANCE OF DONATED SCULPTURES FOR PLACEMENT IN PUBLIC AREAS.**

WHEREAS, the Abilene Cultural Affairs Council (ACAC) coordinated the donation of six sculptures; and

WHEREAS, On March 28th, 2022, the Visual Arts Jury Board approved the donation of the "Kinetic Spinner", "Dancing Pony", "Singing Ringing Tree" and the "Davidians" sculptures; and

WHEREAS, On May 16th, 2022, the Visual Arts Jury Board, via a Special Called Meeting, approved the donation of the "Rainbow Bear" and "Critter" sculptures.

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

Part 1: That the City Council approves acceptance of the donated sculptures for placement in public areas.

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

ADOPTED this 9th day of June, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



Site for kinetic sculpture



Artist: Jim LaPaso

Title: Kinetic Spinner

Market Value: \$2,000.00

Valuation Date: 4/23/2022

Medium: steel and glass

Style: Abstract kinetic art

Dimensions: 10 feet tall

Date: 21st century

Item Description: Moving sculpture of semicircles, cup-form propellers, and decorative glass inserts, above a tapered base.



Site for horse



Artist/maker: Kevin Box

Title: Dancing Pony (Red)

Market Value: \$35,000.00

Valuation Date: 4-23-2022

Medium: Powder coated cast aluminum

Style: Abstract

Dimensions: 66 inches high x 77 inches wide, 24 inches deep

Date: c. 2006

Item Description: Abstracted horse sculpture



Possible Site(s) for Singing Ringing Tree at North 1st and Treadaway



Artist: John Bird

Market Value \$25,000.00

5155 mm tall = 5.63 yards

7563 mm wide = 8.3 yards



Site for Porky



Artist/maker: Dianne Sonnenberg and Stuart Simpson

Title: "Davidians"

Valuation Date: 4/23/2022

Market Value: \$18,000.00

Medium: mosaic tile applied to carved American Granite, Stainless steel supports

Style/form: pop art

Dimensions: with Mosaic work done separately by Dianne Sonnenberg, American Granite (provided by Cold Spring Granite) Variety unknown, carved by Stuart Simpson

6 feet high, 7 feet wide, x 2 feet deep

Date: 2012

Item Description: Porky Pig



Artist/maker: Stuart Simpson

Title: Rainbow Bear

Valuation Date: 4/23/2022

Market Value: \$10,000.00

Medium: Haydrian Texas Limestone

Style/form: abstracted figural

Dimensions: 5' H x 6' L x 2' W

Date: 2008

Item Description: Simplified form of a bear, mounted to arched base



Artist/maker: Stuart Simpson

Title: Critter

Valuation Date: 4/23/2022

Market Value: \$8,000.00

Medium: Haydrian Texas Limestone

Style/form: abstracted figural

Dimensions: 5' H x 7' L x 2' W

Date: 2008

Item Description: Simplified form of a frog-like animal figure, mounted to flat base



Resolution: Acceptance of Sculptures for Public Display



Request to Accept Sculptures for Public Display

The sculptures are to be placed as follows;

"Kinetic Spinner" - front flower bed at T&P Depot on North 1st,

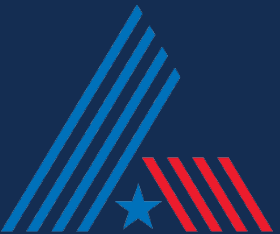
"Dancing Pony" - corner of North 1st and Hickory,

"Singing Ringing Tree" - North 1st and Treadaway,

"Davidians" - North 1st and Cedar,

"Rainbow Bear" - To Be Determined,

"Critter" - To Be Determined.





**City Council
Agenda Memo**

City Council Meeting Date: 6/9/2022

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the City Manager to Enter into a Contract with AMKO, Inc. for the Construction Documents, Bidding, and Construction Administration of a Roof Project for the Police Department, Municipal Court, and Water Office Complex (Lesli Andrews)

GENERAL INFORMATION

The roof at the Police Department, Municipal Court, and Water Office Complex is failing and needs to be replaced. The City of Abilene would like to enter into a contract for the construction documents, bidding, and construction administration of a new roof.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Funds will come from the Minor Improvement Fund.

STAFF RECOMMENDATION

Staff recommends approval of the ARMKO Industries, Inc. contract for the Police Department, Municipal Court, and Water Office Complex.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution ARMKO PD Complex Roof 692022
2. ARMKO/CITY OF ABILENE signed 2 signatures 6-1-22
3. Presentation ARMKO PD Complex Roof

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ARMKO INDUSTRIES, INC. FOR THE CONSTRUCTION DOCUMENTS, BIDDING, AND CONSTRUCTION ADMINISTRATION OF A ROOF FOR THE POLICE DEPARTMENT, MUNICIPAL COURT, WATER OFFICE COMPLEX

WHEREAS, the City of Abilene would like to replace the roof at the Police Department, Municipal Court, Water Office Complex located at 4565 South 1st Street; and

WHEREAS, the City seeks to contract with ARMKO Industries, Inc.; and

WHEREAS, the funding for the roof will come from the Minor Improvement Fund; and

WHEREAS, ARMKO Industries, Inc. will receive compensation in the amount of 6% of the bid amount:

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

Part 1: The City Manager is hereby authorized to enter into a contract with ARMKO Industries, Inc. for the Police Department, Municipal Court, Water Office Complex located at 4565 South 1st St. for an amount of 6% of the bid amount.

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

ADOPTED this 9th day of June 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



PROFESSIONAL SERVICES CONTRACT

Engineers & Architects

This contract, dated the 9th day of June, 2022, is between the City of Abilene, a home rule municipal corporation of the State of Texas ("City"), and ARMKO Industries Inc., a company organized under the laws of the State of Texas ("Consultant").

The City is engaged in building envelope consulting services for the Abilene Police Department/ Municipal Court/ Water Utilities building and desires to engage the services of Consultant, as an independent contractor and not as an employee, to assist in the project and to render his or her or its services on the terms and conditions provided in this Contract.

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

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

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

I. TERMS

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

II. FEE

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

III. FACILITIES

Revised October 2021

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

IV. ASSIGNMENT

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

V. STATUS OF CONSULTANT

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

VI. AMENDMENT OR MODIFICATION

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

VII. OWNERSHIP OF DOCUMENTS AND MATERIALS

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

VIII. NONDISCLOSURE

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

IX. INDEMNITY

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

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

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

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

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

B. Indemnity

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

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

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

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

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

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

X. INSURANCE

A. GENERAL REQUIREMENTS

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

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

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

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

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

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

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

B. ADDITIONAL REQUIREMENTS

The required liability insurances and their certificates must:

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

C. TYPES AND AMOUNTS OF INSURANCE

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

	<u>Type</u>	<u>Amount</u>
X 1.	Workers' Compensation Employer's Liability	Statutory \$100,000 per occurrence
X 2.	Commercial (Public) Liability including, but not limited to: • Premises/Operations • Independent Contractors • Products/Completed Operations • Contractual Liability (insuring above indemnity) and where the exposures exist • Explosion Collapse and Underground	\$500,000 combined single limit for bodily injury and property damage (per occurrence)
X 3.	Business Automobile Liability to include coverage for: • Owned/Leased Autos • Non-Owned Autos • Hired Cars	\$500,000 combined single limit for bodily injury and property damage (per occurrence)
X 4.	Professional Liability	\$500,000 combined single limit (per occurrence)
___ 5.	See Addendum for Special Coverages and/or revisions	

6. No Insurance Required

XI. VENUE, CHOICE OF LAW AND INTERPRETATION

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

XII. TERMINATION

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

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

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

XIII. PROJECT REPRESENTATION

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

XIV. NOTICE

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

City – ATTN:

**Lesli Andrews
PO Box 60
Abilene TX, 79604**

Consultant – ATTN:

**Greg Carroll, RRO, IBEC
601 N. Marienfeld St., STE 204
Midland TX 79701**

XV. COMPLIANCE WITH LAWS, CHARTER, ORDINANCES

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

XVI. NO INDEBTEDNESS

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

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

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

XVII. EQUAL EMPLOYMENT OPPORTUNITY

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

XVIII. VERIFICATION OF EMPLOYMENT ELIGIBILITY

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

XIX. MINORITY AND WOMEN BUSINESS ENTERPRISES

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

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

XX. SALES TAX

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

XXI. LEGAL CONSTRUCTION

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

XXII. BOYCOTT OF ISRAEL

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

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

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

XXIII. SECTIONS AND OTHER HEADINGS

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

XIV. COUNTERPARTS

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

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

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

CITY OF ABILENE

PROFESSIONAL

By:

Name: Robert Hanna

Title: City Manager

By: ARMKO Industries Inc.

Name: Christine Stromberg

Title: Corporate Secretary

Address: 1320 Spinks Rd.

Phone Number: 972.874.1388

Federal Tax ID#: 75-1857441

ATTEST:

City Secretary

ATTEST: (if corporation)

Corporation's Secretary

APPROVED:

By: _____

City Attorney

Corporate Seal (if available)

ATTACHMENT A

Scope of Services

Building Envelope Consulting Services for Police/ Municipal Court/ Water Utilities building located at 4565 S. 1st St., Abilene Tx

SCHEDULE A – CONSTRUCTION DOCUMENTS, BIDDING, and CONSTRUCTION ADMINISTRATION

CONSTRUCTION DOCUMENTS – PHASE 1

- A. perform building evaluation
- B. Establish Scope of Work
- C. Identify areas of concern for the new work as well as the existing conditions
- D. Establish tie-in options and weathertightness of the existing facility during demolition
- E. Define the roofing specifications
- F. Prepare construction documents per agreed upon Scope of Work
 - 1. Roofing Specifications
 - 2. Roof plans
 - 3. Roof Details, including unusual and difficult transitions between walls and roof elements
- G. Compile Bid Package to include:
 - 1. General Requirements
 - 2. Product Specifications
 - 3. Roof Plans
 - 4. Roof Details, including unusual and difficult transitions between walls and roof elements
- H. Provide printing and distribution of Bid Package

BIDDING – PHASE 2

- A. Assist in notification to the construction community
- B. Assist at the pre-proposal and/ or proposal conference
- C. Assist with bid questions, clarifications, and addenda
- D. Provide technical assistance during the bidding/ negotiation procedure, upon request

CONSTRUCTION ADMINISTRATION – PHASE 3

- A. Perform submittal review
- B. Facilitate and/ or conduct pre-construction and pre-installation meetings
- C. Provide major phase site presence with construction observations (two hours per week max)
- D. Provide observation reports of each site visit to owner, including photographs
- E. Respond to contractor questions (RFIs)
- F. Review monthly and final progress payment requests, upon request
- G. Provide final observations

Fee for Schedule A: 6% of Roofing Construction Contract

ADDITIONAL ON-SITE OBSERVATIONS

Additional visits over and above the two hour weekly on-site observations as described in Schedule A shall be \$195.00 per hour, portal to portal, incurred only upon Client's written request

TERMS

Phases 1-2 for Schedule A will be invoiced at the completion of each Phase. Balance due for Phase 3 Construction Administration will be invoiced in monthly increments until completion of the project, based on percentage of construction completed.

Phase 1- Construction documents 70%

Phase 2- Bidding 10%

Phase 3- Construction Administration 20%

ARMKO shall receive payment within thirty (30) days after receipt of invoice by Client according to the payment schedule above. ARMKO's provision of its services hereunder shall be within its discretion, as shall the hours and days to be worked.

ATTACHMENT B

PAYMENT SCHEDULE PARTIES TO INITIAL OPTION SELECTED

OPTION 1

Compensation is based on actual hours of work/time devoted to providing the described professional services and will be paid at a rate of \$Click or tap here to enter text. per hour not to exceed \$Click or tap here to enter text..

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

OPTION 2

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

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

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

OPTION 3 X

Payment is a fixed fee amount of \$6% payable per invoice per phase upon completion of the work and written acceptance by City's Project Representative.

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

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

ATTACHMENT C

STATE MANDATED WORKERS' COMPENSATION INSURANCE LANGUAGE

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

a. **Definitions**

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

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

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

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

- (1) a certificate of coverage, prior to that person beginning work on the project, so the City will have on file certificates of coverage showing coverage for all persons providing services on the project; and
- (2) no later than seven (7) days after receipt by the Professional, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project.
- f. The Professional shall retain all required certificates of coverage for the duration of the project and for one (1) year thereafter.
- g. The Professional shall notify the City in writing by certified mail or personal delivery, within ten (10) days after the Professional knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project.
- h. The Professional shall post on each project site a notice, in the text, form and manner prescribed by the Texas Workers' Compensation Commission, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.
- i. The Professional shall contractually require each person with whom it contracts to provide services on a project to:
- (1) provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all of its employees providing services on the project, for the duration of the project;
- (2) provide to the Professional, prior to that person beginning work on the project, a certificate of coverage showing that coverage is being provided for all employees of the person providing service on the project, for the duration of the project;
- (3) provide the Professional, prior to the end of the coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project;
- (4) obtain from each other person with whom it contracts, and provide to the Professional:
- (a) a certificate of coverage, prior to the other person beginning work on the project; and
- (b) a new certificate of coverage showing extension of coverage, prior to the end of the coverage period, if the coverage period shown on the current certificate of coverage ends during the duration of the project;
- (5) retain all required certificates of coverage on file for the duration of the project and for one (1) year thereafter;

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

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

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

ATTACHMENT D
NOTICE TO PROCEED

Click or tap here to enter text.

ATTACHMENT E
CHANGE IN SCOPE OF SERVICES

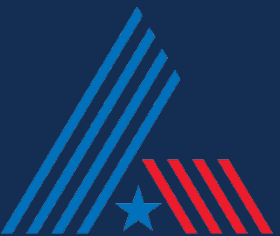
Click or tap here to enter text.

Police Department, Municipal Court and Water Office Complex Roof Project



Request to Enter Into Contract With ARMKO, Inc.

- Design of roof project for Police Department, Municipal Court and Water Office Complex
- Funds to be used from Minor Improvement Fund in the amount of 6% of bid amount





**City Council
Agenda Memo**

City Council Meeting Date: 6/9/2022

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director

SUBJECT: 8. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to enter into a contract with Bontke Brothers Construction Company, Inc. for the Cedar Creek Development Trail Project (Lesli Andrews)

GENERAL INFORMATION

The City of Abilene voted to pass a 2015 bond for a linear trail along Cedar Creek and Lytle Creek. The City of Abilene submitted requests for a Best Value Competitive bid for the Cedar Creek Trail Development Project. The bids were received on April 28th with three (3) responses. The packages were graded for best value in the following categories:

1. the price;
2. the offeror's experience and reputation;
3. the quality of the offeror's goods or services;
4. the impact on the ability of the City of Abilene to comply with rules relating to historically underutilized businesses;
5. the offeror's safety record;
6. the offeror's proposed personnel;
7. offeror's past working relationship with the City

Bontke Brothers Construction Company, Inc. ranked the highest. The estimated time to complete the project is 150 days.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

\$829,270.92 will come from the remaining 2015 bond allocations and \$1,537,079.08 will come from the Minor Improvement Fund for a total of \$2,366,350.

STAFF RECOMMENDATION

Staff recommends approval of the contract with Bontke Brothers Construction Company, Inc. for the Cedar Creek Trail Development project in the amount of \$2,366,350.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution Bontke Cedar Creek Development Trail Project
2. Bontke Contract Cedar Creek 692022
3. Presentation Cedar Creek Development Trail Project

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BONTKE
BROTHERS CONSTRUCTION, INC. FOR THE CEDAR CREEK DEVELOPMENT TRAIL
PROJECT**

WHEREAS, the City of Abilene would like to develop the Cedar Creek Trail Project; and

WHEREAS, the City of Abilene seeks to contract with Bontke Brothers Construction, Inc.;
and

WHEREAS, the funding for the project will come from the Minor Improvement Fund and
remaining funds from 2015 Bond; and

WHEREAS, Bontke Brothers Construction, Inc. will receive compensation in the amount
of \$2,366,350.00:

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

Part 1: The City Manager is hereby authorized to enter into a contract with Bontke Brothers
Construction, Inc. for the Cedar Creek Development Trail Project for an amount of
\$2,366,350.00.

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

ADOPTED this 9th day of June 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made on the 9th day of June, 2022, is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and Bontke Brothers Construction, Inc. of the City of Abilene, State of Texas. ("Contractor").

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

THE AGREEMENT

1. Work and Consideration. The Contractor hereby agrees to commence and complete the construction of Work required in the Contract Documents – incorporated herein by reference – The Cedar Creek Trail Development Project

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

In consideration of this Work, the City will pay the Contractor the sum of \$2,366,350.00.

2. Timely Work. The Contractor must begin and fully complete Work in the days stated in the Notice to Proceed. The time allows for normal delays associated with weather conditions, crew coordination, etc. Time is of the essence, and liquidated damages as set forth in the General Conditions (Paragraph 16) apply for late Work.

3. Payment. If Performance and Payment Bonds are required, the City will pay Contractor according to the General Conditions (Paragraph 20). If Performance and Payment Bonds are not required, the City will pay Contractor according to the Instructions to Bidders.

4. No liens. No mechanic, contractor, subcontractor, supplier, or other person can or will contract for, or in any other manner have or acquire any lien upon the work of this Contract, or the land upon which it is situated. The laws of the State of Texas govern this Contract.

5. Venue. Venue for any legal proceeding is Taylor County, Texas.

6. Indemnity.

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

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

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

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

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

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

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

B. Indemnity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

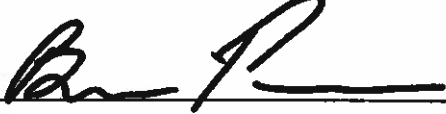
13. Contract Copies. Each of the two executed copies is an original.

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

CONTRACTOR

Name of Contractor:

Bontke Brothers Construction Company, Inc.



Signature

Name – Typed or Printed

Brent Partain

Title – Typed or Printed

Project Manager

Business Address:

102 college drive

Abilene, TX 79601

Business Phone No.

325-677-6276

Federal Tax ID. # 75-1331325

ATTEST: (If Corporation)


Corporate Secretary's Signature

Corporate Seal

(If none, write "None")

CITY OF ABILENE

Authorized Signature

APPROVED:

City Attorney

ATTEST:

City Secretary

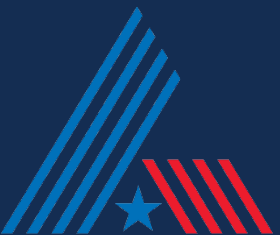
Seal

Resolution: Cedar Creek Development Trail Project



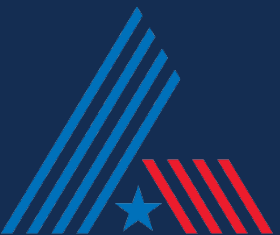
Timeline for the Easement and Right of Way Acquisition for Cedar Creek Trail:

- Following the 2015 Bond Election, we began the process of acquiring the necessary easements, right of way, and property purchases for the Cedar Creek Trail.
- During the summer of 2015 we began talking with the family that owns the private property at the start of the trail, just north of the trailhead on ES 11th Street. We were able to work out an agreement with them, and acquired an easement from them for the trail through their property along Cedar Creek in December, 2016.
- Also during the summer of 2015, we began the process to obtain a Pedestrian Underpass Agreement from Union Pacific Railroad (UPRR), for the trail to cross UP's right of way under the railroad trestle over Cedar Creek. This required the design of a Pedestrian Canopy Structure to be built under the railroad trestle, as one of the requirements for the Pedestrian Underpass Agreement. After several UPRR required redesigns of the canopy structure, UPRR approved the design plans in September, 2017, at which point we began working on obtaining the Pedestrian Underpass Agreement across UP's right of way. In order to obtain the agreement, UPRR required that the City purchase 16.14 acres of supplemental right of way property that was no longer needed by UPRR. The purchase of the 16.14 acres was completed in December, 2019. Ultimately, after a long and tedious process, the City was granted the Pedestrian Underpass Agreement by UPRR in October, 2020.
- Additionally, in April, 2017 we completed the purchase of a small strip of privately owned property that the trail will cross, and in May, 2020, we completed the purchase of 11.18 acres from AEP Texas, out of the old WTU power plant property.
- Currently, with the design of the trail complete, we are finalizing the agreement with TxDOT for the trail to cross under the E. Hwy 80 bridge over Cedar Creek.

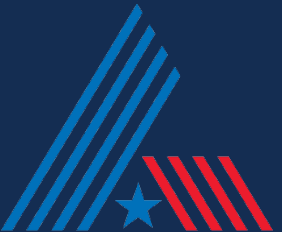


Request to Award Best Value Bid to Bontke Brothers Construction, Inc.

- Development of Cedar Creek Trail Project from ES 11th to EN 10th
- Funds to be used:
 - \$829,270.92 remaining 2015 bond allocations
 - \$1,537,079.08 Minor Improvement Fund
- Total:
 - \$2,366,350



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 6/9/2022

TO: Robert Hanna, City Manager

FROM: Michael Rice, Assistant City Manager

SUBJECT: 9. 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 \$24,988,651.00.

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. Owner Change Order No. 2 with Backup
3. 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, 988,651.00.

**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 9th day of June, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



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: **Jordan Sanmann**

Signature: 

Date: **06/02/22**



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



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

jordans@dpr.com

REGARDING:

Abilene Hotel & Convention Center
-Additional Demo

Change Order Request

22271

DATE: January 24, 2022

DESCRIPTION

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 CONCRETE ON N. 6TH ST & CYPRESS ST & REMOVE FROM SITE.

TOTAL: \$73,559.00

*TAXES ARE NOT INCLUDED IN PRICING.

Submitted by:

1/24/22

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



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:  Date 9/30/21

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

**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	21,017 sf x 3.50 = 73,559.00
Onsite Cut to Fill	\$ 8.50 /cy	See attached takeoff on the next sheet.
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 the next sheet.
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	

21,017 sf x \$3.50	\$73,559.00
6 trees x \$500.00	\$3,000.00
Total	\$76,559.00

End of Exhibit 5

owner:
CITY OF ARLINE
555 WALNUT STREET
ARLINE, TX 76004
(214) 694-0222

client:
GARRELD PUBLIC PRIVATE
CONSTRUCTION CO. 81E 440
DALLAS TX 75224
(409) 627-1703

design builder:
MCCORMICK & CO
3133 MCCORMICK AVENUE, STE 310
DALLAS TX 75224
(214) 979-9590

interior designer:
LOONEY & ASSOCIATES
3133 MCCORMICK AVENUE, STE 310
DALLAS TX 75224
(214) 754-4477

architectural engineer:
THORNTON TOMASETTI
10000 W. LBJ Fwy, STE 700
DALLAS TX 75221
(972) 307-0393

mech engineer:
BLUM CONSULTING ENGINEERS
6144 WALNUT HILL LN, STE 250
DALLAS TX 75221
(214) 275-6222

electrical engineer:
VALLEY HORN
FRED WARREN PKWY, STE 210
DALLAS TX 75204
(972) 325-3650

landscape architect:
LAWSON
AN EXPOSITION AVE
DALLAS TX 75238

project

ABILENE HOTEL & CONVENTION CENTER
600 CYPRESS ST., ABILENE, TX 79601

The drawings and/or when initial or final contract award took place, the architect, and all individual regularly or irregularly employed by him, are hereby released from any liability and may act for reproduction, publication and use in any way without fee as long as they do not detract from the architect's professional status.

original issue

ABOVE GRADE IFC PKG

10/14/2021

revisions

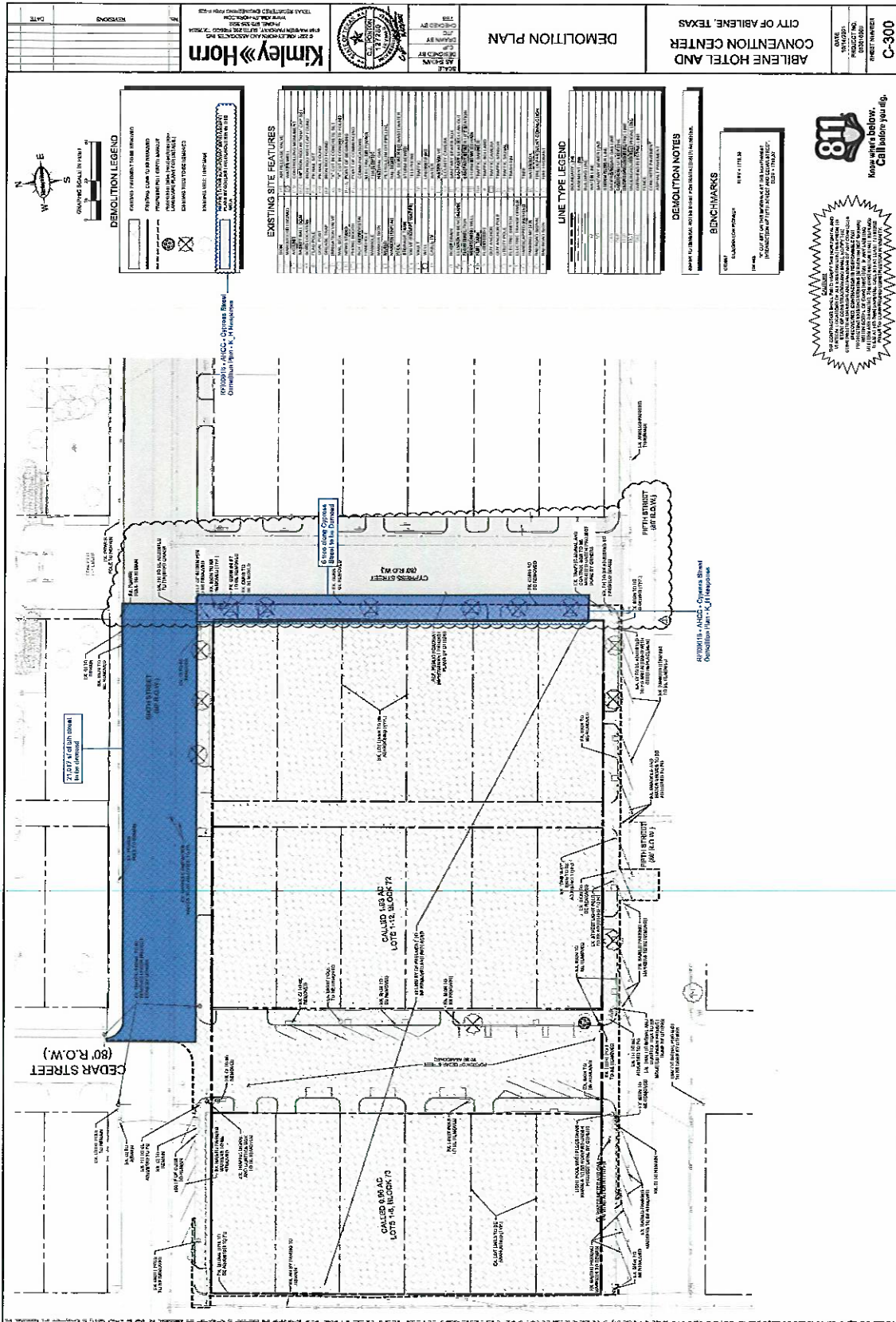
SUE J. AN ORRINS

10-28-2021

DEMOLITION PLAN

project number	18160.100
date	12/14/2021

C-300





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

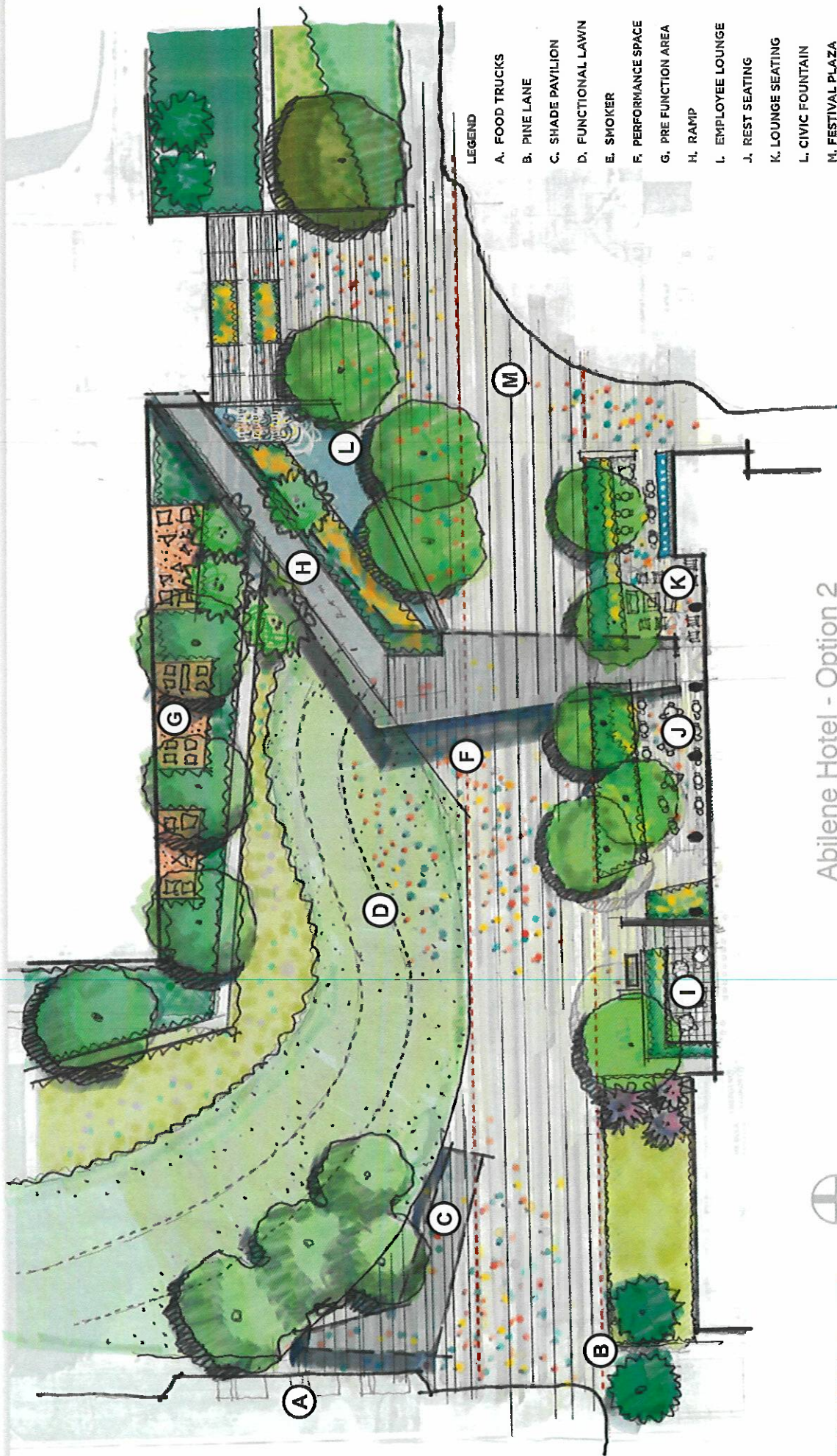
Jordan Sanmann

Accepted By:

Owner's Signature:

Print Name: Mark Bullard

Date: 04/18/2022



LEGEND

- A. FOOD TRUCKS
- B. PINE LANE
- C. SHADE PAVILION
- D. FUNCTIONAL LAWN
- E. SMOKER
- F. PERFORMANCE SPACE
- G. PRE FUNCTION AREA
- H. RAMP
- I. EMPLOYEE LOUNGE
- J. REST SEATING
- K. LOUNGE SEATING
- L. CIVIC FOUNTAIN
- M. FESTIVAL PLAZA

Abilene Hotel - Option 2
Abilene, Texas





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 \$2,297.00. 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: _____

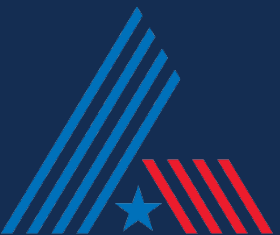
Fee	Fee Charged in PCI 002	Fee that should had been charged in PCI 002	Fee Credited Back in PCI 005
CCIP	\$ 2,756.00	\$ 1,837.00	\$ (919.00)
Fee	\$ 3,444.00	\$ 2,297.00	\$ (1,147.00)
SDI	\$ 1,091.00	\$ 1,072.00	\$ (19.00)

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



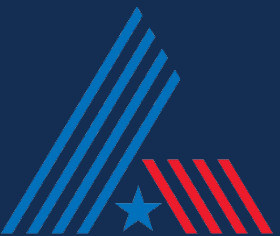
Change Order for City Facility Improvements

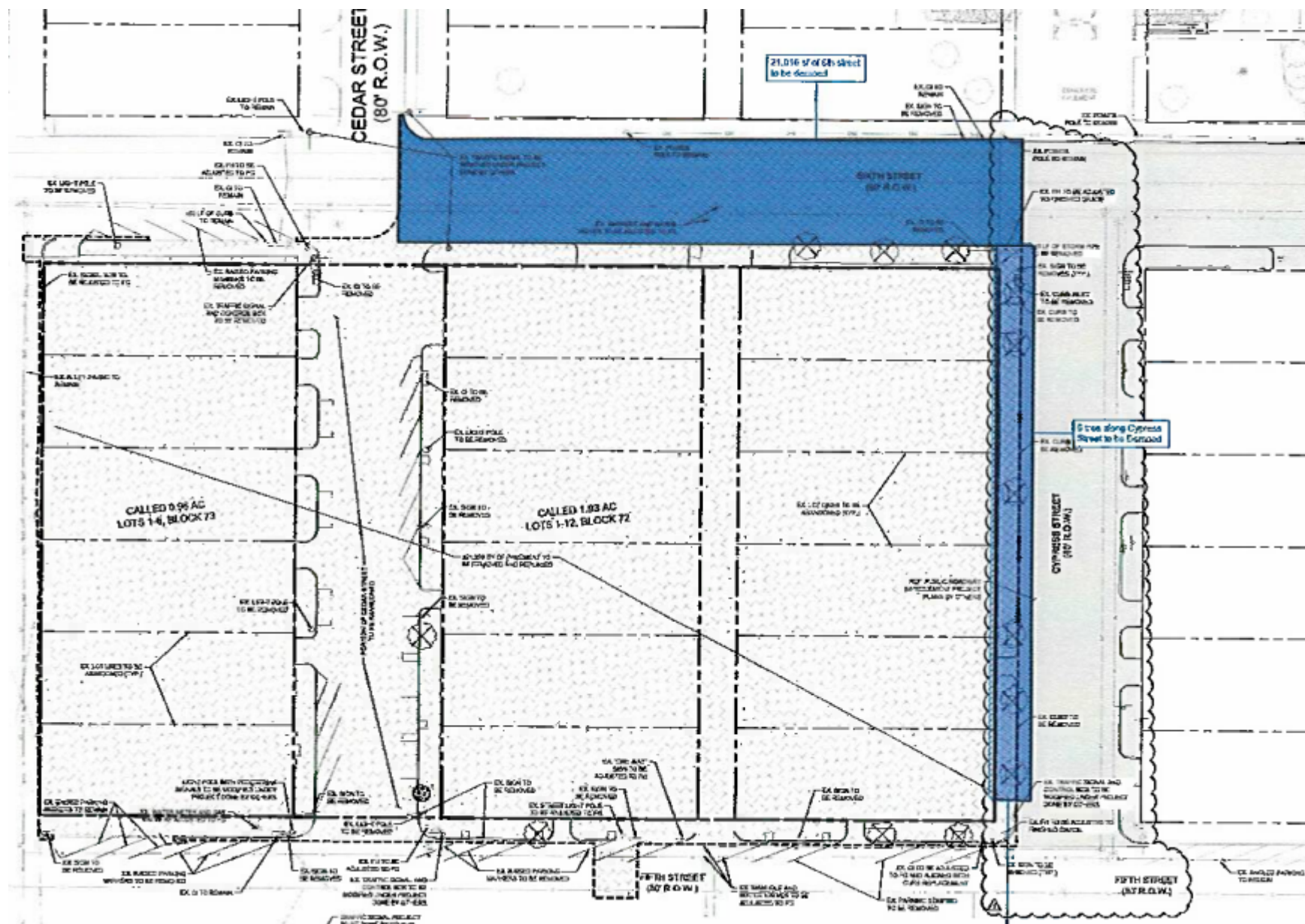
- The Owner and Design/Builder desire to Increase the Initial Guaranteed Maximum Price (“IGMP”) based on the Owner’s acceptance of Festival Park District – 6th Street & Cypress Street Demolition scopes of work and the additional Design Fees for the Festival Park District added by the Owner.
- The Change Order No. 002 value is Two Hundred 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 \$24,988,651.00.





Change Order for City Facility Improvements (Festival Park District)

Questions ?





**City Council
Agenda Memo**

City Council Meeting Date: 6/9/2022

TO: Robert Hanna, City Manager

FROM: Michael Rice, Assistant City Manager

SUBJECT: 10. Resolution: Receive a Report, Hold a Discussion and Take Action on the Acceptance of the DEAAG grant funds for the Dyess Air Force Improved and Expanded Fiber and 5-G Infrastructure Project (Michael Rice)

GENERAL INFORMATION

On January 27, 2022 , the City of Abilene was awarded a Defense Economic Adjustment Assistance Grant (DEAAG) from the Office of the Governor, Texas Military Preparedness Commission. The purpose of the DEAAG is to provide state funds to defense communities that have been or may be affected by a base realignment and closure action for the purchase of property, sharing the costs of infrastructure or redevelopment projects, and the purchase or lease of equipment.

This DEAAG is in the amount of \$375,000.00, and is for the project described as the Expansion and Improved Fiber and 5-G Infrastructure at Dyess Air Force Base. The Grant Application identifies 50% funding from the DEAAG, 40% funding from Local Community Funding (DCOA), and 10% funding Other Source (Military Affairs Committee). The total project cost is estimated at \$750,000.00.

The project will provide increased network resource resiliency for base networks, and the project will enhance or enable more redundancy for non-critical areas.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

No City Funds are anticipated for this project.

STAFF RECOMMENDATION

Staff recommends acceptance of the DEAAG funds. Acceptance of the funds will obligate the City of Abilene to administer the project in accordance with the Grant covenants and requirements.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2022_Resolution_DEAAG DAFB 5G Infrastructure (draft)
2. O-TMPC_grant_letter_Abilene202201270792
3. DEAAG grant

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
ACCEPTING DEAGG FUNDS FOR THE DYESS AIR FORCE IMPROVED AND
EXPANDED FIBER AND 5-G INFRASTRUCTURE PROJECT, AND AUTHORIZING
THE CITY MANAGER TO EXECUTE ANY DOCUMENTS OR AGREEMENTS
NECESSARY**

WHEREAS, on January 27, 2022, the City of Abilene was awarded a Defense Economic Adjustment Assistance Grant (DEAAG) from the Office of the Governor, Texas Military Preparedness Commission; and

WHEREAS, the purpose of the DEAAG is to provide state funds to defense communities that have been or may be affected by a base realignment and closure action for the purchase of property, sharing the costs of infrastructure or redevelopment projects, and the purchase or lease of equipment; and

WHEREAS, this DEAAG is in the amount of \$375,000.00, and is for the Improved and Expanded Fiber and 5-G Infrastructure at Dyess Air Force Base; and

WHEREAS, the DEAAG will reimburse the City of Abilene for actual and allowable allocable costs paid; and

WHEREAS, the project will provide increased network resource resiliency for base networks, and the project will enhance or enable more redundancy for non-critical areas; and

WHEREAS, Staff requests approval of a Resolution by City Council accepting the DEAAG, and to authorize the City Manager to execute any necessary documents or agreements for the purposes of the DEAAG and the Improved and Expanded Fiber and 5-G Infrastructure at Dyess Air Force Base.

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

Part 1: That the City Council of the City of Abilene Accepts the award of the DEAAG for the Improved and Expanded Fiber and 5-G Infrastructure in an amount not to exceed \$375,000.00 and in accordance to the terms and conditions of the January 27, 2022 Defense Economic Adjustment Assistance Grant from the Office of the Governor, Texas Military Preparedness Commission.

Part 2: That the City Manager is authorized to execute any necessary documents or agreements for the purposes of the DEAAG grant and associated project.

Part 3: That the City Council finds that the use of the DEAAG funds for the reimbursement to Dyess Air Force Base of actual and allowable allocable costs paid for the construction of the Improved and Expanded Fiber and 5-G Infrastructure will serve a predominately public purpose, and the city will retain sufficient control to ensure the public purpose is carried out, and the city will receive a benefit.

Part 4. That this Resolution takes effect immediately upon its adoption.

ADOPTED this 9th day of June, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



GOVERNOR GREG ABBOTT

January 27, 2022

Mr. Robert Hanna
City Manager
City of Abilene
P.O. Box 60
Abilene, Texas 79604-0060

Dear Mr. Hanna:

I am pleased to announce that the Texas Military Preparedness Commission (TMPC) within my office voted to award the City of Abilene a Defense Economic Adjustment Assistance Grant in the amount of \$375,000.00 to expand fiber and 5G infrastructure at Dyess Air Force Base.

The State of Texas places a high value on military installations and the defense communities that support them. The 15 military installations in Texas, along with the Army Futures Command, have an impact of over \$123 billion on the Texas economy. We look forward to watching this project develop, and we will continue to support the U.S. Air Force as an instrumental part of the military community in Texas.

Please reply to this correspondence with a letter, sent to Keith Graf, Executive Director of the TMPC, informing my office whether the City of Abilene accepts or rejects the grant award. If the City of Abilene accepts the grant award, TMPC staff will work with your designated point of contact to begin processing the grant award and executing an agreement detailing the grant's required terms and conditions.

Thank you for supporting Dyess Air Force Base.

Sincerely,

A handwritten signature in black ink that reads "Greg Abbott". The signature is stylized with a large, flowing "G" and "A".

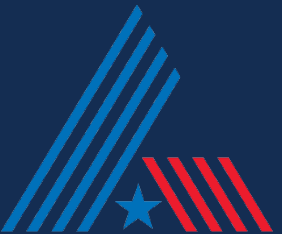
Greg Abbott
Governor

GA:kgd

ACCEPTANCE OF A DEAAG AWARD FOR IMPROVED AND EXPANDED FIBER AND 5-G INFRASTRUCTURE FOR DYESS AIR FORCE BASE



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 6/9/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **11. Ordinance (Final Reading) Z-2022-09: Receive a Report, Hold a Discussion and Public Hearing, 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

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

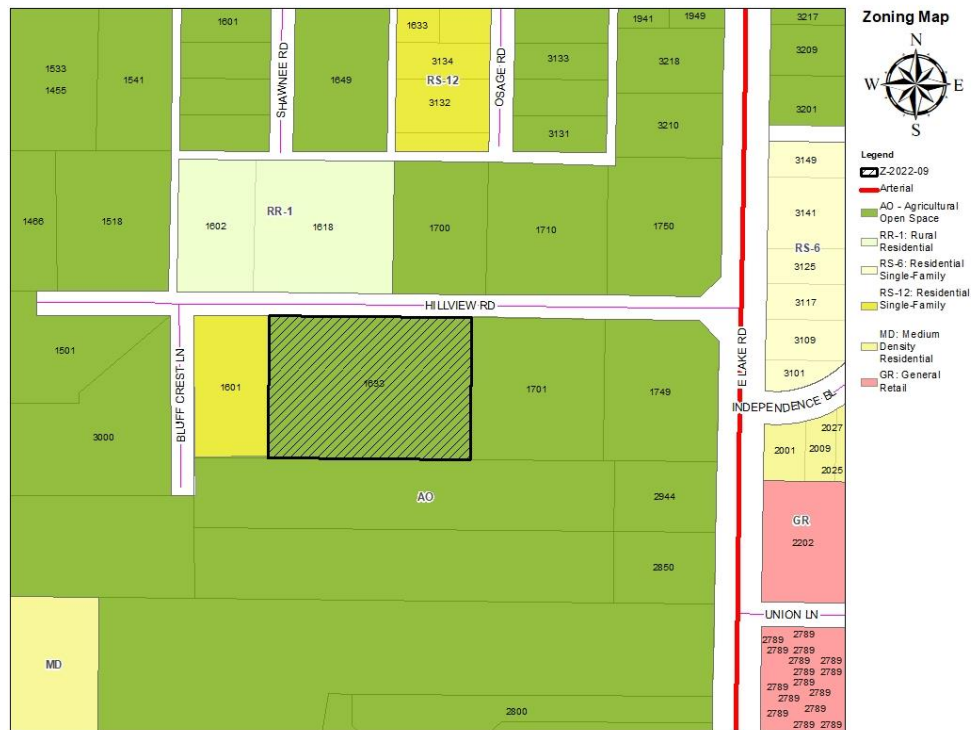
Location Map

Zoning Map

LOCATION MAP

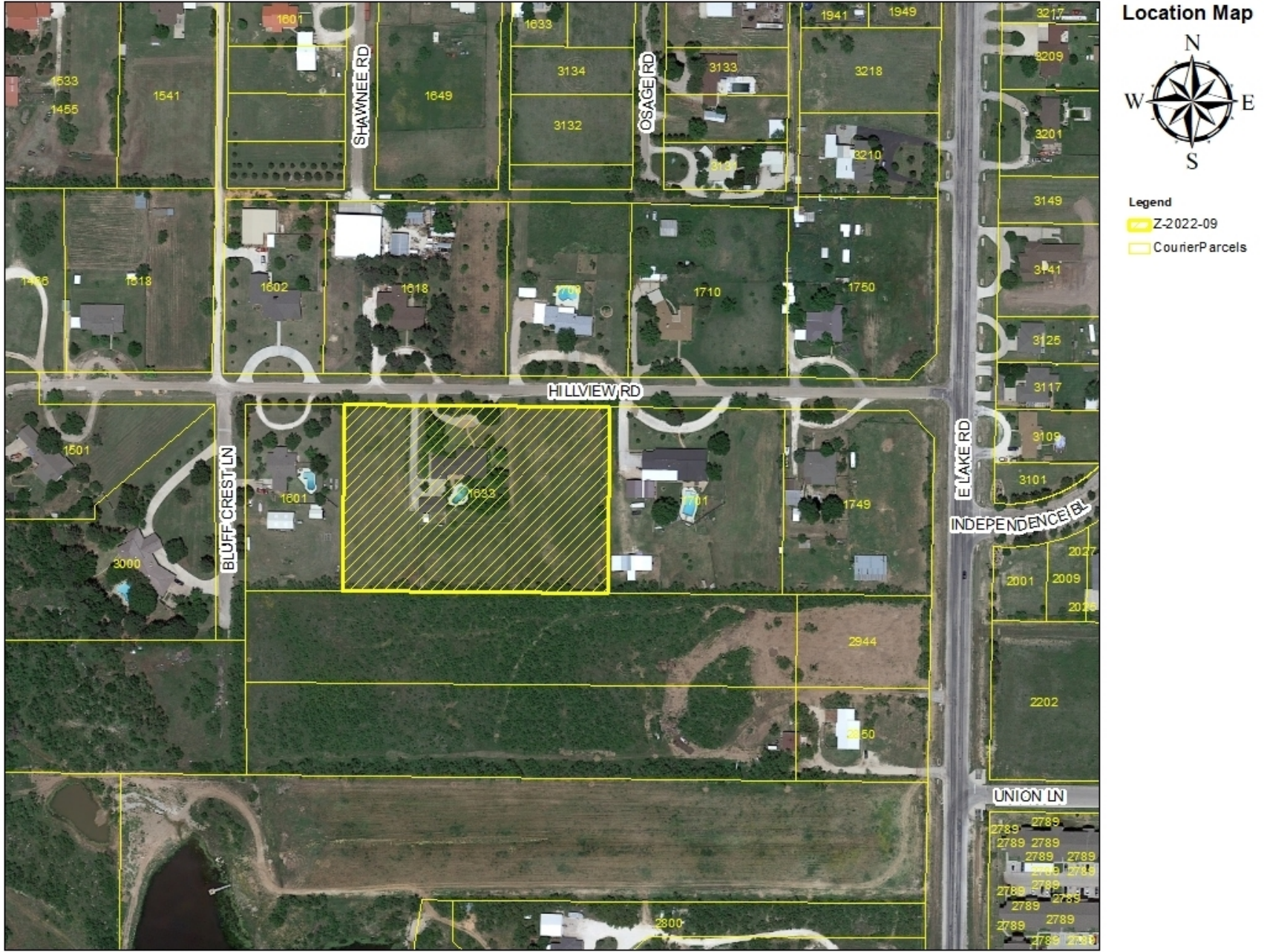


ZONING AND EXISTING LAND USE MAP



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

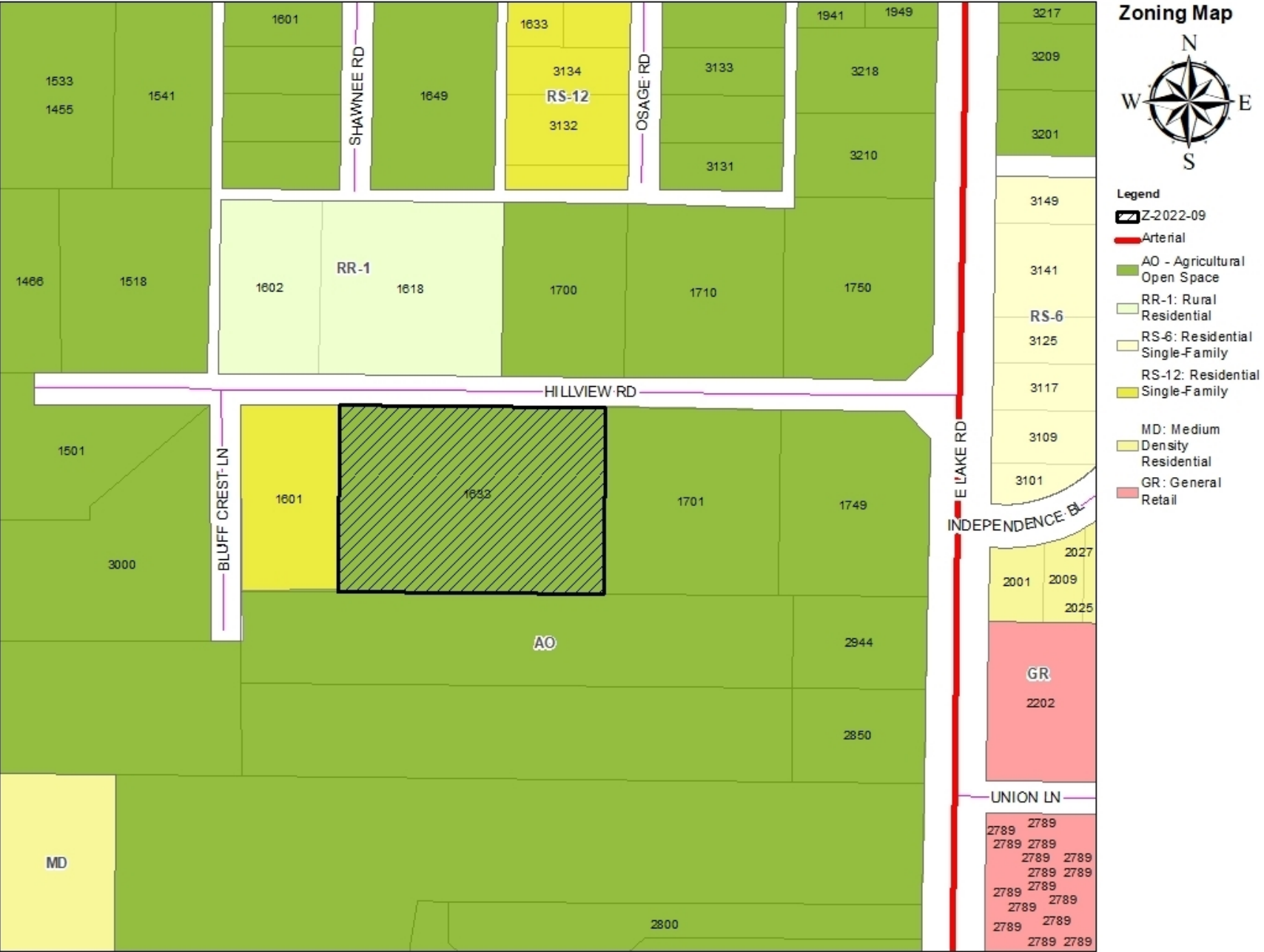
Z-2022-09 LOCATION MAP



Z-2022-09 LOCATION MAP



Z-2022-09 ZONING MAP



Permitted Uses in RS Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

Z-2022-09 VIEWS OF SUBJECT & ADJACENT PROPERTIES

Subject Property (Center)



Neighboring Property (Northeast)



Subject Property (East Side)



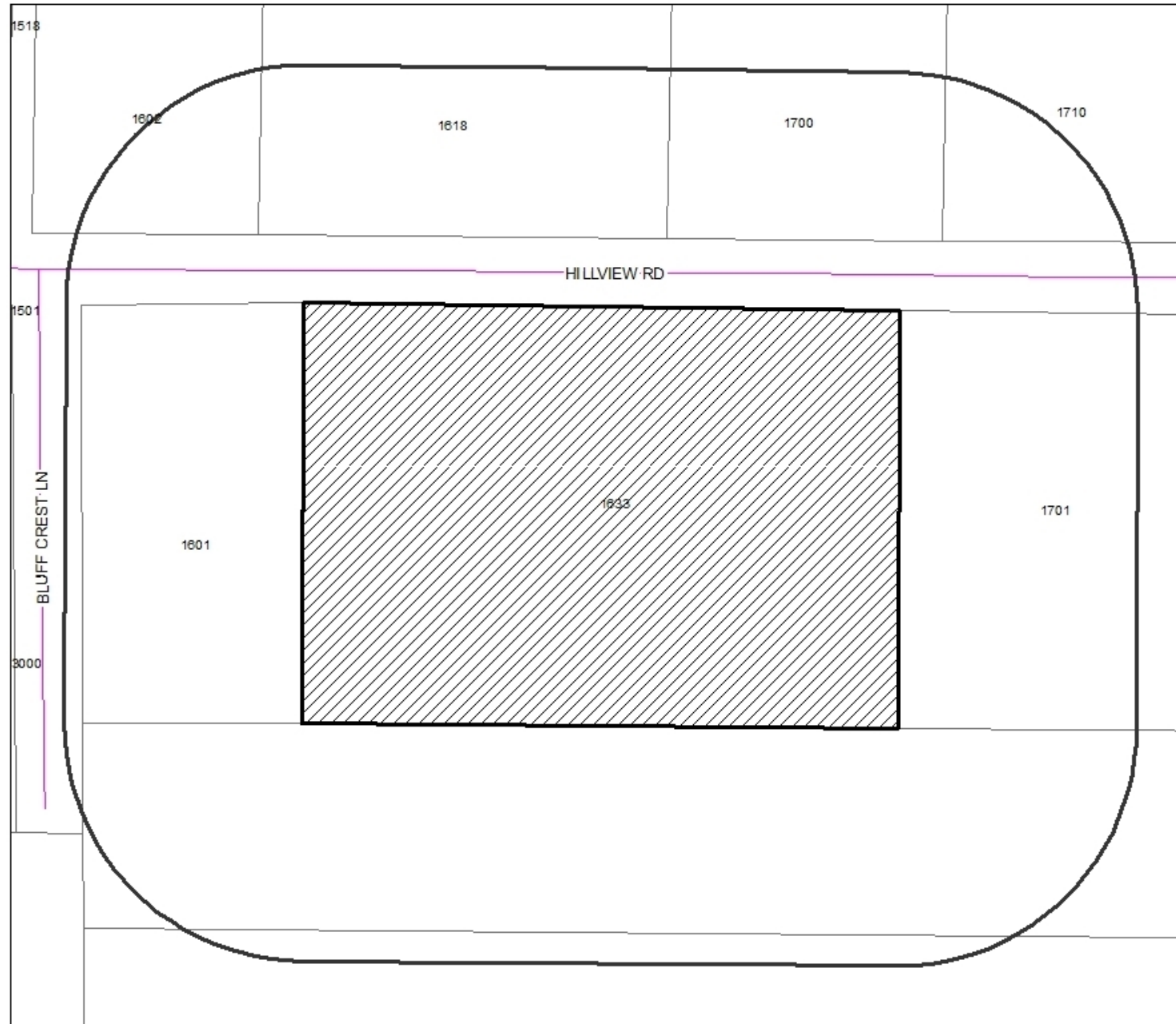
Subject Property (West Side)



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: 6/9/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **12. Ordinance (Final Reading) Z-2022-10: Receive a Report, Hold a Discussion and Public Hearing, 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

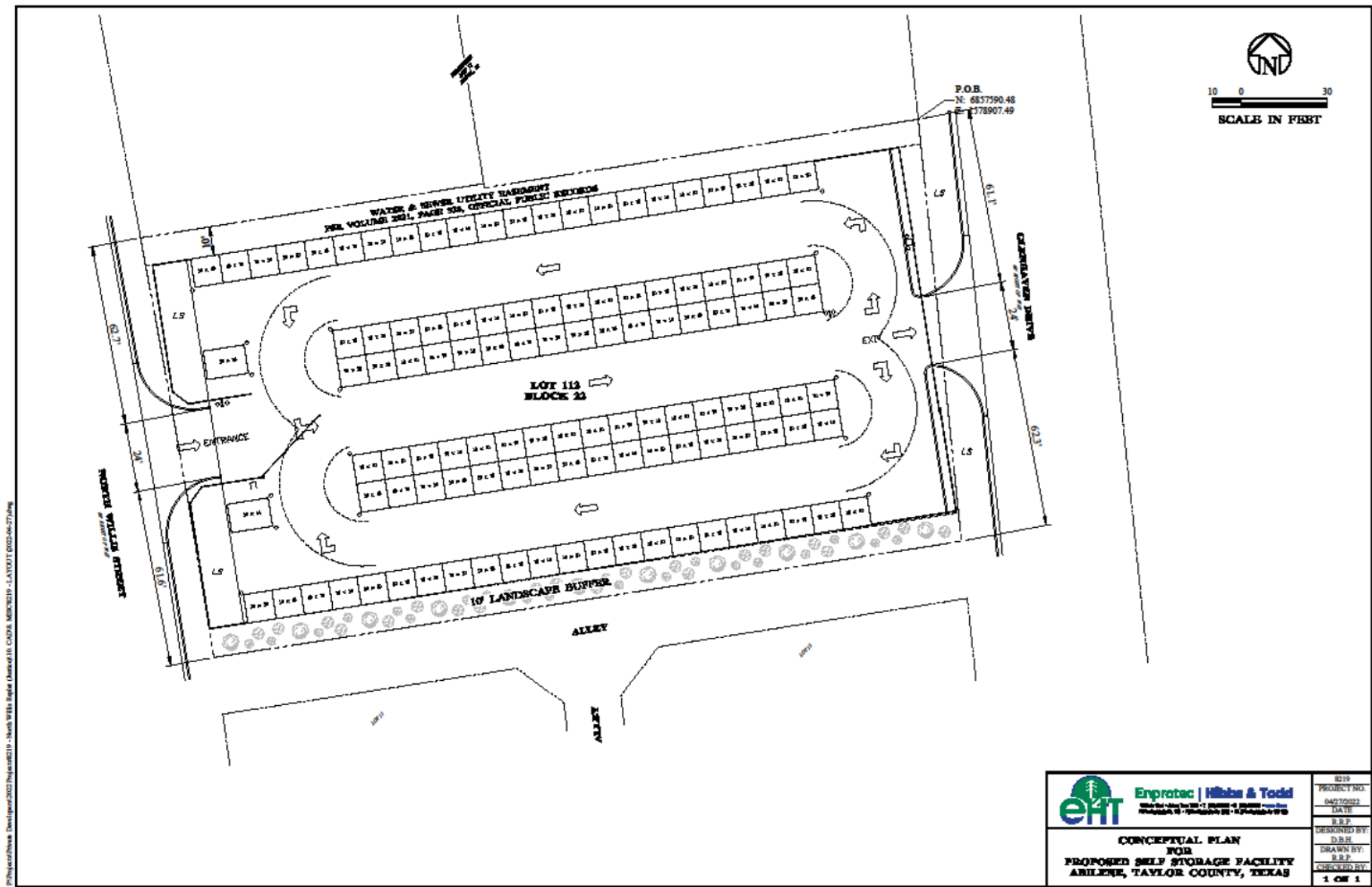
B. Screening Requirements:

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

[illegible]

Zoning Map

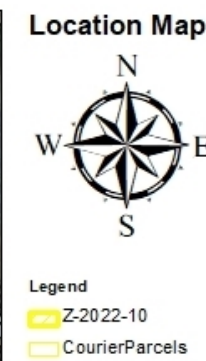
Legend

- Z-2022-10
- Arterial
- Collector
- RS-6: Residential Single-Family
- RS-8: Residential Single-Family
- MD: Medium Density Residential
- MF: Multi-Family Residential
- GR: General Retail
- GC: General Commercial
- PD: Planned Development

Map Details:

- Streets:** AMBLER AVE, N WILLIS ST, GLENHAVEN DR, BEECHWOOD LN, MIMOSA DR.
- Highlighted Lot:** 2109 Glenhaven Dr (hatched, GR zoning).
- Other Lots and Zoning:**
 - 3374, 3366: PD
 - 3426: GC
 - 3429, 3401, 3425, 3413, 2111, 2110: GR
 - 3375, 3351, 3351 B: GR
 - 2101, 2109: MD
 - 2138, 2120, 2102, 2056, 2025, 2023, 2013, 2001, 1973, 1955, 1937: RS-6
 - 2024, 2023, 2001, 1973, 1955, 1937: RS-8
 - 2024, 2024, 2002, 1974, 1956: MF

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)



Z-2022-10 NOTIFICATION AREA MAP



For Project of Private Development 2022 Project no.6219 - North Wills Region, District of 10, CAD\$8, 850,000.00 - LA 00017 01022-04-271.dwg



- 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: 6/9/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **13. Ordinance (Final Reading) Z-2022-11:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Patrick Cowen To Change Zoning From Heavy Industrial (HI) 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 Mall of Abilene at 4310 Buffalo Gap Road 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:

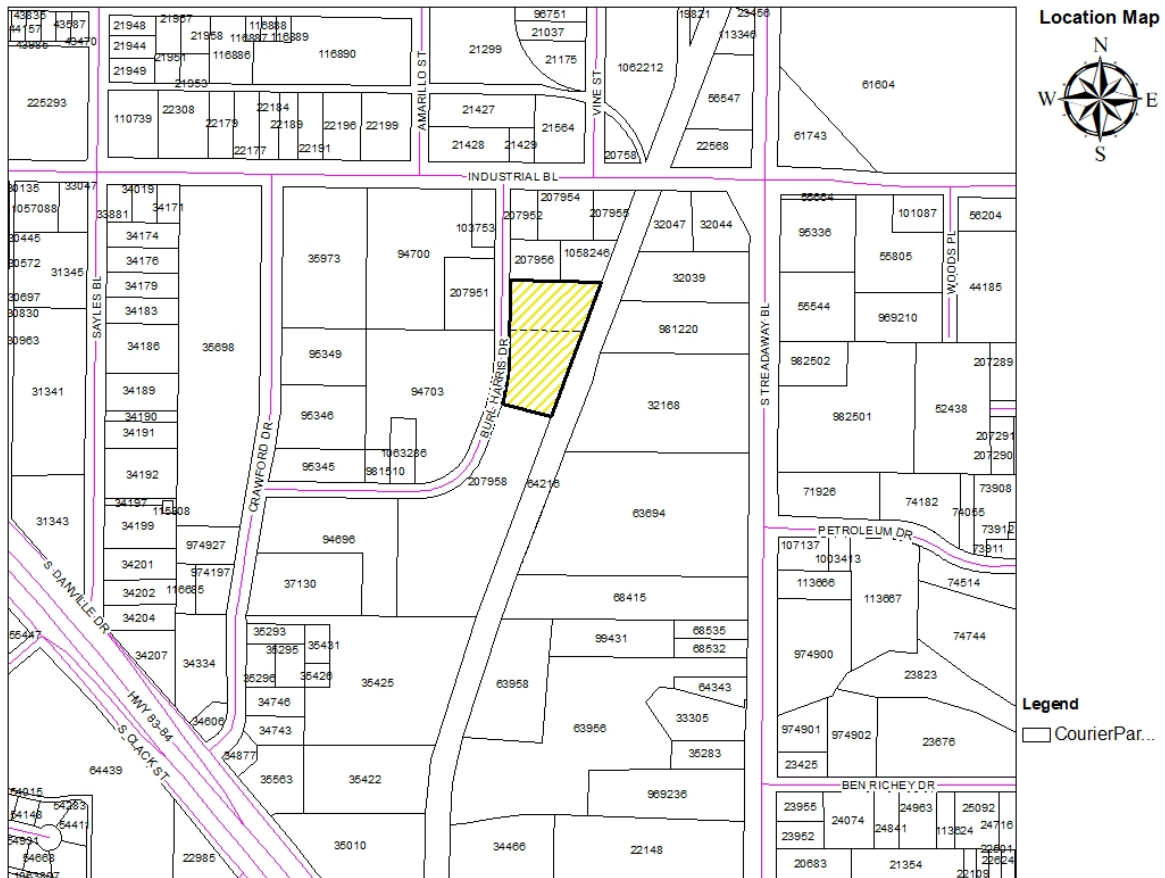
CITY ATTORNEY

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

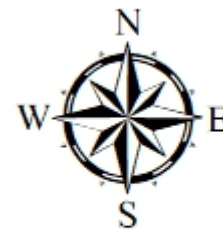


Case:	Z-2022-11
Owner:	Patrick & Tamara Cowen
Agent:	ACI Enterprises Inc.
Request:	Zoning request from “HI” Heavy Industrial to “HC” Heavy Commercial.
Location:	3.0 Acres of land at 4249 Burl Harris Drive.
Notification:	6 in Favor, 0 Opposed
Planning & Zoning:	May 3, 2022
City Council Hearings:	1 st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

ArcGIS Web Map



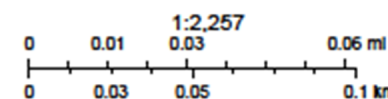
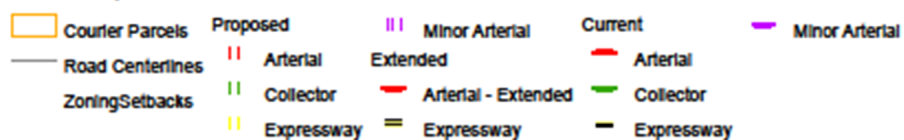
Location Map



Legend

Courier Parcels

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

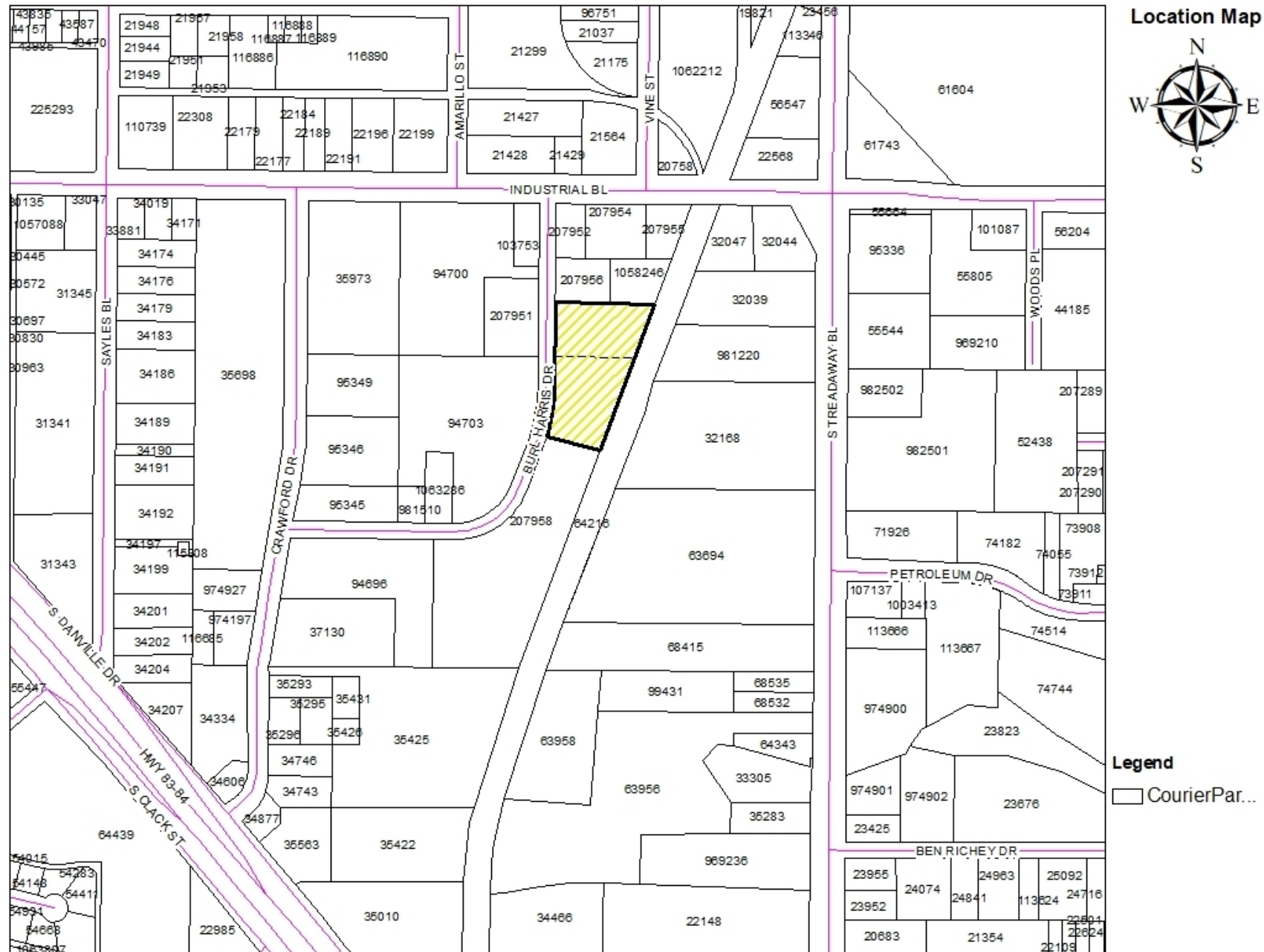


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri

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)



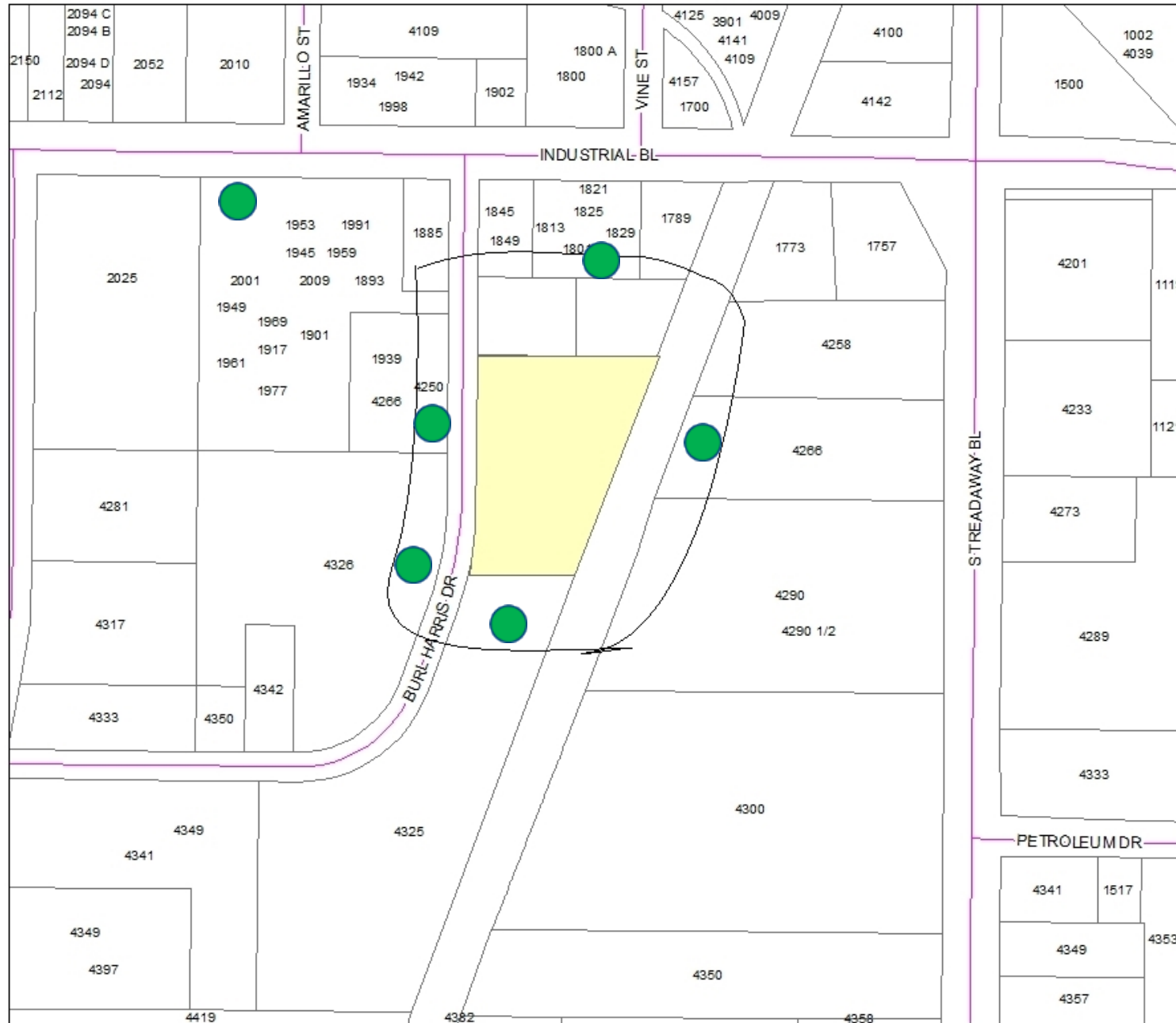
Neighboring Property (North)



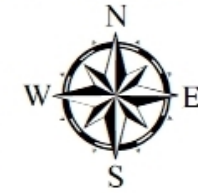
Neighboring Property (West)



Z-2022-11 NOTIFICATION AREA MAP



Location Map



Legend

Z-2022-11 
 200' Notification Buffer



6 - 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: 6/9/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **14. Ordinance (Final Reading) CUP-2022-02: Receive a Report, Hold a Discussion and Public Hearing, 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

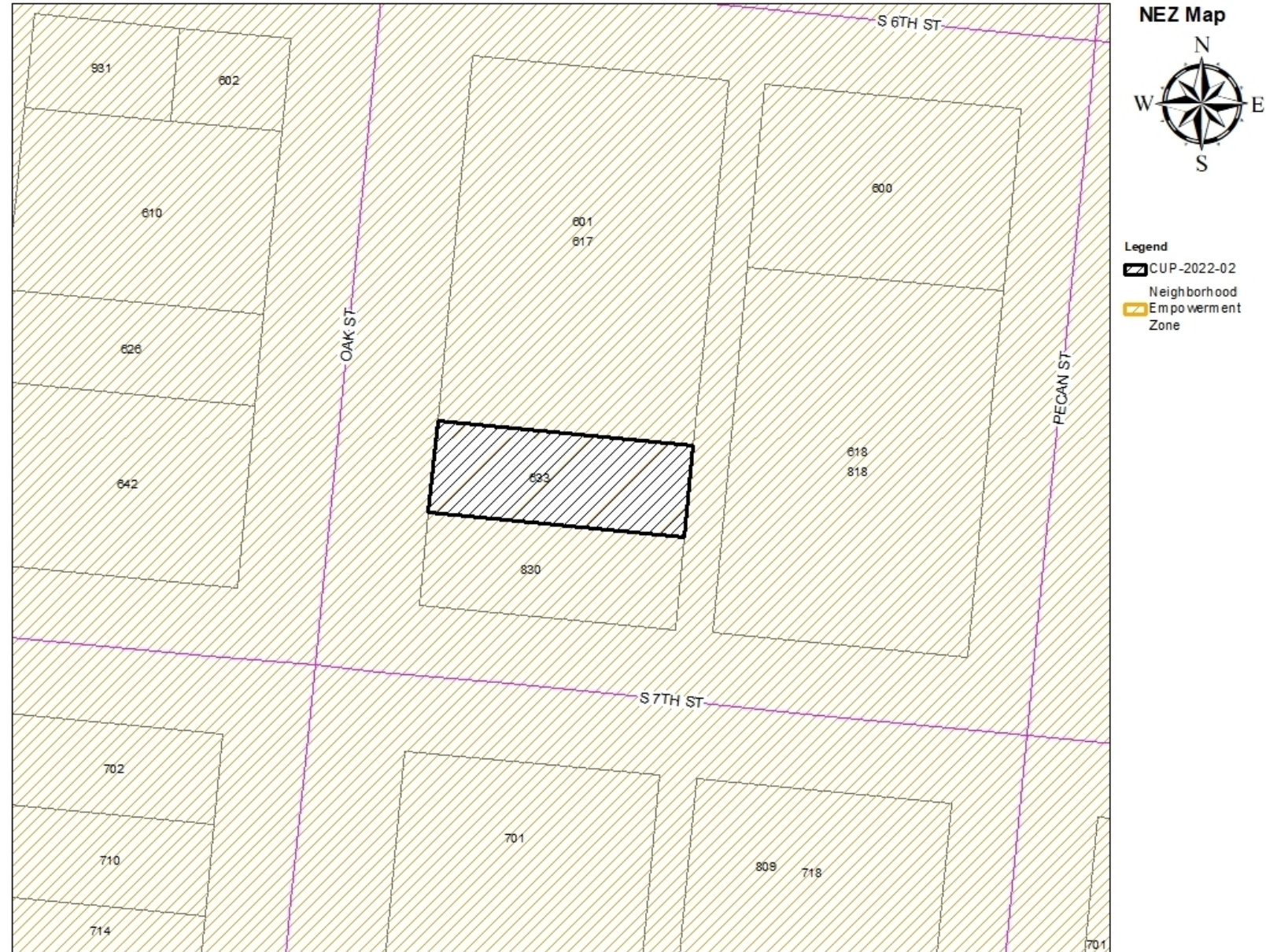
Development Services

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, 2 Opposed
Planning & Zoning:	May 3, 2022
City Council Hearings:	1 st : May 26, 2022 2 nd : June 9, 2022



CUP-2022-02 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

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 (South)



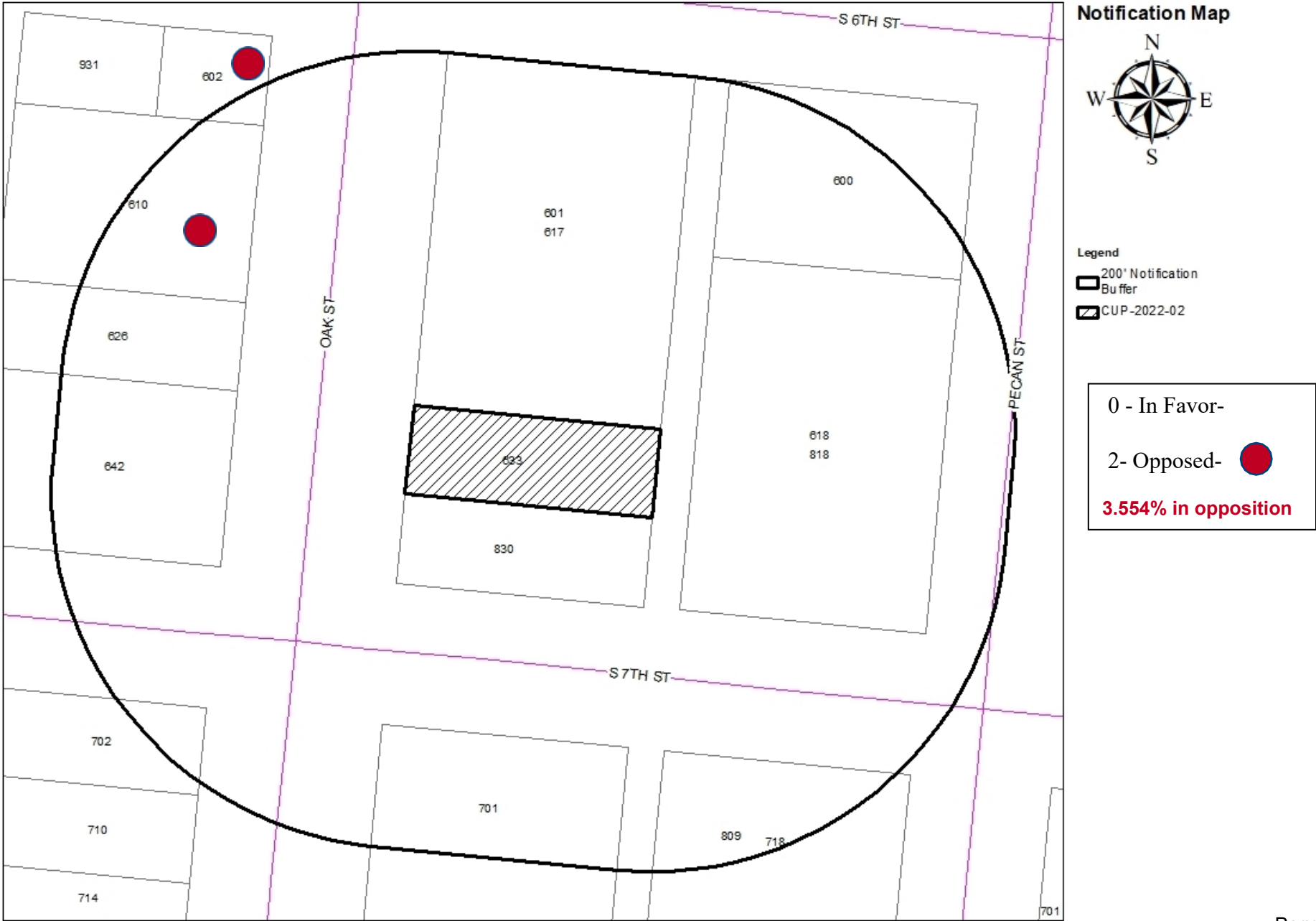
Neighboring Property (Southwest)



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 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: 6/9/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **15. Ordinance (Final Reading) CUP-2022-05:** Receive a Report, Hold a Discussion and Public Hearing, 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

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



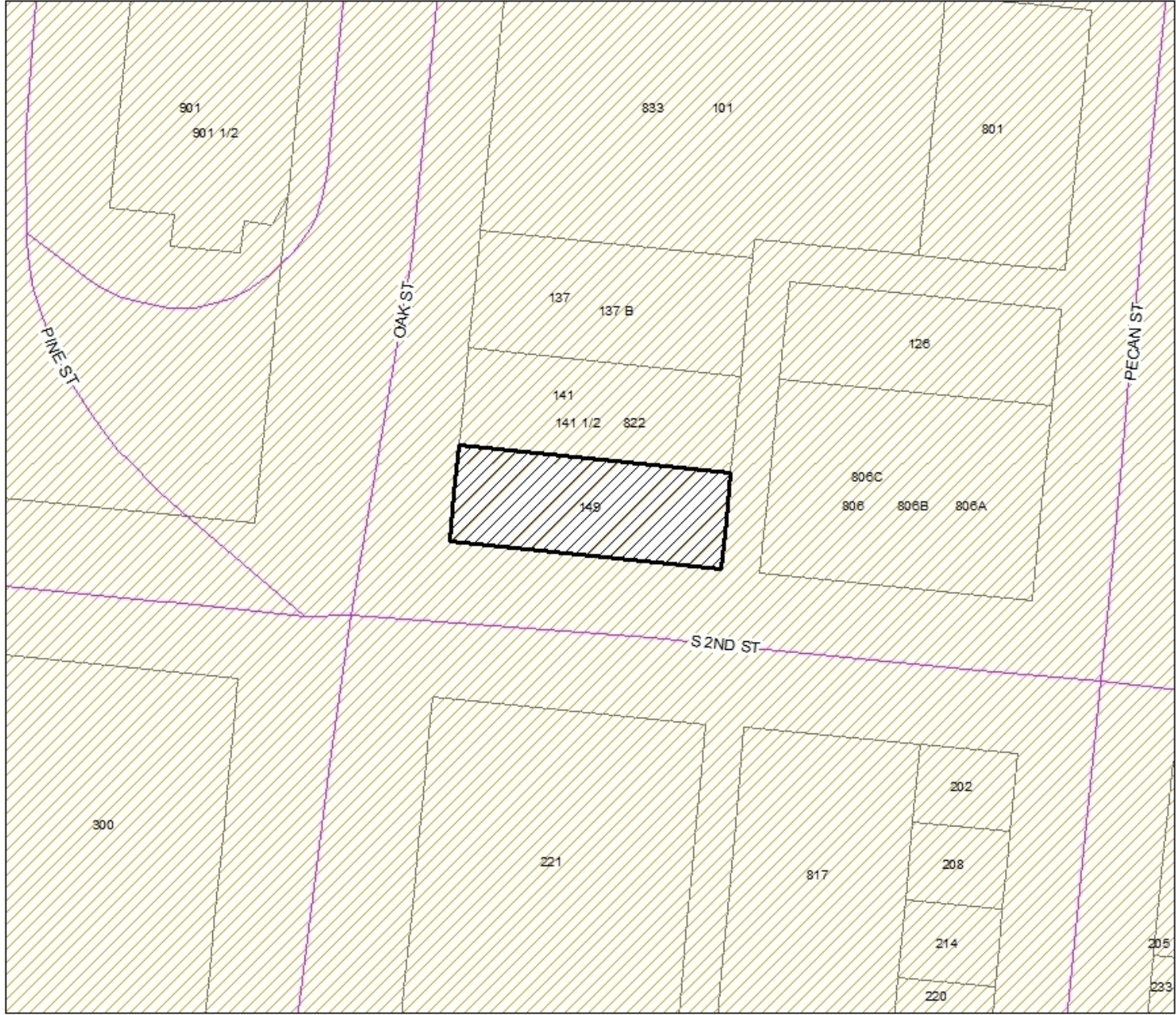
Legend

- 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



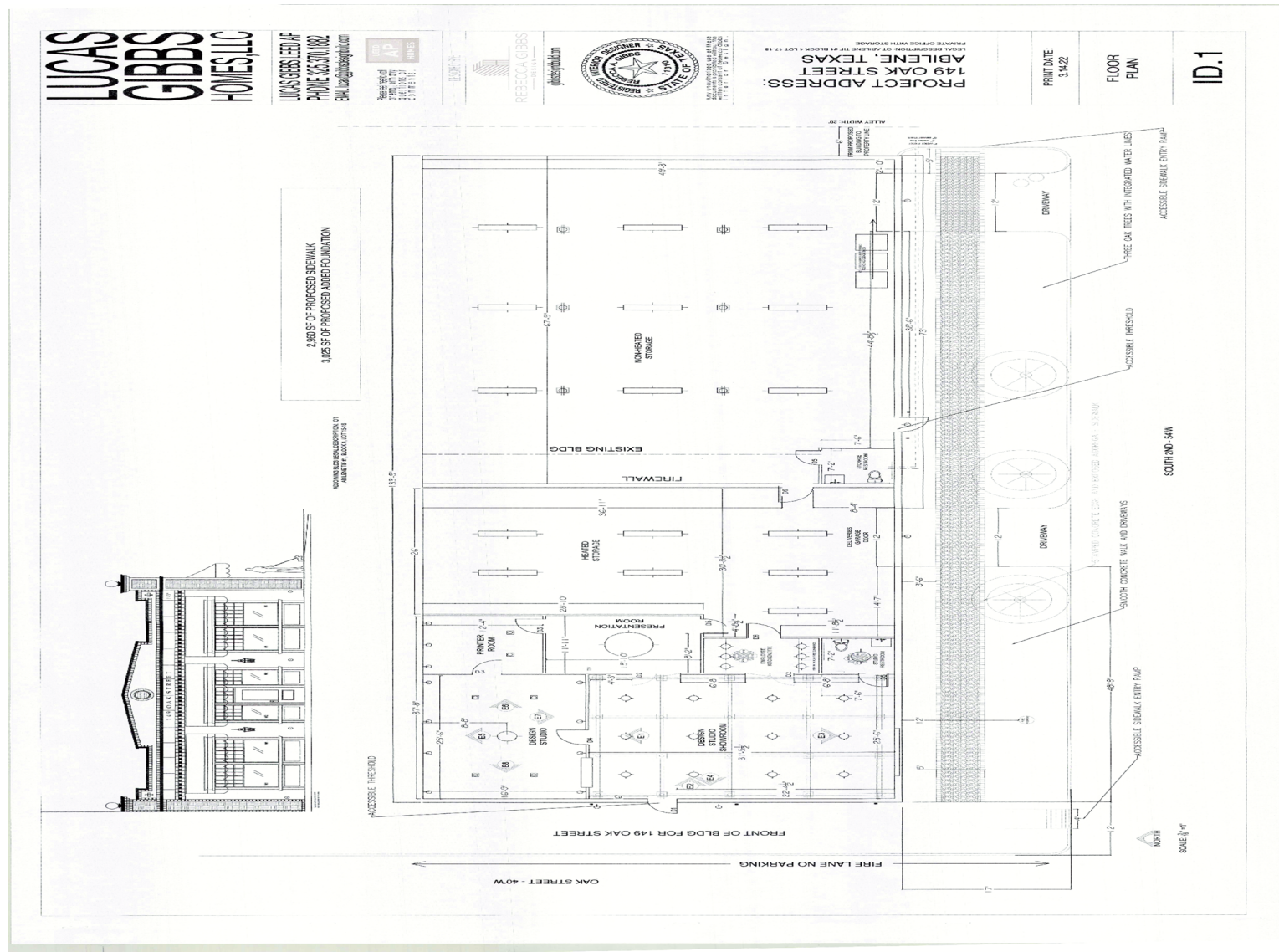
Neighboring Property (East)



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: 6/9/2022

TO: Robert Hanna, City Manager

FROM: Julee Hatton, Library Director

SUBJECT: 16. Discussion: Receive a Report, Hold a Discussion and Public Hearing on the Collection Development Policy of the Abilene Public Library (Julee Hatton)

GENERAL INFORMATION

Information to be discussed during the meeting.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Collection Development Policy of the APL

Discussion: Collection Development Policy of the Abilene Public Library



General Information

Mission Statement:

The Abilene Public Library provides materials, services, and programs to help community residents obtain information which meets their personal, educational, professional, and recreational needs.



General Information

Abilene Public Library Statistics FY 2021

- Patron visits 256,391
- Program attendance 32,728
- Total circulation 585,548
 - Items circulated 346,855
 - Digital downloads 238,693



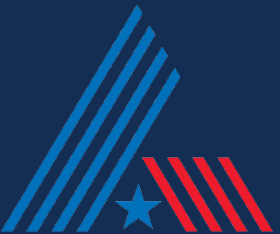
General Information:

Collection Development Policy adopted by Library Advisory Board

- Available online at <https://abilenetx.gov/214/Library-Policies>

Library Advisory Board

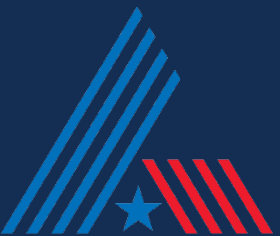
- Seven member board
- Appointed by the Mayor
- Approved by City Council
- Three Year Term, with option for renewal
- Quarterly meetings



General Information:

Service goals

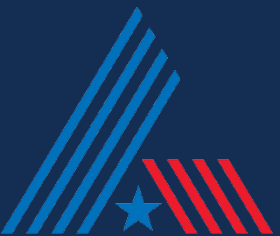
- The Abilene Public Library strives to provide a collection of high quality materials that are reliable, current, and appealing to a wide range of patrons.
- Recreational titles will attempt to provide both lasting value and immediate interest. These materials will be available across all ages and interests at all locations.



General Information:

Service goals

- Throughout the three locations, the Abilene Public Library is represented as one collection, with easy and clear accessibility to all patrons, no matter their physical location.
- Additionally, digital materials are available through a virtual fourth branch of the library that functions with the same intents, purposes, and funding of the physical locations.

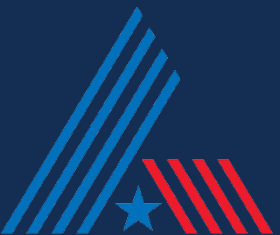


General Information:

Service goals

The Abilene Public Library collection:

- Reflects a variety of viewpoints, needs, and interests in accordance to the overall demographics of the Abilene area.
- Strives to provide an adequate number of copies for titles purchased; the more popular the item, the more copies are ordered so as to decrease the wait for patrons. These copies are purchased in multiple formats, including digital. Patrons can also request additional copies.

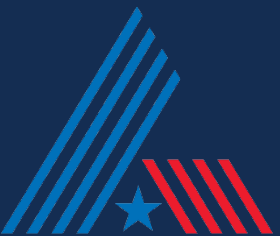


General Information:

Service goals

The Abilene Public Library collection:

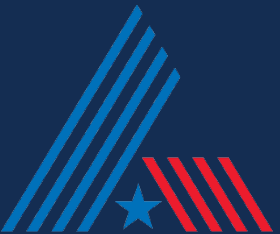
- Will respect and respond to the community's needs and interests.
- Supports school and homeschool curricula.
- Corresponds with programs offered, such as various clubs for teens, informational and recreational sessions for adults, and children's story times.



General Information:

Service goals

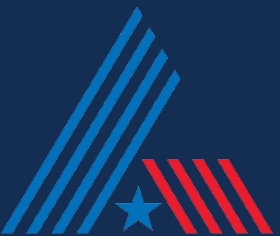
- The Abilene Public Library strives to meet the various needs of all of its patrons.
- To this end, the collection will support numerous endeavors, which include materials for both formal and self-education needs as well as recreational needs.
- This includes various works of fiction, non-fiction, juvenile materials, audiovisual materials, newspapers, periodicals, and digital materials.



General Information:

Service goals

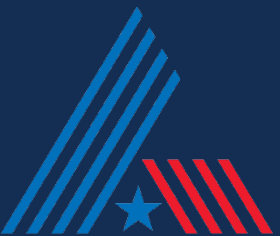
- The library does not place the needs of one individual over the other, but strives to provide adequate resources to meet all needs. The library as a whole will support the right of the individual to access information, no matter if it may be considered controversial, unorthodox or unacceptable to others.
- The collection will also support the needs of various programs offered by the Abilene Public Library. These programs include but are not limited to: children's story times, teen activities, and adult programs based on areas of interest.



General Information:

Selecting materials

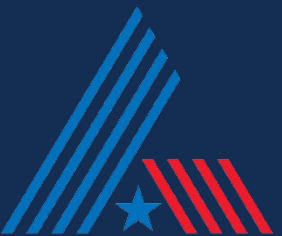
- Librarians and selected staff that have current relevant knowledge of a collection area will be responsible for adding additional materials.
- The library will use several resources to choose the best materials available. Resources include, but not limited to, award winning materials, large publishing companies, reviews, and trade publications such as Library Journal.



General Information:

Selecting materials

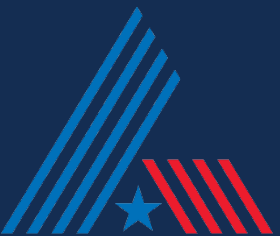
- Suggestions from the general public are encouraged and will be reviewed for adding to the collection.
 - In Fiscal Year 2021, the library received 1667 purchase suggestions from the public.
- All possible selections will be weighed against availability of funds in the current budget, availability of materials, and shelf space.



General Information:

Evaluation

- Evaluation of the collection is vital as we determine if the needs of the community are being met and if funds are being used in the appropriate areas. Through this we will be able to determine which areas need weeding, as well as which areas of the collection are weak and in need of improvement.
- The collection will be evaluated based on collected circulation statistics, through current library literature and standards, and the opinions and suggestions from library users.



General Information:

Evaluation example

Title	Awards	Year published	Country of origin	Shelving Location	APL owns	Checkouts	Renewals
The Bride was a boy	2019 Rainbow Booklist (ALA)	2018	Japan	Young Adult Graphic Novel	2 copies	15 checkouts	5 renewals
Beyond Magenta: Transgender Teens Speak Out	A 2015 Stonewall Honor Book	2015	United States	Adult Non fiction	1 copy	6 checkouts	8 renewals
This day in June	Winner of the 2015 Stonewall Book Award—Mike Morgan and Larry Romans Children's & Young Adult Literature Award A Top Ten Title, 2015 American Library Association Rainbow List Winner, 2015 Notable Books for a Global Society Awards	2014	United States	Children's Picture book	1 copy	11 Checkouts	1 renewal



General Information:

Evaluation

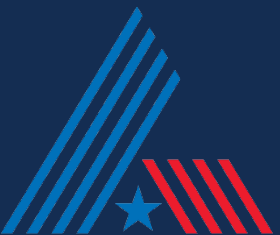
- The library does not evaluate based on any one individual personal belief or standard.
- A constant routine visual inspection of physical materials keeps the collection fresh and materials in need of replacement will be evaluated and replaced as necessary.



General Information:

Reconsideration of Materials Procedure

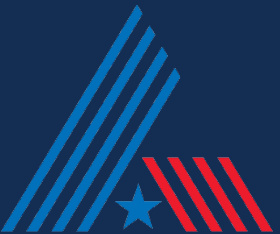
- The Library will review the selection of a specific item upon request of a member of the community.
- Whenever possible, patron complaints should be handled by the staff person to whom they are made. If further assistance is needed, the branch manager will address the complaint. Should the patron be dissatisfied with the outcome, the branch manager will contact the City Librarian.
- The patron may submit a “Request for Reconsideration of Library Materials” form at this point.



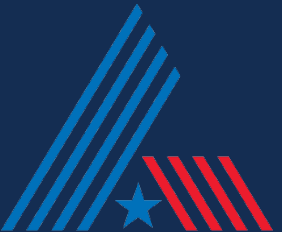
General Information:

Reconsideration of Materials Procedure

- The item under consideration will be removed from the shelf while the Library Advisory Board reviews the item and request in relation to the Library's mission and selection criteria.
- The individual who submitted the request may be invited to address the Board and present their concerns. Items the Board deems appropriate for the collection will not be removed except in accordance with established weeding policies.



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 6/9/2022

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 17. 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. Samuel Hightower v. City of Abilene, Appeal of Temporary Suspension to Hearing Examiner, filed December 28, 2021

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

15. 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

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)

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

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None