



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

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on July 14, 2022, at 8:30 a.m., at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

INVOCATION

1. Councilmember Lynn Beard

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. Service Awards:

- Mike Michaud - 30 Years - Water Utilities

3. Proclamations:

- Minority Mental Health Awareness Month
- Parks & Recreation Month

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 June 23, 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**)
 - 9-1-1 District Board of Directors (Casting a Vote Only)
 - Board of Building Standards
6. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Renew the Google - Workspace Software Licenses From SADA Systems, Inc., for Boards and Commissions (**Bob Von Wolffradt**)
7. **Resolution:** Receive a Report, Hold a Discussion and Take Action on awarding the bid for the E.N. 10th and S. Maple Street Utility Improvements (**Rodney Taylor**)
8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding the Rebid of Bulk Chlorine Chemical Used by Water Treatment Plants in Fiscal Year 2022 (**Rodney Taylor**)
9. **Resolution:** Receive a Report, Hold and Discussion and Take Action Authorizing the City Manager to execute an Agreement with Impact Promotional Services, LLC dba Got You Covered Work Wear & Uniforms for the Purchase of Flame Resistant (FR) Station Uniforms for the Abilene Fire Department (**Cande Flores**)
10. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Authorizing the Donation of Police Department Bicycles, Clothing, and Electronic Items to Local Non-Profit Organizations (**Marcus Dudley**)
11. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Amending and Expanding the Boundaries of the Abilene Neighborhood Empowerment Zone No. 1 (**Michael Rice**)
12. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Section 18-286, Decreased Speed Limits - School Zones," of the Abilene Municipal Code, By Amending School Zone near Dyess Elementary and Updating AISD school names (**Max Johnson**)

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

13. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Execute the Software Services Agreement with Tyler Technologies, Inc. for the Enterprise Resource Planning (ERP) MUNIS Products Implementation (**Bob Von Wolffradt**)
14. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 18, "MOTOR VEHICLES AND TRAFFIC," ARTICLE XIII, "SCHEDULES," SECTION 18-286, "Decreased speed limits-School zones," of the

Abilene Municipal Code to Add School Traffic Zones at Wylie East Elementary (**Max Johnson**)

15. **Ordinance (Final Reading)**: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Ordinance amending Chapter 32 "Utilities", Article VI "Water Conservation Plan", of the Abilene Municipal Code by amending Sections 32-140, 32-141, 32-142, 32-143, 32-144, 32-145, and 32-146, as set out below, providing a severability clause, and declaring a penalty (**Rodney Taylor**)
16. **Ordinance (Final Reading) Z-2022-13:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From PB 6950, LLC Represented By Jacob & Martin, LLC To Change The Zoning Of Approximately 36.5 Acres From Residential Multi-Family (MF), Office (O), And Agricultural Open (AO) To General Retail (GR), Residential Multi-Family (MF) And General Commercial (GC) (**Tim Littlejohn**)
17. **Ordinance (Final Reading) CUP-2022-04:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Windmill Circle Apartments LLC (Represented By Enprotec/Hibbs & Todd, Engineering Consultants) For Approval Of A Conditional Use Permit Allowing Multi-Family Residential Buildings On Approximately 15 Acres Of Now-Vacant Land In A General Retail (GR) District At 28 Thru 36 Windmill Circle And At 5601 Memorial Drive In South Abilene. (**Tim Littlejohn**)

EXECUTIVE SESSION

18. **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. 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
4. 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
5. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
6. 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
7. 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
8. 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
9. 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
10. 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
11. Samuel Hightower v. City of Abilene, Appeal of Temporary Suspension to Hearing Examiner, filed December 28, 2021
12. Zach Williams v. City of Abilene, Appeal of Temporary Suspension to Hearing Examiner, filed December 28, 2021
13. 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
14. Library's Collection Development Policy

B. 551.072 (Deliberations about Real Property)

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

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

E. 551.076 (Deliberations about Security Devices)

F. 551.087 (Business Prospect/Economic Development)

RECONVENE

REGULAR AGENDA

19. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Enter into a Chapter 380 Agreement with Habitat for Humanity for Infill Residential Development **(Robert Hanna)**

ADJOURNMENT

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

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 8th day of July, 2022, at 2:45 p.m.

Shawna Atkinson, TRMC, CMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

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 June 23, 2022
(*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting Held on June 23, 2022

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 06-23-2022 Minutes - Regular - Morning

CITY COUNCIL MEETING
June 23, 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 June 23, 2022, at 8:30 a.m. at the South Branch Library, Mall of Abilene, 4310 Buffalo Gap Road. Mayor Anthony Williams was present and presiding, along with Mayor Pro-tem Weldon Hurt, Deputy Mayor Pro-tem Donna Albus, and Councilmembers Shane Price, Lynn Beard, Kyle McAlister and Travis Craver. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Deputy Mayor Pro-tem Donna Albus delivered the invocation and led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 2-11. Item 9 was pulled from consideration prior to the meeting, and item 11 was pulled for individual consideration.

PUBLIC COMMENTS

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

- Rebecca Gingrich – stated that a council member has agreed to meet with her group about the library books, so she is withholding comments until after this meeting.
- James Griffith – stated that he teaches a class on pornography and sex addiction. He stated most of the individuals in his class were exposed between 8 and 12 years old and that he is opposed to putting those books in the library for children.
- Joan Batson – stated she is saving her comments on the library books for a meeting that is being held tomorrow.
- Joe Humphrey – spoke in favor of the sidewalks for South 14th Street.
- Dorothy Clay – spoke about the library books issue and children being sexualized. Stated that she wants to make sure our children are protected.
- David Swart – spoke about the sidewalks for South 14th, he never sees anyone walking on the edges of 14th. Mr. Swart stated North 12th is a better area for sidewalks and believes this is a pet project for someone. He also spoke about police surveillance equipment for Tahoe's.
- Wendy Tamez – did not speak but indicated her opposition to banning books in the public library.

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

CONSENT AGENDA

Mayor Pro-tem Hurt moved to approve the consent agenda, consisting of items 2-8 and 10. Deputy Mayor Pro-tem Albus seconded the motion. Motion carried.

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

NAYS (0): None

2. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on June 9, 2022

3. 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. 96-2022]

Board	Term End Date
<i>Keep Abilene Beautiful</i>	
Rebekah Raux-Sumrall [New]	September 2025
<i>Senior Citizens Advisory Board</i>	
Monroe Nevells [Reappointment]	May 2024
Maxine Williams [Reappointment]	May 2024
Dorothy Drones [Reappointment]	May 2024
Leroy King [Reappointment]	May 2024
Johnny Whisenhunt [Reappointment]	May 2024

4. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Financing By Tarrant County Cultural Education Finance Corporation of Health Facilities Located Within the City of Abilene, Texas
[ASSIGNED RESOLUTION NO. 97-2022]
5. Resolution: Receive a Report, Hold a Discussion and Take Action Authorizing the City Manager to enter into an agreement with Texas Department of Transportation for the S 14th St Walkability Project
[ASSIGNED RESOLUTION NO. 98-2022]
6. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Amending Chapter 18, "MOTOR VEHICLES AND TRAFFIC," ARTICLE XIII, "SCHEDULES," SECTION 18-286, "Decreased speed limits-School zones," of the Abilene Municipal Code to Add School Traffic Zones at Wylie East Elementary
7. Resolution: Receive a Report, Hold a Discussion and Take Action on awarding the bid for the Second Pressure Plane Supply Line - Phase 2
[ASSIGNED RESOLUTION NO. 99-2022]
8. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on an Ordinance amending Chapter 32 "Utilities", Article VI "Water Conservation Plan", of the Abilene Municipal Code by amending Sections 32-140, 32-141, 32-142, 32-143, 32-144, 32-145, and 32-146, as set out below, providing a severability clause, and declaring a penalty
9. Ordinance (First Reading) Z-2022-12: Receive a Report, Hold a Discussion and Take Action on A Request From Griffith Lake Estates Represented By Jacob & Martin, LLC To Change Zoning Of Approximately 27.2 Acres From Agricultural Open (AO) And Residential Multi-Family (MF) To Residential Multi-Family (MF) And General Commercial (GC)
10. Ordinance (First Reading) Z-2022-13: Receive a Report, Hold a Discussion and Take Action on A Request From PB 6950, LLC Represented By Jacob & Martin, LLC To Change The Zoning Of Approximately 36.5 Acres From Residential Multi-Family (MF), Office (O), And Agricultural Open (AO) To General Retail (GR), Residential Multi-Family (MF) And General Commercial (GC)
11. Ordinance (First Reading) CUP-2022-04: Receive a Report, Hold a Discussion and Take Action on A Request From Windmill Circle Apartments LLC (Represented By Enprotec/Hibbs & Todd, Engineering Consultants) For Approval Of A Conditional Use Permit Allowing Multi-Family Residential Buildings On Approximately 15 Acres Of Now-Vacant Land In A General Retail (GR) District At 28 Thru 36 Windmill Circle And At 5601 Memorial Drive In South Abilene

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

11. Ordinance (First Reading) CUP-2022-04: Receive a Report, Hold a Discussion and Take Action on A Request From Windmill Circle Apartments LLC (Represented By Enprotec/Hibbs & Todd, Engineering Consultants) For Approval Of A Conditional Use Permit Allowing Multi-Family Residential Buildings On Approximately 15 Acres Of Now-Vacant Land In A General Retail (GR) District At 28 Thru 36 Windmill Circle And At 5601 Memorial Drive In South Abilene

Having pulled the item, Mayor Pro-tem Hurt wanted an opportunity to explain to those present that this is a first reading only, and that today's action will send this to the July 14th meeting for the final reading, where final action will be taken.

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

- Allison Cowling – spoke in opposition to the item.
- Jimmy Boulware – did not wish to speak, but is in opposition to the item.
- Lisa Dews – spoke in opposition to the item.
- John Farnsworth – did not wish to speak, but is in opposition to the item.
- Linda Griggs – did not wish to speak, but is in opposition to the item.
- Cindy Ramsey – spoke in opposition to the item.
- Priscilla Rothwell – did not wish to speak, but is in opposition to the item.
- Fran Stone – did not wish to speak, but is in opposition to the item.
- Paul Beale – did not wish to speak, but is in opposition to the item.
- Henry Beiro – spoke in opposition to the item.
- Pat Callahan – spoke in opposition to the item.
- David Swart – state he is glad people came out to speak on this, and that he feels that this is solely about increasing the property tax base. He also stated that most government servers have filters on email their system and you cannot send any files or pictures to government official emails.
- Abbey Speed – spoke in opposition to the item.

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

Councilmember McAlister moved to approve the item. Mayor Pro-tem Hurt seconded the motion. Motion carried.

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

NAYS (0): None

ITEM PULLED FROM CONSIDERATION

9. Ordinance (First Reading) Z-2022-12: Receive a Report, Hold a Discussion and Take Action on A Request From Griffith Lake Estates Represented By Jacob & Martin, LLC To Change Zoning Of Approximately 27.2 Acres From Agricultural Open (AO) And Residential Multi-Family (MF) To Residential Multi-Family (MF) And General Commercial (GC)
[NOT CONSIDERED]

REGULAR AGENDA

12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, 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
[DENIED]

Councilmember Price moved to remove this item from the table. Councilmember Beard seconded the motion. Motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Beard, McAlister, and Craver
NAYS (0): None

Lesli Andrews, Director of Parks & Recreation, presented the item. Adoption of the item would approve a contract with Bontke Brothers Construction Company, Inc. for the Cedar Creek Development Trail Project.

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

- David Swart – stated that the lowest bid should be taken, and that the City needs to reject all the bids or take the lowest value here to save money.

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

Councilmember Price moved to deny the bid from Bontke Brothers Construction Company, Inc. Mayor Pro-tem Hurt seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Beard, McAlister, and Craver
NAYS (0): None

13. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to enter into a Memorandum of Agreement between the City of Abilene and the Abilene Youth Sports Authority for the Lease of Real Property and Development of a Youth Sports Agreement
[ASSIGNED RESOLUTION NO. 101-2022]

Lesli Andrews, Director of Parks & Recreation, presented the item. Adoption of the item would authorize a Memorandum of Agreement between the City of Abilene and the Abilene Youth Sports Authority for a ground lease and facility operations for a flat fields complex at Grover Nelson Park.

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

- Robert Lopez, Vice President of the Abilene Convention and Visitors Bureau – stated he worked for the Convention and Visitors Bureau in McAllen, Texas and they embarked on a similar project. McAllen experienced a boom in sports tourism after it. He stated this agreement is great for everyone and that it will make a large economic impact.
- Erica Batton – stated she loves this idea and agreed there is not a lot fields for soccer in town.
- David Swart – questioned what happened to Lee Complex. He stated this is technically going to be a private deal in a roundabout way, and that the \$1 a year lease is a great deal but that a lot of people are questioning it.

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

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

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

NAYS (0): None

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 9:59 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:

- 14. D. 551.071 (Consultation with Attorney)
 - 1. Robert Steven Reitz v. City of Abilene
 - 2. Chandler Brooks v. Taylor County et al
 - 3. Natasha Jones v. City of Abilene
 - 4. Library Collection Development Policy
- 14. F. 551.072 (Deliberations about Real Property)
 - 1. 101 Cypress
 - 3. Trail Ridge Subdivision

The Executive Session ended at 11:04 a.m. and reconvened to Open Session. Mayor Pro-tem Hurt reported no votes or action were taken in Executive Session.

Mayor Williams left the meeting after retiring into Executive Session. Mayor Pro-tem Hurt presided over the remainder of the meeting.

REGULAR AGENDA

- 13. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving a Chapter 380 Agreement with Abilene Improvement Corporation for 101 Cypress Street
[ASSIGNED RESOLUTION NO. 102-2022]

Robert Hanna, City Manager, presented the item. Adoption of the item would approve a Chapter 380 Agreement with Abilene Improvement Corporation for 101 Cypress Street.

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 Craver 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

ADJOURNMENT

There being no further business, the meeting adjourned at 11:07 a.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

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)**

- **9-1-1 District Board of Directors (Casting a Vote Only)**
- **Board of Building Standards**

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 14rd day of July, 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 (Casting a Vote Only)	
<i>Board of Building Standards</i>	
JD Coffee [Alternate] [New]	11/4/2023 [unexpired term]

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

- Abilene-Taylor County 9-1-1 District Board
- Board of Building Standards





**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

TO: Robert Hanna, City Manager

FROM: Bob von Wolffrad, Technical/Back up

SUBJECT: **6. Resolution:** Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Renew the Google - Workspace Software Licenses From SADA Systems, Inc., for Boards and Commissions *(Bob Von Wolffradt)*

GENERAL INFORMATION

This is a renewal contract from SADA Systems, Inc., for the Google Licenses necessary for Boards and Commission members to conduct official business and preserve public records. SADA Systems, Inc. is a Texas DIR Contract, # DIR-TSO-4162, authorized reseller.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The proposed agreement is for 325 Boards and Commission Member licenses at an annual amount of \$50,700 for three years, totalling \$152,100.00. through SADA Systems, Inc.

STAFF RECOMMENDATION

Staff recommends renewing the Google Workspace licenses through SADA Systems.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution - Google Licences Boards and commissions July 8 22
2. SADA Google license Agreement- Boards and commissions
3. SADA G-Suite Customer Agreement
4. Boards Commissions Google Licenses PPT June 27

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO RENEW THE GOOGLE - WORKSPACE
SOFTWARE LICENSES FROM SADA SYSTEMS, INC., FOR BOARDS AND
COMMISSIONS.**

WHEREAS, The City uses Google Workspace licenses and services for email, calendars, documents, meetings, and many other products.

WHEREAS, The City also uses Google Workspace licenses for the City's Boards and Commissions and this contract replaces an annual variable cost for these licenses; and

WHEREAS, Since June 2017, the software services provided by Google have grown and improved dramatically and are used for conducting Board and Commission business, and providing Google account licenses maintains the City's obligations on securing and maintaining public records; and

WHEREAS, the proposed agreement is for 325 Boards and Commission Member licenses at an annual amount of \$50,700 for three years, totalling \$152,100.00 through SADA Systems Inc., under Texas DIR Contract, # DIR-TSO-4162, as an authorized reseller.; and

WHEREAS, city staff has recommended continuing to use these licenses to ensure that City business and records are preserved.

**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 sign the agreement for Google Workspace licenses from Sada Systems Inc.

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

ADOPTED this 14th day of July, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

SADA Systems, Inc. Google Workspace Ordering Document

This Google Workspace Ordering Document (the "Ordering Document") and the corresponding Customer Agreement (the "Agreement") between SADA Systems, Inc. and Customer (as defined below) governs Customer's access to and use of the Services. Undefined capitalized terms used in this Ordering Document will have the meanings set forth in the Agreement.

Customer: Abilene Boards

Address: PO Box 60 Abilene TX 79604

Pricing

Product Description	Price per Month	Term (months)	Quantity	Amount
Workspace Enterprise Plus Accounts	\$13.00	36	325	\$152,100.00
Total Contract Price				\$152,100.00

*** All sales taxes, including State sales tax, Local sales tax, Federal Regulatory Assessment Fee, Federal Universal Service Fund and State 911 Fee, which are properly payable in connection with this Agreement under the Applicable law shall be paid by Customer. These prices may NOT include applicable taxes, electronic waste recycling fee, insurance, shipping, delivery, setup fees, or any cables or cabling services or material unless specifically listed above.

If Customer is tax exempt, then it is incumbent upon Customer to declare its exemption by initializing here (Customer must initial here if claiming tax exempt status).

Note: Fees, such as Telecom Regulatory Fees, associated with telephony charges stemming from Google Voice licenses (if such licenses are part of this Ordering Document) are not eligible for any exemptions.

Initial if tax
exempt

Invoices and Payment Schedule

Invoice Start Date and Frequency	Amount of Each Invoice
First invoice will be issued at the beginning of the Contract Term, followed by 2 annual invoice(s). There will be a total of 3 payment(s) over the 36 month Contract Term.	\$50,700.00

SADA will invoice Customer for all amounts due under any executed Ordering Document in accordance with the schedule set forth above. Each invoice submitted to Customer pursuant to this Ordering Document will be due and payable by Customer within 30 days of receipt. Payment is accepted by check or ACH/EFT in U.S. Dollars.

Bank Information

Automated Clearing House (ACH) or Electronic Funds Transfer (EFT):

Wells Fargo Bank
 Swift Code: WFBIUS6
 464 California Street
 San Francisco, CA 94104
 Routing Number: 121042882
 Account Name: SADA Systems, Inc.
 Account Number: 7757670067

Remittance Address:

SADA Systems, Inc
 5250 Lankershim Blvd., Suite 620
 North Hollywood, CA 91601
 ATTN: Accounting
 accounting@sadasystems.com

Customer Information

Accounts Payable Information	
Full Name (required)	Bob von Wolffrad
Phone	
Email Address (required)	Bobvw@abilenetx.gov
Technical Administrator Contact Information	
Full Name (required)	Bob von Wolffrad
Phone	
Off Domain Email Address (eg, john.smith@gmail.com or IT123@yahoo.com)	[same as on file]
Email Address (required)	[same as on file]

Terms and Conditions

1) All terms are as specified in the original Agreement previously executed by and between SADA and Customer.

2) Customer agrees that all licenses will be provisioned on the primary domain, and that the primary domain is accurate as listed here

abileneboards.org

3) Additional licenses purchased during the Contract Term will be priced at the price per month (for any sku listed above) multiplied by the number of partial or whole months remaining in the Contract Term.

4) Payment for additional licenses purchased during the Contract Term will be due in full upon receipt of an invoice, and will be exempt from the Payment Schedule above.

CUSTOMER ACKNOWLEDGES THAT IT HAS READ THIS ORDERING DOCUMENT AND THE CORRESPONDING AGREEMENT, AND UNDERSTANDS AND AGREES TO BE LEGALLY BOUND BY THEIR TERMS.

IN WITNESS WHEREOF, this Ordering Document has been executed by the parties through their duly authorized officers.

SADA Systems, Inc.

Abilene Boards

Signature

Signature

Name

Name

Title

Title

Date

Date

SADA Systems, Inc.

G SUITE CUSTOMER AGREEMENT

This **G SUITE CUSTOMER AGREEMENT** (this “Agreement”), is made and entered into as of the date the last party executes the G Suite Ordering Document (the “Ordering Document”) by electronic or manual signature (the “Effective Date”), thereby indicating acceptance of the terms of this Agreement between SADA Systems, Inc., a California corporation, with offices at 5250 Lankershim Blvd., Suite 620, North Hollywood, CA 91601 (“SADA”), and the customer identified in the Ordering Document or Statement of Work (“Customer”).

IT IS RECOMMENDED THAT YOU PRINT A COPY OF THIS AGREEMENT FOR FUTURE REFERENCE.

1. SERVICES AND TERMS OF SERVICE

1.1 Provision of Services. This Agreement establishes the terms under which SADA, as an authorized reseller of Google, Inc. (“Google”), will provide Customer with access to the G Suite services set forth in the Ordering Document (the “Services”) and account activation. Customer acknowledges and agrees that this Agreement and the Google TOS (as defined in Section 1.3) govern Customer’s use of the Services and the support services described in Section 1.2, but do not govern implementation and deployment services performed by SADA, if any, which will be performed under a separate Master Professional Services Agreement between SADA and Customer.

1.2 Support. Customer will respond to questions and complaints from Customer’s individual end users who use the Services (such individuals, “End Users”) or third parties relating to Customer’s or End Users’ use of the Services. SADA will provide front-line technical support directly to Customer’s technology administrators with respect to questions, complaints and other support issues that Customer cannot resolve, and SADA is hereby authorized by Customer to submit Customer support issues to Google on behalf of Customer. Customer may also escalate support requests to Google in accordance with Google’s applicable technical support guidelines (the “TSSG”) for the Services. Google will only provide customer support to Customer in accordance with the Google TOS.

1.3 Google Terms of Service. The Services will be provided by Google. The Google TOS will govern Customer’s access to and use of the Services. For purposes of this Agreement, the “Google TOS” means those terms of service that govern use of the Services and that must be entered into directly between Google and Customer prior to Customer’s first log in to the Services, via acceptance by Customer when presented by Google online. The Google TOS can be viewed at https://gsuite.google.com/terms/reseller_premier_terms.html (or such other URL as Google may provide). Customer understands and agrees that Customer will be required to accept the Google TOS before accessing or using the Services. Capitalized terms used in this Agreement that are not defined herein are defined in the Google TOS. The Google TOS is a contract between Customer and Google. SADA will have no liability for performance of the Services, other than as set forth in this Agreement.

1.4 Service Levels. The Services are governed by the service level agreement (“SLA”) set forth in the Google TOS. If Google fails to comply with the SLA, Customer will be eligible to receive those remedies set out in the Google TOS and must request such remedies directly from SADA. Customer’s sole and exclusive remedy in the event of an SLA breach will be the remedies set forth in the applicable SLA.

1.5 Communications with Google. Customer hereby consents and agrees that Google may communicate directly with Customer: (A) to conduct customer service and satisfaction surveys; (B) to the extent required to provide options regarding continuity of the Services (including, if applicable, any scenario in which SADA’s authorization to continue to resell or provision the Services has been terminated); and (C)

for purposes related to the provisioning of the Services to Customer's account, in relation to any Services updates or security incidents.

2. CUSTOMER OBLIGATIONS.

2.1 Compliance with Law; Compliance with Agreement. Customer will comply with all laws, rules and regulations applicable to its use of the Services. Customer acknowledges and agrees that Customer is responsible for ensuring that it and its End Users use the Services in accordance with the Google TOS.

2.2 Customer Administration of the Services. Customer is responsible for: (A) maintaining the confidentiality of the password and administrative account(s) provided to Customer by Google for the purpose of administering End User accounts; (B) designating those of Customer's employees and SADA's employees who are authorized to access the administrative account; and (C) ensuring that all activities that occur in connection with Customer's administrative account comply with the Google TOS. Customer acknowledges and agrees that Google is merely a data processor and that neither SADA's nor Google's liability extends to the internal management or administration of the Services for Customer.

2.3 Consents. Customer is responsible for obtaining and maintaining any consents required from End Users to allow SADA to perform its obligations under this Agreement.

2.4 Privacy. Customer agrees to protect the privacy rights of its End Users in accordance with all applicable laws and regulations.

3. CHARGES AND PAYMENT

3.1 Payment. Customer's use of the Services is subject to payment of the fee(s) set forth in the Ordering Document. Unless otherwise provided in the Ordering Document, Customer will pay for the Services on a full prepaid basis for the Initial Term and each Renewal Term (both as defined in [Section 4.1](#)), to the extent applicable. Fees are due 30 days from the invoice date and are non-refundable, except as otherwise provided in the Google TOS. SADA will have the right to change the fee once each year, effective with the next renewal date. SADA will notify Customer of any fee increase at least 30 days prior to the expiration of the then-current term.

3.2 Support Charges. Any support to be provided by SADA under [Section 1.2](#) of this Agreement will be performed on business days between the hours of 9:00 a.m. to 6:00 p.m. Pacific Time, at no additional cost. Any support services requested by Customer outside these hours will be billed to Customer at an hourly rate of \$292.50.

3.3 Taxes. Customer is responsible for applicable taxes associated with Customer's purchase and receipt of the Services (except for any taxes assessable against SADA based on its income, property or employees) and Customer will pay SADA without any reduction for such amounts. If SADA is obligated to collect or pay taxes, the taxes will be invoiced to Customer (in the case of invoiced fees) or added to Customer's credit card charges (in the case of credit card payments), unless Customer provides SADA with a valid tax exemption certificate authorized by the appropriate taxing authority. If Customer is required by law to withhold any taxes from its payments to SADA, Customer will increase the payment to SADA so that the amount received by SADA is the same as it would have been if no taxes were withheld.

3.4 Late Payments. Until paid in full, delinquent payments will bear interest from the first date of delinquency at the lower of 1.5% per month or the highest rate permitted by law. Customer is responsible for all reasonable expenses (including legal fees) incurred by SADA in collecting unpaid or overdue amounts, except where these unpaid or overdue amounts are due to billing inaccuracies attributable to SADA.

4. TERM, TERMINATION, SUSPENSION AND ADDITIONAL END USER ACCOUNTS

4.1 Term. The term of this Agreement will begin on the Effective Date and will continue for an initial period as set forth in the Ordering Document (such period, the "Initial Term"). At the end of the Initial Term, this Agreement will renew automatically for consecutive renewal terms of 12 months (each, a "Renewal Term"), unless terminated by either party by providing the other party written notice of non-renewal at least 60 days prior to the end of the then-current term. All terms and conditions of this Agreement shall apply during each Renewal Term, except for the fees. The fee for each Renewal Term will be the rates then in effect as described in Section 3.1. SADA will invoice Customer, and Customer agrees to pay, for the renewal of the Services as set forth in the Ordering Document and Article 3 above.

4.2 Termination. Either party may terminate this Agreement for cause upon written notice if the other party fails to cure any material breach of this Agreement within 30 days after receiving written notice of such breach; provided, however, that the period to cure a breach with respect to payment shall be ten days. Other than as may be provided elsewhere in this Agreement, such termination will be Customer's sole and exclusive remedy in the case of a material breach of this Agreement by SADA. This Agreement is also subject to early termination if Google terminates Customer's access to the Services in accordance with Google TOS.

4.3 Effects of Termination. If this Agreement terminates, then the rights granted hereunder by any party to the other will cease immediately and Customer's access to the Services will cease. Unless this Agreement is terminated due to breach by SADA or Google, all payments owed by Customer under this Agreement are immediately due, including any unpaid fees still owing for the then-current term (regardless of whether such term has been terminated early). Customer's access to Customer Data following termination will be as set forth in the Google TOS.

4.4 Suspension of Services. Without prejudice to SADA's rights under Section 4.2 (Termination), if Customer is in breach of its payment obligations under this Agreement and has failed to cure such breach within ten days of notice from SADA regarding such breach, SADA may suspend Customer's access to the Services until such breach is cured.

4.5 Additional End User Accounts. Customer may increase the number of End User accounts per Customer domain at any time. For End User accounts added during the Initial Term or any Renewal Term, the initial term for such End User accounts will be pro-rated, beginning on the date of the applicable order and ending on the expiration of the applicable term. Customer may request End User accounts by notifying its designated SADA account manager. For each purchase of End User accounts, SADA will issue a quote to Customer. End User accounts automatically renew in accordance with the terms of this Agreement, unless terminated by either party in accordance with the terms of this Agreement. The number of End User accounts cannot be reduced during a term, but may be reduced at the next renewal date. In addition, SADA cannot transfer End User Accounts from one Customer domain name to another.

5. CONFIDENTIAL INFORMATION; CUSTOMER DATA; PASSWORDS

5.1 Confidential Information. The provisions of the Google TOS regarding Confidential Information are incorporated into this Agreement by reference and govern the exchange of Confidential Information between SADA and Customer under this Agreement. The exchange of Confidential Information between Customer and Google is governed by the Google TOS.

5.2 Customer Data.

(A) To the extent Directive 95/46/EC of the European Parliament and of the Council on the Protection of Individuals with regard to the Processing of Personal Data and on the Free Movement of Such

Data (the “EU Directive”) applies in relation to personal data included in Customer Data, Google and SADA are each a data processor with respect to any such personal data processed by it on Customer’s behalf, and Customer is the data controller, as the terms “controller”, “processed”, “processor” and “personal data” are defined in the EU Directive.

- (B) With respect to any personal data that SADA processes on Customer’s behalf, SADA will: (A) comply with, and only act on, instructions from or on behalf of Customer regarding the processing of that personal data; (B) not process that personal data for any purpose other than for the performance of SADA’s obligations under this Agreement; (C) ensure that appropriate technical and organizational measures are taken to avoid unauthorized or unlawful processing of that data and against loss or destruction of, or damage to, that personal data; (D) ensure the reliability of, and be responsible for, all of SADA’s employees, agents and contractors who will have access to that personal data; (E) not, by any act or omission, place Customer in breach of legislation implementing the EU Directive and any other applicable data protection and privacy legislation, guidelines and industry standards; and (F) inform Customer immediately of any suspected or confirmed data protection breaches or unauthorized or unlawful processing, loss, or destruction of, or damage to, that Customer Data.
- (C) For purposes of this Agreement, “Customer Data” means data, including email, provided, generated, transmitted or displayed via the Services by Customer, or SADA on behalf of Customer. SADA’s obligations set forth in paragraph (B) above with respect to personal data processed by SADA on Customer’s behalf will also apply to all Customer Data. SADA will not disclose Customer Data except to its employees, agents and contractors who need to know it.

5.3 Protected Health Information. SADA and Customer recognize that in providing the Services and support in connection with this Agreement, SADA may create, receive, maintain, have access to, or transmit Protected Health Information and thereby become a Business Associate of Customer (all as defined in the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations (45 C.F.R. Parts 160-64) (“HIPAA”). SADA agrees to handle any such Protected Health Information in accordance with the HIPAA Business Associate Amendment attached as Exhibit B.

5.4 Passwords. For the avoidance of doubt, SADA will only change or reset Customer or End User passwords if and/or as instructed by Customer.

6. INTELLECTUAL PROPERTY RIGHTS. Except as expressly stated otherwise in this Agreement, neither party will acquire any rights, title or interest, in and to any of the Intellectual Property Rights belonging to the other party, or the other party’s licensors. All ownership rights, title, and Intellectual Property Rights in and to the content accessed through any Services are the property of the applicable content owner and may be protected by copyright or other applicable laws. The parties acknowledge and agree that Google owns all Intellectual Property Rights in the Services. For purposes of this Agreement, “Intellectual Property Rights” means current and future worldwide rights under patent law, copyright law, trade secret law, trademark law, moral rights law and other similar rights.

7. DISCLAIMER. TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, EXCEPT AS EXPRESSLY PROVIDED FOR HEREIN, NONE OF SADA, GOOGLE OR GOOGLE’S LICENSORS AND SUPPLIERS MAKES ANY WARRANTY OF ANY KIND, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE, INCLUDING WITHOUT LIMITATION WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR USE AND NONINFRINGEMENT.

8. INDEMNIFICATION. The Google TOS includes certain indemnification obligations of Google to Customer. Customer agrees to indemnify SADA against third party claims to the same extent it indemnifies Google under the terms of the Google TOS.

9. LIMITATION OF LIABILITY. NEITHER PARTY WILL BE LIABLE UNDER THIS AGREEMENT FOR LOST REVENUES OR INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, OR PUNITIVE DAMAGES, EVEN IF THE PARTY KNEW OR SHOULD HAVE KNOWN THAT SUCH DAMAGES WERE POSSIBLE AND EVEN IF DIRECT DAMAGES DO NOT SATISFY A REMEDY. NEITHER PARTY MAY BE HELD LIABLE UNDER THIS AGREEMENT FOR MORE THAN THE AMOUNT PAID BY CUSTOMER TO SADA FOR THE SERVICES DURING THE 12 MONTHS PRIOR TO THE EVENT GIVING RISE TO LIABILITY. These limitations of liability apply to the fullest extent permitted by applicable law, but do not apply to breaches of confidentiality obligations, violations of a party's Intellectual Property Rights by the other party, or indemnification obligations.

10. GENERAL PROVISIONS

10.1 Notices. All notices, consents, approvals, acknowledgements and waivers under this Agreement must be in writing and delivered to the applicable party, sent to Customer's address set forth in the Ordering Document in the case of Customer, and in the case of SADA, sent to the attention of SADA's Chief Financial Officer at the address set forth in the preamble to this Agreement. SADA and Customer each agree that notices and other communications under this Agreement may be received by email, unless otherwise required by law. Notice will be deemed given: (A) when verified by written receipt if sent by personal courier, overnight courier, or when received if sent by mail without verification of receipt; or (B) when verified by automated receipt or electronic logs if sent by email. A party may change its address or designee for notification purposes by giving the other party written notice of the new address or designee and the date upon which it will become effective.

10.2 Governing Law; Jurisdiction. This Agreement will be governed by and construed in accordance with the laws of the state of California, without regard to its choice of law principles except that (A) if Customer is a U.S. government entity, this Agreement is governed by the laws of the United States, and (B) if Customer is a state or local government entity in the United States, this Agreement is governed by the laws of that state. For any litigation that may arise under this Agreement, the parties consent to personal jurisdiction in and the venue (and waive any claim of *forum non conveniens*) of the state and federal courts located in Los Angeles County and Santa Clara County, California. Notwithstanding the foregoing, if the parties have entered into a Master Professional Services Agreement, the parties consent to the personal jurisdiction and venue set forth in the Master Professional Services Agreement with respect to any litigation that may arise under this Agreement.

10.3 Authorization; Binding Nature and Assignment. Each party represents and warrants to the other that: (A) it has the requisite corporate power and authority to enter into this Agreement and to carry out the transactions contemplated by this Agreement; and (B) the execution, delivery and performance of this Agreement and the consummation of the transactions contemplated by this Agreement have been duly authorized by the requisite corporate action on the part of such party. This Agreement will be binding upon the parties and their respective successors and assigns. SADA may assign this Agreement in connection with a merger, change of control, consolidation, or sale or other disposition of all or substantially all of its assets. Customer may assign this Agreement to an Affiliate without SADA's written consent, but only if: (A) the assignee agrees in writing to be bound by the terms of this Agreement; (B) Customer remains liable for obligations incurred under this Agreement if the assignee defaults on them; and (C) Customer has notified SADA of the assignment. Any other assignment is void, except with the other party's prior written consent.

10.4 Publicity. Customer hereby consents to SADA's inclusion of Customer's name (together with any identifying Customer trade name, trademark and/or logo) in a customer list, but only if Customer is not the only customer appearing on the list. Other than this, neither party may make any public statement regarding the relationships contemplated by this Agreement without the consent of the applicable party.

10.5 Third Party Beneficiary. The parties agree that Google is a third-party beneficiary of this Agreement. There are no other third party beneficiaries of this Agreement.

10.6 No Agency. SADA, Google and Customer are independent contractors with respect to SADA's resale of the Services, and this Agreement does not create an agency, partnership or joint venture. Customer acknowledges that SADA is not an agent of Google and has no authority to bind Google or to change any terms, conditions, warranties or covenants made by Google.

10.7 No Waiver. Failure to enforce any provision of this Agreement will not constitute a waiver.

10.8 Survival. The following provisions will survive any termination of this Agreement: Section 3.4 (Taxes), Article 5 (Confidential Information and Customer Data), Article 6 (Intellectual Property Rights), Article 7 (Disclaimer), Article 8 (Indemnification), Article 9 (Limitation of Liability), and this Article.

10.9 Force Majeure. Neither party will be liable for inadequate performance to the extent caused by a condition (for example, natural disaster, act of war or terrorism, riot, labor condition, governmental action, and Internet disturbance) that was beyond the party's reasonable control. This Section will not, however, apply to Customer's payment obligations under this Agreement.

10.10 Severability. If any provision of this Agreement is found unenforceable, the balance of the Agreement will remain in full force and effect.

10.11 Entire Agreement; Incorporation; Amendment and Waiver. This Agreement and the Ordering Document(s) constitute the entire agreement of the parties with respect to the subject matter hereof and supersede any prior or contemporaneous agreements on that subject. The terms of the Google TOS are hereby incorporated by this reference. Any amendment must be in writing and expressly state that it is amending this Agreement. No change, waiver or discharge hereof will be valid unless made in writing and signed by an authorized representative of the party against which such change, waiver or discharge is sought to be enforced.

10.12 Counterparts; Electronic Signature. The parties may enter into this Agreement in counterparts, including facsimile, PDF or other electronic format, which taken together will constitute one instrument.

CUSTOMER ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE LEGALLY BOUND BY IT.

Google licenses -Boards and Commissions

The City uses Google Workspace licenses for email, calendars, documents, meetings, and many other products.

The City also uses Google Workspace licenses for Boards and Commission members.

These licenses are used for Board and Commission business, and providing Google account licenses maintains the City's obligations on securing and maintaining public records; and

The proposed agreement is for 325 Boards and Commission Member licenses at an annual amount of \$50,700 for three years, totalling \$152,100.00 through SADA Systems, Inc.; and

Staff recommends renewing the Google Workspace licenses through SADA Systems.





**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Take Action on awarding the bid for the E.N. 10th and S. Maple Street Utility Improvements (Rodney Taylor)

GENERAL INFORMATION

Water Utilities staff is recommending that the Abilene City Council award the bid to Blackrock Construction (BRC) of Mansfield, TX in the amount of \$2,480,075.00 for E.N. 10th and S. Maple Street Improvements, CB-2244 (Project). The bid was advertised in the Abilene Reporter News on May 22nd and 29th, 2022. A total of four bids were received on June 7th, 2022. While reviewing each of the four bid submittals, it became apparent that two of the bidders did not utilize the appropriate bid form for Addendum No. 1, and therefore, those two bids were rejected. The remaining two bids were evaluated using the "best value" competitive bidding method, and City staff and the Project Engineer determined that the bid by BRC provides the best value for the City of Abilene.

The bid item includes an "Owners Allowance" in the amount of \$200,000.00 for work directed in writing by the City. The owner's allowance is for work not required within the Plans and Specifications and may be used in the event additional (or less) work from that shown on the Plans and Specifications is required.

SPECIAL CONSIDERATIONS

The Project is the upgrade of various sections of water and sewer piping and related appurtenances existing within the right-of-way of E.N. 10th Street between Judge Ely Blvd. and Loop 322, and within the right-of-way of S. Maple Street between Loop 322 and Beltway South. The utility improvements are in conjunction with the pending roadway rehabilitation projects.

FUNDING/FISCAL IMPACT

The Project will be funded utilizing Fund 575 designated for water utility capital improvement

projects.

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council award the bid for E.N. 10th and S. Maple Street Utility Improvements to Blackrock Construction in the amount of \$2,480,075.00.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. WrittenResolution-WtrDpt-Award Bid-Blackrock Construction-EN 10TH and S Maple Street Utility Improvements-7-14-2022
2. Letter of Recommendation-Bid Tab-EN 10th and S Maple Street Utility Improvements-Blackrock Construction-7-14-2022
3. Contract-Blackrock Construction-EN 10th and S Maple Street Utility Improvements-7-14-2022
4. Presentation-Award Bid-Blackrock Construction-N 10th Street and S Maple Street Utility Improvements-7-14-2022

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AWARDING THE BID TO BLACKROCK CONSTRUCTION FOR THE E.N. 10TH AND
S. MAPLE STREET UTILITY IMPROVEMENTS PROJECT.**

WHEREAS, the City of Abilene (City) owns and operates a Public Water Supply System and a permitted Wastewater Treatment Plant and Collection Facilities; and

WHEREAS, the City is preparing design plans for the rehabilitation of paved roadway surfaces along E.N. 10th Street and along S. Maple Street, and there are existing water distribution and wastewater collection facilities within the rights-of-way of those street sections which need upgrading and/or relocation prior to the roadway rehabilitation; and

WHEREAS, Enprotec/Hibbs & Todd, Inc. (EHT) was hired to provide plans and contract documents, bidding assistance, general project supervision, and contract administration for the needed improvements for the utility improvements; and

WHEREAS, Blackrock Construction (BRC) submitted the lowest priced qualifying bid in the amount of \$2,480,075.00, and EHT has evaluated the bids for best value criteria and for conformity with the advertisement for bids and does recommend awarding the bid to BRC in the amount of \$2,480,075.00; and

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

That the City Manager is authorized to execute a construction contract with Blackrock Construction for the E.N. 10th and S. Maple Street Utility Improvements in the amount of \$2,480,075.00.

ADOPTED this 14th day of July, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney



June 29, 2022

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

**Re: Recommendation of Award
East North 10th & South Maple Utility Relocation Project**

Dear Mr. Taylor:

Bids for the referenced project were opened on Tuesday, June 7, 2022. Four (4) bids were received. The lowest qualified bid was submitted by Blackrock Construction, LLC, of Mansfield, Texas. See attached Bid Tabulation.

The responsiveness and responsibility of the bidder has been evaluated for conformity with all material conditions of the Advertisement to Bid and the Information for Bidders. Additionally, the contractor's ability to perform the project successfully and the qualifications submitted by the bidder have been evaluated in accordance with the Contract Documents.

Based on the criteria set forth in the City of Abilene's Invitation for Bids, eHT believes the bid submitted by BlackRock Construction, in the amount of \$2,480,075.00, represents the Best Value for the proposed E.N. 10th Street and South Maple Utility Relocation Project. The amount includes the Owner's Allowances listed in the base bid. eHT recommends the project be awarded to Black Rock Construction for \$2,480,075.00.

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

Sincerely,

Enprotec / Hibbs & Todd, Inc.

Sage Diller, P.E.
Associate Vice President

SD/jd

Attachment: Bid Tabulation
Best Value Worksheet

c: Project File: 8057 P:\Projects\Abilene, City of\8057 EN 10th and Maple Streets Utility Relocations\5. Bidding Phase\Bidder Evaluation\Recommendation of Award.docx

TABULATION OF BIDS FOR: E.N. 10th and S. Maple Street Utility Improvements, City of Abilene, Texas

BIDS RECEIVED: 6/7/2022

PE Firm Registration No. 1151

BASE BID				Blackrock Construction		Brett Construction Company		Starks Construction Co., Inc.		MH Civil Constructors, Inc.	
Item No.	Quantity	Unit	Item	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
1	1	LS	Mobilization, Bonds & Insurance	\$ 223,780.00	\$ 223,780.00	\$ 200,000.00	\$ 200,000.00	\$ 100,000.00	\$ 100,000.00	\$ 195,280.00	\$ 195,280.00
2	1	LS	Traffic Control Plan	\$ 20,970.00	\$ 20,970.00	\$ 20,000.00	\$ 20,000.00	\$ 40,000.00	\$ 40,000.00	\$ 100,000.00	\$ 100,000.00
3	1	LS	Storm Water Pollution Plan	\$ 49,125.00	\$ 49,125.00	\$ 25,000.00	\$ 25,000.00	\$ 5,000.00	\$ 5,000.00	\$ 35,000.00	\$ 35,000.00
4	10,584	LF	Pipe Bedding Material	\$ 5.00	\$ 52,920.00	\$ 15.50	\$ 164,052.00	\$ 31.25	\$ 330,750.00	\$ 13.00	\$ 137,592.00
5	10,584	LF	Trench Safety System	\$ 0.50	\$ 5,292.00	\$ 2.00	\$ 21,168.00	\$ 5.00	\$ 52,920.00	\$ 1.00	\$ 10,584.00
6	6	EA	48" Fiberglass Manhole (4'-8')	\$ 15,050.00	\$ 90,300.00	\$ 7,550.00	\$ 45,300.00	\$ 13,000.00	\$ 78,000.00	\$ 28,000.00	\$ 168,000.00
7	5	EA	48" Fiberglass Manhole (8'-12')	\$ 15,985.00	\$ 79,925.00	\$ 8,920.00	\$ 44,600.00	\$ 11,000.00	\$ 55,000.00	\$ 28,000.00	\$ 140,000.00
8	2	EA	48" Fiberglass Manhole (12'-16')	\$ 17,360.00	\$ 34,720.00	\$ 8,065.00	\$ 16,130.00	\$ 17,500.00	\$ 35,000.00	\$ 28,000.00	\$ 56,000.00
9	4	EA	60" Fiberglass Manhole (8'-12')	\$ 27,750.00	\$ 111,000.00	\$ 13,890.00	\$ 55,560.00	\$ 17,500.00	\$ 70,000.00	\$ 38,000.00	\$ 152,000.00
10	237	LF	6" SDR-35 PVC Sewer Gravity Main (Open-Cut)	\$ 100.00	\$ 23,700.00	\$ 69.00	\$ 16,353.00	\$ 40.00	\$ 9,480.00	\$ 200.00	\$ 47,400.00
11	2,076	LF	8" SDR-35 PVC Sewer Gravity Main (Open-Cut)	\$ 85.00	\$ 176,460.00	\$ 65.00	\$ 134,940.00	\$ 49.00	\$ 101,724.00	\$ 90.00	\$ 186,840.00
12	200	LF	8" DR-18 C900 Certa-Lok PVC Sewer Line w/15" Steel Encasement (Horizontal Jack)	\$ 440.00	\$ 88,000.00	\$ 250.00	\$ 50,000.00				
13	472	LF	10" SDR-35 PVC Sewer Gravity Main (Open-Cut)	\$ 94.00	\$ 44,368.00	\$ 96.00	\$ 45,312.00	\$ 59.00	\$ 27,848.00	\$ 120.00	\$ 56,640.00
14	1,790	LF	12" SDR-35 PVC Sewer Gravity Main (Open-Cut)	\$ 109.00	\$ 195,110.00	\$ 115.00	\$ 205,850.00	\$ 69.00	\$ 123,510.00	\$ 135.00	\$ 241,650.00
15	83	LF	30" SDR-35 PVC Sewer Gravity Main (Open-Cut)	\$ 320.00	\$ 26,560.00	\$ 325.00	\$ 26,975.00	\$ 275.00	\$ 22,825.00	\$ 800.00	\$ 66,400.00
16	86	LF	36" SDR-35 PVC Sewer Gravity Main (Open-Cut)	\$ 418.00	\$ 35,948.00	\$ 420.00	\$ 36,120.00	\$ 375.00	\$ 32,250.00	\$ 800.00	\$ 68,800.00
17	5	LF	4" DR-18 C900 PVC Waterline (Open-Cut)	\$ 110.00	\$ 550.00	\$ 31.80	\$ 159.00	\$ 40.00	\$ 200.00	\$ 150.00	\$ 750.00
18	30	LF	6" DR-18 C900 PVC Waterline (Open-Cut)	\$ 100.00	\$ 3,000.00	\$ 40.00	\$ 1,200.00	\$ 38.00	\$ 1,140.00	\$ 200.00	\$ 6,000.00
19	5	LF	8" DR-18 C900 PVC Waterline (Open-Cut)	\$ 195.00	\$ 975.00	\$ 51.00	\$ 255.00	\$ 50.00	\$ 250.00	\$ 250.00	\$ 1,250.00
20	5,590	LF	10" DR-18 C900 PVC Waterline (Open-Cut)	\$ 85.00	\$ 475,150.00	\$ 64.00	\$ 357,760.00	\$ 65.00	\$ 363,350.00	\$ 120.00	\$ 670,800.00
21	460	LF	10" HDPE Waterline (Directional Drill)	\$ 190.00	\$ 87,400.00	\$ 290.00	\$ 133,400.00	\$ 92.00	\$ 42,320.00	\$ 400.00	\$ 184,000.00
22	140	LF	6" DR-18 C900 Certa-Lok Waterline w/12" Steel Encasement (Open-Cut)	\$ 174.00	\$ 24,360.00	\$ 207.00	\$ 28,980.00				
23	70	LF	10" DR-18 C900 Certa-Lok Waterline w/18" Steel Encasement (Open-Cut)	\$ 330.00	\$ 23,100.00	\$ 305.00	\$ 21,350.00				
24	150	LF	18" DR-18 C900 PVC Waterline	\$ 269.00	\$ 40,350.00	\$ 151.00	\$ 22,650.00	\$ 255.00	\$ 38,250.00	\$ 400.00	\$ 60,000.00
25	2	EA	10" Tapping Sleeve and Valve with Valve Box and Fittings	\$ 11,875.00	\$ 23,750.00	\$ 10,000.00	\$ 20,000.00	\$ 12,500.00	\$ 25,000.00	\$ 15,000.00	\$ 30,000.00
26	1	EA	4" Gate Valves with Valve Box and Fittings	\$ 1,835.00	\$ 1,835.00	\$ 1,551.00	\$ 1,551.00	\$ 1,500.00	\$ 1,500.00	\$ 3,000.00	\$ 3,000.00
27	2	EA	6" Gate Valves with Valve Box and Fittings	\$ 2,215.00	\$ 4,430.00	\$ 1,732.00	\$ 3,464.00	\$ 1,800.00	\$ 3,600.00	\$ 3,000.00	\$ 6,000.00
28	2	EA	8" Gate Valves with Valve Box and Fittings	\$ 2,910.00	\$ 5,820.00	\$ 2,320.00	\$ 4,640.00	\$ 2,650.00	\$ 5,300.00	\$ 4,000.00	\$ 8,000.00
29	6	EA	10" Gate Valves with Valve Box and Fittings	\$ 4,230.00	\$ 25,380.00	\$ 3,332.00	\$ 19,992.00	\$ 3,900.00	\$ 23,400.00	\$ 4,000.00	\$ 24,000.00
30	1	EA	Main Line Reconnects 4" PVC Waterline to Proposed 4" Waterline	\$ 1,385.00	\$ 1,385.00	\$ 4,742.00	\$ 4,742.00	\$ 1,000.00	\$ 1,000.00	\$ 4,000.00	\$ 4,000.00
31	3	EA	Main Line Reconnects 6" PVC Waterline to Proposed 6" Waterline	\$ 1,765.00	\$ 5,295.00	\$ 4,735.00	\$ 14,205.00	\$ 1,200.00	\$ 3,600.00	\$ 4,000.00	\$ 12,000.00
32	1	EA	Main Line Reconnects 8" PVC Waterline to Proposed 8" Waterline	\$ 2,200.00	\$ 2,200.00	\$ 5,057.00	\$ 5,057.00	\$ 1,200.00	\$ 1,200.00	\$ 5,000.00	\$ 5,000.00
33	1	EA	Main Line Reconnects 10" PVC Waterline to Proposed 10" Waterline	\$ 2,565.00	\$ 2,565.00	\$ 5,057.00	\$ 5,057.00	\$ 1,200.00	\$ 1,200.00	\$ 5,000.00	\$ 5,000.00
34	1	EA	Bypass Pumping	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00				
35	2	EA	Main Line Reconnects 18" PVC Waterline to Proposed 18" Waterline	\$ 4,285.00	\$ 8,570.00	\$ 6,313.00	\$ 12,626.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00
36	355	LF	Remove Existing VC Sewer Main	\$ 8.00	\$ 2,840.00	\$ 56.00	\$ 19,880.00	\$ 15.00	\$ 5,325.00	\$ 200.00	\$ 71,000.00
37	114	LF	Remove Existing 6" PVC Waterline	\$ 12.00	\$ 1,368.00	\$ 56.00	\$ 6,384.00	\$ 15.00	\$ 1,710.00	\$ 200.00	\$ 22,800.00
38	60	LF	Remove Existing 10" AC Waterlines	\$ 50.00	\$ 3,000.00	\$ 65.00	\$ 3,900.00	\$ 15.00	\$ 900.00	\$ 200.00	\$ 12,000.00
39	5	CY	Grout Fill Sewer Main	\$ 200.00	\$ 1,000.00	\$ 608.00	\$ 3,040.00	\$ 300.00	\$ 1,500.00	\$ 2,000.00	\$ 10,000.00
40	230	EA	Grout Fill Existing Waterline	\$ 175.00	\$ 40,250.00	\$ 608.00	\$ 139,840.00	\$ 350.00	\$ 80,500.00	\$ 910.00	\$ 209,300.00
41	7	EA	6" Fire Hydrant Assembly with Valve	\$ 9,000.00	\$ 63,000.00	\$ 6,410.00	\$ 44,870.00	\$ 7,000.00	\$ 49,000.00	\$ 8,000.00	\$ 56,000.00
42	5	EA	Remove Existing Fire Hydrant and Return to Owner	\$ 1,165.00	\$ 5,825.00	\$ 1,050.00	\$ 5,250.00	\$ 250.00	\$ 1,250.00	\$ 500.00	\$ 2,500.00
43	12	EA	Service Line Reconnects (Long) by Slick Bore	\$ 3,845.00	\$ 46,140.00	\$ 2,000.00	\$ 24,000.00	\$ 4,000.00	\$ 48,000.00	\$ 2,000.00	\$ 24,000.00
44	1	EA	Service Line Reconnects (Short)	\$ 1,415.00	\$ 1,415.00	\$ 930.00	\$ 930.00	\$ 750.00	\$ 750.00	\$ 1,000.00	\$ 1,000.00
45	7	EA	Reconnect Existing Sewer Main	\$ 1,950.00	\$ 13,650.00	\$ 1,000.00	\$ 7,000.00	\$ 500.00	\$ 3,500.00	\$ 5,000.00	\$ 35,000.00
46	31	EA	Cut, Plug and Abandon Existing Line	\$ 900.00	\$ 27,900.00	\$ 600.00	\$ 18,600.00	\$ 500.00	\$ 15,500.00	\$ 1,500.00	\$ 46,500.00
47	150	LF	Cut, and Remove Existing 18" PVC Waterline	\$ 20.00	\$ 3,000.00	\$ 200.00	\$ 30,000.00	\$ 50.00	\$ 7,500.00	\$ 200.00	\$ 30,000.00
48	422	LF	Asphalt Repair	\$ 70.00	\$ 29,540.00	\$ 55.00	\$ 23,210.00	\$ 50.00	\$ 21,100.00	\$ 230.00	\$ 97,060.00
49	269	LF	Driveway Repair	\$ 30.00	\$ 8,070.00	\$ 87.00	\$ 23,403.00	\$ 50.00	\$ 13,450.00	\$ 230.00	\$ 61,870.00
50	5,840	LF	Detectable Tape and Tracer Wire	\$ 0.60	\$ 3,504.00	\$ 36.00	\$ 210,240.00	\$ 50.00	\$ 292,000.00	\$ 0.10	\$ 584.00
51	2	EA	Sewer Line Cleanout	\$ 1,640.00	\$ 3,280.00	\$ 1,860.00	\$ 3,720.00	\$ 400.00	\$ 800.00	\$ 7,000.00	\$ 14,000.00
52	4	EA	Manhole Demo	\$ 1,750.00	\$ 7,000.00	\$ 4,800.00	\$ 19,200.00	\$ 1,500.00	\$ 6,000.00	\$ 13,000.00	\$ 52,000.00
53	1	LS	Allowance for Work Directed by City	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00
TOTAL BASE BID PRICE (Items 1 thru 53)					\$ 2,480,075.00	**	\$ 2,572,915.00	***	\$ 2,354,402.00	***	\$ 3,647,600.00

**Due to calculation error, Brett Construction Company's Base Bid Price is higher than what was read aloud at the Bid Opening.

*** Bid Form issued by Addendum not submitted. Starks Construction and MH Civil Constructors Bids are not correct.

I, SAGE DILLER, P.E., #96645, DO HEREBY CERTIFY THAT THE ABOVE REFERENCED BIDS WERE RECEIVED, IN ACCORDANCE WITH THE ADVERTISED PROCEDURES, OPENED, AND READ ALOUD. THE BID TABULATION HEREIN IS A TRUE AND ACCURATE REPRESENTATION OF THE BIDS READ ALOUD.



Sage Diller
SAGE DILLER, P.E., #96645

6/8/2022

City of Abilene
E.N. 10th Street and South Maple Street Utility Improvements Project
Best Value Criteria Evaluation Worksheet

Criteria	Bid Offerors			
	Blackrock Construction	Brett Construction Company	Starks Construction Co., Inc. ***	MH Civil Constructors, Inc. ***
Price	\$2,480,075.00	\$2,572,915.00 **	\$2,354,402.00 ***	\$3,647,600.00 ***
Offoror's Experience and Reputation	Organized in November of 2015, based out of Mansfield, TX with 7 years of utility installation experience and good reputation. Contractor has performed the installation of a few utility replacement projects of similar size and scope.	Contractor did not provide statement of qualifications with their bid submittal	Organized in April of 1985, based out of Abilene, TX with 37 years of utility installation experience and good reputation. Contractor has performed the installation of a few utility replacement projects of similar size and scope.	Organized in February of 2010, based out of Amarillo, TX with 12 years of utility installation experience and good reputation. Contractor has performed the installation of a few utility replacement projects of similar size and scope.
Quality of the offeror's goods of services	Overall good history of services		Overall good history of services	Overall good history of services
Impact on the ability of the City of Abilene to comply with rules relating to historically underutilized business	Does not offer historically underutilized business opportunities			Does not offer historically underutilized business opportunities
Offoror's safety record	Overall good safety record		Women-owned businesses	Overall good safety record
Offoror's proposed personnel	Proposing to have 35 total employees dedicated to the project, not including subcontractors		Overall good safety record	Proposing to have 52 total employees dedicated to the project, not including subcontractors
Offoror's past working relationship with the City of Abilene	Have a brief (one project) but good relationship working with the City on utility installation projects		Proposing to have 28 total employees dedicated to the project, not including subcontractors	Have a brief (one project) but good relationship working with the City on utility installation projects
Range of value of previous contracts	\$572,458.00 - \$4,813,352.00		Have an extensive, good relationship working with the city of on utility installation projects	Have a brief (one project) but good relationship working with the City on utility installation projects
Largest Water Line installation Listed	24-inch water line		Not Specified	\$1,427,150.00 - \$10,877,000.03
			Not Specified	18-inch water line

** Due to calculation error, Brett Construction Company's Bas Bid Price is higher than what was read aloud at the Bid Opening

*** Bid Form issued by Addendum not submitted. Starks Construction and MH Civil Constructors Bids are not correct.

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made July 14, 2022, is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and Blackrock Construction of the City of Mansfield, 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 described as
E.N. 10TH AND S. MAPLE STREET UTILITY IMPROVEMENTS

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

E.N. 10TH AND S. MAPLE STREET UTILITY IMPROVEMENTS

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 \$2,480,075.00.

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

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

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

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

6. **Indemnity.**

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

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

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

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

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

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

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

B. Indemnity

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

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

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

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

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

BOTH CITY AND CONTRACTOR EXPRESSLY INTEND THIS CONTRACT'S INDEMNITY PROVISION TO REQUIRE CONTRACTOR TO INDEMNIFY AND PROTECT THE CITY FROM THE CONSEQUENCES OF THE CITY'S OWN NEGLIGENCE WHILE CITY IS PARTICIPATING IN THIS CONTRACT, WHERE

THAT NEGLIGENCE IS A CONCURRING CAUSE OF THE DAMAGES. THIS CONTRACT'S INDEMNITY PROVISION DOES NOT APPLY TO ANY CLAIM WHERE DAMAGE IS PROVEN TO RESULT FROM THE SOLE NEGLIGENCE OF THE CITY.

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

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

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

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

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

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

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

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

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

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

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

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

CONTRACTOR

Name of Contractor:

Blackrock Construction

Business Address:

1475 Heritage Parkway, Ste. 113

Mansfield, Texas 76063


Signature

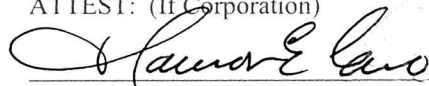
Donny Gamblin
Name - Typed or Printed

Operations Manager
Title - Typed or Printed

817-592-3953 / 512-738-6700
Business Phone No.

47-5587727
Federal Tax I.D.#

ATTEST: (If Corporation)


Corporate Secretary's Signature

Corporate Seal
(if none, write "None")

CITY OF ABILENE

Authorized Signature

APPROVED:

City Attorney

ATTEST:

City Secretary

Seal:

Award the bid to Blackrock Construction
for the
E.N. 10th and S. Maple Street Utility Improvements



- Blackrock Construction (BRC) submitted the lowest priced qualifying bid of \$2,480,075.00, and City staff and the design engineer have determined that the lowest qualifying bid is the best value for the City of Abilene.
- The bid item includes an “Owner’s Allowance” in the amount of \$200,000 for work directed in writing by the City. The owner’s allowance is for work not required within the Plans and Specifications and may be used in the event additional (or less) work from that shown on the Plans or Specifications is required.



- The Project is the upgrade of various sections of water and sewer piping and related appurtenances existing within the right-of-way of E.N. 10th Street between Judge Ely Blvd. and Loop 322, and within the right-of-way of S. Maple Street between Loop 322 and Beltway South.
- The utility improvements are being constructed prior to pending roadway rehabilitation projects.





JUDGE ELY BLVD

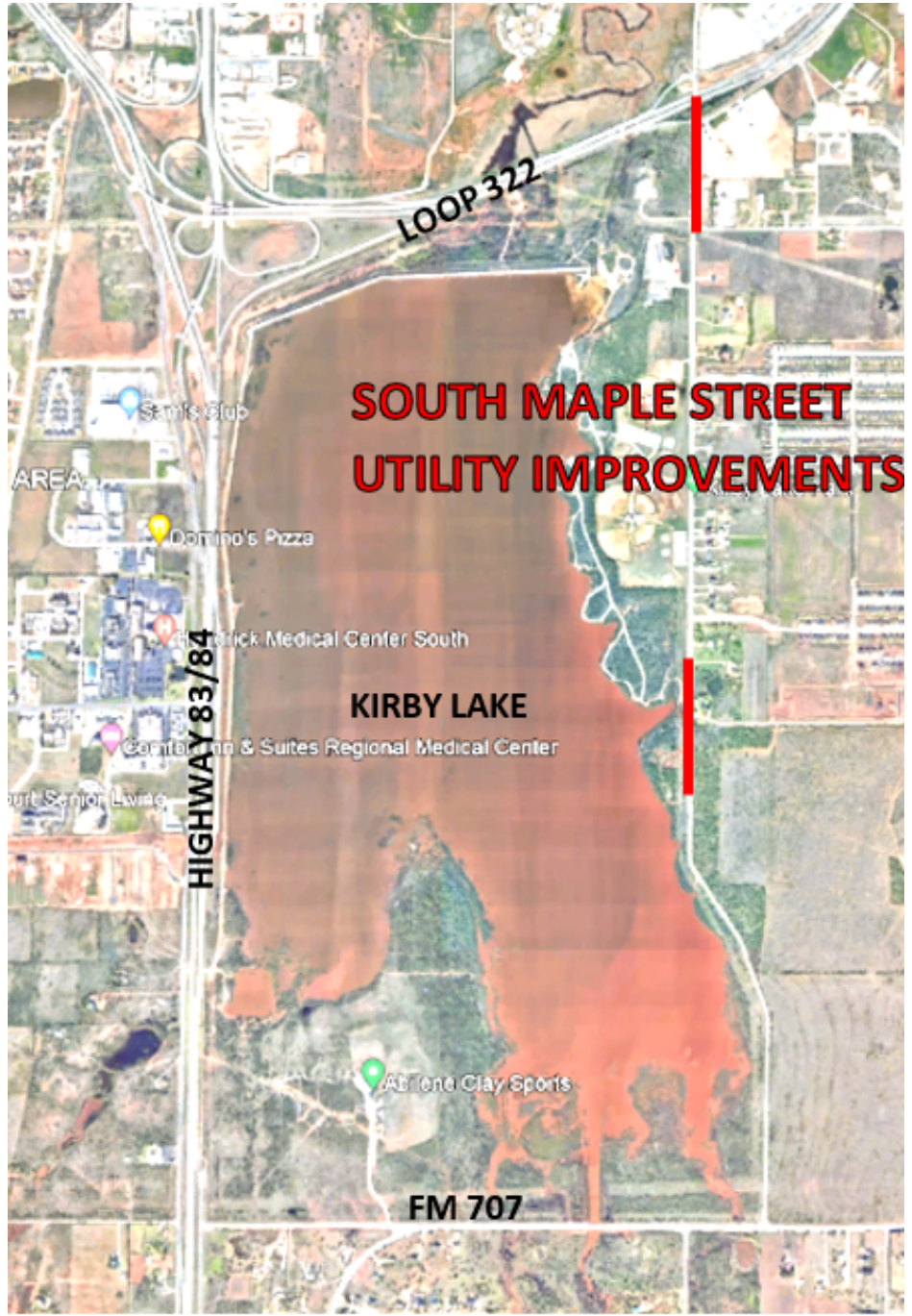
GRIFFITH ROAD

INTERSTATE 20

LOOP 322

E.N. 10TH STREET UTILITY IMPROVEMENTS





Award the bid to Blackrock Construction
for the
E.N. 10th and S. Maple Street Utility Improvements

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: 8. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding the Rebid of Bulk Chlorine Chemical Used by Water Treatment Plants in Fiscal Year 2022 (*Rodney Taylor*)

GENERAL INFORMATION

The City of Abilene Water Department is requesting that by written resolution the Abilene City Council award the rebid for Water Treatment Chemicals - Chlorine, CB-2249. Notices were published in the Abilene Reporter News on June 12th and 19th, 2022, and the bid opening date was June 28th, 2022. The following table lists the individual chemical bid, the staff recommended low bidder, the unit price for that bid, the pricing unit used for the chemical, and the maximum projected cost for the chemical for the remainder of fiscal year 2022. The new unit price is effective for the remainder of FY22. It is customary that the bulk treatment chemicals be purchased based on unit prices. CB-2249 is the rebidding for Chlorine, which was included in the September 23, 2021 agenda item awarding bids for Bulk Chemicals to be Used by Water and Wastewater Treatment Plants in Fiscal Year 2022, CB-2144.

SPECIAL CONSIDERATIONS

Chlorine is used for the treatment of drinking water at the Grimes, Northeast, and Hargesheimer Water Treatment Plants. Due to unforeseeable economic conditions affecting the cost of producing chlorine, the originally awarded vendor for CB-2144 is not able to continue to supply Chlorine at the then awarded bid price. City staff initiated a rebidding process for bulk Chlorine. Only one vendor submitted a bid. The originally awarded vendor, DPC Industries, Inc., is the sole bidder for bulk Chlorine. Staff recommends awarding the rebid to DPC. The rebid for Chlorine resulted in a cost increase of about \$97,350.00 above the originally budgeted annual cost.

CHEMICAL	RECOMMENDED VENDOR	UNIT PRICE	PRICING UNIT	ESTIMATED COST FOR REMAINDER OF FY22

Chlorine	DPC Industries, Inc.	\$2024.00	One Ton Cylinder	\$222,640.00
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FUNDING/FISCAL IMPACT

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

STAFF RECOMMENDATION

It is recommended that the Abilene City Council award the rebid for bulk Chlorine chemical for the remainder of FY22 at the unit price described in the above table and as recommended by staff.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. WrittenResolution-WtrDpt-Award ReBid-Purchase Bulk Chlorine chemical for Water Treatment-FY2022-7-14-2022
2. Bid Tab Sheet-CB2249-Rebid Chlorine-DPC Industries-7-14-2022
3. Presentation-Resolution Award ReBid for Purchase of Bulk Chlorine Chemical for Water-FY22-7-14-2022

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AWARDING THE REBID FOR THE PURCHASE OF BULK CHLORINE CHEMICAL
USED BY WATER TREATMENT PLANTS IN FISCAL YEAR 2022.**

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

WHEREAS, due to unforeseeable economic conditions affecting the cost of producing Chlorine, the originally awarded vendor for CB-2144 is not able to continue to supply Chlorine at the then awarded bid price thus requiring City staff to initiate a rebidding process for bulk Chlorine; and

WHEREAS, the originally awarded vendor DPC Industries, Inc. submitted the sole rebid unit price for bulk Chlorine as described below:

CHEMICAL	RECOMMENDED VENDOR	UNIT PRICE	PRICING UNIT	PRO RATED 4 MONTH COST
Chlorine	DPC Industries, Inc.	\$2,024.00	One Ton Cylinder	\$222,640.00

The rebid of Chlorine resulted in a cost increase of about \$97,350.00 above the originally budgeted annual cost for Chlorine; and

WHEREAS, City staff, after evaluating the bid submittal for fiscal year 2022, does recommend awarding the bid to the low bidder identified herein; and

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

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

ADOPTED this 14th day of July, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney

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

PAGE
1 OF 1

DEPARTMENT: WATER
BID NO.: CB-2249
TIME OF OPENING: 2:00 P.M.
DATE OF OPENING: JUNE 28, 2022

DPC INDUSTRIES, INC.
SWEETWATER, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	WATER TREATMENT CHEMICALS – CHLORINE	110	TON	*2,024.00	222,640.00										
BASE BID															
DISCOUNT															
TOTAL BID															

*NOTES: INDICATES RECOMMENDED AWARD

Awarding the ReBid for the Purchase of Bulk Chlorine Chemical Used by Water Treatment Plants in Fiscal Year 2022.



- On September 23rd, 2021 the Abilene City Council awarded the bid for various bulk chemicals used for water and wastewater treatment processes during fiscal year 2022
- Due to unforeseeable economic conditions affecting the cost of producing Chlorine, the originally awarded vendor for CB-2144 is not able to continue to supply Chlorine at the then awarded bid price
- City staff initiated a rebidding process for bulk Chlorine and the originally awarded vendor DPC Industries, Inc. submitted the sole rebid unit price for each Chlorine



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

CHEMICAL	RECOMMENDED VENDOR	UNIT PRICE	PRICING UNIT	PRO RATED 4 MONTH COST
Chlorine	DPC Industries, Inc.	\$2,024.00	One Ton Cylinder	\$222,640.00

- The rebid of Chlorine resulted in a cost increase of about \$97,350.00 above the originally budgeted annual cost for Chlorine



Awarding the ReBid for the Purchase of Bulk Chlorine Chemical Used by Water Treatment Plants in Fiscal Year 2022.

QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

TO: Robert Hanna, City Manager

FROM: Cande Flores, Fire Chief

SUBJECT: 9. Resolution: Receive a Report, Hold and Discussion and Take Action Authorizing the City Manager to execute an Agreement with Impact Promotional Services, LLC dba Got You Covered Work Wear & Uniforms for the Purchase of Flame Resistant (FR) Station Uniforms for the Abilene Fire Department (Cande Flores)

GENERAL INFORMATION

The Abilene Fire Department (AFD) provides all uniform items for fire personnel. Flame resistant (FR) uniforms are recommended for station wear to avoid the possibility of the uniform melting or catching fire if exposed to excessive heat or flames.

All station wear uniform items must comply with NFPA 1975 – Standard on Emergency Services Work Apparel.

SPECIAL CONSIDERATIONS

Got You Covered Work Wear & Uniforms is an approved vendor with the City of Abilene and an approved distributor for Blauer FR Uniforms.

Station wear uniforms are custom fitted for each Abilene firefighter. This ensures a proper fit which provides the utmost protection within a hazardous environment.

FUNDING/FISCAL IMPACT

The total cost of this purchase is \$59,258.68. Funding will come from the AFD FY22 budget for Uniforms.

This quote includes Buy Board Pricing 670-22 which ensures best pricing for these items.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution to authorize the City Manager to execute an agreement with Got You Covered Work Wear & Uniforms for the purchase of Blauer FR Uniforms for the Abilene Fire Department.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution - Got You Covered
2. QUO4262_BlauerPants
3. QUO4263_Blauer
4. Blauer FR Uniforms Presentation

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH IMPACT PROMOTIONAL SERVICES, LLC DBA GOT YOU COVERED WORK WEAR & UNIFORMS FOR THE PURCHASE OF FLAME RESISTANT STATION WEAR UNIFORMS FOR THE ABILENE FIRE DEPARTMENT.

WHEREAS, the Abilene Fire Department (AFD) provides flame resistant station uniforms for the health and safety of AFD personnel; and

WHEREAS, Got You Covered Work Wear & Uniforms is an approved vendor for the City of Abilene and is an approved distributor for Blauer Flame Resistant (FR) Uniforms; and

WHEREAS, the AFD provides uniform pants and shirts to all personnel on an annual and as needed basis each year; and

WHEREAS, \$59,258.68 will be funded through the AFD Uniform budget for Fiscal Year 2022.

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

Part 1: The City Manager is hereby authorized to execute an Agreement with Got You Covered Work Wear & Uniforms for the purchase of flame resistant station uniforms.

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

ADOPTED and approved by the City Council on the 14th of July, 2022.

ATTEST:

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

APPROVED:

Stanley Smith
City Attorney



Impact Promotional Services, LLC
dba Got You Covered Work Wear & Uniforms
(817)336-0692 Ext: 106-Accounting
1212 E Lancaster Avenue
Fort Worth TX 76102-2004
United States

Quote

#QUO4262

6/27/2022

Bill To

City of Abilene
Finance
PO BOX 60
Abilene TX 79604
United States

Ship To

Abilene Fire Department
250 Grape St
Abilene TX 79601
United States

Total: \$48,549.28

Expires	Sales Rep	Partner	PO #	Ship Method
7/27/2022	Rhonda L Harvey		BUY BOARD 670-22 - Blauer FR Pants	

Quantity	Item	Rate	Amount
2	8235-NAVY-28-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$356.98
4	8235-NAVY-30-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$713.96
2	8235-NAVY-31-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$356.98
28	8235-NAVY-32-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$4,997.72
18	8235-NAVY-33-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$3,212.82
70	8235-NAVY-34-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$12,494.30
14	8235-NAVY-35-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$2,498.86
72	8235-NAVY-36-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$12,851.28
4	8235-NAVY-37-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$713.96
58	8235-NAVY-38-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$10,352.42



QUO4262



Impact Promotional Services, LLC
dba Got You Covered Work Wear & Uniforms
(817)336-0692 Ext: 106-Accounting
1212 E Lancaster Avenue
Fort Worth TX 76102-2004
United States

Quote

#QUO4262

Subtotal	6/27/2022 \$48,549.28
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Tax Total (0%)	\$0.00
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Total	\$48,549.28
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Memo:

BLAUER FR 2022 STATION PANTS w/Cargo Pckts



QUO4262



Impact Promotional Services, LLC
dba Got You Covered Work Wear & Uniforms
(817)336-0692 Ext: 106-Accounting
1212 E Lancaster Avenue
Fort Worth TX 76102-2004
United States

Quote

#QUO4263

6/28/2022

Bill To

City of Abilene
Finance
PO BOX 60
Abilene TX 79604
United States

Ship To

Abilene Fire Department
250 Grape St
Abilene TX 79601
United States

Total: \$10,709.40

Expires	Sales Rep	Partner	PO #	Ship Method
7/28/2022	Rhonda L Harvey		BUY BOARD 670-22 Blauer	

Quantity	Item	Rate	Amount
24	8235-NAVY-40-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$4,283.76
24	8235-NAVY-42-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$4,283.76
4	8235-NAVY-44-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$713.96
4	8235-NAVY-46-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$713.96
2	8235-NAVY-48-REG BLAUER ResponderFR Cargo Pants SEE ROSTER	\$178.49	\$356.98
2	8235-NAVY-52-REG BLAUER ResponderFR Cargo Pants, 6 Pocket SEE ROSTER	\$178.49	\$356.98

Subtotal \$10,709.40

Tax Total (0%) \$0.00

Total \$10,709.40

Memo:

BLAUER FR 2022 STATION PANTS w/Cargo Pckts



QUO4263

Flame Resistant Uniform Purchase

ABILENE FIRE DEPARTMENT

July, 2022



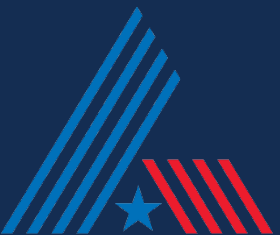
STATION WEAR UNIFORMS

- Includes:

- Pants
- Shirt
- Undershirt
- Belt
- Boots/Shoes



- All AFD Station Wear must meet the requirements of:
 - NFPA 1975 – Standard on Emergency Services Work Apparel



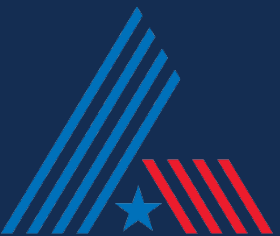
FLAME RESISTANT UNIFORMS

- NFPA 1975 Highlights:
 - Uniforms must be constructed of flame-resistant (FR) materials
 - Uniforms must be constructed of heat-resistant materials which resist melting when exposed to adverse conditions
- NFPA 1975 Compliant Materials
 - FR Cotton
 - Cost effective
 - Absorbs moisture and retains it
 - Will burn and is not self-extinguishing
 - Aramid Fibers (Nomex, Kermel)
 - More expensive
 - Does not retain moisture
 - Will not burn and is self-extinguishing



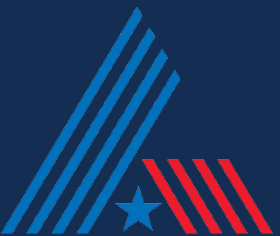
GOT YOU COVERED

- Based in Fort Worth, TX
- Approved vendor with the City of Abilene
- Provider of several uniform brands and items
 - AFD has utilized Got You Covered for several years
 - History of quality service and attention to detail
 - Buyboard

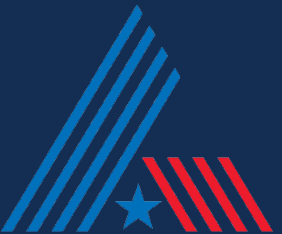


PURCHASE DETAILS

- Two Quotes totaling \$59,258.68
 - Quotes are for (2) pairs of pants for each AFD firefighter
 - Quotes are separate due to sizing
- Funds will come from the AFD Uniform budget for Fiscal Year 2022.



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

TO: Robert Hanna, City Manager

FROM: Marcus Dudley, Chief of Police

SUBJECT: 10. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the Donation of Police Department Bicycles, Clothing, and Electronic Items to Local Non-Profit Organizations (Marcus Dudley)

GENERAL INFORMATION

The Abilene Police Department routinely acquires miscellaneous items in the Property and Evidence section that have a limited re-sale or monetary value to the City. Often the owners of the items cannot be located or determined. Non-profit organizations in the community regularly reach out to the Police Department seeking donated items that can assist their constituents. The items, such as bicycles, have been donated in the past. These bicycles are normally in a state of disrepair and require repair in order for them to be operable. In addition to bicycles, there have been requests from non-profits for clothing items and small-value electronic items such as gaming consoles.

The Police Department is seeking authorization to continue donating these bicycles, as well as used or abandoned clothing, and lower-value electronic items such as gaming consoles.

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

Minimal

STAFF RECOMMENDATION

Staff recommends that the City Council approve the donation of Police Department bicycles, clothing and

electronic equipment to local, non-profit organizations.

BOARD OR COMMISSION RECOMMENDATION

None

ATTACHMENTS:

1. 2022 Resolution Authorizing Donations APD
2. 2022 Donated Items Agenda Item presentation

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE DONATION OF BICYCLES, CLOTHING, AND ELECTRONIC
ITEMS TO LOCAL NON-PROFIT ORGANIZATIONS.**

WHEREAS, the Abilene Police Department acquires a large number of unclaimed bicycles and used clothing through the normal course of police business; and

WHEREAS, the Texas Constitution, Art. III, § 52(a) and Art. XI, § 3 generally prohibit the donation or gift of property by a municipality to a private entity or person; and

WHEREAS, a municipality may make a donation or gift of property if (1) the conveyance will serve a predominantly public purpose of the city; (2) the city will retain sufficient control to ensure the public purpose is carried out; and (3) the city will receive return benefit; and

WHEREAS, the unclaimed bicycles, used clothing, and electronic items have minimal monetary value to the City of Abilene, and the public is better served if the unclaimed bicycles, used clothing and electronic items are donated to local non-profit organizations for distribution to the public; and

WHEREAS, the City Council, City of Abilene, finds that the donation of the unclaimed bicycles, used clothing and electronic items to local non-profit organizations will serve a predominately public purpose, the city will retain sufficient control to ensure the public purpose is carried out, and the city will receive a benefit.

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

Part 1: That the Abilene Police Department is hereafter authorized to donate unclaimed bicycles, used clothing and electronic items to local non-profit organizations to serve the public purpose.

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

ADOPTED this 14th day of July, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

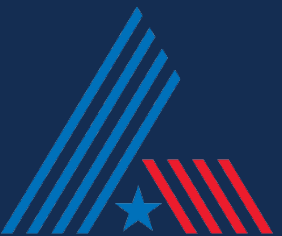
Stanley Smith, City Attorney

Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the Donation of Police Department Stored Bicycles, Clothing, and Electronic Items to Local Non-Profit Organizations.



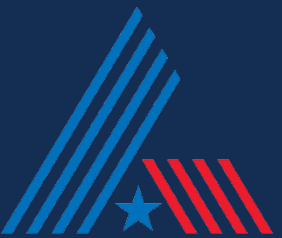
Donated Items to Local Non-Profits

- The Police Department regularly receives many items for storage in the Property and Evidence section.
- Some of these items have little re-sale value but could have a positive impact on the community if allowed to be donated to local non-profit organization.
- One of the types of items regularly taken into our storage are bicycles that are in varying states of disrepair. These have been donated to non-profit entities for many years.

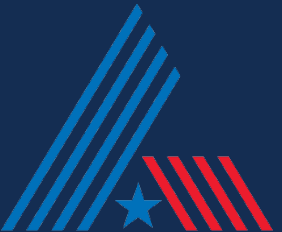


Donated Items to Local Non-Profits

- With this agenda item, we are also requesting the authority to donate items such as unclaimed clothing and lesser value electronics.
- These are items that would go to auction and the monetary value received from these auctioned items is not as high as the value the community will receive, if given to members of our community in need.



Donated Items to Local Non-Profits



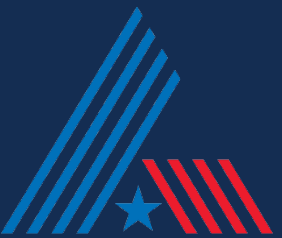
Donated Items to Local Non-Profits



Donated Items to Local Non-Profits



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

TO: Robert Hanna, City Manager

FROM: Michael Rice, Assistant City Manager

SUBJECT: 11. Resolution: Receive a Report, Hold a Discussion and Take Action on Amending and Expanding the Boundaries of the Abilene Neighborhood Empowerment Zone No. 1 *(Michael Rice)*

GENERAL INFORMATION

The City of Abilene amended the Infill Development Incentive Program, more formally known as the Abilene Neighborhood Empowerment Zone, in 2021 to create Zone No. 2, which added the Sears Park Parcels area and the Carver Area Parcels area. Staff believes expansion of Zone No. 1, to include McMurry University and the surrounding neighborhoods, will further promote and support the City Council's goal of encouraging Infill Development.

SPECIAL CONSIDERATIONS

McMurry University has requested inclusion within the Abilene Neighborhood Empowerment Zone boundary. The Incentives for Infill development will not change with the proposed expansion of Zone No. 1.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2022 RESOLUTION - Amended NEZ No. 1 Boundary
2. Exhibit_A_Map
3. Resolution 78-2018 - Repealing Resolution 1-2009 - Creating New Infill Development Incentive Program.2018.05.10
4. Resolution 203-2021 - Creating a New Neighborhood Empowerment Zone No 2, Amending NEZ No 1 & Further Infill Development.12.02.2021
5. PRESENTATION-NEZ Zone Number 1 Expansion.2022.07.14

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AMENDING THE BOUNDARIES OF THE ABILENE NEIGHBORHOOD
EMPOWERMENT ZONE NO. 1**

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

WHEREAS, the City desires to increase economic development within historic and economically distressed areas of the City and this is the single most restated public policy goal of the City of Abilene that has met with little to no success in terms of residential redevelopment; and

WHEREAS, the City has previously adopted Resolution No. 78-2018 which created the Abilene Neighborhood Empowerment Zone No. 1; and

WHEREAS, the City has previously adopted Resolution No. 203-2021 which amended and expanded the Abilene Neighborhood Empowerment Zone No. 1, and also created Zone No. 2; and

WHEREAS, the City now desires to expand the current Abilene Neighborhood Empowerment Zone No. 1 program boundary; and

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

WHEREAS, in addition to the amendment of the Zone, it is necessary and in the best interest of the City to offer certain economic development incentives to promote and encourage new private business development, and the remodeling and new construction of affordable and market rate housing options for the City’s historic and economically distressed areas,

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

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

PART 2: That the City Council, as the governing body of the City of Abilene, Texas finds that the creation and expansion of the Zone No. 1 will increase economic development within the Zone No. 1, increase the rehabilitation and construction of affordable and market rate housing options within the Zone No. 1, and increase the quality of social services, education or public safety provided to the residents of the Zone No. 1.

PART 3: That the City Council, as the governing body of the City of Abilene, Texas finds that the creation and expansion of the Zone No. 1 benefits and is for

the public purpose of increasing the public health, safety and welfare of the persons in the municipality.

PART 4: That the City Council, as the governing body of the City of Abilene, Texas finds that the creation and expansion of the Zone No. 1 satisfies the requirements of Section 312.02 of the Tax Code.

PART 5: That the economic development incentives for the Zone No. 1, as created and established in Resolution No. 78-2018 and Resolution No. 203-2021, remain in full force and are not amended hereby.

PART 6: That the City Manager may, without further action or approval of the City Council, waive or reduce development related fees charged by the City within Zone No. 1. For the purposes of this resolution, development related fees include but are not limited to permit fees, zoning fees, platting fees utility tap fees, and impact fees.

PART 7: That this Resolution does not amend, repeal or otherwise modify the boundaries or economic development incentives of the Abilene Neighborhood Empowerment Zone No. 2.

PART 8: That this Resolution takes effect immediately upon its adoption.

ADOPTED this 14th day of July 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

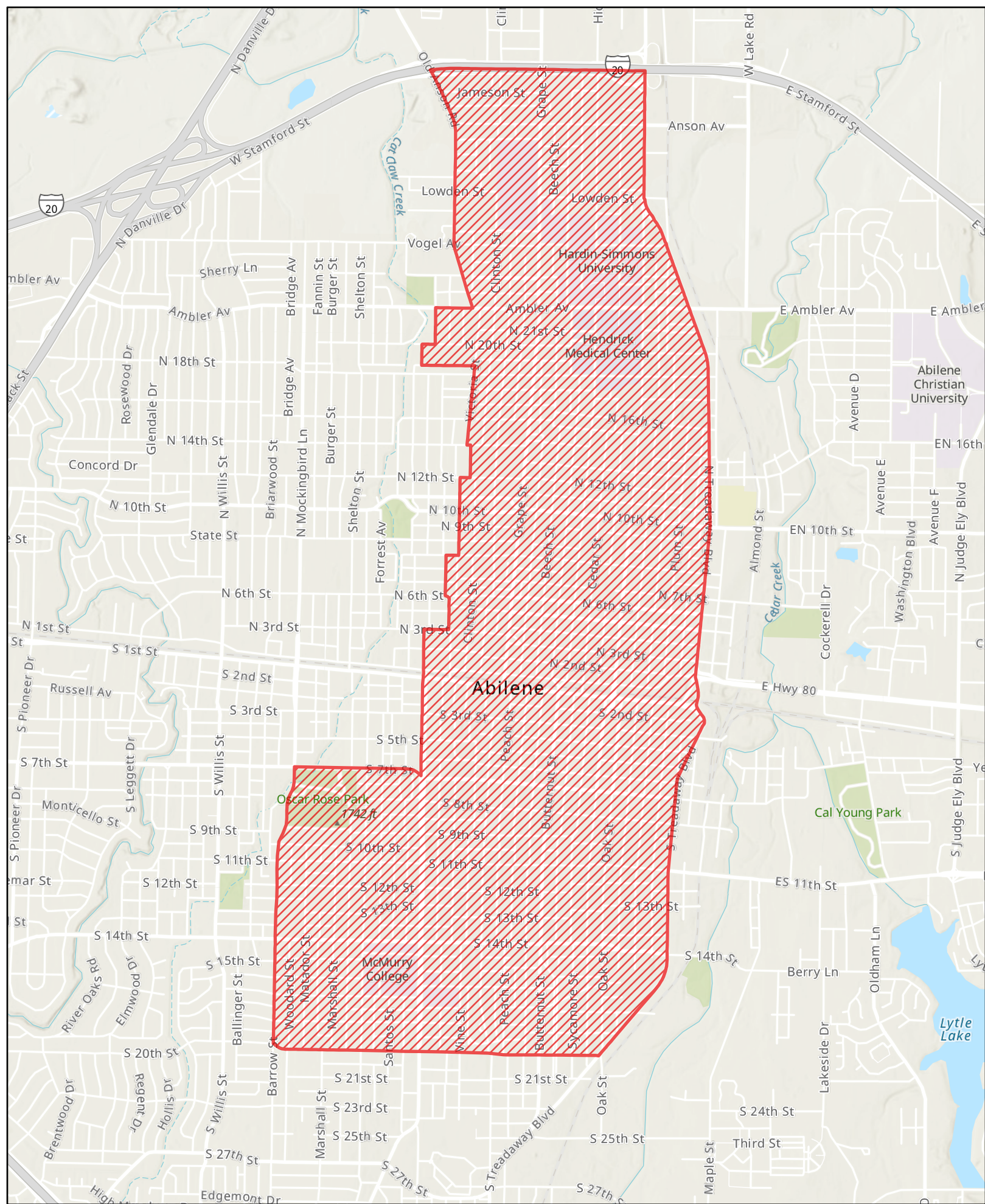
Stanley Smith, City Attorney

EXHIBIT A

The Abilene Neighborhood Empowerment Zone No. 1 begins at the intersection of South 20th Street and Treadaway Blvd, thence north along Treadaway Blvd to the intersection of Pine Street and Treadaway Blvd, thence north along Pine Street to the intersection of Interstate 20 and Pine Street, thence west along Interstate 20 to the intersection of Old Anson Road and Interstate 20, thence south along Old Anson Road to the intersection of Ambler Avenue and Old Anson Road, thence west along Ambler Avenue to the intersection of Kirkwood Street and Ambler Avenue, thence south along Kirkwood Street to the intersection of North 20th Street and Kirkwood Street, thence west along North 20th Street to the intersection of Kirkwood Street and North 20th Street, thence south along Kirkwood Street to the intersection of North 19th Street and Kirkwood, thence east along North 19th Street to the intersection of Victoria Street and North 19th Street, thence south along Victoria Street to the intersection of North 14th Street and Victoria Street, thence east along North 14th Street to the intersection of Clinton Street and North 14th Street, thence south along Clinton Street to the intersection of North 12th Street and Clinton Street, thence west along North 12th Street to the intersection of Victoria Street and Clinton Street, thence south along Victoria Street to the intersection of North 5th Street and Victoria Street, thence west along North Street to the intersection of Lillius Street and North 5th Street, thence south along Lillius Street to the intersection of North 3rd Street and Lillius Street, thence west along North 3rd Street to the intersection of Graham Street and North 3rd Street, thence south along Graham Street to the intersection of North 1st Street and Graham Street, thence south along Sayles Blvd to the intersection of South 7th Street and Sayles Blvd, thence west along South 7th Street to the intersection of Barrow Street and South 7th Street, thence south along Barrow Street to the intersection of South 20th Street and Barrow Street, thence east along South 20th Street terminating at the intersection of Treadaway Blvd and South 20th Street.

All of the properties adjacent to the boundary lines of the district are in the district.

A map of the district is attached and incorporated into this Exhibit "A."



RESOLUTION NO. 78-2018

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
REPEALING RESOLUTION NO. 1-2009, AND CREATING A NEW INFILL
DEVELOPMENT INCENTIVE PROGRAM**

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

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

WHEREAS, the City has previously adopted Resolution No. 1-2009 setting forth and infill development program; and

WHEREAS, the City now desires to repeal the current program and create a new program; and

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

WHEREAS, in addition to the creation of the Zone, it is necessary and in the best interest of the City to offer certain economic development incentives to promote and encourage new private business development, and the remodeling and new construction of affordable and market rate housing options for the City’s historic and economically distressed areas

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

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

PART 2: The City Council, as the governing body of the City of Abilene, Texas finds that the creation of the Zone will increase economic development within the Zone, increase the rehabilitation and construction of affordable and market rate housing options within the Zone, and increase the quality of social services, education or public safety provided to the residents of the Zone.

PART 3: The City Council, as the governing body of the City of Abilene, Texas finds that the creation of the Zone benefits and is for the public purpose of increasing the public health, safety and welfare of the persons in the municipality.

PART 4: The City Council, as the governing body of the City of Abilene, Texas finds that the creation of the Zone satisfies the requirements of Section 312.202 of the Tax Code.

PART 5: The City Council as the governing body of the City of Abilene, Texas does hereby create and establish the following economic development incentive program within the Zone and authorizes the City Manager or his or her designee to negotiate agreements offering the following enumerated incentives, provided that any agreement using the incentives authorized and set forth below must be adopted by an affirmative vote of four or more members of the City Council before it can be effective.

1. The City may enter into agreements for a period of not more than ten (10) years, for the purpose of benefiting the zone, refunds of municipal sales tax on sales made within the zone; and
2. The City may enter into agreements abating municipal property taxes on property within the Zone subject to the duration limits of Section 312.204 of the Tax Code; and
3. The City may set baseline performance standards, such as the Energy Star Program as developed by the Department of Energy, to encourage the use of alternative building materials that address concerns relating to the environment or to the building costs, maintenance, or energy consumption; and
4. The City may participate in up to 50% of the cost of water or sewer line extensions necessary to serve property being developed within the Zone; and
5. The City may choose to authorize these incentives through a Chapter 380 Economic Development agreement.

PART 6: The City Council as the governing body of the City of Abilene, Texas does hereby create and establish the following economic development incentive program within the Zone and authorizes the City Manager or his or her designee to negotiate agreements offering the following enumerated incentives without further Council action.

1. The City Manager may waive or reduce fees related to the construction or remodel of buildings in the Zone, including fees related to the inspection of buildings or impact fees; and
2. The City Manager may authorize the provision of roll-off containers and associated haul-on, haul-off and tipping charges at the City's actual cost; and
3. The City Manager may waive or reduce sewer and water tap fees; and
4. The City Manager may waive or reduce zoning application fees.

PART 7: That Resolution No. 1-2009 is hereby repealed in its entirety.

PART 8: That this Resolution takes effect immediately upon its adoption.

ADOPTED this 10th day of May 2018.

ATTEST:



Rosa Rios, City Secretary



Anthony Williams, Mayor

APPROVED:



Stanley Smith, City Attorney

EXHIBIT A

The Abilene Neighborhood Empowerment Zone No. 1 begins at the intersection of South 14th Street and Treadaway Blvd, thence north along Treadaway Blvd to the intersection of Pine Street and Treadaway Blvd, thence north along Pine Street to the intersection of Interstate 20 and Pine Street, thence west along Interstate 20 to the intersection of Old Anson Road and Interstate 20, thence south along Old Anson Road to the intersection of Ambler Avenue and Old Anson Road, thence west along Ambler Avenue to the intersection of Kirkwood Street and Ambler Avenue, thence south along Kirkwood Street to the intersection of North 20th Street and Kirkwood Street, thence west along North 20th Street to the intersection of Kirkwood Street and North 20th Street, thence south along Kirkwood Street to the intersection of North 19th Street and Kirkwood, thence east along North 19th Street to the intersection of Victoria Street and North 19th Street, thence south along Victoria Street to the intersection of North 14th Street and Victoria Street, thence east along North 14th Street to the intersection of Clinton Street and North 14th Street, thence south along Clinton Street to the intersection of North 12th Street and Clinton Street, thence west along North 12th Street to the intersection of Victoria Street and Clinton Street, thence south along Victoria Street to the intersection North 5th Street and Victoria Street, thence west along North 5th Street to the intersection of Lillius Street and North 5th Street, thence south along Lillius Street to the intersection of North 3rd Street and Lillius Street, thence west along North 3rd Street to the intersection of Graham Street and North 3rd Street, thence south along Graham Street to the intersection of North 1st Street and Graham Street, thence south along Sayles Blvd to the intersection of South 7th Street and Sayles Blvd, thence east along South 7th Street to the intersection Butternut Street and South 7th Street, thence south along Butternut Street to the intersection of South 14th Street and Butternut Street, thence east along South 14th Street terminating at the intersection of Treadaway Blvd and South 14th Street.

All properties abutting each boundary street are included within the Zone.

A map of the district is attached and incorporated into this Exhibit "A."



RESOLUTION NO. 203-2021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

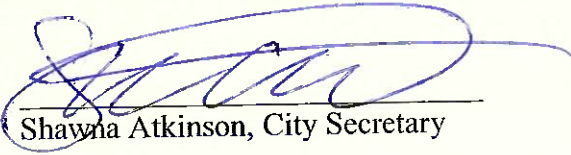
For example, an owner occupied, single family residential property having an assessed value of \$50,000 is improved either through new construction or the renovation or rehabilitation of an existing improvement. The following tax year after the improvements are completed, the assessed value for the property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

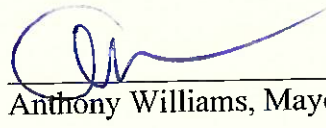
Any economic incentive payment pursuant to this provision is made on a first come, first served basis and is ultimately dependent upon approval by the City Council and the appropriation of revenue for the payment of the incentive. No project has a right or entitlement to receive this economic incentive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

- PART 7:** The City Manager may, without further action or approval of the City Council, waive or reduce development related fees charged by the City within Zone No. 1 and Zone No. 2. For the purposes of this resolution, development related fees include but are not limited to permit fees, zoning fees, platting fees, utility tap fees, and impact fees.
- PART 8:** The economic incentives authorized in Zone No. 1 by Resolution No. 78-2018 in Part 5 and Part 6 of said resolution are hereby repealed and replaced with the provisions of Part 5 and Part 6 of this resolution as adopted herein.
- PART 10:** That this Resolution takes effect immediately upon its adoption.

ADOPTED this 2nd day of December, 2021.

ATTEST:


Shawna Atkinson, City Secretary


Anthony Williams, Mayor



APPROVED:

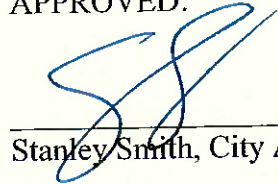

Stanley Smith, City Attorney

EXHIBIT A, Page 1 of 2

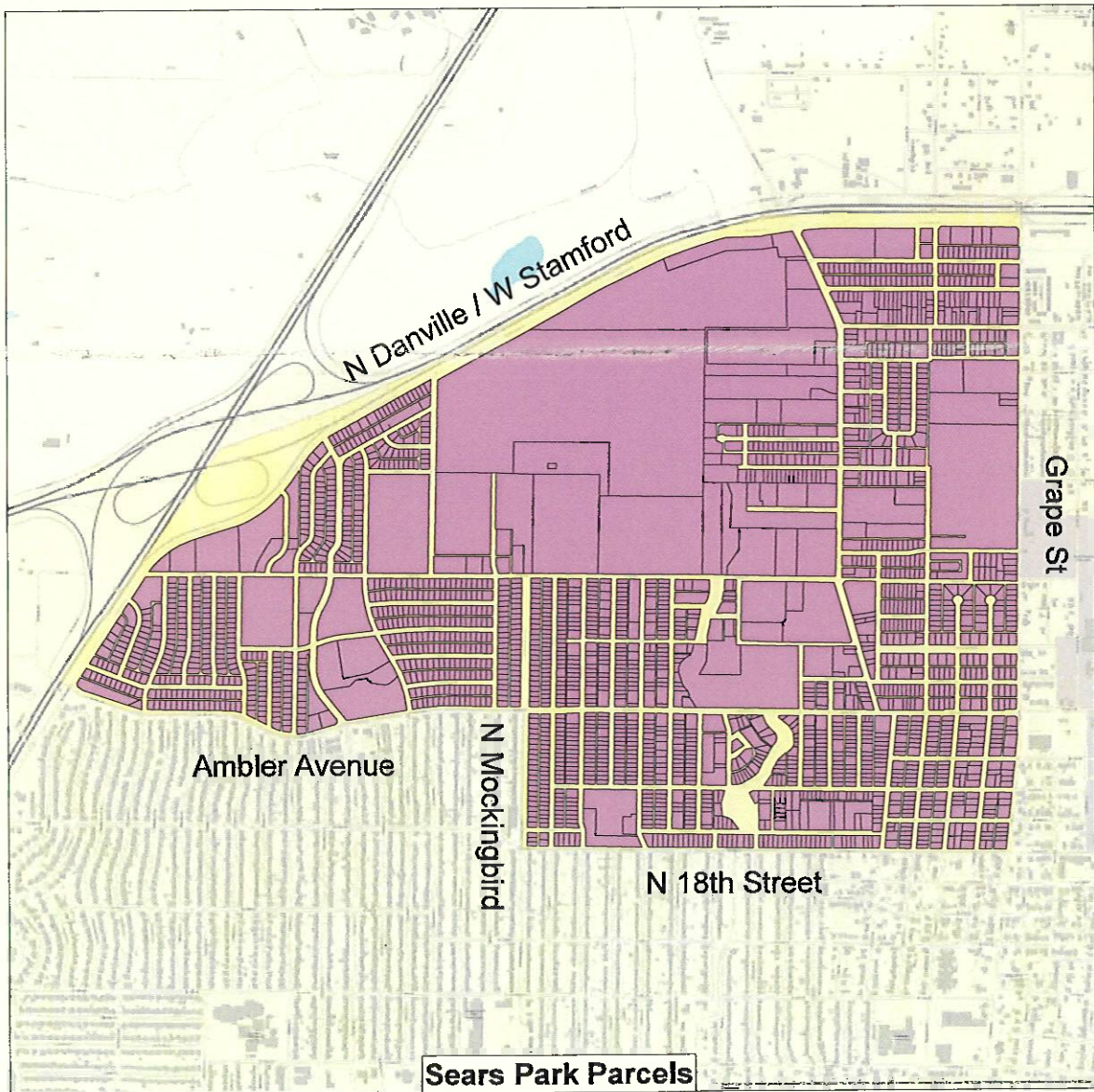
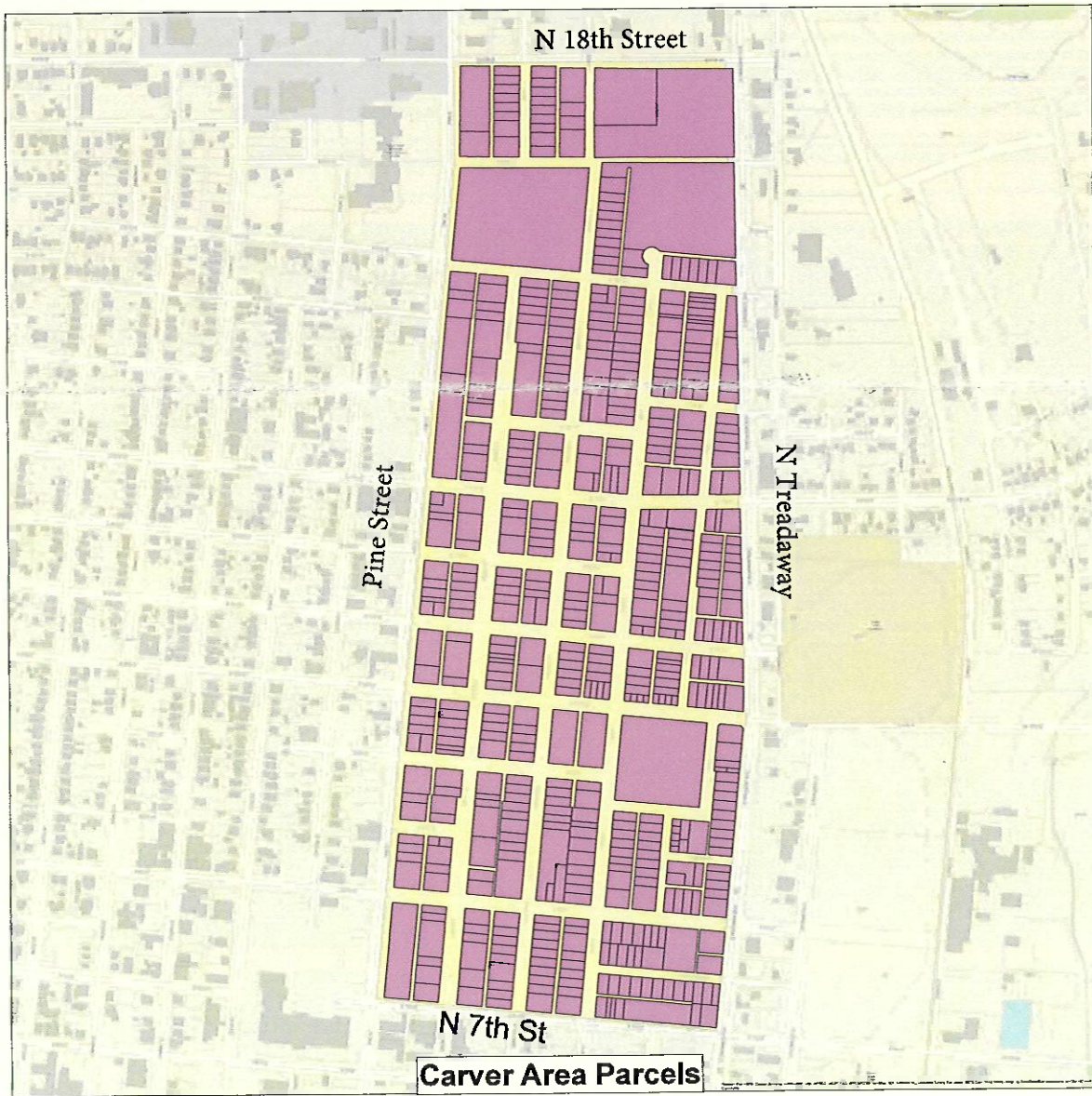


EXHIBIT A, Page 2 of 2



City Council Meeting

Resolution on Amending the Infill Development
Incentive Program (*Michael Rice*)

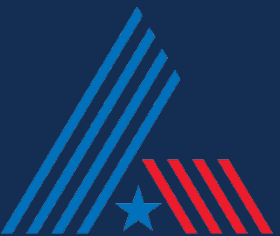


Resolution on Amending the Infill Development Incentive Program

- The City of Abilene amended the Infill Development Incentive Program, more formally known as the Abilene Neighborhood Empowerment Zone, in 2021 to create Zone No. 2, which added the Sears Park Parcels area and the Carver Area Parcels area.
- Staff believes expansion of Zone No. 1, to include McMurry University and the surrounding neighborhoods, will further promote and support the City Council's goal of encouraging Infill Development.
- The Incentives for Infill development will not change with the proposed expansion of Zone No. 1.



Questions ?





**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 12. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Section 18-286, Decreased Speed Limits - School Zones," of the Abilene Municipal Code, By Amending School Zone near Dyess Elementary and Updating AISD school names (Max Johnson)

GENERAL INFORMATION

Dyess Elementary

The old Dyess Elementary School was demolished and a new school was erected on a different part of the existing property. This required the lengthening of the school speed zone on Jennings Dr. There have also been newly developed housing additions to the south and the west of the campus. This required a new school speed zone on Hampton Hills St.

School Name Updates

On January 14th, 2021, the AISD changed the names of three elementary schools. Jackson Elementary became Alcorta Elementary, Johnston Elementary became Purcell Elementary and Lee Elementary became Stafford Elementary. These names need to be updated in the Code of Ordinances.

SPECIAL CONSIDERATIONS

The school speed zone for Wylie East Elementary is being added by another Ordinance, and will be included in the final list of school zones by that separate Ordinance.

FUNDING/FISCAL IMPACT

Funding will come from the Traffic Services Budget.

STAFF RECOMMENDATION

Approve.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 2022 Redlline_Ord_Amend_School_Zones Dyess Elem & AISD names
2. School Zone Changes and Additions Black Line
3. Minutes of the January 14, 2021 School Board Meeting
4. Civic Clerk Presentation for School Zone and Name Changes

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 18, “MOTOR VEHICLES AND TRAFFIC,” ARTICLE XIII, “SCHEDULES,” SECTION 18-286, “DECREASED SPEED LIMITS-SCHOOL ZONES,” OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

WHEREAS, the old Dyess Elementary School has been demolished and a new school has been construction on at a different location on the same property, which results in the need to lengthen the school speed zone on Jennings Dr. and to add a school speed zone on Hampton Hills St.; and

WHEREAS, the Abilene Independent School District changed the names of three elementary schools, and the new names need to be listed in the school speed zones section of the code of ordinances; and

WHEREAS, the City Code of Ordinance provides for decreased speed limits for established school zones; and

WHEREAS, there is a need to amend the City Code of Ordinances to implement the changes to the school speed zones.

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

PART 1: That Chapter 18, Article XIII, Section 18-286, “Decreased Speed Limits – School Zones,” of the Abilene Municipal Code be amended as set out in Exhibit “A”, attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

PART 3: That any persons, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine in accordance with Chapter 1 (Section 1-9) of this Code. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 14th day of July 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 24^h day of July, 2022, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 28th day of July, 2022, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 28th day of July 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Exhibit A

Sec. 18-286. – Decreased Speed Limits—School zones.

- (a) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be twenty (20) miles per hour for hours designated on school days, where school signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

Expand

School	Street	Extent
Austin Elementary	South 23rd St.	170 feet east of South Elmwood Dr. to 175 west of Greenbriar Dr.
	South 25th St.	South Elmwood Dr. to Greenbriar Dr.
	Elmwood Dr., South	South 23rd St. to South 25th St.
	Greenbriar Dr.	South 23rd St. to 245 feet south of South 25th St.
Bonham Elementary	South 7th St.	175 feet west of Buccaneer Dr. to 150 feet east of Hawthorne St.
	Buccaneer Dr.	South 7th St. to Potomac Ave.
	Potomac Ave.	Buccaneer Dr. to 255 feet west of Hawthorne St.
Bowie Elementary	South 20th St.	255 feet west of Vine St. to 310 feet east of Jeanette St.
	South 21st St.	Vine St. to Jeanette St.
	Jeanette St.	South 20th St. to South 22nd St.
	Vine St.	South 20th St. to South 22nd St.
Clack Middle School	Corsicana Ave.	Alamo Dr. to 300 feet north of Sagehen Ridge Dr.
	Sagehen Ridge Dr.	Corsicana Ave. to Snipe Ln.
	Hartford St	160 feet west of Corsicana Ave. to Reagan Circle (west side)

School	Street	Extent
Craig Middle School	Prof Bynum Way	From Judge Ely to 200 east of Sunrise Ave.
Dyess Elementary	Jennings Dr.	Delaware Rd. to 1,200 feet west of Delaware Rd. <u>275 feet east of Delaware Rd. to Hampton Hills St.</u>
	Delaware Rd.	Jennings Dr. to Hampton Hills St.
	<u>Hampton Hills St</u>	<u>Delaware Rd to Jennings Dr</u>
Jackson Elementary	South 32nd St.	260 feet west of Buffalo Gap Rd. to 210 feet west of Marshall St.
<u>Alcorta Elementary</u>	Marshall St.	South 32nd St. to 550 feet north of South 32nd St.
Jefferson Campus	Vine St.	S. 14th St. to S. 17th St.
	Jeanette St.	S. 14th St. to S. 17th St.
	S. 17th St.	Jeanette St. to Vine St.
Johnston Elementary <u>Purcell Elementary</u>	North 12th St.	Glendale Dr. to Minter Lane
	North 14th St.	Glendale Dr. to Minter Lane
	Glendale Dr.	Laurel Dr. to North 14th St.
	Minter Lane	North 12th St. to North 14th St.
Kenley Private School	Matador St.	South 14th St. to South 15th St.
Lee Elementary <u>Stafford Elementary</u>	North 10th St.	250 feet east of Pioneer Dr. to 140 feet west of North San Jose Dr.
	Pioneer Dr.	North 10th St. to San Jose Dr.
	San Jose Dr.	North 10th St. to Pioneer Dr.
Madison Middle School	Barrow St.	South 32nd St. to Edgemont Dr.
Mann Middle	Mimosa Dr.	Vogel Ave. to Iris St.

School	Street	Extent
School	Vogel Ave.	Westview Dr. to Mimosa Dr.
Martinez Elementary	North 12th St.	200 feet west of Clinton St. to 260 feet east of Merchant St.
	Clinton St.	North 12th St. to North 14th St.
	Merchant St.	North 12th St. to North 14th St.
Ortiz Elementary	Vogel Ave.	Burger St. to Catclaw Creek
Thomas Elementary	Lakeside Dr.	200 feet South of Bynum St. to East South 11th St.
Ward Elementary	Rebecca Ln.	Alley between Pamela Dr. and Carrie Ann Ln. to 430 feet East of Bruce Dr.
	Paint Brush Dr.	Pennington Dr. to Bruce Dr.
Woodson Skill Center	Cockerell Dr.	650 feet north of East Highway 80 to 500 feet south of E.N. 7th St.

- (b) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be twenty-five (25) miles per hour for hours designated on school days, where school signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

Expand

School	Street	Extent
Abilene High School	North 6th St.	Mockingbird Lane to Shelton St.
Bonham Elementary	Pioneer Dr.	300 feet north of Potomac Ave. to Monticello St.
Clack Middle School	South 7th St	333 feet west of Corsicana Ave. to 380 feet east of Corsicana Ave.
Cooper High School	Amarillo St.	South 36th St. to 500 feet north of South 41st St.
	Sayles Blvd.	South 36th St. to South 40th St.

School	Street	Extent
Mann Middle School	Ambler Ave.	Bel Air Dr. to Glendale Dr.
Ortiz Elementary	Ambler Ave.	From Green St. to Park Ave.
Jackson Elementary <u>Alcorta Elementary</u>	S. 27th St.	300 feet east of Marshall St. to 300 feet west of Marshall St.

Exhibit A

Sec. 18-286. – Decreased Speed Limits—School zones.

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Alcorta Elementary	S. 27th St.	300 feet east of Marshall St. to 300 feet west of Marshall St.

Minutes of the January 14, 2021
Regular Meeting
of the Board of Trustees

The Board of Trustees of the Abilene Independent School District met in a Regular Meeting at 4:30 PM, January 14, 2021, Boardroom, One AISD Center, 241 Pine Street, Abilene, Texas. Daryl Zeller, president of the Board of Trustees, called the meeting to order at 4:30 p.m., observed that a quorum was present, and stated that notice of the meeting had been duly posted in the time and manner prescribed by law.

Trustees present for all or part of the meeting: Daryl Zeller, president; Cindy Earles, vice president; Angie Wiley, secretary; Bill Enriquez, assistant secretary; Dr. Danny Wheat, Derek Hood and Rodney Goodman. Members absent: None.

Administrators present for all or part of the meeting: Dr. David Young, superintendent; Dr. Gustavo Villanueva, associate superintendent of Leadership and Student Services; Dr. Ketta Garduno, associate superintendent for curriculum and instruction; Scott McLean, associate superintendent of operations; Alison Sims, Executive Director of Human Resources; Dr. Joe Waldron, Chief Financial Officer; and Lance Fleming, chief communications officer; Susan Neil and Robin Jones, assistants to the superintendent.

- A. Closed Session: A Closed Session may be held under the provisions of Texas Government Code, Chapter 551 including but not limited to Section 551.071, Section 551.072, Section 551.074, Section 551.076, and Section 551.082, and Section 551.0821.

Daryl Zeller announced that a closed session would be held under the provisions of Texas Code, Chapter 551.

The Board convened in closed session at 4:31 p.m.

- I. The Board may deliberate matters of Personnel, i.e. appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee. (Section 551.074)
 - a. Professional Employment Contracts.
 - b. Superintendent Performance Evaluation.
- II. Consultation with Legal Counsel regarding Pending or Contemplated Litigation and/ or Privileged Legal Advice. (Section 551.071)
- III. The Board may discuss the Value, Exchange and/or Disposition of Real Property. (Section 551.072)
- IV. The Board may discuss matters of Safety and Security. (Section 551.076)
- V. The Board may discuss matters pertaining to Students necessarily involving personally identifiable information, e.g. Student Discipline. (Sections 551.082, 551.0821)

II. Reconvene from Closed Session.

The Board reconvened from closed session at 6:09 p.m.

Daryl Zeller called on Dr. Gustavo Villanueva, Associate Superintendent of Student Services and Leadership, to give the invocation and lead the pledges.

C. Board/Superintendent Announcements/Information.

- Taylor Elementary School, Ribbon Cutting Ceremony – February 2 at 9:30 a.m.

D. Recognitions.

I. School Board Appreciation Month.

Dr. Young reflected on the Board's service and dedication, thanking them for their commitment and sacrifice on behalf of the students, parents, and staff of Abilene ISD. Lance Fleming, Chief Communications Officer, called on individual principals who introduced their assigned honored board member for the month of January. Each respective principal expressed their gratitude to the Board of Trustees for their dedication and service to the district.

Mr. Zeller announced at 6:54 p.m. the Board would recess for a 10 minute break.

Mr. Enriquez left the meeting at 6:54 p.m.

The Board reconvened at 7:09 p.m.

E. Oral Communication from the Public.

Daryl Zeller asked Chief Communications Officer, Lance Fleming if there were any emails from the public to be read at this time.

There was none.

III Public Hearing on 2019-2020 Texas Academic Performance Report.

Mr. Zeller opened the public hearing at 7:11 pm, and asked Dr. Ketta Garduno, Associate Superintendent of Curriculum & Instruction, and Director of Accountability, Jeannie Forehand, to give a brief summary on the TAPR Report.

Jeannie Forehand, director of accountability, gave a presentation to update the Board on performance outcomes from the 2019-2020 TAPR Report.

The annual report will be available on the district website.

This is an information item only. No action was taken.

A. Open Public Hearing.

B. Receive Public Input.

Mr. Zeller asked if anyone from the public wished to address the Board regarding the TAPR Report. There were none.

C. Close Public Hearing.

Mr. Zeller closed the public hearing at 7:16 pm.

IV. Consent Agenda

A. The Board will consider approval of the Budget Amendments.

B. The Board will consider accepting the November Financials.

C. The Board will consider approval of the Minutes of the December 3, 2020 Board Workshop, and the December 7, 2020 Regular Meeting.

D. The Board will consider approval of Depository Resolution to Change Authorized Signatures on Checks and Grant other Specific Authority.

E. The Board will consider approval of Head Start/Early Head Start Program Planning Decisions and Refunding Proposal Budgets for Fiscal Year 2021.

F. The Board will consider approval of the 2021-2022 AISD Academic Calendar.

G. The Board will consider approval of the Investment Report for Quarter Ending November 30, 2020.

Daryl Zeller asked if any Board member wished to remove an item from the consent agenda for separate discussion. There was none.

Dr. Wheat made a motion to approve the consent agenda as presented. The motion was seconded by Mr. Hood and approved 6-0.

Ayes: Wheat, Earles, Wiley, Goodman, Zeller, Hood

Nayes: None

V. Regular Agenda.

Mr. Enriquez returned to the meeting at 7:20 p.m.

A. 2018 Bond Reports.

I. PSC

Ruppert Rangel, gave an update on Dyess Elementary School:

- Structural steel in Kitchen is being installed
- Brick veneer continues on North classroom wing
- Interior partition framing is being installed Area A
- HVAC ductwork has begun in Area A
- Electrical and plumbing rough-in continues
- Beginning roofing this week

II. Jacob Martin

Will Duncan updated the board on the following projects:

- Madison and Mann Middle Schools Fine Arts
 - Overall Project-Approximately 99% complete
 - All scope has been completed
 - Band and Orchestra have moved into permanent spaces

- Punchlist correction is 80% complete and closeout documents are being prepared
- Project completed on time
- Abilene High and Cooper High Fine Arts
 - Construction Documents have been submitted to AISD for final review
 - Color selections are underway
 - Final coordination to occur during January/February
 - Project tentatively released to bid March

III. Huckabee

Doug Schlagel gave a project status report on the following projects:

- Taylor Elementary School
 - Classes in session January 4, 2021
- The LIFT Center
 - Section 4-5 (Shops) – Continued exterior and interior trade work, roofing nearing completion, exterior storefront and curtain wall windows arriving this week to fully enclose exterior.
 - Section 2/3 (Commons) – Steel joists and miscellaneous framing ongoing, 2nd floor slab poured in Section 3, interior stud framing, HVAC and electrical work underway, roofing underway over kitchen.
 - Section 1 (Academic Wing) – Primary Steel structure finishing this week, delayed due to weather at the end of December. Interior stud framing and HVAC, electrical rough in beginning. 2nd of 3 second floor slab pours to commence this week. .

B. The Board will discuss and possibly consider approval of new names for Jackson, Johnston, and Lee Elementary Schools.

Mr. Enriquez made a motion to accept Robert & Sammie Stafford as the new name for Lee Elementary School. The motion was seconded by Mr. Hood and approved 6-1.

Ayes: Wheat, Earles, Wiley, Enriquez, Zeller, Hood

Nayes: Goodman

Dr. Wheat made a motion to accept Eugene Purcell & Susan Petty as the new name for Johnston Elementary School. The motion was seconded by Mr. Zeller. The motion failed 4-3.

Ayes: Wheat, Wiley, Zeller

Nayes: Goodman, Hood, Enriquez, Earles

Mr. Hood made a motion to accept Eugene Purcell as the new name for Johnston Elementary School. The motion was seconded by Mrs. Earles and approved 6-1.

Ayes: Wheat, Earles, Wiley, Enriquez, Zeller, Hood

Nayes: Goodman

Mr. Enriquez made a motion to accept Jose Alcorta Sr. as the new name for Jackson Elementary School. The motion was seconded by Mrs. Earles and approved 6-1.

Ayes: Wheat, Earles, Wiley, Enriquez, Zeller, Hood

Nayes: Goodman

C. The Board will consider approval of the District Annual Financial and Compliance Report.

In accordance with the provisions of the Texas Education Code mandated through the TEA Financial Accountability System Resource Guide, an annual audit of the District's financial records by an independent audit firm must be approved and delivered to the TEA within 150 days after fiscal year end. Eide Bailly., LLP was employed to conduct the annual audit for the year ended August 31, 2020.

Jeromy Stephens, Audit Partner with Eide Bailly, gave an overview of the report and answered questions from Board members.

Mrs. Wiley made a motion to approve the District's Annual Financial and Compliance Report for the fiscal year ended August 31, 2020. The motion was seconded by Mr. Goodman and approved 7-0.

Ayes: Wheat, Earles, Wiley, Hood, Zeller, Goodman, Enriquez

Nayes: None

- D. The Board will consider approval of accepting the 2019-2020 Shotwell Complex Financial Report. Dr. Joe Waldron, Chief Financial Officer, presented the Abilene ISD Shotwell Complex Revenue and Expenditure Report for the year ended August 31, 2020.

Mr. Goodman made a motion to accept the Abilene ISD Shotwell Complex Revenue and Expenditure Report for the year ended August 31, 2020 as presented. The motion was seconded by Mrs. Earles and approved 7-0.

Ayes: Wheat, Earles, Wiley, Hood, Zeller, Goodman, Enriquez

Nayes: None

- E. The Board will consider approval of a Resolution regarding Emergency Paid Sick Leave.

Chief Financial Officer, Dr. Joe Waldron stated to the Board of Trustees that in March 2020 the Federal Government passed the Families First Coronavirus Response Act that created paid leave for employees under certain circumstances relating to COVID-19. The Coronavirus Response Act expired on December 31, 2020. The Emergency Paid Sick Leave Resolution extends the use of up to 80 hours of paid leave for full time employees through the end of the contract year in June 2021.

Mrs. Wiley made a motion to approve a Resolution regarding Emergency Paid Sick Leave. The Motion was seconded by Dr. Wheat and approved 7-0.

Ayes: Wheat, Earles, Wiley, Hood, Zeller, Goodman, Enriquez

Nayes: None

- VI. The Board may take action relevant to Items Covered During Closed Session.

There were none.

- A. The Board will consider approval of Personnel Recommendations.

I. Professional Employment Contracts.

B. Matters pertaining to Litigation, if any.

C. Matters pertaining to Real Property, if any.

D. Matters pertaining to Safety and Security, if any.

E. Matters pertaining to Students, if any.

- VII. Adjournment.

There being no further business to come to the attention of the Board, the meeting was adjourned at 9:35 p.m.

APPROVED:

Daryl Zeller, President

ATTEST:

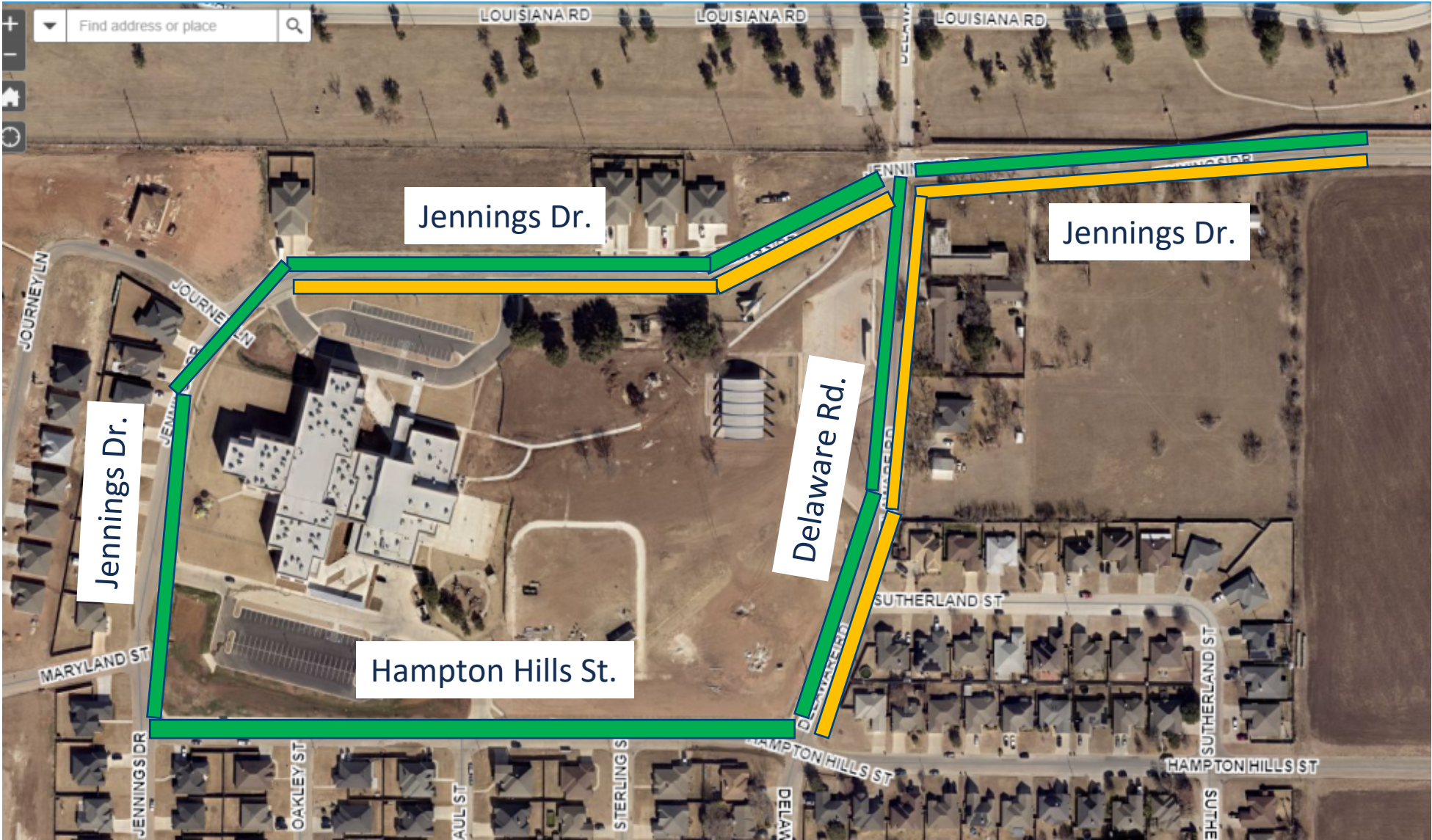
Angie Wiley, Secretary

**Ordinance: Amending Abilene
Municipal Code For Expanded
School Zones As Well As Updating
Three (3) School Names**

(Johnson)



Existing and New School Zones – Dyess Elementary



Existing School Zone



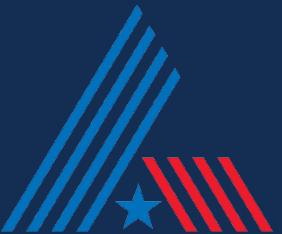
New School Zone

Abilene Independent School District (AISD) School Name Updates

- Jackson Elementary is now Alcorta Elementary
- Johnston Elementary is now Purcell Elementary
- Lee Elementary is now Stafford Elementary



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

TO: Robert Hanna, City Manager

FROM: Bob von Wolffrad, Technical/Back up

SUBJECT: 13. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Execute the Software Services Agreement with Tyler Technologies, Inc. for the Enterprise Resource Planning (ERP) MUNIS Products Implementation (Bob Von Wolffrad)

GENERAL INFORMATION

The City has historically used a multitude of separate applications across multiple departments. Data does not integrate well in all cases, resulting in duplicate databases and forcing users to create and manage local spreadsheets and data repositories that do not always match with the primary application. Not only do these actions duplicate the single source of the primary application, but they are almost never current.

Additionally, the lack of a single ERP prevents the administration and managers from being able to see all related data and performance indicators in one place.

A standard solution that is fully integrated with the City business systems is needed.

MUNIS provided by Tyler Technologies Inc., provides that ERP solution in real time in most cases. The purchase is through Sourcwell #090320-TTI, competitively solicited cooperative contracts.

The MUNIS ERP solution includes:

Complete Financial System
Utility Billing System

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Total Services	\$1,200,451
Annual SaaS Fee	\$559,971
Travel	<u>\$47,950</u>
Total	\$1,760,422

Payments are only made as costs are actually incurred and/or as services are actually provided and accepted by the City of Abilene. Delays and/or changes in the plan and schedule will cause work and payments to be adjusted periodically as is the case for major projects.

STAFF RECOMMENDATION

Staff recommends implementing the Munis ERP as described.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 5-Resolution - MUNIS ERP June 16 2022 Council
2. 1-MUNIS - Enterprise Resource Planining (ERP) Information - Council (1)
3. 2-MUNIS Project timeline June 2022 Council - Project Estimates
4. 4-MUNIS Summary Payment Schedule Services and Software June 10 2022 Council.xlsx
- Summary (1)
5. 3-Slides Council

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE THE SOFTWARE AS A
SERVICE AGREEMENT WITH TYLER TECHNOLOGIES, INC FOR THEIR MUNIS
PRODUCTS IMPLEMENTATION.**

WHEREAS, The City uses many independent components of financial systems, billing, payment processing, and related operational and business solutions that are not integrated with each other and require many local processes and databases to work effectively; and

WHEREAS, The lack of a single Enterprise Resource Planning (ERP) solution prevents the administration and managers from being able to see all related data and performance indicators in one place, and a standard solution that is fully integrated with the City business systems is needed; and

WHEREAS, The Municipal Uniform Information System (MUNIS) product line provided by Tyler Technologies Inc., provides that ERP solution and in real time in most cases, replacing dozens of other applications that cannot be integrated The purchase is through Sourcewell #090320-TTI, competitively solicited cooperative contracts; and

WHEREAS, the proposed agreement is to implement a fully integratable new financial system along with a new utility billing system and a single payment processor across city operations while identifying the remaining ERP modules for future implementations; and

WHEREAS, the implementation and one-time fees are \$1,172,500, third party software \$27,951, totalling \$1,248,401, with the total software as a service fee of \$2,792,161, payment schedules are dependent upon actual work completed; and for a total contractual cost of \$3,992,612 over 5 years; and

WHEREAS, with expected payments by fiscal years indicated in the table; and

	FY2022	FY2023	FY2024	FY 2025	FY2026	FY2027	Total
Expected payments:	\$279,986	\$1,157,966	\$874,747	\$559,971	\$559,971	\$559,971	\$3,992,612

*Does not include travel at estimated at \$47,950

WHEREAS, The purchase is through the Sourcewell #090320-TTI, competitively solicited cooperative contracts; and

WHEREAS, city staff has recommended migrating to the Municipal Uniform Information System (MUNIS) ERP solution.

**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 sign the agreements for MUNIS
from Tyler Technologies, Inc.

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

ADOPTED this 14th day of July, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Background

The City has historically used a multitude of separate applications across multiple departments. Data does not integrate well in all cases, resulting in duplicate databases and forcing users to create and manage local spreadsheets and data repositories that do not always match with the primary application. Not only do these actions duplicate the single source of the primary application, but they are almost never current.

Additionally, the lack of a single ERP prevents the administration and managers from being able to see all related data and performance indicators in one place.

A standard solution that is fully integrated with the City business systems is needed.

MUNIS provided by Tyler Technologies Inc., provides that ERP solution and in real time in most cases. The purchase is through Sourcewell #090320-TTI, competitively solicited cooperative contracts.

The MUNIS ERP solution includes:

Complete Financial System
Utility Billing System

Optional Modules (anticipated in Phases II - IV) (Project Management Services not included at this stage)

Civic Services
Enterprise permitting & Licensing Advanced Automation
Managed Detection & Response
Human Resources
Tyler Payments

These applications will integrate city business operations and applications in a single pane of glass, providing; a substantial improvement in efficiency, eliminating duplicate and redundant activities, a consolidated citizen portal to conduct business with the City, and improve the management visibility of key indicators across business operations in the City - improving the City's ability to manage operations that is not possible in today's environment.

The project is spread across multiple years to allow the City and staff to ensure best practices and a thoughtful transition while continuing to maintain existing systems, services, and workloads with the least amount of disruption.

Phased Approach

Phase I (Apr 22 - ongoing) Project conception, approach concepts, and approvals.

Phase II (Sep 22 - Oct 23) Financials and Utility Billing systems.

OPTIONAL

- Phase III (Nov 23 - Oct 24) Civic Services, Enterprise Asset Management, Citizen Connect, Parks and Recreation, Energov (planning), Environmental Health inspections, single payment processor, and Managed Detection & Response. OPTIONAL
- Phase IV (Jan 25-Oct 25) Human Capital Management and Payroll. OPTIONAL

Costs and Payment Schedule

Anticipated Payment Schedule		Fiscal Years (FY) with (calendar year dates)					
Phase	Post Contract Signature 8/15/22 (50%) (1,2)	FY1 (10/1/22 -9/30/23) (3)	FY 2 (10/1/23 - 9/30/24)	FY 3 (10/1/24 - 9/30/25)	FY 4 (10/1/25 - 9/30/26)	FY 5 (10/1/26 - 9/30/27)	Totals
Financials Software (\$498,416)	\$249,208	\$249,208	\$498,416	\$498,416	\$498,416	\$498,416	\$2,492,080
Utility Billing Software (1)	\$30,778	\$23,083	\$61,555	\$61,555	\$61,555	\$61,555	\$176,971
Services Financials Phase 10/1/22 - 10/1/23		\$448,800	\$0				\$448,800
Services Utility Billing Phase (1/1/2023 - 4/1/2024)		\$133,155	\$89,545				\$222,700
Project Management Services		\$177,600	\$177,600				\$355,200
Install Fees etc		\$27,200					\$27,200
Conversions Financials		\$69,400	\$0				\$69,400
Conversions Utility Billing		\$29,520	\$19,680				\$49,200
3rd Party Software and Services			\$27,951				\$27,951
Totals	\$279,986	\$1,157,966	\$874,747	\$559,971	\$559,971	\$559,971	\$3,869,502

Travel payments of up to \$47,950 will be expended in conjunction with the implementation schedule and any project changes

Summary

Total Services	\$1,200,451
Annual SaaS Fee	\$559,971
Travel	<u>\$47,950</u>
Total	\$1,760,422

Notes:

SaaS - Software As A Service (SaaS)

(1) Utility software is prorated based on the month started (Est 5 months into FY23)

(2) Contract is for 50% payment, 30 days after signing

(3) Billing is only for work components actually completed, changes, staffing, scheduling and delays will affect resources and projected payments.

Terabyte Storage	1	(additional storage is \$5,000 annually per Terabyte (TB))
Concurrent Users	175	

Payments are made only as costs are actually incurred and/or as services are actually provided and accepted by the City of Abilene. Delays and/or changes in the plan and schedule will cause work and payments to be adjusted periodically as is the case for major projects.

Request

Staff recommends implementing the Munis ERP as described.

CITY OF ABILENE

GO Live Estimates = 

Phase			Details												2022												2023												2024												2025												2026		
PROJECT MONTH:			QTR 1				QTR 2				QTR 3				QTR 4				QTR 1				QTR 2				QTR 3				QTR 4				QTR 1				QTR 2				QTR 3				QTR 4				QTR 1														
			1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3												
1	Project Conception & Management	- Project Concepts	Project Management																																																														
		- Plan Review	Plan Review																																																														
		- Approvals	Approvals																																																														
2	ERP Financials */ Utilities / Payments	- Financials	Financials												✓																																																		
		- Utility Billing													Utility Billing												✓																																						
3	Optional Modules (Parks & Recreation, Energov, Environment Health Inspections)	- Parks & Recreation													Parks & Recreation												✓																																						
		- Environmental Health													Environmental Health												✓																																						
		- Tyler Payments													Tyler Payments												✓																																						
		- Energov, Service Requests													Energov, Service Requests												✓																																						
4	Human Capital Management & Payroll	- HR & Payroll																									HR & Payroll (Options)												✓																										
		- Remainder other modules																									Remainder other modules												✓																										
5	TBD	- Postmortem																																																															
		- Project Punchlist																																																															
		- Report																																																															

7/1/2022 12:56:53

Anticipated Payment Schedule		Fiscal Years (FY) with (calendar year dates)					
Phase	Post Contract Signature 8/15/22 (50%) (1,2)	FY1 (10/1/22 - 9/30/23) (3)	FY 2 (10/1/23 - 9/30/24)	FY 3 (10/1/24 - 9/30/25)	FY 4 (10/1/25 - 9/30/26)	FY 5 (10/1/26 - 9/30/27)	Totals
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Install Fees etc		\$27,200					\$27,200
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Conversions Utility Billing		\$29,520	\$19,680				\$49,200
3rd Party Software and Services			\$27,951				\$27,951
Totals	\$279,986	\$1,157,966	\$874,747	\$559,971	\$559,971	\$559,971	\$3,992,612

Travel payments expected (\$47,950)

<----->

Summary

Total Services	\$1,200,451
Annual SaaS Fee	\$559,971
Travel	<u>\$47,950</u>
Total	\$1,808,372

Notes:

SaaS - Software As A Service (SaaS)

(1) Utility software is prorated based on the month started (Est 5 months into FY23)

(2) Contract is for 50% payment, 30 days after signing

(3) Billing is only for work components actually completed, changes, staffing, scheduling and delays will affect resources and projected payments.

Terabyte Storage 1 (additional storage is \$5,000 annually per Terabyte (TB))

Concurrent Users 175

Project Management Services not included for Optional Phases at this stage.

Enterprise Resource Planning (ERP) Tyler Technologies, Inc. - Municipal Uniform Information System (MUNIS) Platform

Consolidate many business and operations software applications into one platform to improve operations, visibility, and efficiency.

Current systems do not share data well, and lack a common portal for integrated performance measurement, causing numerous local spreadsheets and datastores that do not interface with the primary applications. Leading to several versions of current data.

MUNIS provided by Tyler Technologies provides that ERP solution and in real time in most cases. The purchase is through Sourcwell #090320-TTI, competitively solicited cooperative contracts.



The MUNIS ERP solution

Phase I

Planning, Review and Approvals

Phase II

Financial System

Complete Utility Billing system integrated with the Financial system

Single payment processor (replacing a multitude of different processors)

Financial system includes: Capital Asset Management, Inventory, Project and Grant Accounting, Purchasing, Civic Services

Phase III & IV (OPTIONAL)

Enterprise permitting & Licensing Advanced Automation

Managed Detection & Response

Human Resources & Payroll

Tyler Payments



Phased FY Approach

Phase I (Apr 22 - ongoing)

Project conception, approach concepts, and approvals

Phase II (Sep 22 - Oct 23)

Financials and Utility Billing

OPTIONAL *(Project Management Services/costs not included at this stage)*

Phase III (Nov 23 - Oct 24) Parks and Recreation, Energov (planning), Environmental Health inspections, Tyler Payments, and Managed Detection & Response

Phase IV (Jan 25-Oct 25) Human Capital Management and Payroll.



Costs and Payment Schedule

	FY2022	FY2023	FY2024	FY 2025	FY2026	FY2027
Total						
Expected payments:	\$279,986	\$1,157,966	\$874,747	\$559,971	\$559,971	\$3,992,612

Notes:

SaaS - Software As A Service (SaaS)

(1) Utility software is prorated based on the month started (Est 5 months into FY23)

(2) Contract is for 50% payment, 30 days after signing

(3) Billing is only for work components actually completed, changes, staffing, scheduling and delays will affect resources and projected payments.

Terabyte Storage 1 (additional storage is \$5,000 annually per Terabyte (TB))

Concurrent Users: 175



Municipal Uniform Information System (MUNIS) Schedule

MUNIS PROJECT OUTLINE & TIMELINE

PROJECT TITLE MUNIS ERP+
PROJECT MANAGER TBD

COMPANY NAME City of Abilene
DATE 6/23/22

GO Live Estimates = ☒



PHASE		DETAILS		2022												2023												2024												2025												2026		
				QTR 1				QTR 2				QTR 3				QTR 4				QTR 1				QTR 2				QTR 3				QTR 4				QTR 1				QTR 2				QTR 3				QTR 4				QTR 1		
		PROJECT MONTH:		1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3
1	Project Conception & Management	- Project Concepts		Project Management																																																		
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2	ERP Financials */ Utilities / Payments	- Financials		Financials																																																✓		
		- Utility Billing		Utility Billing																																																✓		
3	Optional Modules (Parks & Recreation, Energov, Environment Health Inspections)	- Parks & Recreation		Parks & Recreation																																																✓		
		- Environmental Health		Environmental Health																																																✓		
		- Tyler Payments		Tyler Payments																																																✓		
		- Energov, Service Requests		Energov, Service Requests																																																✓		
4	Human Capital Management & Payroll	- HR & Payroll		HR & Payroll (Options)																																																✓		
		- Remainder other modules		Remainder other modules																																																✓		
5	TBD	- Postmortem																																																				
		- Project Punchlist																																																				
		- Report																																																				

* Financials include: Capital Asset Management, Inventory, Project and Grant Accounting, Purchasing, Civic Services



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 14. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 18, "MOTOR VEHICLES AND TRAFFIC," ARTICLE XIII, "SCHEDULES," SECTION 18-286, "Decreased speed limits-School zones," of the Abilene Municipal Code to Add School Traffic Zones at Wylie East Elementary (Max Johnson)

GENERAL INFORMATION

The Ordinance Amendment is in response to an engineering study that recommends establishing a new school zone for Wylie East Elementary. This amendment will function in harmony with the Taylor County established school zone for Wylie East Junior High, and both the elementary school and the junior high are on Colony Hill Road.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

N/A

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Redlline_Ord_Amend_School_Zones Wylie East Elementary
2. 2022.06.14 Maple-Colony Hill School Zone.Engineering Recommendation
3. Wylie East Elementary School Zone Presentation

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 18, “MOTOR VEHICLES AND TRAFFIC,” ARTICLE XIII, “SCHEDULES,” SECTION 18-286, “DECREASED SPEED LIMITS-SCHOOL ZONES,” OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

WHEREAS, an engineering study has resulted in a recommendation for establishing a new school zone for Wylie East Elementary and Wylie East Junior High schools; and

WHEREAS, the City Code of Ordinance provides for decreased speed limits for established school zones; and

WHEREAS, there is a need to amend the City Code of Ordinances to implement the engineering recommended school zone additions.

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

PART 1: That Chapter 18, Article XIII, Section 18-286 of the Abilene Municipal Code be amended as set out in Exhibit “A”, attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

PART 3: That any persons, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine in accordance with Chapter 1 (Section 1-9) of this Code. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 23rd day of June 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 10th day of July, 2022, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 14th day of July, 2022, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 14th day of July 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Exhibit A

Sec. 18-286. Decreased speed limits-School zones.

- (b) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be twenty-five (25) miles per hour for hours designated on school days, where school signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

School	Street	Extent
Wylie East Elementary	Colony Hill Road	From Maple Street, east to the City Limits
Wylie East Elementary	Maple Street	From Colony Hill Road to Carriage Hills Parkway

Memorandum

To: Scott Chandler, P.E. – City Engineer (City of Abilene, Texas)
From: Chris Edwards, P.E.
CC: Tal Fillingim, P.E.; Chris Hartke, P.E.
Date: June 14, 2022
RE: **Maple Street/Colony Hill Road School Zone**



The purpose of this memorandum is to provide recommendations for the establishment of a school zone along Maple Street and Colony Hill Road to serve the Wylie East Elementary and Wylie East Junior High schools. The memorandum is being prepared by Teague Nall and Perkins, Inc. (tnp) at the request of the City of Abilene, Texas. Speed reduction, signage, and dimensions for the school zone are based on recommendations found in *TxDOT Report 0-5470-1: Speeds in School Zones - Appendix A: Guidelines for Traffic Control for School Areas*, the *Texas MUTCD (2011 Edition)*, and engineering judgment.

School speed limit zones are appropriate where school-age pedestrians are expected to cross the major roadway going to and from school, and where a school is adjacent to a high-speed thoroughfare. Depending on from which nearby neighborhood the students originate, they may be required to cross Colony Hill Road to reach East Wylie Junior High or East Wylie Elementary. While it is less likely students would have to cross Maple Street to reach the schools due to the lack of residential development on the west side of Maple Street, students do travel adjacent to the 40-mph thoroughfare. In addition, the East Wylie Elementary property abuts Maple Street, with two entrance drives for the school connecting to the thoroughfare. For these reasons, tnp believes a school speed limit zone is warranted on Maple Street and Colony Hill Road.

I. EXISTING INFORMATION

A. Streets

A summary of the streets within the proposed school zone is provided below.

Maple Street

Where it runs along the west side of the Wylie East Elementary School property, Maple Street is currently a two-lane asphalt road with bar ditches. It is identified in Abilene's Thoroughfare Plan as an arterial roadway, and an improvements project to widen the road to four lanes in the vicinity of the school is currently in the design phase. The posted speed limit on Maple Street is 40 mph.

Colony Hill Road (County Road 111-1)

Where it runs along the north side of the Wylie East Elementary School property, Colony Hill Road has been improved to a four-lane roadway. Within the city limits, the assumed speed limit for Colony Hill Road is 30 mph. Where it crosses out of Abilene city limits and runs along the south side of Wylie East Junior High, the road becomes CR 111-1. There it is currently a two-lane asphalt road with a concrete curb and gutter along the north edge of pavement and a bar ditch along the south. It is identified in Abilene's Thoroughfare Plan as an arterial roadway. The County recently placed a speed limit sign just west of Oldham Lane to set the speed limit between there and Maple Street at 25 mph. No speed

limit signs were found for verification, but the current speed limit on CR 111-1 east of Oldham Lane is believed to be 40 mph.

B. Schools

Wylie East Elementary School

Wylie East Elementary School resides on the southeast corner of the intersection of Maple Street and Colony Hill Road. The bell schedule for the school is 7:45 am to 3:10 pm.

Wylie East Junior High School

Wylie East Junior High School resides east of the city limit line on the north side of CR 111-1, approximately half a mile east of Maple Street. The bell schedule for the school, including tutorial periods, is 7:50 am to 3:35 pm. The first period tardy bell occurs at 8:20 am.

II. SIGNAGE AND STRIPING RECOMMENDATIONS

The types and sizes of school zone signage to be placed on Maple Street and Colony Hill Road/CR 111-1 are summarized in **Table 1**.

Sign	Sign Designation(s)	Maple Street			CR 111-1		
		Size (Inches)	Speed / Time	Quantity	Size (Inches)	Speed / Time	Quantity
Reduced School Speed Limit Ahead	S4-5	48x48	25	2	36x36	25	1
School Speed Limit Assembly	S4-3P	36x12	n/a	2	24x8	n/a	2
	R2-1	36x48	25	2	24x30	25	2
	S4-1P	36x18	7:15-8:30 AM 3:00-4:00 PM	2	24x10	7:15-8:30 AM 3:00-4:00 PM	2
	S7-1T	36x18	n/a	2	24x18	n/a	2
End School Zone Assembly	S5-2	36x48	n/a	2	24x30	n/a	1
	R2-1	36x48	40	2	24x30	40	1

Table 1: Recommended Signage

In addition to the school zone signage, a 12" wide solid white stripe crossing all lanes of traffic is recommended to mark the limits of the school speed limit zones.

The suggested school zone speed limits are based on the standard of reducing 85th percentile speeds below 55 mph by no more than 15 mph. The 85th percentile speed is typically the posted speed limit on a roadway. The reduced speed limit signage and the posted speed limit sign at the end of the school zone on CR 111-1 are based on an assumed 40 mph speed limit for CR 111-1. The desired speed limit for CR 111-1 should be verified with Taylor County, and the signage along Colony Hill Road and CR 111-1 coordinated and adjusted if necessary.

Tnp's recommended layout of the signage and striping for the school zone is shown on **Figure 1**, attached.

Please feel free to contact me if you have any questions or comments regarding this memorandum.

Sincerely,

tnp
teague nall & perkins



Chris Edwards, PE
Senior Engineer, Associate

 817.336.5773 main | 817.665.7111 direct | 817.713.8614 mobile

 5237 N. Riverside Drive, Suite 100 | Fort Worth, TX 76137

cedwards@tnpinc.com

Attachments

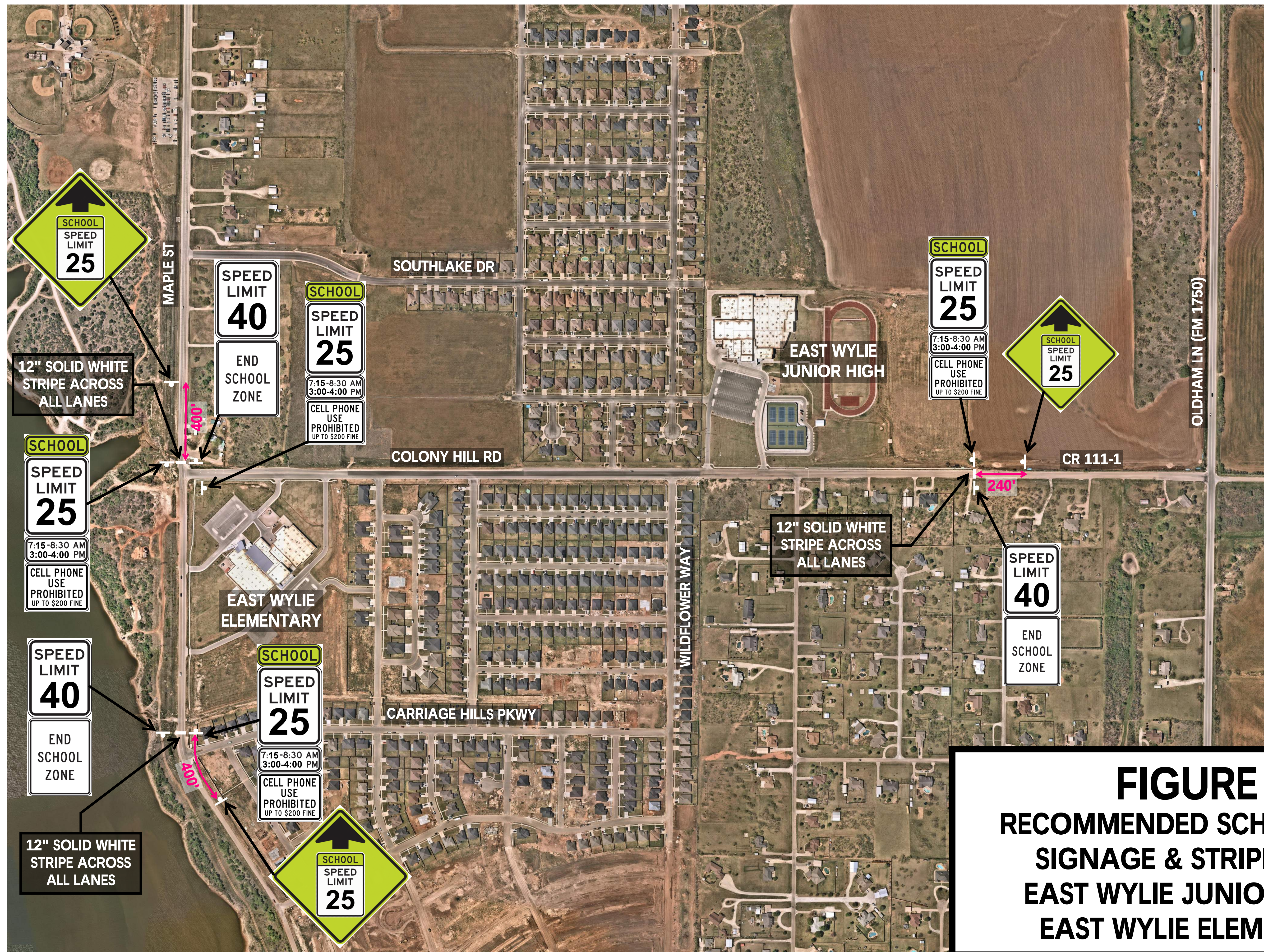


FIGURE 1
RECOMMENDED SCHOOL ZONE
SIGNAGE & STRIPING FOR
EAST WYLIE JUNIOR HIGH &
EAST WYLIE ELEMENTARY

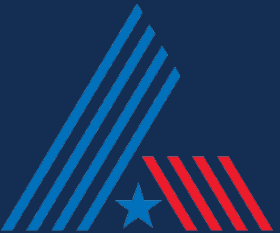
**AMENDING CHAPTER 18, “MOTOR VEHICLES AND
TRAFFIC,” ARTICLE XIII, “SCHEDULES,” SECTION 18-286,
“DECREASED SPEED LIMITS-SCHOOL ZONES,” OF THE
ABILENE MUNICIPAL CODE**

Max Johnson



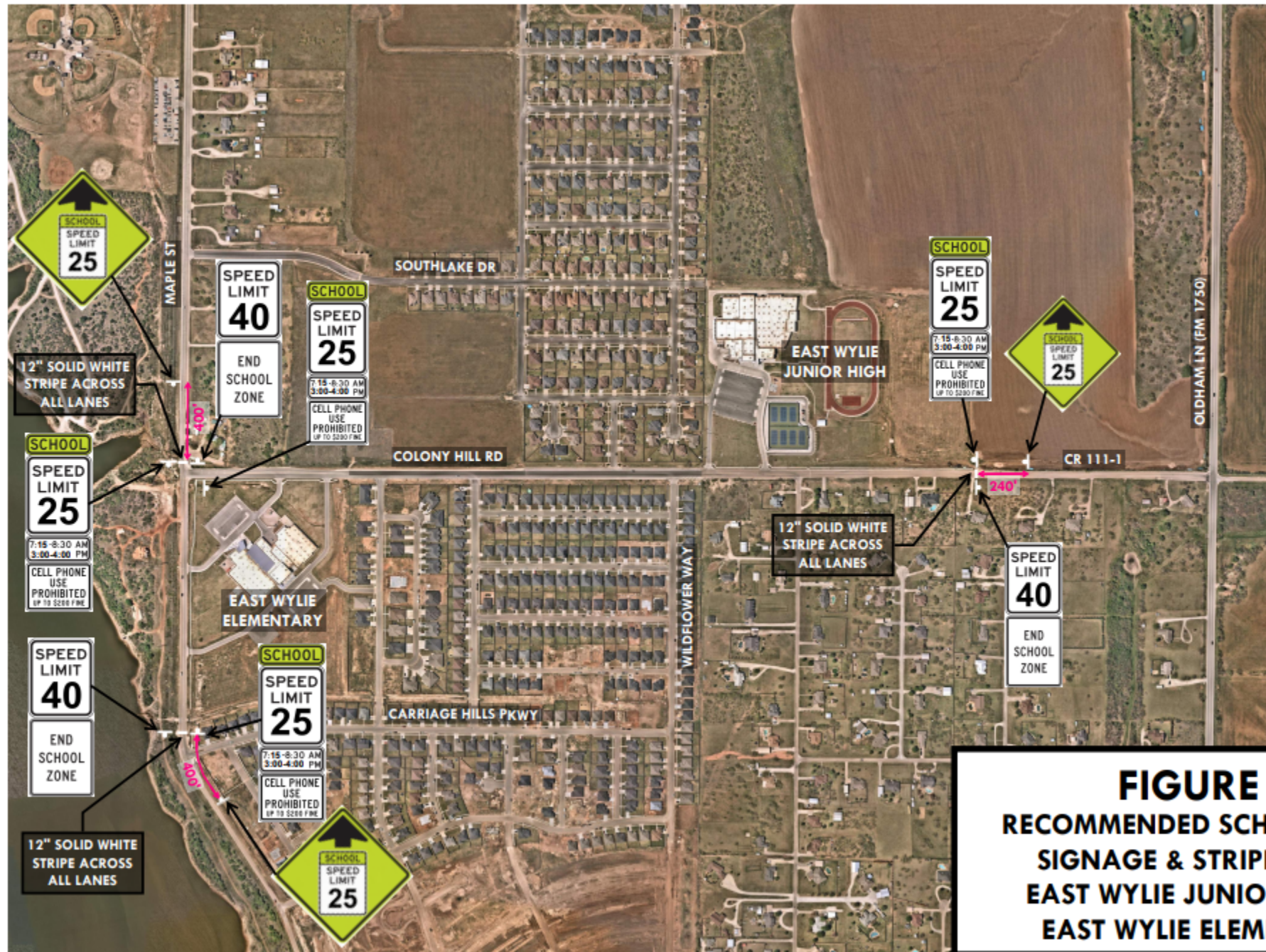
ORDINANCE AMENDMENT SECTION 18-286, “DECREASED SPEED LIMITS- SCHOOL ZONES”

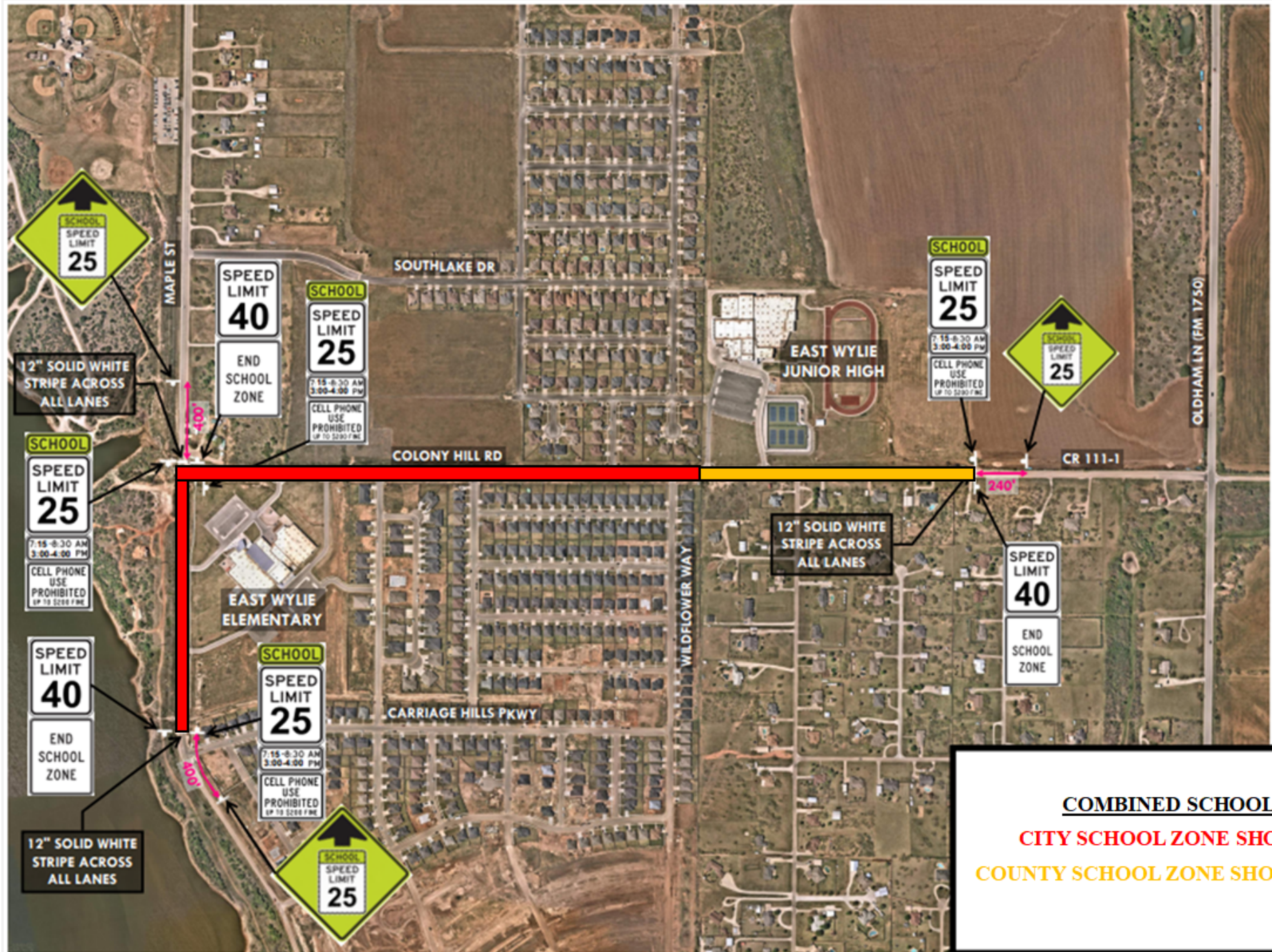
- **The City of Abilene has received an Engineering Evaluation that recommends the creation of a School Zone for Wylie East Elementary School**
- **Based upon the Engineering Evaluation, there is a need to amend the City Code of Ordinances to implement the engineering recommended school zone additions**
- **The Proposed Ordinance will establish a 25 mph School Zone for Colony Hill Road from Maple Street to the City Limits, and establish a 25 mph School Zone for Maple Street from Colony Hill Road to Carriage Hills Parkway**





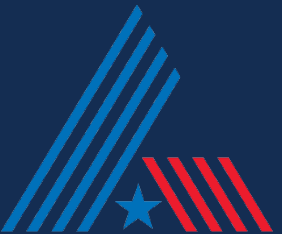
N.T.S.





COMBINED SCHOOL ZONES
CITY SCHOOL ZONE SHOWN IN RED
COUNTY SCHOOL ZONE SHOWN IN ORANGE

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: 15. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Ordinance amending Chapter 32 "Utilities", Article VI "Water Conservation Plan", of the Abilene Municipal Code by amending Sections 32-140, 32-141, 32-142, 32-143, 32-144, 32-145, and 32-146, as set out below, providing a severability clause, and declaring a penalty (*Rodney Taylor*)

GENERAL INFORMATION

Water Utilities staff is requesting that the Abilene City Council approve on final reading an Ordinance amending Chapter 32 "Utilities", Article VI "Water Conservation Plan", of the Abilene Municipal Code by amending Section 32-140 Declaration of Policy, Section 32-141 Authorization, Section 32-142 Application, Section 32-143 Regional Water Planning Groups; Public Involvement and Education, Section 32-144 Year Round Water Use Management, Section 32-145 Water Conservation Stages, and Section 32-146 Target Water Use Goals.

SPECIAL CONSIDERATIONS

On July 23, 2020 the Abilene City Council approved on final reading the amendments to Abilene Municipal Code Chapter 32 "Utilities", Article VI "Water Conservation Plan" incorporating certain elements in accordance with 30 Texas Administrative Code Chapter 288 Subchapter A Water Conservation Plans and Subchapter B Drought Contingency Plans. The current version and the proposed version of Article VI meet the minimum requirements of Subchapter A, Subsection 288.2 Water Conservation Plans for Municipal Uses by Public Water Suppliers and Subchapter 288.5 Water Conservation Plans for Wholesale Water Suppliers.

The current Water Conservation Plan utilizes the water surface elevation of Lake Fort Phantom Hill for determining the appropriate water conservation measures to be implemented during normal and drought conditions. The City of Abilene hired qualified Professional Engineers to model and evaluate the City's water supply resources from the perspective of drought endurance and make recommendations for improving the effectiveness of the Water Conservation Plan. The Engineer's recommend utilizing the combined available capacities of Hubbard Creek Lake and Lake Fort

Phantom Hill as the more effective trigger levels for the initiation or termination of each drought response stage. These recommended ordinance amendments implement the new trigger levels, authorize the City Manager to implement the plan, and make other minor edits to the existing ordinance language. The following is a brief description of the proposed edits. The attachment Exhibit A (Redline) specifically describes each deletion and insertion.

Section 32-140. Declaration of Policy: Minor edits for clarification.

Sec. 32.141. Authorization: Authorizing the City Manager to implement the plan, and delete the word “phase”.

Sec. 32.142. Application: Minor edits for clarification and adding a paragraph describing the basis for utilizing the combined available capacity as the water conservation triggers.

Sec. 32.143. Regional Water Planning and Public Involvement and Education: Minor edits for clarification

Sec 32-144. Year Round Water Use Management: Implementing the new water conservation triggers.

Section 32-145. Water Conservation Stages. Implementing new parameters for water conservation and peak pumping event triggers, edits aligning the City Manager's implementation authority with Section 32-141, and other minor edits for clarification.

Section 32-146. Target Water Use Goals: Edits to align goals with peak pumping triggers of Section 32-145.

FUNDING/FISCAL IMPACT

NA

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council approve on final reading the ordinance amending Chapter 32, Article IV "Water Conservation Plan" to implement new trigger levels, authorizing the City Manager to implement the plan, and make other minor edits to the existing ordinance language as described above.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. ORDINANCE-Chapter 32 Utilities-Article VI Water Conservation Plan-new triggers-7-14-2022
2. Exhibit A-Clean-City of Abilene WCP Amendment-Revised Triggers-First Reading-V2-7-14-2022
3. Exhibit A-Redline-City of Abilene WCP Amendment-Revised Triggers-First Reading-

V2-7-14-2022

4. Memo-Drought Trigger and Ordinance Update Memo-EHT-20211116-7-14-2022
5. TM-Abilene DCP Trigger Update-HDR-03052021-7-14-2022
6. Presentation-Ordinance Chapter 32 Article VI Water Conservation Plan-New Triggers-Final Reading-7-14-2022

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 32, “UTILITIES”, ARTICLE VI, “WATER CONSERVATION PLAN” OF THE ABILENE MUNICIPAL CODE BY AMENDING SECTION 32-140 “DECLARATION OF POLICY”, SECTION 32-141 “AUTHORIZATION”, SECTION 32-142 “APPLICATION”, SECTION 32-143 “REGIONAL WATER PLANNING AND PUBLIC INVOLVEMENT AND EDUCATION”, SECTION 32-144 “YEAR ROUND WATER USE MANAGEMENT”, SECTION 32-145 “WATER CONSERVATION STAGES”, AND SECTION 32-146 “TARGET WATER USE GOALS”, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

WHEREAS, Article VI of Chapter 32 of the City Code of Ordinances regulates and restricts the delivery and consumption of water as necessary to minimize the adverse impacts of water supply shortages or other water supply emergency conditions; and

WHEREAS, the City of Abilene hired qualified Professional Engineers to model and evaluate the City’s water supply resources from the perspective of drought endurance and make recommendations for improving the effectiveness of the Water Conservation Plan; and

WHEREAS, Article VI utilizes the water surface elevation of Lake Fort Phantom Hill for determining the appropriate water conservation measures to be implemented during normal and drought conditions, and the Professional Engineer’s recommend utilizing the combined available capacities of Hubbard Creek Lake and Lake Fort Phantom Hill as the more effective trigger levels for the initiation or termination of each drought response stage; and

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

PART 1: That Chapter 32, “Utilities”, Article VI “Water Conservation Plan” be amended by amending Section 32-140, Section 32-141, Section 32-142, Section 32-143, Section 32-144, Section 32-145, and Section 32-146 as set out in Exhibit “A”, attached hereto and made a part of this ordinance for all purposes.

PART 2: That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

PART 3: That any person, firm, or corporation violating the provisions of this Ordinance, shall be subject to escalating enforcement actions and schedule of penalties described in this Article VI.

Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 23rd day of June, A.D., 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 10th day of July, 2022, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 14th day of July, 2022, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 14th day of July, A.D., 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney

EXHIBIT A

CHAPTER 32 UTILITIES

ARTICLE VI. WATER CONSERVATION PLAN

DIVISION 1 GENERALLY

Sec. 32-140. Declaration of Policy

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire prevention and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Abilene (the City) hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Water Conservation Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Sections 32-147 through 32-155 of this Plan.

No person shall make, cause, use or permit the use of water from the City of Abilene Water Utility System for residential, commercial, industrial, agricultural, wholesale, governmental or any other purpose in a manner contrary to provisions of this Plan or in an amount in excess of that use permitted by the water conservation stage in effect pursuant to action taken by the Mayor or his/her designee in accordance with the provisions of this Plan.

Sec. 32-141. Authorization

The Mayor, Mayor Pro Tempore, and the City Manager are hereby authorized to exercise those powers considered to be reasonable or necessary for the protection of persons or property in assessing the current state of our water supply and to implement or terminate any stage or portion of the Water Conservation Plan. In the event that the triggering criteria specified in Section 32-145 of the Plan have been met for Stage 3-Water Emergency, or Stage 4- Water Crisis water shortage conditions, the City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code §11.039. Implementation and termination of any stage may occur, but is not mandated to occur, when conditions warrant.

Sec. 32-142. Application

The provisions of this Plan shall apply to persons, customers, and property utilizing the City Water Utility System wherever situated, including customers such as water supply corporations, and any others that receive water from the City of Abilene on a contract basis. The City shall include a provision in every wholesale water contract entered into or renewed, including contract extensions, that in case of shortage of water in the City's water supply, the water to be distributed shall be divided by the City in accordance with Texas Water Code §11.039 among all users pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

The City of Abilene contracted with qualified Professional Engineers to model and evaluate the City's water supply resources from the perspective of drought endurance. It was determined that the combined

available capacity from Hubbard Creek Reservoir (HCR) and Lake Fort Phantom Hill (LPFH) is the best indicator of the severity of Abilene's regional drought conditions. The Water Conservation triggers are primarily based on the combined available capacity of those two water supply sources.

The City utilizes a variety of alternative water sources including an extensive nonpotable reuse program, and an indirect potable water reuse system. The City encourages its customers to utilize alternative water sources during periods of water shortage. These water use restrictions do not apply to the utilization of alternative water sources including nonpotable water and groundwater (well water). Customers using water from private groundwater wells on days other than those designated in this Plan, or those watering from private groundwater wells during the hours of 10:00 a.m. and 6:00 p.m., must post a sign stating "WELL WATER." The sign must be properly sized and posted so it is visible from the street. The city strongly encourages the use of alternative water sources from groundwater for landscape purposes.

These water use restrictions do apply to those persons without a reclaimed water contract who divert raw surface water from Lake Kirby or Lake Fort Phantom Hill for landscape irrigation. Whenever the term or reference to water, or potable water or similar and like words are used in this "water conservation plan," it shall be understood to include the use of raw surface water from Lake Kirby and Lake Fort Phantom Hill for landscape irrigation.

These water use restrictions do apply to the time for the use of treated wastewater (reclaimed water) for landscape irrigation. Use of reclaimed water or raw water under a reclaimed water contract for landscape irrigation is only allowed during the hours of 12:00 midnight to 10:00 a.m., and from 6:00 p.m. until 12:00 midnight. All other uses of reclaimed water shall be in accordance with Title 30 Texas Administrative Code, chapter 210 and the City of Abilene's Authorization No. R10334-004, as amended.

Sec. 32-143. Regional Water Planning Groups and Public Involvement and Education

Sec. 32-143.1 Coordination with Regional Planning Groups

The service area of the City is currently located within the Brazos G Regional Water Planning Group. The City will cooperate and provide information regarding the Plan to applicable regional water planning groups.

Sec. 32-143.2 Public Involvement

The adoption of this Plan and any amendments will provide for public input at a public hearing held in conjunction with one of the readings of said ordinance enacting the Plan or amendments thereto.

Sec. 32-143.3 Public Education of Action on Water Conservation Stages

In conjunction with Section 32-141, the initiation and termination of any drought response stage (Water Conservation Stage) shall be announced to the public and wholesale customers at a media conference, and shall become effective immediately upon such announcement. In addition to public announcements of initiation and termination of a Water Conservation Stage and Year Round Water Use Management information, continuing public education and information regarding the Plan shall be publicized via posting on the City's website.

DIVISION 2 WATER CONSERVATION PLAN PROCEDURES

Sec. 32-144. Year Round Water Use Management

To conserve water supplies available to the City of Abilene, Year Round Water Use Management shall be implemented to restrict certain potable water use activities by all customers of the City of Abilene Water Utility System.

When conditions warrant, pursuant to Sec 32-141, the Water Conservation Plan will be implemented in accordance with the applicable provisions of this Plan.

1. Year Round Water Use Management. The following year round provisions shall apply to all potable water customers of the City of Abilene Water Utility System:

- a. Watering Days: Customers are encouraged to conserve water by watering their lawn areas only once every seven (7) days on one of their designated watering days.

A customer's watering day is determined by the last digit of the house number or property address. Multi-unit properties will use the lowest address number. Customers on rural routes will use the last number of their post office box number or their route number if they do not have a post office box number. Customers at Ft. Phantom Lake will use the last number of their lake lot. Customers in trailer parks will use the last number of their lot number.

When combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill is above 50%, the following three (3) day a week watering schedule applies:

Designated Watering Days:

Wednesday, Friday, Sunday	Odd numbered addresses
Tuesday, Thursday, Saturday	Even numbered addresses
Monday, Wednesday, Friday	Industrial, commercial, government customers, public and private schools and universities

When combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill is between 40-50%, the following two (2) day a week watering schedule applies:

Designated Watering Days:

Thursday, Sunday	Odd numbered addresses
Tuesday, Saturday	Even numbered addresses
Monday, Friday	Industrial, commercial, government customers, public and private schools and universities

- b. Watering Times:

Watering by all commercial, industrial, and residential customers utilizing individual sprinklers, or sprinkler systems, on lawns, gardens, landscaped areas, trees, shrubs or other plants is prohibited except on designated day(s) and then only during the hours of 12:00 midnight to 10:00 am and from 6:00 pm until 12:00 midnight.

- c. Watering of gardens, flowerbeds, trees and shrubs is permitted at any time of any day if:
- i. A garden hose is used and is held in the hand during the duration of the irrigation event,
or

- ii. A faucet-filled container of five (5) gallons or less is used, or
 - iii. A drip irrigation system such as a soaker hose, deep root water system, or bubbler is used. For the purpose of this section a drip irrigation system is defined as an irrigation device or system designed to emit water at low volumes and low pressures directly onto soil surface or below soil surface without airborne streams or droplets.
- d. Irrigation of lawns is permitted at any time on any day if:
 - i. A garden hose is used and is held in the hand during the duration of the irrigation event, or
 - ii. A faucet-filled container of five (5) gallons or less is used.
 - iii. A drip irrigation system shall not be used to irrigate lawns except on designated days and at designated times.
- e. New lawns that have been seeded (not to include re-seeding or overseeding existing turf), sodded or mulched may be watered daily for eight (8) minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period six (6) months thereafter or the re-tilling of an area equaling at least fifty (50) percent of an existing yard.
- f. Water Wasting. The following uses of water are defined as “waste of water” and are absolutely prohibited:
 - i. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;
 - ii. Failure to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
 - iii. Operating a permanently installed irrigation system with a broken sprinkler head; a sprinkler head that is spraying over a street or parking lot because it is out of adjustment; or a sprinkler head that is misting due to high pressure.
- g. Use of water from fire hydrants shall be limited to firefighting activities or other activities necessary to maintain public health, safety, and welfare. The Director of Water Utilities will review written requests on a case-by-case basis for the purchase and withdrawal of fire hydrants for land development and building construction processes.
- h. Ornamental fountains are allowed if the fountain is equipped with a device for recycling water and water may be added to sustain appropriate maintenance levels only on the customer’s regularly designated watering days.

- i. Water may be added to swimming pools to sustain appropriate maintenance levels only on the customer's regularly designated watering days.
 - j. The operation of charity car washes must:
 - i. Not allow water to run-off more than seventy-five (75) feet, and
 - ii. Use hoses with on/off nozzles and buckets.
 - k. Large-scale recreational development, such as, but not limited to, water parks, shall submit a plan to the Director of Water Utilities that detail expected water consumption and maintenance requirements. Any deviation from the requirements of this ordinance will be resolved on a case-by-case method.
2. Administrative Enforcement, Presumption of Ownership & Control; Hearing Officers; Administration of Hearings, Hearings, Appeals, Payment, Subsequent Violations, Fees, and Requests for Variances as pertaining to Year Round Water Use Management are addressed in Sections 32-147 through 32-156.

Sec. 32- 145. Water Conservation Stages

WATERING DAYS

1. During Water Conservation Stages, a customer's watering day is determined by the last digit of the house number or property address. Multi-unit properties will use the lowest address number. Customers on rural routes will use the last number of their post office box number or their route number if they do not have a post office box number. Customers at Ft. Phantom Lake will use the last number of their lake lot. Customers in trailer parks will use the last number of their lot number.

If a residential customer's last number is:	Customer's watering day is:
7 or 8	Sunday
9	Monday
0	Tuesday
1	Wednesday
2	Thursday
3 or 4	Friday
5 or 6	Saturday

For example: If an address is 555 Walnut Street, the last number is five (5) and the watering day is Saturday.

For purposes of this section only, residential usage includes single-family residences, multifamily residences and apartment complexes. Non-residential customers shall follow the above schedule with the exception of the following changes:

2. Bi-weekly watering as prescribed in Stage 2 will occur according to location in East or West sides of the City, bounded on the north side of the City by Grape St. and then Pine St. to the north City Limits (north of Grape St.) and on the south side of the City by Sayles Blvd. to Buffalo Gap Road and then Buffalo Gap Road to the south City Limits.
3. Entities with large, open spaces (e.g., schools, universities, city parks, golf courses) using potable water may submit alternate watering schedules to the Director of Water Utilities except as otherwise prohibited in this ordinance. Upon his/her written approval acknowledged by the entity in question, these entities may follow the approved schedule rather than the calendar system, and will be held responsible for all the provisions of this article, based on the approved schedule.

STAGE 1 WATER ALERT

Implementation Criteria:

Combined treatment plant pumpage in excess of 45.0 MGD for two (2) consecutive days (while in Year Round Water Use Management trigger parameters); or, continually falling water storage facility levels which do not refill above fifty (50) percent overnight; or, combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill is between 30-40%, or any unforeseen conditions that may occur that cause the City Manager to inform the Mayor of implementation.

Upon announcement and implementation by the City of Stage 1 Water Alert, the following restrictions shall apply to all persons during Stage 1 Water Alert:

1. Landscape Irrigation
 - a. Irrigation by all commercial, industrial, (including agricultural irrigation), and residential customers utilizing individual sprinklers, or sprinkler systems, of lawns, gardens, landscaped areas, trees, shrubs or other plants is prohibited except on a designated day which shall be once every seven (7) days and then only during the hours of 12:00 midnight to 10:00 a.m. and from 6:00 p.m. until 12:00 midnight.

Provided, however, irrigation of gardens, flowerbeds, trees and shrubs is permitted at any time of day if:

- i. A garden hose is used and is held in the hand during the duration of the irrigation event, or
- ii. A faucet-filled container of five (5) gallons or less is used, or
- iii. A drip irrigation system such as soaker hose, deep root water system, or bubbler is used. For the purpose of this section a drip irrigation system is defined as an irrigation device or system designed to emit water at low volumes and low pressures directly onto soil surface or below soil surface without airborne streams or droplets.

Irrigation of LAWNS is permitted at any time on any day if:

- i. A garden hose is used and is held in the hand during the duration of the irrigation event, or
- ii. A faucet-filled container of five (5) gallons or less is used.

A Drip Irrigation System SHALL NOT be used to irrigate LAWNS except on designated days and at designated times.

- b. New lawns that have been seeded (not to include re-seeding or overseeding existing turf), sodded or mulched may be watered daily for eight (8) minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period six (6) months thereafter or the re-tilling of an area equaling at least (50) percent of a new yard.

2. Vehicle Washing

- a. It is permissible to wash automobiles, trucks, trailers, boats, and other types of mobile equipment at any time on the immediate premises of a commercial car wash or commercial service station or at any location including a residence by using a five (5) gallon container and/or a hand held hose equipped with a quick shut-off nozzle for quick rinses.
- b. If the health, safety and welfare of the public depends upon frequent vehicle cleaning, as determined by the Director of Water Utilities or his/her designee, then washing of vehicles such as emergency vehicles, aircraft, garbage trucks, and vehicles used to transport food and perishables will be allowed.
- c. Charity car washes are prohibited.

- 3. Water may be added to swimming pools to sustain appropriate maintenance levels only on designated irrigation days.
- 4. Ornamental fountains are allowed if the fountain is equipped with a device for recycling water and water may be added to sustain appropriate maintenance levels only on the customer's regularly designated watering day.
- 5. Use of water from fire hydrants shall be limited to firefighting activities or other activities necessary to maintain public health, safety and welfare. By written approval from the Director of Water Utilities, businesses may purchase and draw water from fire hydrants for land development and building construction processes.
- 6. The following uses of water are defined as "waste of water" and are absolutely prohibited:
 - a. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;

- b. Failure to repair a controllable leak; including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
- c. Operating a permanently installed irrigation system with:
 - i. A broken sprinkler head;
 - ii. A sprinkler head that is spraying over a street or parking lot because it is out of adjustment; or
 - iii. A sprinkler head that is misting due to high pressure.
- d. Washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health and safety hazards, or to prepare an area for pavement repair or application.

7. Commercial and Industrial Users

- a. Commercial and industrial users of water shall, in addition to complying with other applicable articles in this ordinance, reduce their monthly consumption of water by a minimum of fifteen (15) percent compared to use during the same month of the previous year.
- b. Industrial users may, in order to justify water use, present a conservation plan for approval by the Director of Water Utilities.
- c. Golf courses will submit a conservation plan for approval by the Director of Water Utilities if potable irrigation water is to be used.

STAGE 2 WATER WARNING

Implementation Criteria:

Combined treatment plant pumpage in excess of 40.0-MGD for two (2) days (while in Stage 1 Water Alert trigger parameters); or, continually falling water storage facility levels which do not refill above forty (40) percent overnight or, combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill is between 20-30% or, major line breaks, or pump system failure which causes unprecedented loss of capability to provide service, or any unforeseen conditions that may occur that cause the City Manager to inform the Mayor of implementation.

Upon announcement and implementation by the City of Stage 2 Water Warning, the following restrictions shall apply to all persons during Stage 2 Water Warning:

1. Landscape Irrigation

- a. Irrigation by all commercial, industrial and residential customers utilizing individual sprinklers, or sprinkler systems, of lawns, gardens, landscaped areas, trees, shrubs or other plants is prohibited except on a designated day which shall be once every two (2) weeks and then only during the hours of 12:00 midnight to 10:00 a.m. and from 6:00 p.m. until 12:00 midnight.

Provided, however, irrigation of gardens, flowerbeds, trees and shrubs is permitted at any time of day if:

- i. A garden hose is used and is held in the hand during the duration of the irrigation event, or
- ii. A faucet-filled container of five (5) gallons or less is used, or
- iii. A drip irrigation system such as soaker hose, deep root water system, or bubbler is used. For the purpose of this section a drip irrigation system is defined as an irrigation device or system designed to emit water at low volumes and low pressures directly onto soil surface or below soil surface without airborne streams or droplets.

Irrigation of lawns is permitted at any time on any day if:

- i. A garden hose is used and is held in the hand during the duration of the irrigation event, or
- ii. A faucet-filled container of five (5) gallons or less is used.

A Drip Irrigation System shall not be used to irrigate LAWNS except on designated days and at designated times.

- b. New lawns may be watered daily for eight minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period of six (6) months thereafter. Retilling or any replanting or reseeding of existing lawns shall NOT qualify for new lawn status in this section.

2. Vehicle Washing

- a. It is permissible to wash automobiles, trucks, trailers, boats, and other types of mobile equipment at any time on the immediate premises of a commercial car wash or commercial service station or at any location including a residence by using a five (5) gallon container and/or a hand held hose equipped with a quick shut-off nozzle for quick rinses.
- b. If the health, safety and welfare of the public depends upon frequent vehicle cleaning, as determined by the Director of Water Utilities or his/her designee, then washing of vehicles such as emergency vehicles, aircraft, garbage trucks, and vehicles used to transport food and perishables will be allowed.
- c. Charity car washes are prohibited.

- 3. Water may be added to swimming pools to sustain appropriate maintenance levels weekly, on the customer's regularly designated irrigation day.

- 4. Ornamental fountains are allowed if the fountain is equipped with a device for recycling water

and water may be added to sustain appropriate maintenance levels only on the customer's regularly designated watering day.

5. Use of water from fire hydrants shall be limited to firefighting activities or other activities necessary to maintain public health, safety and welfare. By written approval from the Director of Water Utilities, businesses may purchase and draw water from fire hydrants for land development and building construction processes.
6. The following uses of water are defined as "waste of water" and are absolutely prohibited:
 - a. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;
 - b. Failure to repair a controllable leak; including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
 - c. Operating a permanently installed irrigation system with:
 - i. A broken sprinkler head;
 - ii. A sprinkler head that is spraying over a street or parking lot because it is out of adjustment; or
 - iii. A sprinkler head that is misting due to high pressure.
 - d. Washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health or safety hazards, or to prepare an area for pavement repair or application.

7. Commercial and Industrial Users

- a. Commercial and industrial users of water shall continue to maintain at least a fifteen (15) percent monthly reduction of water use compared to use during the same month of the previous year.

Individual allotments may be adjusted by the Director based on historical water usage conservation practices of customer. The other restrictions of Stage 2 still apply to commercial and industrial users.

- b. Industrial users may present a conservation plan for approval by the Director of Water Utilities.
- c. Golf courses using potable water will reduce consumption by thirty (30) percent of contracted amount.

STAGE 3 WATER EMERGENCY

Implementation Criteria:

Combined treatment plant pumpage in excess of 36 MGD for three (3) days (while in Stage 2 Water

Warning trigger parameters), or depletion of the combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill to less than 20% or major line breaks, or pump system failure which causes unprecedented loss of capability to provide service, or any unforeseen conditions that may occur that cause the City Manager to inform the Mayor of implementation.

Upon announcement and implementation by the City of Stage 3 Water Emergency, the following restrictions shall apply to all persons during Stage 3 Water Emergency:

1. Landscape Irrigation

Irrigation of gardens, flowerbeds, trees and shrubs (Not Lawns) by all commercial, industrial, and residential customers is permitted at any time on any day only if:

- a. A garden hose is used and is held in the hand during the duration of the irrigation event, or
- b. A faucet-filled container of five (5) gallons or less is used, or
- c. A drip irrigation system such as soaker hose, deep root water system, or bubbler is used. For the purpose of this section a drip irrigation system is defined as an irrigation device or system designed to emit water at low volumes and low pressures directly onto soil surface or below soil surface without airborne streams or droplets.
- d. New lawns may be watered daily for eight minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period of six (6) months thereafter. Retilling or any replanting or reseeding of existing lawns shall NOT qualify for new lawn status in this section.

Watering of existing lawns is prohibited at any time.

2. Vehicle Washing

- a. It is permissible to wash automobiles, trucks, trailers, boats, and other types of mobile equipment at any time on the immediate premises of a commercial car wash or commercial service station.
- b. If the health, safety and welfare of the public depends upon frequent vehicle cleaning, as determined by the Director of Water Utilities or his/her designee, then washing of vehicles such as emergency vehicles, aircraft, garbage trucks, and vehicles used to transport food and perishables will be allowed.
- c. Charity car washes are prohibited.

3. Water may be added to swimming pools to sustain appropriate maintenance levels weekly, on the customer's regularly designated irrigation days. New construction of swimming pools is prohibited.

4. Ornamental fountains are allowed if the fountain is equipped with a device for recycling water and water may be added to sustain appropriate maintenance levels only on the customer's regularly designated watering day. New construction of ornamental fountains is prohibited.
5. Use of water from fire hydrants shall be limited to fire-fighting activities or other activities necessary to maintain public health, safety and welfare. By written approval from the Director of Water Utilities, businesses may purchase and draw water from fire hydrants for land development and building construction processes.
6. The following uses of water are defined as "waste of water" and are absolutely prohibited:
 - a. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;
 - b. Failure to repair a controllable leak; including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
 - c. Operating a permanently installed irrigation system with:
 - i. A broken sprinkler head;
 - ii. A sprinkler head that is spraying over a street or a parking lot because it is out of adjustment; or
 - iii. A sprinkler head that is misting due to high pressure
 - d. Washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health or safety hazards, or to prepare an area for pavement repair or application.
7. Commercial and Industrial Users
 - a. Commercial and industrial users of water shall continue to maintain at least a fifteen (15) percent monthly reduction of water use compared to use during the same month of the previous year.

A surcharge rate will be assessed for any water consumption that does not comply with the required reductions. The surcharge in addition to regular charges is as follows:

	<u>First Occurrence</u>	<u>Subsequent Occurrence(s)</u>
First 5,000 gallons over allowed amount per 1,000 gallons	\$5.00	\$10.00
Next 5,000 gallons per 1,000 gallons	10.00	20.00
For higher usage per 1,000 gallons	20.00	30.00

Additionally, if a customer uses more than the allowed amount more than once at any time during Stage 3, the customer's water may be turned off and there will be a \$250.00 re-connect fee, in addition to the listed fees.

Individual allotments may be adjusted by the Director of Water Utilities based on historical water usage conservation practices of customer. The other restrictions of Stage 3 still apply to commercial and industrial users.

- b. Industrial users may present a conservation plan for approval by the Director of Water Utilities.
- c. Each golf course using potable water will reduce consumption by fifty (50) percent of contracted amount.

STAGE 4 WATER CRISIS

Implementation Criteria:

Loss of capability to provide water service or contamination of supply source, or any unforeseen/unexpected conditions that may occur that cause the City Manager to inform the Mayor of implementation.

Upon announcement and implementation by the City of Stage 4 Water Crisis, the following restrictions shall apply to all persons during Stage 4 Water Crisis:

- 1. All outdoor irrigation of vegetation including existing lawns, using potable water is prohibited.
- 2. New lawns may be watered daily for eight minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period of six (6) months thereafter. Retilling or any replanting or reseeding of existing lawns shall NOT qualify for new lawn status in this section.
- 3. Only washing of mobile equipment in the critical interest of the public health or safety shall be allowed.
- 4. The filling, refilling or adding of water to swimming and/or wading pools is prohibited. The construction of new swimming pools is prohibited.
- 5. The operation of any ornamental fountain or similar structure is prohibited. The construction of new ornamental fountains is prohibited.
- 6. Use of water from fire hydrants shall be limited to fire fighting and related activities or other activities necessary to maintain public health, safety and welfare. Water for domestic use only may be purchased from the bulk loading station.
- 7. The following uses of water are defined as "waste of water" and are absolutely prohibited:

- a. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;
- b. Failure to repair a controllable leak; including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
- c. Operating a permanently installed irrigation system with:
 - i. A broken sprinkler head;
 - ii. A sprinkler head that is spraying over a street or parking lot because it is out of adjustment; or
 - iii. A sprinkler head that is misting due to high pressure.
- d. Washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health or safety hazards.

8. Commercial and Industrial Users

- a. Commercial and industrial users of water (for other than drinking water and rest rooms) shall continue to maintain at least a 15 percent reduction of water use compared to use during the same month of the previous year.

A surcharge rate will be assessed for any water consumption that does not comply with the required reductions. The surcharge in addition to regular charges is as follows:

	<u>First Occurrence</u>	<u>Subsequent Occurrence(s)</u>
First 5,000 gallons over allowed amount per 1,000 gallons	\$10.00	\$20.00
Next 5,000 gallons, per 1,000 gallons	\$20.00	\$40.00
For higher usage, per 1,000 gallons	\$30.00	\$60.00

Additionally, if a customer uses more than the allowed amount more than once at any time during Stage 4, then after each such overuse these surcharges will be added and the customer's water may be turned off and there will be a \$500.00 re-connect fee, in addition to the listed fees.

Individual allotments may be adjusted by the Director of Water Utilities based on historical water usage and conservation practices of the customer. The other restrictions of Stage 4 still apply to commercial and industrial users.

- b. Water used for industrial purposes not in the immediate interest of the public health, safety and welfare will be curtailed to the extent necessary to effectuate the needs and purposes of this plan.

Sec. 32-146. Target Water Use Goals

The following target goals for water use are established for use during water conservation stages as contained in Section 32-145:

Stage 1 WATER ALERT

Target Water Use Goal:

Combined treatment plant production less than 45.0 million gallons per day (MGD) for all Abilene water treatment facilities.

Stage 2 WATER WARNING

Target Water Use Goal:

Combined treatment plant production less than 40.0 MGD for all Abilene water treatment facilities.

Stage 3 WATER EMERGENCY

Target Water Use Goal:

Combined treatment plant production less than 36.0 MGD for all Abilene water treatment facilities.

Stage 4 WATER CRISIS

Target Water Use Goal:

Combined treatment plant production less than 30 MGD for all Abilene water treatment facilities.

EXHIBIT A (REDLINE)

CHAPTER 32 UTILITIES

ARTICLE VI. WATER CONSERVATION PLAN

DIVISION 1 GENERALLY

Sec. 32-140. Declaration of Policy

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire prevention and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Abilene (the City) hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Water Conservation Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Sections 32-147 through 32-155 of this Plan.

No person shall make, cause, use or permit the use of water from the City of Abilene Water Utility System for residential, commercial, industrial, agricultural, wholesale, governmental or any other purpose in a manner contrary to provisions of this Plan or in an amount in excess of that use permitted by the plan water conservation stage in effect pursuant to action taken by the Mayor or his/her designee in accordance with the provisions of this Plan.

Sec. 32-141. Authorization

The Mayor, Mayor Pro Tempore, and/or the City Manager, ~~if so designated, is~~ are hereby authorized, ~~consistent with the Charter of the City of Abilene, Sections 21 and 22,~~ to exercise those powers considered to be reasonable or necessary for the protection of persons or property in assessing the current state of our water supply and ~~directing the City Manager~~ to implement or terminate any stage, phase, or portion of the Water Conservation Plan. In the event that the triggering criteria specified in Section 32-145 of the Plan have been met for Stage 3-Water Emergency, or Stage 4- Water Crisis water shortage conditions, the City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code §11.039. Implementation and termination of any stage may occur, but is not mandated to occur, when conditions warrant.

Sec. 32-142. Application

The provisions of this Plan shall apply to persons, customers, and property utilizing the City Water Utility System wherever situated, including customers such as water supply corporations, and any others that receive water from the City of Abilene on a contract basis. The City shall include a provision in every wholesale water contract entered into or renewed ~~after adoption of this Plan,~~ including contract extensions, that in case of shortage of water in the City's water supply, the water to be distributed shall be divided by the City in accordance with Texas Water Code §11.039 among all users pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

The City of Abilene contracted with qualified Professional Engineers to model and evaluate the City's

water supply resources from the perspective of drought endurance. It was determined that the combined available capacity from Hubbard Creek Reservoir (HCR) and Lake Fort Phantom Hill (LPFH) is the best indicator of the severity of Abilene's regional drought conditions. The Water Conservation triggers are primarily based on the combined available capacity of those two water supply sources.

The City utilizes a variety of alternative water sources including an extensive nonpotable reuse program, and an indirect potable water reuse system. The City encourages its customers to utilize alternative water sources during periods of water shortage. These water use restrictions do not apply to the utilization of alternative water sources including nonpotable water and groundwater (well water). Customers using water from private groundwater wells on days other than those designated in this Plan, or those watering from private groundwater wells during the hours of 10:00 a.m. and 6:00 p.m., must post a sign stating "WELL WATER." The sign must be properly sized and posted so it is visible from the street. The city strongly encourages the use of alternative water sources from groundwater for landscape purposes.

These water use restrictions do apply to those persons without a reclaimed water contract who divert raw surface water from Lake Kirby or Lake Fort Phantom Hill for landscape irrigation. Whenever the term or reference to water, or potable water or similar and like words are used in this "water conservation plan," it shall be understood to include the use of raw surface water from Lake Kirby and Lake Fort Phantom Hill for landscape irrigation.

These water use restrictions do apply to the time for the use of treated wastewater (reclaimed water) for landscape irrigation. Use of reclaimed water or raw water under a reclaimed water contract for landscape irrigation is only allowed during the hours of 12:00 midnight to 10:00 a.m., and from 6:00 p.m. until 12:00 midnight. All other uses of reclaimed water shall be in accordance with Title 30 Texas Administrative Code, chapter 210 and the City of Abilene's Authorization No. R10334-004, as amended.

Sec. 32-143. Regional Water Planning Groups and Public Involvement and Education

Sec. 32-143.1 Coordination with Regional Planning Groups

The service area of the City is currently located within the Brazos G Regional Water Planning AreaGroup. The City will cooperate and provide information regarding the Plan ~~as needed to all Regional to applicable regional water~~ planning ~~area~~ groups.

Sec. 32-143.2 Public Involvement

The adoption of this Plan and any amendments will provide for public input at a public hearing held in conjunction with one of the readings of said ordinance enacting the Plan or amendments thereto.

Sec. 32-143.3 Public Education of Action on Water Conservation Stages

In conjunction with Section 32-141, the initiation and termination of any drought response stage (Water Conservation Stage) shall be announced to the public and wholesale customers at a media conference, and shall become effective immediately upon such announcement. In addition to public announcements of initiation and termination of a Water Conservation Stage and Year Round Water Use Management information, continuing public education and information regarding the Plan shall be publicized via posting on the City's website.

DIVISION 2 WATER CONSERVATION PLAN PROCEDURES

Sec. 32-144. Year Round Water Use Management

To conserve water supplies available to the City of Abilene, Year Round Water Use Management shall be implemented to restrict certain potable water use activities by all customers of the City of Abilene Water Utility System.

When conditions warrant, pursuant to Sec 32-141, the Water Conservation Plan will be implemented in accordance with the applicable provisions of this Plan.

1. Year Round Water Use Management. The following year round provisions shall apply to all potable water customers of the City of Abilene Water Utility System:

- a. Watering Days: Customers are encouraged to conserve water by watering their lawn areas only once every seven (7) days on one of their designated watering days.

A customer's watering day is determined by the last digit of the house number or property address. Multi-unit properties will use the lowest address number. Customers on rural routes will use the last number of their post office box number or their route number if they do not have a post office box number. Customers at Ft. Phantom Lake will use the last number of their lake lot. Customers in trailer parks will use the last number of their lot number.

When combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill is above 50%, ~~Ft. Phantom Reservoir is above 1630.9 feet elevation (less than five (5) feet below the spillway)~~ the following three (3) day a week watering schedule applies:

Designated Watering Days:

Wednesday, Friday, Sunday	Odd numbered addresses
Tuesday, Thursday, Saturday	Even numbered addresses
Monday, Wednesday, Friday	Industrial, commercial, government customers, public and private schools and universities

When combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill is between 40-50%, ~~Ft. Phantom Reservoir is between 1630.9 feet and 1625.9 feet elevation (between five (5) and ten (10) feet below the spillway)~~, the following two (2) day a week watering schedule applies:

Designated Watering Days:

Thursday, Sunday	Odd numbered addresses
Tuesday, Saturday	Even numbered addresses
Monday, Friday	Industrial, commercial, government customers, public and private schools and universities

- b. Watering Times:

Watering by all commercial, industrial, and residential customers utilizing individual sprinklers, or sprinkler systems, on lawns, gardens, landscaped areas, trees, shrubs or other plants is prohibited except on designated day(s) and then only during the hours of 12:00 midnight to 10:00 am and from 6:00 pm until 12:00 midnight.

- c. Watering of gardens, flowerbeds, trees and shrubs is permitted at any time of any day if:
 - i. A garden hose is used and is held in the hand during the duration of the irrigation event, or
 - ii. A faucet-filled container of five (5) gallons or less is used, or
 - iii. A drip irrigation system such as a soaker hose, deep root water system, or bubbler is used. For the purpose of this section a drip irrigation system is defined as an irrigation device or system designed to emit water at low volumes and low pressures directly onto soil surface or below soil surface without airborne streams or droplets.
- d. Irrigation of lawns is permitted at any time on any day if:
 - i. A garden hose is used and is held in the hand during the duration of the irrigation event, or
 - ii. A faucet-filled container of five (5) gallons or less is used.
 - iii. A drip irrigation system shall not be used to irrigate lawns except on designated days and at designated times.
- e. New lawns that have been seeded (not to include re-seeding or overseeding existing turf), sodded or mulched may be watered daily for eight (8) minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period six (6) months thereafter or the re-tilling of an area equaling at least fifty (50) percent of an existing yard.
- f. Water Wasting. The following uses of water are defined as “waste of water” and are absolutely prohibited:
 - i. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;
 - ii. Failure to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
 - iii. Operating a permanently installed irrigation system with a broken sprinkler head; a sprinkler head that is spraying over a street or parking lot because it is out of adjustment; or a sprinkler head that is misting due to high pressure.
- g. Use of water from fire hydrants shall be limited to firefighting activities or other activities necessary to maintain public health, safety, and welfare. The Director of Water Utilities will review written requests on a case-by-case basis for the purchase and withdrawal of fire hydrants for land development and building construction processes.

- h. Ornamental fountains are allowed if the fountain is equipped with a device for recycling water and water may be added to sustain appropriate maintenance levels only on the customer's regularly designated watering days.
 - i. Water may be added to swimming pools to sustain appropriate maintenance levels only on the customer's regularly designated watering days.
 - j. The operation of charity car washes must:
 - i. Not allow water to run-off more than seventy-five (75) feet, and
 - ii. Use hoses with on/off nozzles and buckets.
 - k. Large-scale recreational development, such as, but not limited to, water parks, shall submit a plan to the Director of Water Utilities that detail expected water consumption and maintenance requirements. Any deviation from the requirements of this ordinance will be resolved on a case-by-case method.
2. Administrative Enforcement, Presumption of Ownership & Control; Hearing Officers; Administration of Hearings, Hearings, Appeals, Payment, Subsequent Violations, Fees, and Requests for Variances as pertaining to Year Round Water Use Management are addressed in Sections 32-147 through 32-156.

Sec. 32- 145. Water Conservation Stages

WATERING DAYS

1. During Water Conservation Stages, a customer's watering day is determined by the last digit of the house number or property address. Multi-unit properties will use the lowest address number. Customers on rural routes will use the last number of their post office box number or their route number if they do not have a post office box number. Customers at Ft. Phantom Lake will use the last number of their lake lot. Customers in trailer parks will use the last number of their lot number.

If a residential customer's last number is:	Customer's watering day is:
7 or 8	Sunday
9	Monday
0	Tuesday
1	Wednesday
2	Thursday
3 or 4	Friday
5 or 6	Saturday

For example: If an address is 555 Walnut Street, the last number is five (5) and the watering day is Saturday.

For purposes of this section only, residential usage includes single-family residences, multifamily residences and apartment complexes. Non-residential customers shall follow the above schedule with the exception of the following changes:

7 or 8
5 or 6

Wednesday
Tuesday

2. Bi-weekly watering as prescribed in Stage 2 will occur according to location in East or West sides of the City, bounded on the north side of the City by Grape St. and then Pine St. to the north City Limits (north of Grape St.) and on the south side of the City by Sayles Blvd. to Buffalo Gap Road and then Buffalo Gap Road to the south City Limits.
3. Entities with large, open spaces (e.g., schools, universities, city parks, golf courses) using potable water may submit alternate watering schedules to the Director of Water Utilities except as otherwise prohibited in this ordinance. Upon his/her written approval acknowledged by the entity in question, these entities may follow the approved schedule rather than the calendar system, and will be held responsible for all the provisions of this article, based on the approved schedule.

STAGE 1 WATER ALERT

Implementation Criteria:

Combined treatment plant pumpage in excess of ~~45.0~~~~49.5~~ MGD for two (2) consecutive days (~~while in Year Round Water Use Management trigger parameters~~); or, continually falling water storage facility levels which do not refill above fifty (50) percent overnight; or, ~~combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill is between 30-40%, depletion of the Ft. Phantom Reservoir to the elevation 1625.9 (ten (10) feet below spillway) if Hubbard Creek Reservoir is at sixty (60) percent capacity or less or 1624.9 (eleven (11) feet below spillway) if Hubbard Creek Reservoir is at greater than sixty (60) percent of capacity~~, or any unforeseen conditions that may occur that cause the City Manager to ~~inform the Mayor of~~ ~~recommend~~ implementation ~~to the Mayor~~.

Upon announcement and implementation by the City of Stage 1 Water Alert, the following restrictions shall apply to all persons during Stage 1 Water Alert:

1. Landscape Irrigation
 - a. Irrigation by all commercial, industrial, (including agricultural irrigation), and residential customers utilizing individual sprinklers, or sprinkler systems, of lawns, gardens, landscaped areas, trees, shrubs or other plants is prohibited except on a designated day which shall be once every seven (7) days and then only during the hours of 12:00 midnight to 10:00 a.m. and from 6:00 p.m. until 12:00 midnight.

Provided, however, irrigation of gardens, flowerbeds, trees and shrubs is permitted at any time of day if:

- i. A garden hose is used and is held in the hand during the duration of the irrigation event, or
- ii. A faucet-filled container of five (5) gallons or less is used, or

- iii. A drip irrigation system such as soaker hose, deep root water system, or bubbler is used. For the purpose of this section a drip irrigation system is defined as an irrigation device or system designed to emit water at low volumes and low pressures directly onto soil surface or below soil surface without airborne streams or droplets.

Irrigation of LAWNS is permitted at any time on any day if:

- i. A garden hose is used and is held in the hand during the duration of the irrigation event, or
- ii. A faucet-filled container of five (5) gallons or less is used.

A Drip Irrigation System SHALL NOT be used to irrigate LAWNS except on designated days and at designated times.

- b. New lawns that have been seeded (not to include re-seeding or overseeding existing turf), sodded or mulched may be watered daily for eight (8) minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period six (6) months thereafter or the re-tilling of an area equaling at least (50) percent of a new yard.
2. Vehicle Washing
- a. It is permissible to wash automobiles, trucks, trailers, boats, and other types of mobile equipment at any time on the immediate premises of a commercial car wash or commercial service station or at any location including a residence by using a five (5) gallon container and/or a hand held hose equipped with a quick shut-off nozzle for quick rinses.
 - b. If the health, safety and welfare of the public depends upon frequent vehicle cleaning, as determined by the Director of Water Utilities or his/her designee, then washing of vehicles such as emergency vehicles, aircraft, garbage trucks, and vehicles used to transport food and perishables will be allowed.
 - c. Charity car washes are prohibited.
3. Water may be added to swimming pools to sustain appropriate maintenance levels only on designated irrigation days.
4. Ornamental fountains are allowed if the fountain is equipped with a device for recycling water and water may be added to sustain appropriate maintenance levels only on the customer's regularly designated watering day.
5. Use of water from fire hydrants shall be limited to firefighting activities or other activities necessary to maintain public health, safety and welfare. By written approval from the Director of Water Utilities, businesses may purchase and draw water from fire hydrants for land

development and building construction processes.

6. The following uses of water are defined as "waste of water" and are absolutely prohibited:
 - a. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;
 - b. Failure to repair a controllable leak; including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
 - c. Operating a permanently installed irrigation system with:
 - i. A broken sprinkler head;
 - ii. A sprinkler head that is spraying over a street or parking lot because it is out of adjustment; or
 - iii. A sprinkler head that is misting due to high pressure.
 - d. Washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health and safety hazards, or to prepare an area for pavement repair or application.
7. Commercial and Industrial Users
 - a. Commercial and industrial users of water shall, in addition to complying with other applicable articles in this ordinance, reduce their monthly consumption of water by a minimum of fifteen (15) percent compared to use during the same month of the previous year.
 - b. Industrial users may, in order to justify water use, present a conservation plan for approval by the Director of Water Utilities.
 - c. Golf courses will submit a conservation plan for approval by the Director of Water Utilities if potable irrigation water is to be used.

STAGE 2 WATER WARNING

Implementation Criteria:

Combined treatment plant pumpage in excess of ~~40.0~~~~49.5~~ MGD for two (2) days (~~while in Stage 1 Water Alert trigger parameters~~); or, continually falling water storage facility levels which do not refill above ~~forty~~~~fifty~~ (40~~50~~) percent overnight or, ~~combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill is between 20-30% depletion of the Ft. Phantom Reservoir to the elevation 1618.9 (seventeen (17) feet below spillway)~~; or, major line breaks, or pump system failure which causes unprecedented loss of capability to provide service, or any unforeseen conditions that may occur that cause the City Manager to ~~inform the Mayor of~~~~recommend~~ implementation ~~to the Mayor~~.

Upon announcement and implementation by the City of Stage 2 Water Warning, the following restrictions shall apply to all persons during Stage 2 Water Warning:

1. Landscape Irrigation

- a. Irrigation by all commercial, industrial and residential customers utilizing individual sprinklers, or sprinkler systems, of lawns, gardens, landscaped areas, trees, shrubs or other plants is prohibited except on a designated day which shall be once every two (2) weeks and then only during the hours of 12:00 midnight to 10:00 a.m. and from 6:00 p.m. until 12:00 midnight.

Provided, however, irrigation of gardens, flowerbeds, trees and shrubs is permitted at any time of day if:

- i. A garden hose is used and is held in the hand during the duration of the irrigation event, or
- ii. A faucet-filled container of five (5) gallons or less is used, or
- iii. A drip irrigation system such as soaker hose, deep root water system, or bubbler is used. For the purpose of this section a drip irrigation system is defined as an irrigation device or system designed to emit water at low volumes and low pressures directly onto soil surface or below soil surface without airborne streams or droplets.

Irrigation of lawns is permitted at any time on any day if:

- i. A garden hose is used and is held in the hand during the duration of the irrigation event, or
- ii. A faucet-filled container of five (5) gallons or less is used.

A Drip Irrigation System shall not be used to irrigate LAWNS except on designated days and at designated times.

- b. New lawns may be watered daily for eight minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period of six (6) months thereafter. Retilling or any replanting or reseeding of existing lawns shall NOT qualify for new lawn status in this section.

2. Vehicle Washing

- a. It is permissible to wash automobiles, trucks, trailers, boats, and other types of mobile equipment at any time on the immediate premises of a commercial car wash or commercial service station or at any location including a residence by using a five (5) gallon container and/or a hand held hose equipped with a quick shut-off nozzle for quick rinses.
- b. If the health, safety and welfare of the public depends upon frequent vehicle cleaning, as determined by the Director of Water Utilities or his/her designee, then washing of vehicles such as emergency vehicles, aircraft, garbage trucks, and vehicles used to transport food

and perishables will be allowed.

- c. Charity car washes are prohibited.
3. Water may be added to swimming pools to sustain appropriate maintenance levels weekly, on the customer's regularly designated irrigation day.
 4. Ornamental fountains are allowed if the fountain is equipped with a device for recycling water and water may be added to sustain appropriate maintenance levels only on the customer's regularly designated watering day.
 5. Use of water from fire hydrants shall be limited to firefighting activities or other activities necessary to maintain public health, safety and welfare. By written approval from the Director of Water Utilities, businesses may purchase and draw water from fire hydrants for land development and building construction processes.
 6. The following uses of water are defined as "waste of water" and are absolutely prohibited:
 - a. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;
 - b. Failure to repair a controllable leak; including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
 - c. Operating a permanently installed irrigation system with:
 - i. A broken sprinkler head;
 - ii. A sprinkler head that is spraying over a street or parking lot because it is out of adjustment; or
 - iii. A sprinkler head that is misting due to high pressure.
 - d. Washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health or safety hazards, or to prepare an area for pavement repair or application.
 7. Commercial and Industrial Users
 - a. Commercial and industrial users of water shall continue to maintain at least a fifteen (15) percent monthly reduction of water use compared to use during the same month of the previous year.

Individual allotments may be adjusted by the Director based on historical water usage conservation practices of customer. The other restrictions of Stage 2 still apply to commercial and industrial users.
 - b. Industrial users may present a conservation plan for approval by the Director of Water

Utilities.

- c. Golf courses using potable water will reduce consumption by thirty (30) percent of contracted amount.

STAGE 3 WATER EMERGENCY

Implementation Criteria:

Combined treatment plant pumpage in excess of ~~3630~~ MGD for three (3) days (~~while in Stage 2 Water Warning trigger parameters~~), ~~or~~ and depletion of the ~~combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill to less than 20%~~~~Ft. Phantom Reservoir to the elevation 1614.9 (twenty-one (21) feet below spillway)~~; or major line breaks, or pump system failure which causes unprecedented loss of capability to provide service, or any unforeseen conditions that may occur that cause the City Manager to ~~inform the Mayor of~~~~recommend~~ implementation ~~to the Mayor~~.

Upon announcement and implementation by the City of Stage 3 Water Emergency, the following restrictions shall apply to all persons during Stage 3 Water Emergency:

1. Landscape Irrigation

Irrigation of gardens, flowerbeds, trees and shrubs (Not Lawns) by all commercial, industrial, and residential customers is permitted at any time on any day only if:

- a. A garden hose is used and is held in the hand during the duration of the irrigation event, or
- b. A faucet-filled container of five (5) gallons or less is used, or
- c. A drip irrigation system such as soaker hose, deep root water system, or bubbler is used. For the purpose of this section a drip irrigation system is defined as an irrigation device or system designed to emit water at low volumes and low pressures directly onto soil surface or below soil surface without airborne streams or droplets.
- d. ~~New lawns may be watered daily for eight minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period of six (6) months thereafter. Retilling or any replanting or reseedling of existing lawns shall NOT qualify for new lawn status in this section.~~

Watering of ~~existing~~ ~~L~~lawns is prohibited at any time. ~~No new lawns may be installed.~~

2. Vehicle Washing

- a. It is permissible to wash automobiles, trucks, trailers, boats, and other types of mobile equipment at any time on the immediate premises of a commercial car wash or commercial service station.
- b. If the health, safety and welfare of the public depends upon frequent vehicle cleaning, as

determined by the Director of Water Utilities or his/her designee, then washing of vehicles such as emergency vehicles, aircraft, garbage trucks, and vehicles used to transport food and perishables will be allowed.

- c. Charity car washes are prohibited.
- 3. Water may be added to swimming pools to sustain appropriate maintenance levels weekly, on the customer's regularly designated irrigation days. New construction of swimming pools is prohibited.
- 4. Ornamental fountains are allowed if the fountain is equipped with a device for recycling water and water may be added to sustain appropriate maintenance levels only on the customer's regularly designated watering day. New construction of ornamental fountains is prohibited.
- 5. Use of water from fire hydrants shall be limited to fire-fighting activities or other activities necessary to maintain public health, safety and welfare. By written approval from the Director of Water Utilities, businesses may purchase and draw water from fire hydrants for land development and building construction processes.
- 6. The following uses of water are defined as "waste of water" and are absolutely prohibited:
 - a. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;
 - b. Failure to repair a controllable leak; including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
 - c. Operating a permanently installed irrigation system with:
 - i. A broken sprinkler head;
 - ii. A sprinkler head that is spraying over a street or a parking lot because it is out of adjustment; or
 - iii. A sprinkler head that is misting due to high pressure
 - d. Washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health or safety hazards, or to prepare an area for pavement repair or application.
- 7. Commercial and Industrial Users
 - a. Commercial and industrial users of water shall continue to maintain at least a fifteen (15) percent monthly reduction of water use compared to use during the same month of the previous year.

A surcharge rate will be assessed for any water consumption that does not comply with the required reductions. The surcharge in addition to regular charges is as follows:

	<u>First Occurrence</u>	<u>Subsequent Occurrence(s)</u>
First 5,000 gallons over allowed amount per 1,000 gallons	\$5.00	\$10.00
Next 5,000 gallons per 1,000 gallons	10.00	20.00
For higher usage per 1,000 gallons	20.00	30.00

Additionally, if a customer uses more than the allowed amount more than once at any time during Stage 3, the customer's water may be turned off and there will be a \$250.00 re-connect fee, in addition to the listed fees.

Individual allotments may be adjusted by the Director of Water Utilities based on historical water usage conservation practices of customer. The other restrictions of Stage 3 still apply to commercial and industrial users.

- b. Industrial users may present a conservation plan for approval by the Director of Water Utilities.
- c. Each golf course using potable water will reduce consumption by fifty (50) percent of contracted amount.

STAGE 4 WATER CRISIS

Implementation Criteria:

Loss of capability to provide water service or contamination of supply source, or any unforeseen/unexpected conditions that may occur that cause the City Manager to **inform the Mayor of recommend** implementation ~~to the Mayor~~.

Upon announcement and implementation by the City of Stage 4 Water Crisis, the following restrictions shall apply to all persons during Stage 4 Water Crisis:

1. All outdoor irrigation of vegetation including **existing** lawns, using potable water is prohibited.
2. **New lawns may be watered daily for eight minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period of six (6) months thereafter. Retilling or any replanting or reseeding of existing lawns shall NOT qualify for new lawn status in this section.**
3. Only washing of mobile equipment in the critical interest of the public health or safety shall be allowed.
4. The filling, refilling or adding of water to swimming and/or wading pools is prohibited. The construction of new swimming pools is prohibited.

5. The operation of any ornamental fountain or similar structure is prohibited. The construction of new ornamental fountains is prohibited.
6. Use of water from fire hydrants shall be limited to fire fighting and related activities or other activities necessary to maintain public health, safety and welfare. Water for domestic use only may be purchased from the bulk loading station.
7. The following uses of water are defined as "waste of water" and are absolutely prohibited:
 - a. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;
 - b. Failure to repair a controllable leak; including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
 - c. Operating a permanently installed irrigation system with:
 - i. A broken sprinkler head;
 - ii. A sprinkler head that is spraying over a street or parking lot because it is out of adjustment; or
 - iii. A sprinkler head that is misting due to high pressure.
 - d. Washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health or safety hazards.
8. Commercial and Industrial Users
 - a. Commercial and industrial users of water (for other than drinking water and rest rooms) shall continue to maintain at least a 15 percent reduction of water use compared to use during the same month of the previous year.

A surcharge rate will be assessed for any water consumption that does not comply with the required reductions. The surcharge in addition to regular charges is as follows:

	<u>First Occurrence</u>	<u>Subsequent Occurrence(s)</u>
First 5,000 gallons over allowed amount per 1,000 gallons	\$10.00	\$20.00
Next 5,000 gallons, per 1,000 gallons	\$20.00	\$40.00
For higher usage, per 1,000 gallons	\$30.00	\$60.00

Additionally, if a customer uses more than the allowed amount more than once at any time during Stage 4, then after each such overuse these surcharges will be added and the customer's water may be turned off and there will be a \$500.00 re-connect fee, in addition to the listed fees.

Individual allotments may be adjusted by the Director of Water Utilities based on historical water usage and conservation practices of the customer. The other restrictions of Stage 4 still apply to commercial and industrial users.

- b. Water used for industrial purposes not in the immediate interest of the public health, safety and welfare will be curtailed to the extent necessary to effectuate the needs and purposes of this plan.

Sec. 32-146. Target Water Use Goals

The following target goals for water use are established for use during water conservation stages as contained in Section 32-145:

Stage 1 WATER ALERT

Target Water Use Goal:

Combined treatment plant production less than ~~45.0~~~~49.5~~ million gallons per day (MGD) for all Abilene water treatment facilities.

Stage 2 WATER WARNING

Target Water Use Goal:

Combined treatment plant production less than ~~40.0~~~~49.5~~ MGD for all Abilene water treatment facilities.

Stage 3 WATER EMERGENCY

Target Water Use Goal:

Combined treatment plant production less than ~~36.0~~~~30~~ MGD for all Abilene water treatment facilities.

Stage 4 WATER CRISIS

Target Water Use Goal:

Combined treatment plant production less than 30 MGD for all Abilene water treatment facilities.

Memorandum

To: Rodney Taylor, Director of Water Utilities
From: Scott F. Hibbs, PE
Date: November 16, 2021
Re: Drought Contingency Plan (Water Conservation Plan Ordinance) – Drought Trigger Update

Attached with this Memo is the Drought Contingency Plan (Water Conservation Plan Ordinance) which has been redlined with suggested edits for revised drought stage triggers. Also included in the redlined version are several comments for consideration as Administration and ultimately Council considers amending the Ordinance. The Ordinance was last updated with amendments adopted by Council in 2020 in response to review comments received from the Texas Commission on Environmental Quality. The next agency review will be in 2024.

Please let me know if you have any questions on the suggested edits or the comments. I will plan on supporting you and Staff when amendments are finalized and taken to Council for approval.

I will also plan on a discussion item related to the recommended operating strategies for indirect reuse and Possum Kingdom Reservoir raw water at an upcoming status meeting held with you and your Staff. The recommended 12-month timeline for bringing the Possum Kingdom system on-line may warrant reconsideration of how the roughing facility in Breckenridge is maintained when not in use.

Background

The City of Abilene's (City or Abilene) Drought Contingency Plan, codified under Chapter 32, Article VI – Water Conservation Plan of the City's Code of Ordinances, establishes drought stage triggers based on the water level of Lake Fort Phantom Hill (FPH) and the capacity of Hubbard Creek Reservoir (Hubbard). Conditions in FPH and Hubbard experienced during recent drought cycles indicate the City's current drought triggers do not accurately reflect drought conditions when considering the City's entire raw water supply system. Since the Water Conservation Plan Ordinance was first adopted, Abilene has added the following supply sources to its raw water portfolio:

- O.H. Ivie Reservoir (Ivie) – Contracted supply with the Colorado Municipal Water District

Environmental, Civil & Geotechnical Engineers

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325.698.5560 | 325.690.3240 fax

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Granbury Office
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Granbury, Texas 76048
817.579.6791 | 817.579.8491 fax

- Indirect Reuse into FPH – 7.0 million gallons per day (MGD) advanced treated effluent from the Hamby Water Reclamation Facility discharged into FPH
- Possum Kingdom Reservoir (PKR) – Contracted supply with the Brazos River Authority

At the City's request, and with the support of HDR Engineering, Enprotec/Hibbs & Todd, Inc. (eHT) evaluated the drought triggers for mitigating its drought risk considering these additional raw water supply sources. Based on the evaluation, recommendations have been developed for updated drought triggers along with recommendations for operating strategies of the indirect reuse system and the PKR raw water supply.

Revised Drought Triggers

Based on the work performed by HDR Engineering (attached), drought triggers are recommended using the combined storage of FPH and Hubbard as a percentage of the total storage. The following drought triggers are recommended:

- Stage 1 – Water Alert: Combined storage of 40%
- Stage 2 – Water Warning: Combined storage of 30%
- Stage 3 – Water Emergency: Combined storage of 20%

Operating Strategy - Indirect Reuse

Operation of the advanced treatment system for indirect reuse is recommended to be tied to the level of FPH:

- At 1632 ft-msl: Begin operations at 4 MGD
- At 1630 ft-msl: Increase operations to 7 MGD

Operating Strategy – PKR Raw Water Supply

The operating strategy for PKR is tied to replacing supplies from either Hubbard or Ivie. Because the PKR supply system includes the use of the roughing facility located in Breckenridge to produce a raw water supply similar in quality to Hubbard, the strategies below target a 12-month timeline from beginning system preparation for deliveries to the actual need for PKR supplies. The 12-month period should be adequate for the roughing facility to be placed into service.

PKR Trigger based on Hubbard Storage

- At 30% storage in Hubbard: Begin preparing system for deliveries
- At 20% storage in Hubbard: Begin raw water deliveries from PKR

PKR Trigger based on Ivie Level

- At 1500 ft-msl: Begin preparing system for deliveries
- When restricted or the ability to pump is impaired: Begin raw water deliveries from PKR



Memo

Date: 5 March 2021

Project: City of Abilene Drought Contingency Plan – Drought Trigger Update

To: Rodney Taylor – City of Abilene
Matthew Dane – City of Abilene
David Whittemore – City of Abilene

From: Zach Stein, PE – HDR
Cory Shockley, PE – HDR
Julia Siegmund, EIT – HDR
Scott Hibbs, PE – eHT
Dave Baker - eHT

Subject: Drought Trigger Evaluation Results

Executive Summary

Reservoir conditions experienced during the recent drought indicate the City of Abilene's (City's) current drought triggers, which are based primarily on Lake Fort Phantom Hill (FPH) storage levels, do not accurately reflect the drought conditions when considering the City's entire raw water supply system. Specifically, the City has added O. H. Ivie Reservoir (Ivie), the indirect reuse system and Possum Kingdom Reservoir (PKR) to its supply portfolio since the adoption of the current drought triggers. The City contracted with HDR Engineering, Inc. through Enprotec/ Hibbs & Todd (eHT) to evaluate and recommend 1) updated drought triggers to more appropriately mitigate the City's drought risk, and 2) trigger levels for engaging the City's indirect reuse system and raw water supplies from PKR.

HDR developed a monthly model to simulate FPH and Hubbard Creek Reservoir (HCR) operations. Alternative trigger levels for drought stage, indirect reuse, and PKR were simulated using the model and results were evaluated to develop recommendations. The alternative drought triggers rely on the combined storage in the City's two primary water supply reservoirs, FPH and HCR, to trigger drought stages. Drought triggers are not recommended for Ivie and PKR. The City does not have operational control of PKR, and if Ivie is restricted or off-line, the City would rely more heavily on supplies from HCR and FPH which would accelerate the occurrence of drought stage restrictions to mitigate the risk of a water supply shortage.

The following conclusions were made from a review of historical data and the evaluation of model results.

- Results of the analysis performed indicate the City should initiate indirect reuse operations at 4 mgd when FPH levels fall below 1632 ft-msl and increase operations to the max capacity of 7 mgd when FPH levels fall below 1630 ft-msl. Modeling results indicate operating the indirect

reuse system when FPH levels are higher would likely result in the additional supply being underutilized or lost due to spilling events occurring before the next severe drought period.

- Results of the analysis performed indicate the City should utilize PKR supplies for emergency situations to replace HCR supplies when cutbacks are experienced, or to replace Ivie supplies when Ivie is restricted or off-line. It is recommended that preparation of the PKR delivery and treatment system commence when HCR levels reach 30 percent of capacity and deliveries commence when HCR reaches 20 percent of capacity. Modeling results indicate the delivery of PKR supplies prior to HCR reaching cutback levels could further reduce the amount of time the system enters drought Stages 2 and 3. However, this reduction is not substantial and the required operating policy would significantly increase the amount of time PKR deliveries would be required compared to the City's current intent of utilizing PKR as a HCR replacement supply during drought emergency situations. If the City wishes to further consider utilizing PKR supplies to reduce the occurrence of drought stage restrictions or to "base load" a year-round or summer supply volume, it is recommended a more detailed evaluation including system operations and a cost-benefit analysis be completed.
- Based on the performance of Ivie during the recent drought, it is recommended that preparation of the PKR delivery and treatment system commence when Ivie levels approach 1500 ft-msl. This trigger level would provide the City approximately 12 months to prepare the PKR system before Ivie levels reached the minimum pumping level of 1490 ft-msl. This trigger level assumes similar drought conditions as those experienced during the recent drought of 2010-2015. If these conditions are experienced, it is recommended the City monitor CRMWD lake level projections of Ivie to inform the decision to initiate PKR delivery. Mandatory cutbacks by CRMWD on Ivie deliveries could also be triggers to initiate PKR delivery.

A summary of the recommended triggers for drought stage, indirect reuse, and PKR deliveries is presented in **Table ES-1**.



Table ES-1. Summary of Recommended Triggers for Drought Stage, Indirect Reuse, and PKR Deliveries

Drought Stage	Combined Storage in HCR & FPH as a Percentage of Total Storage¹	Outdoor Watering Restrictions
Stage 1 - Water Alert	40%	1-day per week
Stage 2 - Water Warning	30%	1-day per two week period
Stage 3 - Water Emergency	20%	No outdoor watering
Stage 4 - Water Crisis	Loss of service or contamination	No outdoor watering
Indirect Reuse to FPH Trigger (based on FPH level): • At 1632 ft-msl: Begin operations at 4 mgd • At 1630 ft-msl: Increase operations to 7 mgd		
Possum Kingdom Trigger (based on HCR storage): • At 30%: Begin preparing system for deliveries • At 20%: Begin deliveries from PKR		
Possum Kingdom Trigger (based on Ivie level): • At 1500 ft-msl: Begin preparing system for deliveries • When restrictions occur or the ability to pump is impaired: Begin deliveries from PKR		

1-The combined storage as a percentage of total storage is calculated as the current combined storage of the two reservoirs, including dead pool storage, divided by the combined capacity of the two reservoirs (388,210 acre-feet). The current storage of the two reservoirs can be found on the Texas Water Development Board (TWDB) website: <https://www.waterdatafortexas.org/reservoirs/statewide>. The combined capacity of the two reservoirs is based on the most recent 1993 TWDB survey of FPH and the most recent 2018 TWDB survey of HCR.



Background and Evaluation of Historical Data

The City operates a multi-source raw water supply system for treatment and delivery to its retail and wholesale customers. The raw water supply system includes four water supply reservoirs (FPH, HCR, Ivie, and PKR), and an indirect reuse system. The City has adopted outdoor watering restrictions at various drought stages. These restrictions are included in the City's current Drought Contingency Plan (DCP) and are summarized in **Table 1** by drought stage.

Table 1. Summary of Existing Drought Stage Triggers and Associated Outdoor Watering Restrictions

Stage	FPH	HCR	Outdoor Watering Restrictions
Stage 1 - Water Alert	1625.9 ft (54% of Capacity)	Below 1173.8 ft (60%)	Once per week
	1624.9 ft (50%)	Above 1173.8 ft (60%)	
Stage 2 - Water Warning	1618.9 ft (32%)	---	Once per two week period
Stage 3 Water Emergency	1614.9 ft (22%)	---	No outdoor watering
Stage 4 Water Crisis	Loss of service or contamination		No outdoor watering

The triggering of Stage 1 restrictions is currently based on FPH and HCR storage levels as defined in the City's DCP. The triggering of Stages 2 and 3 is currently based on only FPH storage levels. The City's supply reservoirs experienced significant declines in storage during the recent drought which is also the new critical drought of record occurring in the Abilene area from 2010 to 2015. **Figure 1** shows reservoir storage as a percentage of reservoir capacity for FPH (blue), HCR (green), and Ivie (orange) and the current drought stage triggers (dashed lines). Also included in the figure is the combined percent storage of HCR and FPH (gray line). The figure shows that the combined storage trace of FPH and HCR tracks much closer to the HCR levels due to the larger capacity of HCR. The bottom half of the figure shows the corresponding raw water usage from each reservoir.

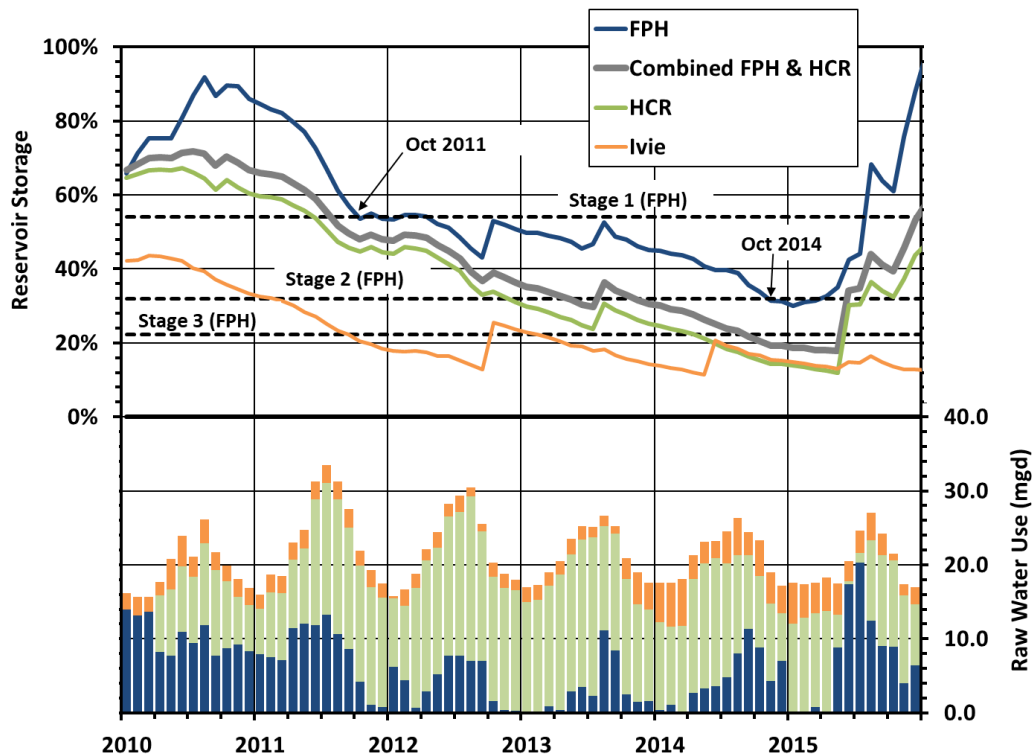


Figure 1. Reservoir Storage Levels and Raw Water Use During Recent Drought

The figure shows that the City did not enter Stage 1 restrictions until October 2011 when FPH dropped to 1624.9 or 54% capacity. At that time the combined storage in FPH and HCR was at 50 percent of capacity and Ivie storage was at 20 percent of capacity. The City entered Stage 2 restrictions in October 2014 when FPH reached 1618.9 ft-msl or 32 percent of capacity. At that time the combined storage in FPH and HCR was at 20 percent of capacity and Ivie storage was at 17 percent of capacity. The difference in FPH storage levels compared to the City's other supply reservoirs during the recent drought indicate that FPH levels do not provide an accurate reflection of system storage and the current drought triggers based primarily on FPH storage levels may not accurately reflect the severity of drought conditions in the entire system.

Since the adoption of the current drought triggers, Ivie, the indirect reuse system and PKR have been added to the City's supply portfolio. In January 2015, the City's indirect reuse system became operational and began discharging 4 mgd of treated effluent into FPH with production increasing to the max capacity of 7 mgd in the summer of 2015. **Figure 2** compares FPH lake levels with historical operations of the indirect reuse system. The figure shows that the City has typically operated the indirect reuse system when the FPH lake level falls below elevation 1633.9 ft-msl (2 ft below conservation pool elevation). The indirect reuse system can be used to maintain FPH at higher storage levels during drought conditions. Operating the indirect reuse system under the existing drought trigger policy based on FPH levels increases overall supply risk to the City by not accurately reflecting the true drought stage of its water supply system.

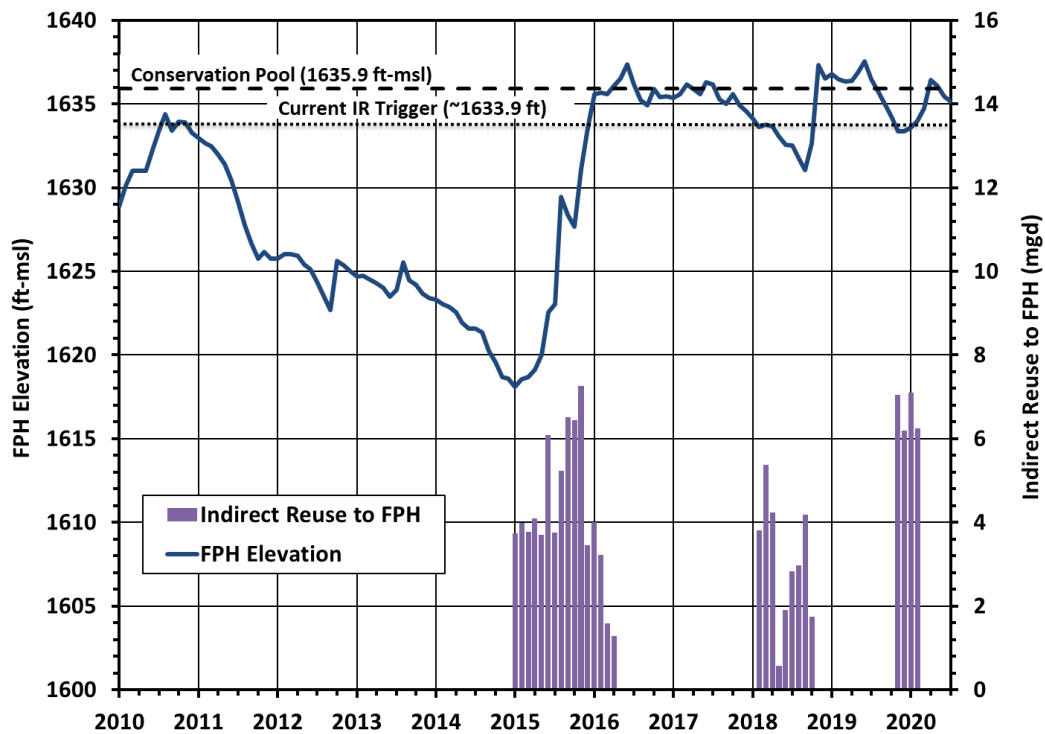


Figure 2. Historical FPH Elevations and Indirect Reuse

Figure 3 shows the HCR storage level as a percentage of storage capacity and the City’s corresponding raw water use from the reservoir. Also shown in the figure are the trigger levels included in the City’s contract with the West Central Texas Municipal Water District (WCTMWD) requiring reduction in the City’s annual allocated water supply from the reservoir. The figure shows that the City entered the mandatory reduction stages in the fall of 2014. As FPH, HCR, and Ivie storage levels continued to rapidly decline during the recent drought, the City initiated emergency actions to connect PKR to the existing raw water supply system in anticipation of losing HCR or Ivie supplies. The PKR delivery system became operational in the spring of 2015. However, area lake levels also began to recover in 2015 so the system was not engaged. The City continues to reserve PKR supplies as an emergency drought replacement supply to HCR and Ivie.

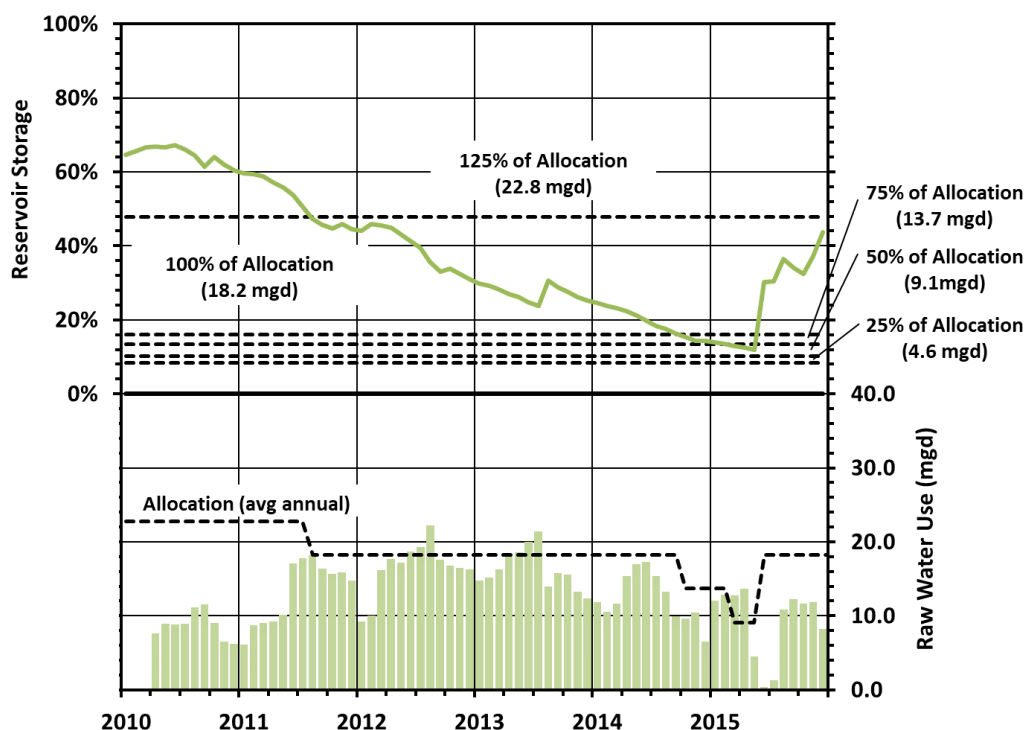


Figure 3. HCR Storage Levels as a Percentage of Capacity and Corresponding Raw Water Use during Recent Drought

Approach

In order to evaluate alternative drought trigger scenarios, HDR developed a monthly timestep spreadsheet model to simulate FPH and HCR operations. The model includes a hydrologic period of record from 1940 to 2015. Reservoir inflows and net evaporation were extracted from the Clear Fork Mini-WAM developed by HDR and included in the monthly spreadsheet model.

Key modeling assumptions include:

- annual average total raw water system demand of 23.6 mgd (2011 demands) when not in drought stage;
- supplies from Ivie provide a constant 6 mgd of raw water;
- a supply split of 40 percent to 60 percent between FPH and HCR to meet the remaining system demand after Ivie supplies;
- a non-Abilene demand of 3.1 mgd (2011 demand levels) for HCR to account for water use by other entities from the reservoir;
- a constant return flow of 7 mgd from the indirect reuse system to FPH when engaged; and
- a constant supply of 9.3 mgd from PKR when engaged with Ivie on-line and increasing up to 15.3 mgd when engaged with Ivie restricted or off-line.

Table 2 provides a summary of the simulated raw water demands for the Abilene system. The simulated demand levels are based on actual demands experienced during the recent drought. The City did not

enter Stage 3 water restrictions during the recent drought. As a result, Stage 3 simulated demands assume Stage 2 demand levels with the summer peaking pattern removed to reflect no outdoor watering. As shown in **Figure 1** and **Table 2**, substantial reductions in annual water use did not occur from the implementation of Stage 1 or Stage 2 outdoor watering restrictions.

Table 2. Summary of Simulated Raw Water Demands (mgd)

Month	No Drought Stage	Stage 1	Stage 2	Stage 3
	2011 Demands	Avg 2012-2013 Demands	2014 Demands	2014 Demands without Summer Peaking
Jan	16.0	16.4	17.6	17.6
Feb	18.7	17.0	17.6	17.6
Mar	18.5	18.9	18.1	18.1
Apr	23.0	21.3	21.3	19.0
May	24.7	23.9	23.1	19.0
Jun	31.3	26.8	23.2	19.0
Jul	33.5	27.2	24.5	19.0
Aug	31.2	28.6	26.3	19.0
Sep	27.5	25.4	24.4	19.0
Oct	21.9	20.6	23.3	19.0
Nov	19.3	18.9	19.0	19.0
Dec	17.5	17.8	17.1	17.1
Annual Avg	23.6	21.9	21.3	18.5
Reduction from No Drought Stage	---	(7.2%)	(9.7%)	(21.6%)

The existing drought triggers were simulated under typical reservoir operations without indirect reuse or PKR supplies and current water use demands to establish a baseline scenario. The baseline scenario is not intended to recreate historical operations during the recent drought but rather provide a general representation of the performance of FPH and HCR under typical operations and current demands throughout the simulation period of 1940-2015.

Results of the baseline scenario were compared with recent reservoir levels to validate the hydrology and assumptions included in the model. The resulting minimum combined storage of FPH and HCR in the simulated baseline scenario is 18.9 percent. The historical minimum combined storage of the two reservoirs of 17.9 percent occurred in May 2015. Comparison of these values indicates the hydrology and modeling assumptions are valid for the purpose of analysis and the baseline scenario provides an accurate representation of existing conditions for comparison with simulation results assuming alternative triggers.

HDR evaluated the modeling results showing the percent of time the system is in specific drought stages and the minimum storages of the City's primary supply reservoirs to inform HDR's recommendation for updated trigger levels. The evaluation of the trigger alternatives was completed in three stages. First,



alternative drought stage triggers were evaluated by comparing simulation results to the baseline scenario. Recommended drought stage triggers were selected to provide similar protection against raw water supply shortages while reducing the amount of time in drought stage compared to the baseline scenario. Once the recommended drought stage triggers were selected, these triggers were set and used in the evaluation of the indirect reuse trigger. Likewise, once the final indirect reuse trigger was selected, the PKR trigger was evaluated.

Analysis and Results

Drought Stage Trigger Evaluation

HDR developed and evaluated alternative drought stage trigger levels relying on the combined storage in the City's two primary water supply reservoirs, FPH and HCR. Drought triggers were not considered for Ivie and PKR. The City does not have operational control of PKR, and if Ivie is restricted or off-line, the City would rely more heavily on supplies from HCR and FPH resulting in the acceleration of drought stage restrictions to mitigate the risk of a water supply shortage.

Alternative trigger levels for drought Stage 1 were simulated to evaluate the resulting percent of time the City would be in drought Stage 1 or greater and the resulting minimum combined storage in FPH and HCR over the 1940 – 2015 period. These simulations do not include indirect reuse or PKR supplies.

Figures 4 and 5 provide the results of the drought stage trigger evaluation. **Figure 4** shows the percent of time the system would be in drought Stage 1 or greater compared to the baseline scenario. **Figure 5** shows the minimum combined storage of FPH and HCR compared to the baseline scenario. Under the existing triggers, the system would be in drought Stage 1 about 8 percent of the time throughout the model simulation period and the minimum combined storage in the reservoirs would be about 18.9 percent. A Stage 1 combined storage trigger of 40 percent capacity in FPH and HCR would result in the system being in Stage 1 or greater about 4 percent of the time with an almost identical minimum combined storage of 18.7 percent. Results of the analysis also show that the minimum combined storage of FPH and HCR is not significantly influenced by the Stage 1 trigger level due to the limited reduction in the simulated water use under Stages 1 outdoor watering restrictions.

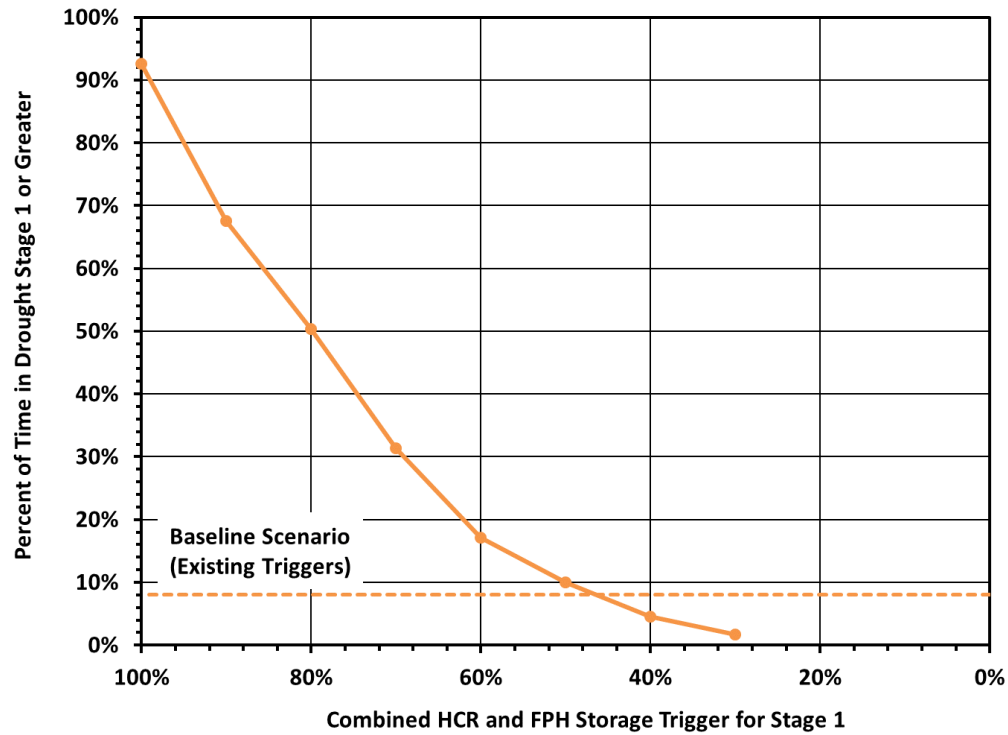


Figure 4. Percent of Time in Drought Stage 1 or Greater for Alternative Stage 1 Trigger Levels

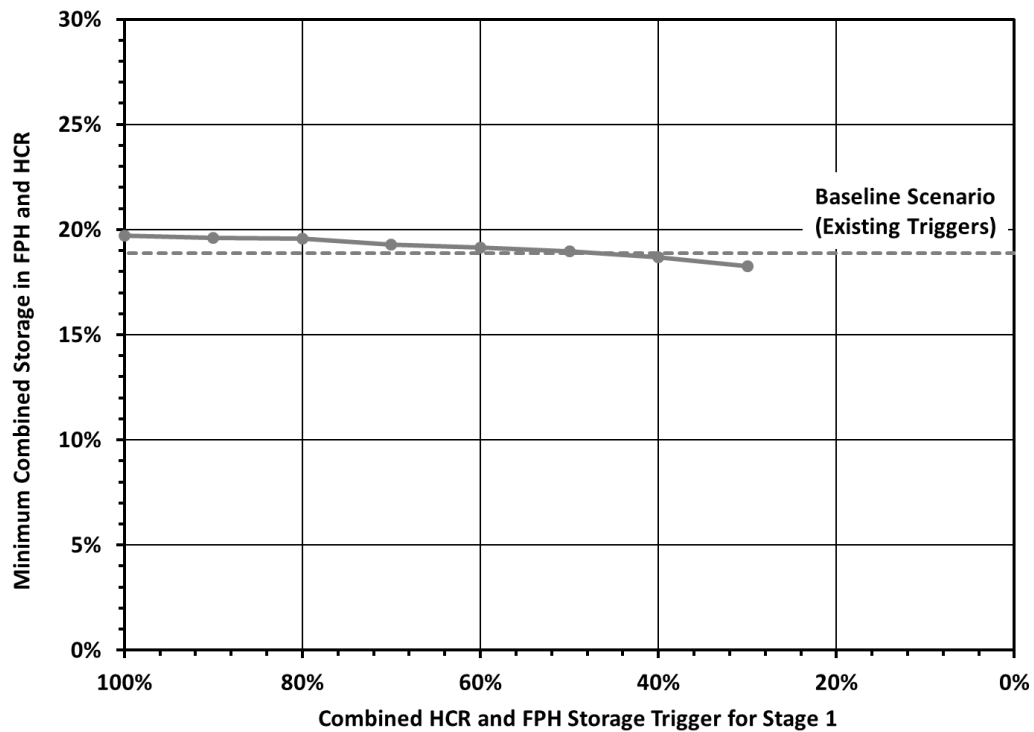


Figure 5. Minimum Combined Storage in FPH and HCR for Alternative Stage 1 Trigger Levels

Drought Stages 2 (water warning) and 3 (water emergency) are currently triggered when FPH storage levels reach about 32 percent and 22 percent of capacity, respectively. Alternative Stage 2 and Stage 3 triggers were simulated based on the combined storage of FPH and HCR to identify triggers that would provide similar levels of drought protection as the existing triggers. Model simulations indicate that Stage 2 and Stage 3 triggers of 30 percent and 20 percent of the combined storage in FPH and HCR would provide similar levels of drought protection as the existing triggers.

Based on results of the evaluation, a combined storage of 40 percent, 30 percent, and 20 percent (40-30-20) for initiating Stages 1, 2 and 3, respectively, are recommended. These recommended triggers provide the same level of drought protection based on the minimum combined storage of FPH and HCR while reducing the frequency of the system being in drought stage. **Table 3** provides a summary of the simulation results for the percent of time in drought stage and minimum combined storage in FPH and HCR for the existing and recommended drought stage triggers.

Table 3. Percent of Time in Drought Stage for Simulated Existing and Recommended Triggers¹

Drought Stage	Existing Triggers ²	Recommended Triggers (40-30-20) ³
Stage 1 or Greater	8.0%	4.5%
Stage 2 or Greater	1.5%	1.5%
Stage 3	0.4%	0.5%
Minimum Combined Storage in FPH & HCR	18.9%	18.7%

1-Model simulations do not include indirect reuse or PKR supplies.

2-Existing triggers are based on FPH storage levels.

3-Recommended triggers are based on combined HCR and FPH storage levels.

Figure 6 shows the storage percentages throughout the full model simulation period for FPH with the existing drought stage triggers (based on FPH levels) for the baseline scenario. **Figure 7** shows the combined storage percentage of FPH and HCR with the recommended 40-30-20 triggers (based on combined storage of FPH and HCR). Comparison of the two figures show that the existing triggers would have resulted in the system entering Stage 1 for a longer period during the 1950s drought and triggering a Stage 1 condition during the drought beginning in 2000 compared to the recommended triggers where a drought would not have been triggered. The figures also show that for the recent drought the system enters Stage 2 and Stage 3 for almost the identical period of time for both scenarios. From the comparison it can be concluded that the recommended drought triggers provide a similar level of drought protection during critical drought periods while reducing the frequency of drought restrictions during less severe drought periods.

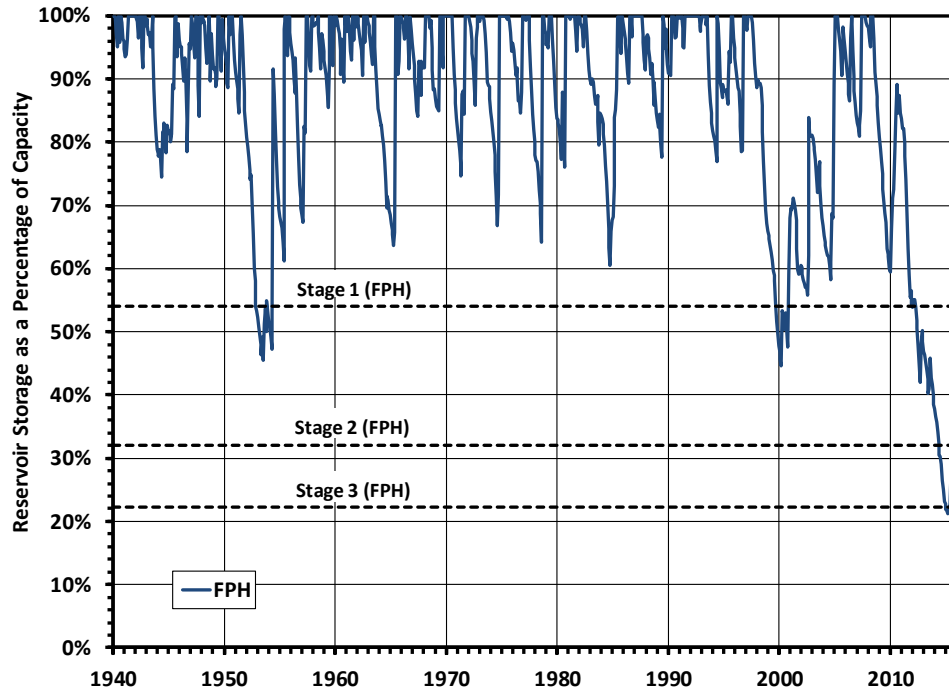


Figure 6. Simulated FPH Storage as a Percentage of Capacity for Baseline Scenario (Existing Drought Triggers)

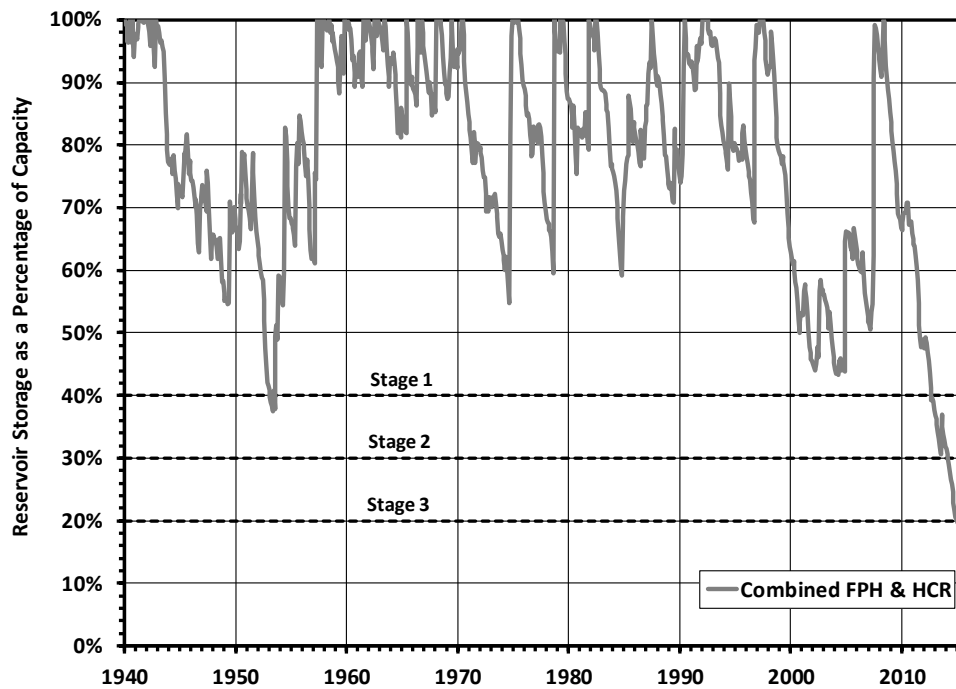


Figure 7. Simulated Combined Storage in FPH and HCR as a Percentage of Capacity under Recommended Drought Stage Trigger Levels (40-30-20)

Indirect Reuse Trigger Evaluation

In January 2015, the City's indirect reuse system became operational. The City has generally operated the indirect reuse system when FPH levels fall below 1633.9 ft-msl, two feet below the conservation pool elevation. HDR was tasked with evaluating how altering this trigger level may impact system performance considering the newly recommended drought triggers. Alternative indirect reuse triggers were simulated at 1 foot intervals of FPH and results are presented in the following figures.

Figure 8 compares the percent of time the indirect reuse system is engaged (dashed purple line corresponding to left vertical axis) to the percent of time the system is in the various drought stages for the alternative indirect reuse trigger levels. **Figure 9** provides the resulting minimum storage for FPH and combined storage in FPH and HCR at the alternative indirect reuse trigger levels. The dashed grey line in the figure represents the minimum combined storage without indirect reuse operations under the recommended drought triggers (40-30-20). The difference between the dashed and solid gray lines in **Figure 9** represents the benefit to minimum storage from operation of the indirect reuse system.

As currently operated, the indirect reuse system is engaged approximately 38 percent of the time in the simulation and results in the system being in a drought stage about 3 percent of the time. If the indirect reuse system is engaged at higher FPH levels, the percent of time the system is engaged significantly increases while the reduction in the frequency of drought stages and the resulting increase in minimum storage is negligible. These trends indicate that indirect reuse supplies stored in FPH when the reservoir is at high levels will most likely be underutilized or lost due to a spilling event before the next severe drought period.

Based on results of the model simulation, HDR recommends that indirect reuse operations begin at 4 mgd capacity when FPH levels reach 1632 ft-msl and increase to the full operating capacity of 7 mgd when FPH levels reach 1630 ft-msl. Use of these triggers slightly increases the occurrence of a drought stage but maintains the minimum reservoir storage levels in FPH above 50 percent of capacity and the combined storage in FPH and HCR above 24 percent. Operating time of the indirect reuse system would be reduced from the current 38 percent of the time to 22 percent of the time compared to the current trigger level.

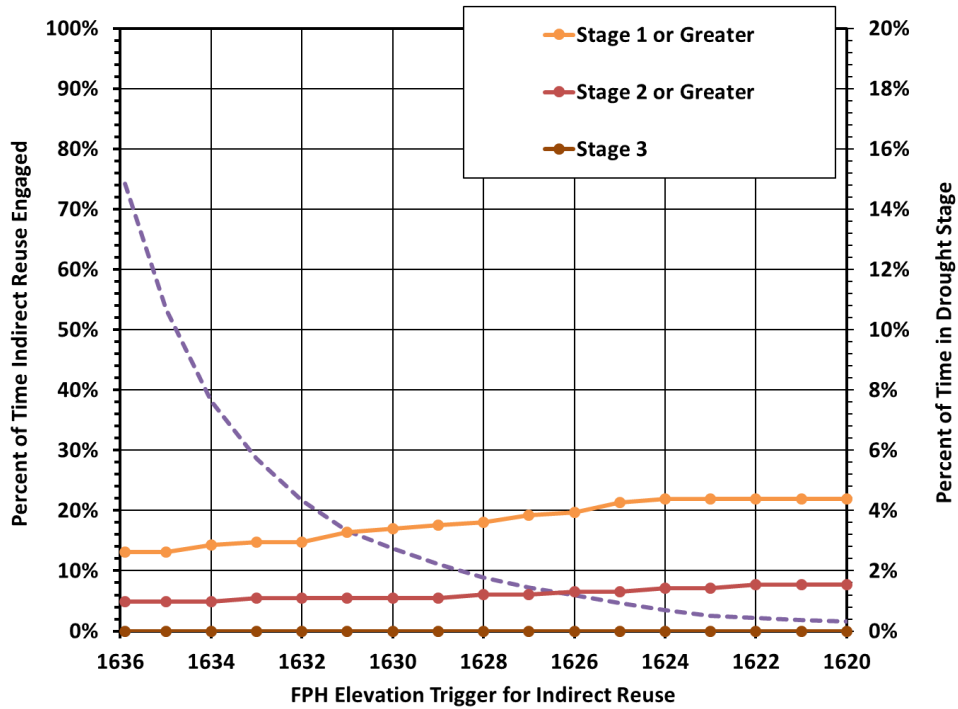


Figure 8. Comparison of Percent of Time Indirect Reuse System Engaged to Percent of Time in Drought Stage for Alternative FPH Trigger Levels

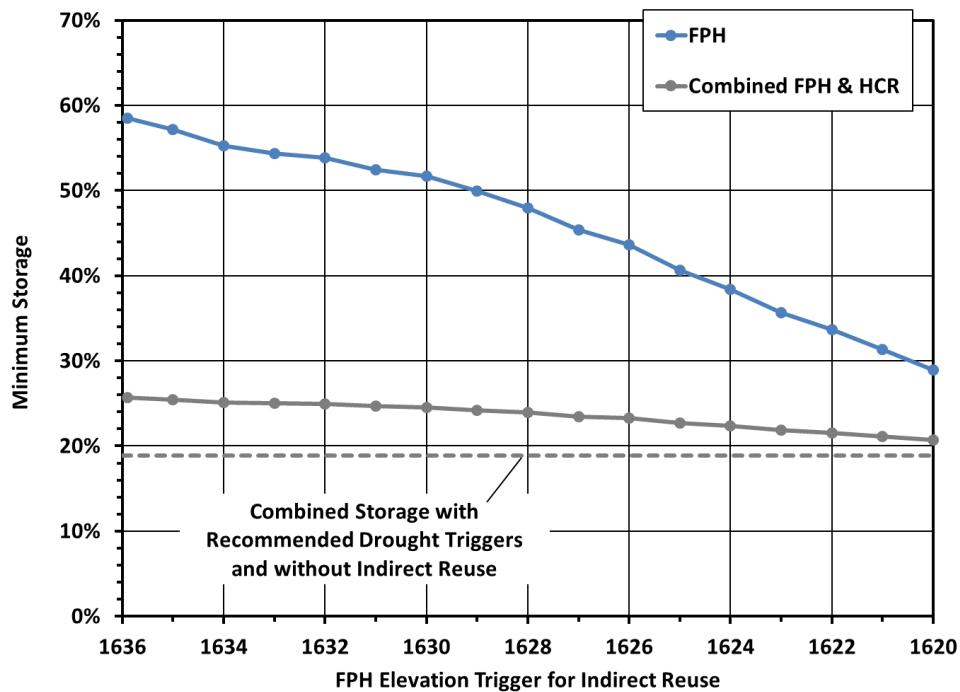


Figure 9. Comparison of Minimum Storage in FPH and Combined Storage in FPH and HCR for Alternative FPH Indirect Reuse Triggers



Possum Kingdom Reservoir Trigger Evaluation

HDR was tasked with evaluating the potential reduction in drought stage occurrence and benefit to system reliability from delivering PKR supplies prior to allocation cutbacks. The City enacted emergency drought mitigation measures to connect PKR to the existing system during the recent drought. However, before deliveries from PKR commenced, storage levels in HCR and FPH began to recover. As a result, the PKR system has not been engaged to deliver raw water supplies to the City. The City continues to reserve PKR as a replacement supply for HCR when cutbacks are experienced per the City's contract with WCTMWD.

Alternative trigger levels in HCR for delivery of PKR supplies were simulated under the recommended drought stage triggers (40-30-20) and recommended indirect reuse triggers (1632-1630 ft-msl in FPH). **Figure 10** compares the percent of time the PKR supplies are delivered (dashed brown line corresponding to left vertical axis) to the percent of time the system is in the various drought stages for alternative HCR trigger levels (right vertical axis). **Figure 11** provides the resulting minimum storage for HCR and combined storage in FPH and HCR at the alternative HCR trigger levels.

Results of the simulations indicate that delivery of PKR supplies when HCR levels reach 50 percent of capacity would increase the minimum combined storage levels in FPH and HCR from 24 percent to above 30 percent of capacity and result in the system not entering Stage 2 or 3 during the simulation period of 1940-2015. However, this trigger would require the frequency of deliveries to increase from 0.8 to 10 percent of the time. The minimum combined storage levels of FPH and HCR would increase by only 6 percent and decrease the occurrence of any drought stage by only 1.5 percent of the time.

Based on simulation results, HDR recommends the City continue to utilize PKR supplies for emergency situations to replace HCR supplies when cutbacks are experienced. It is recommended that preparation of the PKR delivery and treatment system commence when HCR levels reach 30 percent of capacity and deliveries commence when HCR reaches 20 percent of capacity. As shown in **Figure 3**, the City would have approximately 12 months to prepare the delivery system before HCR supplies would be cutback if similar drought conditions occurred that were present during the recent drought. At this trigger level, the combined storage in FPH and HCR remains above 20 percent of capacity resulting in the City not entering Stage 3 drought restrictions throughout the simulation. Additionally, deliveries would occur less than 1 percent of the time, thus minimizing costs associated with treating and delivery the PKR supplies.

Based on the performance of Ivie during the recent drought, it is recommended that preparation of the PKR delivery and treatment system commence when Ivie levels approach 1500 ft-msl. This trigger level would provide the City approximately 12 months to prepare the PKR system before Ivie levels reach the minimum pumping level of 1490 ft-msl. This trigger level assumes similar drought conditions as those experienced during the recent drought of 2010-2015. If these conditions are experienced, the City should monitor CRMWD lake level projections of Ivie to inform the decision to initiate PKR deliveries. Mandatory cutbacks by CRMWD on Ivie deliveries could also be triggers to initiate PKR deliveries.

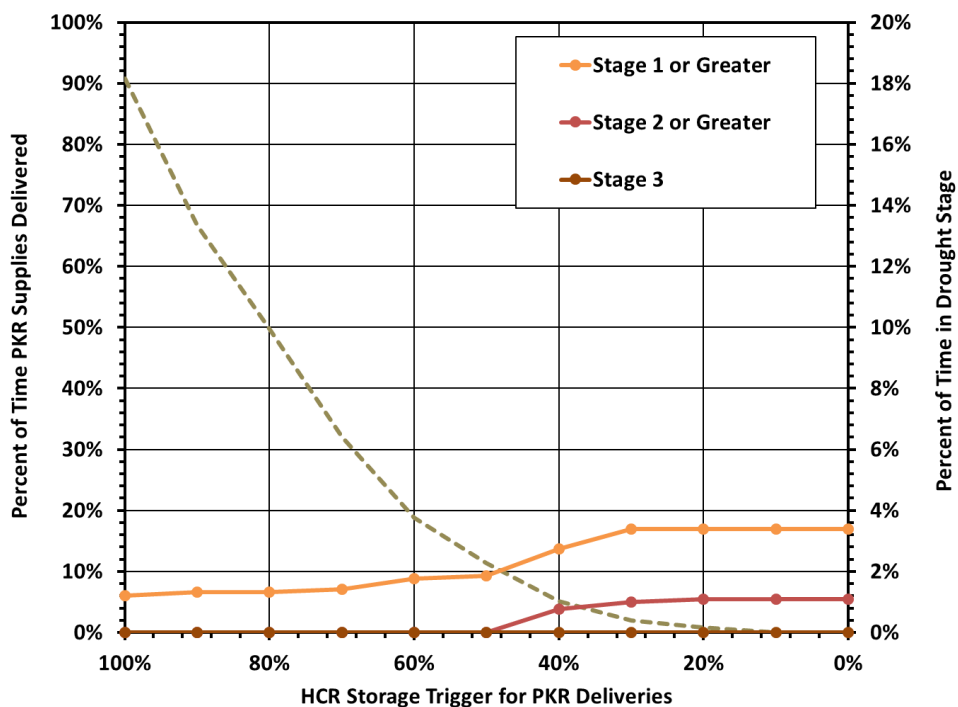


Figure 10. Comparison of Percent of Time PKR Supplies Delivered to Percent of Time in Drought Stage for Alternative HCR Trigger Levels

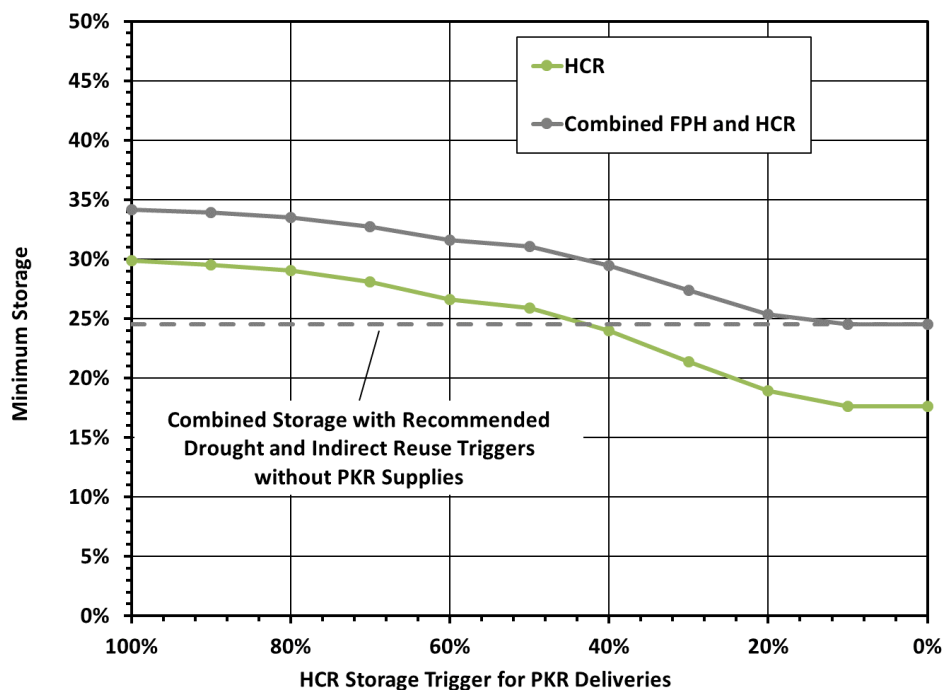


Figure 11. Comparison of Minimum Storage in HCR and Combined Storage in FPH and HCR for Alternative HCR Trigger Levels

Summary of Recommended and Alternative Triggers

Table 4 provides a summary of the existing and recommended triggers and statistics from the model simulations. The recommended triggers with indirect reuse and PKR supplies are expected to reduce the amount of time the City is in any drought stage by 4.6 percent and increase drought supply reliability compared to the baseline scenario. In a repeat of the recent critical drought of record under the recommended triggers and with the indirect reuse and PKR supplies, FPH levels are expected to remain above 50 percent of capacity and HCR levels remain above the first cutback stage (16 percent of capacity).

Table 4. Statistical Summary of Alternative Trigger Scenarios

Drought Stage	Existing Triggers (Baseline Scenario) ¹	Recommended Triggers (40-30-20) ²	Alternative Triggers (60-40-20) ²	Recommended Triggers (40-30-20) with 20% Demand Increase ²
None	92.0%	96.6%	84.3%	95.1%
1 or Greater	8.0%	3.4%	15.7%	5.0%
2 or Greater	1.5%	1.1%	3.0%	2.0%
3	0.4%	0.0%	0.0%	0.0%
Indirect Reuse Trigger	---	1632 ft-msl @ 4 mgd 1630 ft-msl @ 7 mgd	1632 ft-msl @ 4 mgd 1630 ft-msl @ 7 mgd	1632 ft-msl @ 4 mgd 1630 ft-msl @ 7 mgd
Indirect Reuse Percent of Time Operating	0%	22%	21%	26%
PKR Trigger	---	20%	20%	20%
PKR Percent of Time Operating	0%	0.8%	0.5%	1.2%
Min FPH Storage	21%	52%	54%	43%
Min HCR Storage	18%	19%	19%	15%
Min Combined FPH and HCR Storage	19%	25%	26%	21%

1-Drought triggers based on FPH storage levels and do not include indirect reuse or PRK supplies.

2-Drought triggers based on combined FPH and HCR storage levels and include indirect reuse and PKR supplies.

Table 4 also includes two alternative scenarios. A more conservative alternative drought trigger scenario of 60-40-20 was simulated and compared to the recommended trigger scenario. The 60-40-20 triggers would increase the amount of time the City is in drought stage by more than 12 percent of the time. However, comparison of minimum storages of the 60-40-20 scenario to the recommended trigger scenario indicates the more conservative drought triggers would not provide a significant increase to drought reliability of the system.



The recommended triggers were also simulated under a 20 percent demand increase to represent future conditions. Results of the simulation with the additional demand are included in **Table 4** and indicate that the recommended triggers with indirect reuse and PKR supplies would still decrease the amount of time the City is in drought stage and increase drought supply reliability compared to the baseline scenario.

Conclusions and Recommendations

The following conclusions and recommendations can be made from the analysis.

- Drought stage triggers based primarily on FPH levels do not accurately reflect the drought conditions in the City's water supply system.
- The City's water use was not substantially reduced by outdoor watering restrictions associated with the various drought stages during the recent drought. A greater reduction in demand between drought stages would modify the behavior of the system in the model but would not necessarily modify the recommended triggers.
- The addition of indirect reuse supplies to FPH with drought triggers based on only FPH does not provide an accurate reflection of drought conditions in the City's supply system.
- HDR recommends drought stage triggers be based on the combined storage in the City's two primary reservoirs, FPH and HCR.
- Drought triggers are not recommended for Ivie and PKR. The City does not have operational control of PKR, and if Ivie is restricted or off-line, the City will be required to rely more heavily on supplies from HCR and FPH, thus accelerating the occurrence of drought stage restrictions and mitigating the drought risk of water supply shortage.
- HDR recommends initiating indirect reuse operations at 4 mgd when FPH levels fall below 1632 ft-msl and increase operation to the max capacity of 7 mgd when FPH levels fall below 1630 ft-msl. Modeling results indicate operating the indirect reuse system when FPH levels are higher would likely result in the additional supply being underutilized or lost due to spilling events occurring before the next severe drought period.
- Modeling results indicate the delivery of PKR supplies prior to HCR reaching critical levels could further reduce the amount of time the system enters drought Stages 2 and 3 under the recommended triggers. However, this reduction is not substantial and the required operating policy would significantly increase the amount of time PKR deliveries would be required compared to the City's current intent of utilizing PKR as a replacement supply for HCR or if Ivie is restricted or off-line. HDR recommends the City continue to utilize PKR supplies for emergency situations. It is recommended that preparation of the PKR delivery and treatment system commence when HCR levels reach 30 percent of capacity and deliveries commence when HCR reaches 20 percent of capacity.

- Based on the performance of Ivie during the recent drought, it is recommended that preparation of the PKR delivery and treatment system commence when Ivie levels approach 1500 ft-msl. This trigger level would provide the City approximately 12 months to prepare the PKR system before Ivie levels reached the minimum pumping level of 1490 ft-msl. If these conditions are experienced, it is recommended the City monitor CRMWD lake level projections of Ivie to inform the decision to initiate PKR delivery. Mandatory cutbacks by CRMWD on Ivie deliveries could also be triggers to initiate PKR deliveries.
- Additional analysis would be required if the City wishes to consider utilizing PKR supplies to reduce the occurrence of drought stage restrictions or to “base load” a year-round or summer supply volume.

A summary of the recommended triggers for drought stage, indirect reuse, and PKR deliveries is provided in **Table 5**.

Table 5. Summary of Recommended Triggers for Drought Stage, Indirect Reuse, and PKR Deliveries

Drought Stage	Combined Storage in HCR & FPH as a Percentage of Total Storage¹	Outdoor Watering Restrictions
Stage 1 - Water Alert	40%	1-day per week
Stage 2 - Water Warning	30%	1-day per two week period
Stage 3 - Water Emergency	20%	No outdoor watering
Stage 4 - Water Crisis	Loss of service or contamination	No outdoor watering
Indirect Reuse to FPH Trigger (based on FPH level):		
• At 1632 ft-msl: Begin operations at 4 mgd • At 1630 ft-msl: Increase operations to 7 mgd		
Possum Kingdom Trigger (based on HCR storage):		
• At 30%: Begin preparing system for deliveries • At 20%: Begin deliveries from PKR		
Possum Kingdom Trigger (based on Ivie level):		
• At 1500 ft-msl: Begin preparing system for deliveries • When restrictions occur or the ability to pump is impaired: Begin deliveries from PKR		

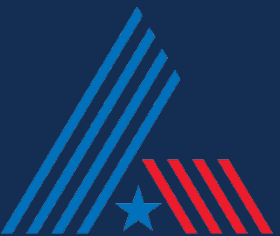
1-The combined storage as a percentage of total storage is calculated as the current combined storage of the two reservoirs, including dead pool storage, divided by the combined capacity of the two reservoirs (388,210 acre-feet). The current storage of the two reservoirs can be found on the Texas Water Development Board (TWDB) website: <https://www.waterdatafortexas.org/reservoirs/statewide>. The combined capacity of the two reservoirs is based on the most recent 1993 TWDB survey of FPH and the most recent 2018 TWDB survey of HCR.

Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Ordinance amending Chapter 32 "Utilities", Article VI "Water Conservation Plan", of the Abilene Municipal Code by amending Sections 32-140, 32-141, 32-142, 32-143, 32-144, 32-145, and 32-146, as set out below, providing for a severability clause, and declaring a penalty.



Presentation

- Issue: The current Water Conservation Plan drought stage triggers do not accurately reflect the drought conditions of the Abilene Region or the more recently secured additional water supply sources.
- Enprotec/Hibbs & Todd, Inc. will discuss the purpose, evaluation and methodology, and the Engineer's recommended changes to the WCP.
- Current conditions of water supplies and application of recommended WCP and operational triggers.
- Review of recommended Ordinance amending the Water Conservation Plan.



Background

- The City's Drought Contingency Plan, codified under Chapter 32, Article VI – Water Conservation Plan of the City's Code of Ordinances establishes drought stage triggers based on the water level of Lake Fort Phantom Hill (FPH) and the capacity of Hubbard Creek Reservoir (HCR).
- Conditions in FPH and HCR experienced during recent drought cycles indicate the City's current drought triggers do not accurately reflect drought conditions when considering the City's entire raw water supply system.



Background

Since the Water Conservation Plan Ordinance was first adopted, Abilene has added the following supply sources to its raw water portfolio:

- O.H. Ivie Reservoir (Ivie) – Contracted supply with the Colorado Municipal Water District
- Indirect Reuse into FPH – 7.0 MGD advanced treatment effluent from the Hamby Water Reclamation Facility discharged into FPH
- Possum Kingdom Reservoir (PKR) – Contracted supply with the Brazos River Authority



Current Drought Stage Triggers and Associated Outdoor Watering Restrictions

Stage	FPH	HCR	Outdoor Watering Restrictions
Stage 1 – Water Alert	1625.9 ft (10 feet below spillway; 54% capacity)	Below 1173.8 ft (9.2 feet below spillway; 60% capacity)	Once per week
	1624.9 ft (11 feet below spillway; 50% capacity)	Above 1173.8 ft	
Stage 2 – Water Warning	1618.9 ft (17 feet below spillway; 32% capacity)	---	Once per two week period
Stage 3 – Water Emergency	1614.9 ft (21 feet below spillway; 22% capacity)	---	No outdoor watering
Stage 4 – Water Crisis	Loss of service or contamination		No outdoor watering



Recommended Drought Stage Triggers and Associated Outdoor Watering Restrictions

Drought Stage	Combined Storage in HCR and FPH as a Percentage of Total Storage	Outdoor Watering Restrictions
Stage 1 – Water Alert	40%	1-day per week
Stage 2 – Water Warning	30%	1-day per two week period
Stage 3 – Water Emergency	20%	No outdoor watering
Stage 4 – Water Crisis	Loss of service or contamination	No outdoor watering



Comparison of Time in a Drought Stage¹

Drought Stage	Existing Triggers ²	Recommended Triggers (40-30-20) ³
Stage 1 or Greater	8.0 %	4.5%
Stage 2 or Greater	1.5%	1.5%
Stage 3	0.4%	0.5%
Minimum Combined Storage in FPH & HCR	18.9%	18.7%

1 Model simulations do not include indirect reuse or PKR supplies.

2 Existing triggers are based on FPH storage levels.

3 Recommended triggers are based on combined HCR and FPH storage levels.



Recommended Triggers for Indirect Reuse and PKR Deliveries

Indirect Reuse to FPH Trigger (based on FPH level):

- At 1632 ft-msl (3.9 feet below spillway): Begin operations at 4 MGD
- At 1630 ft-msl (5.9 feet below spillway): Increase operations to 7 MGD

Possum Kingdom Trigger (based on HCR storage):

- At 30% (20 feet below spillway): Begin preparing system for deliveries
- At 20% (25.5 feet below spillway): Begin deliveries from PKR

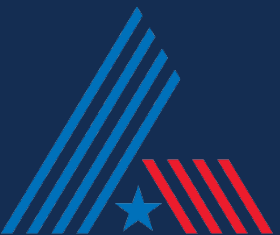
Possum Kingdom Trigger (based on Ivie level):

- At 1500 ft-msl (51.5 feet below spillway): Begin preparing system for deliveries
- When restrictions occur or the ability to pump is impaired: Begin deliveries from PKR



Current Conditions of Water Supplies (7/6/22)

SOURCE	Feet Below Spillway	% of Capacity
Lake Fort Phantom Hill	4.46	77.2
Hubbard Creek Reservoir	4.65	78.4
O.H. Ivie Reservoir	19.60	46.5
Possum Kingdom Reservoir	1.98	93.6



Current Water Conservation Plan – Current Condition

Currently: 3 X week watering schedule

Projected: 2 X week watering schedule July 2022

Projected: Stage 1 watering schedule Dec 2022

Indirect Potable Reuse to Fort Phantom Hill (Staff Protocol)

Currently: FPH -2.0 ft: IPR at 4.0 MGD (reached trigger on April 9th) [*actually started July 4th -4.4 ft*]

Projected: FPH -10.00 ft: IPR at 7.0 MGD Dec 2022

Amended Water Conservation Plan – Current Condition

Currently: 3 X week watering schedule

Projected: 2 X week watering schedule June 2023

Projected: Stage 1 watering schedule Aug 2023

Indirect Potable Reuse to Fort Phantom Hill (Recommended)

Currently: FPH -3.9 ft: IPR at 4.0 MGD (reached trigger on June 17th) [*actually started July 4th -4.4 ft*]

Projected: FPH -5.90 ft: IPR at 7.0 MGD Aug 2022



Daily Usage Report
can be modified to
display the
calculated combined
available capacity of
Lake Fort Phantom
Hill and Hubbard
Creek Reservoir

Daily Usage Report

Raw Flow Data	July 4, 2022	
Phantom Flow	15.577	
Hubbard Flow	9.580	
Ivie Flow	3.390	
Treated Water Total	28.152	Last Year On This Date 18.965
Lake Levels	July 4, 2022	
Phantom Level	1631.44	WCP Trigger* 78.47%
Feet below Spillway	4.46	
Lake Abilene Level	2005.19	
Feet below Spillway	6.91	
Lake Ivie Level	1531.92	
Feet below Spillway	19.58	
Lake Hubbard Lev.	1178.67	
Feet below Spillway	4.33	
Hamlin Usage	0.447	
Monday, July 4, 2022		

Last Year On This Date

18.965

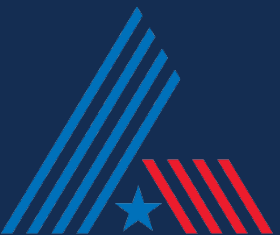
WCP Trigger*

78.47%

*Combined available capacity
of LFPH and HCR

Water Conservation Plan

- Chapter 32, Article VI, Water Conservation Plan, of the City Code of Ordinances regulates and restricts the delivery and consumption of water as necessary to minimize the adverse impacts of water supply shortages or other water supply emergency conditions; and
- The current Water Conservation Plan utilizes the water surface elevation of Lake Fort Phantom Hill for determining the appropriate water conservation measures to be implemented during normal and drought conditions
- The City of Abilene hired qualified Professional Engineers to model and evaluate the City's water supply resources from the perspective of drought endurance and make recommendations for improving the effectiveness of the Water Conservation Plan
- The Engineer's recommend utilizing the combined available capacities of Hubbard Creek Lake and Lake Fort Phantom Hill as the more effective trigger levels for the initiation or termination of each drought response stage
- These recommended ordinance amendments implement the new trigger levels and make other minor edits to the existing ordinance language



Recommended Changes to Current Water Conservation Plan

- **Section 32-140. Declaration of Policy:** Minor edits for clarification.
- **Sec. 32.141. Authorization:** Authorizing the City Manager to implement the Plan, and delete the word “phase”.
- **Sec. 32.142. Application:** Minor edits for clarification and adding a paragraph describing the basis for utilizing the combined available capacity as the water conservation triggers.
- **Sec. 32.143. Regional Water Planning and Public Involvement and Education:** Minor edits for clarification
- **Sec 32-144 Year Round Water Use Management:** Implementing the new water conservation triggers.
- **Section 32-145 Water Conservation Stages.** Implementing new parameters for water conservation and peak pumping event triggers, edits aligning the City Manager’s implementation authority with Section 32-141, and other minor edits for clarification.
- **Section 32-146 Target Water Use Goals:** Edits to align goals with peak pumping triggers of Section 32-145.



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QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **16. Ordinance (Final Reading) Z-2022-13:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From PB 6950, LLC Represented By Jacob & Martin, LLC To Change The Zoning Of Approximately 36.5 Acres From Residential Multi-Family (MF), Office (O), And Agricultural Open (AO) To General Retail (GR), Residential Multi-Family (MF) And General Commercial (GC) *(Tim Littlejohn)*

GENERAL INFORMATION

The request is to rezone from Residential Multi-Family (MF), Office (O), and Agricultural Open Space (AO) to General retail (GR), Residential Multi-Family (MF), and General Commercial (GC) Districts allowing uses commensurate with General Retail (GR), General Commercial (GC), and Residential Multi-Family (MF).

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2022-13 Council Ordinance
2. Z-2022-13 Staff Report
3. Z-2022-13 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 23rd day of June 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 21st day of May 2022, the same being more than fifteen (15) days prior to a public hearing held at the Council Chambers of the City Hall at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 14th day of July 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 14th day of July 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land, from Residential Multi-Family (MF), Office (O), and Agricultural Open Space (AO) to a Residential Multi-Family (MF), General Retail (GR), and General Commercial (GC) zoning district:

GC Zoning Tract

BEING a **18.73 acre** zoning tract out of the southeast-quarter (Abstract No. 766) of Section No. 12, Lunatic Asylum Lands, City of Abilene, Taylor County, Texas, and being out of Subdivision No.5, Alfred and Mary Fasshauer Subdivision of Survey No. 12, Lunatic Asylum Land, as shown per plat recorded in Volume 1, Page 274, Plat Records, Taylor County, Texas. Said 18.73 acre tract of land being out of and a part of a called 125.04 acre tract of land described in a Warranty Deed with Vendor's Lien to PB 6950, LLC recorded in Instrument No. 2021-17398, Official Public Records, Taylor County, Texas, and being out of and a part of a 6.04 acre tract of land, known as Tract 1, and a 6.04 acre tract of land, known as Tract 2, described in a Warranty Deed with Vendor's Lien to PB 6950, LLC recorded in Instrument No. 2021-21155, of said Official Public Records. Said **18.73 acre** tract being more particularly described as follows:

BEGINNING at a point for the northeast corner of this described tract, and being at the northeast corner of said Tract 2, same being the southeast corner of Lot 1, Block A of The Denali Addition as shown per plat recorded in Cabinet 4, Slide 588, of said Plat Records, said point being in the west right-of-way line of U.S. Highway 83/84;

THENCE S00°47'27"W a distance of 344.46 feet along the east line of this described tract and said Tract 2, and the west right-of-way line of said U.S. Highway 83/84, to a point for a slight angle corner of this described tract, said point also being at the southeast corner of said Tract 2 and the northeast corner of said 125.04 acre tract; **THENCE** S00°51'36"W a distance of 358.54 feet along the east line of this described tract and said 125.04 acre tract, and the west right-of-way line of said U.S. Highway 83/84, to a point for the southeast corner of this described tract;

THENCE S89°29'06"W a distance of 1276.48 feet along the south line of this described tract and over and across said 125.04 acre tract, to a point for the southwest corner of this described tract;

THENCE N00°29'37"W along the west line of this described tract and over and across said 125.04 acre tract, passing a north line of said 125.04 acre tract at 357.97 feet, and continuing over and across said Tract 1 a total distance of 703.00 feet to a point for the northwest corner of this described tract, said point being in the north line of said Tract 1, and being in the south right-of-way line of Horse Head Crossing as shown per plat of said The Denali Addition, same being the most easterly south line of said The Denali Addition;

THENCE N89°29'37"E a distance of 273.18 feet along a north line of this described tract and the north line of said Tract 1, and along the most easterly south line of said The Denali Addition to a point for an exterior corner of this described tract, and being at the northeast corner of said Tract 1, said point also being at the northwest corner of a 2.00 acre tract retained by James L. Parker, et ux described in said Warranty Deed with Vendor's Lien to PB 6950, LLC recorded in Instrument No. 2021-21155, of said Official Public Records;

THENCE S00°28'02"E a distance of 344.89 feet along an east line of this described tract, and along the east of said Tract 1, and along the west line of said 2.00 acre tract to a point for an interior corner of this described tract, and being at the southeast corner of said Tract 1, and being at the southwest corner of said 2.00 acre tract, and being in a north line of said 125.04 acre tract;

THENCE N89°27'52"E a distance of 252.67 feet along a north line of this described tract, and along the south line of said 2.00 acre tract, and along a north line of said 125.04 acre tract, to a point for an interior corner of this described tract, and being at the southeast corner of said 2.00 acre tract, and being at the southwest corner of said Tract 2;

THENCE N00°29'23"W a distance of 344.76 feet along a west line of this described tract, and along the west line of said Tract 2, and along the east line of said 2.00 acre tract to a point for an exterior corner of this described tract, and being at the northwest corner of said Tract 2, and being at the northeast corner of said 2.00 acre tract;

THENCE N89°29'37"E a distance of 766.96 feet along a north line of this described tract, and along the north line of said Tract 2, and along the easterly south line of said The Denali Addition to the **POINT OF BEGINNING** and containing **18.73 acres** of land, more or less.

GR Zoning Tract

BEING a **3.24 acre** zoning tract out of the southwest-quarter (Abstract No. 831) and southeastquarter (Abstract No. 766) of Section No. 12, Lunatic Asylum Lands, City of Abilene, Taylor County, Texas, and being out of Subdivision Nos. 5 & 7, Alfred and Mary Fasshauer Subdivision of Survey No. 12, Lunatic Asylum Land, as shown per plat recorded in Volume 1, Page 274, Plat Records, Taylor County, Texas. Said 3.24 acre tract of land being out of and a part of the west end of Lot 9, Block D of The Denali Addition as shown per plat recorded in Cabinet 4, Slide 588, of said Plat Records, and being out of and a part of a called 125.04 acre tract of land described in a Warranty Deed with Vendor's Lien to PB 6950, LLC, recorded in Instrument No. 2021-17398, Official Public Records, Taylor County, Texas. Said **3.24 acre** tract being more particularly described as follows:

BEGINNING at a point for the northwest corner of this described tract and said Lot 9, said point being at the intersection of the south right-of-way line of McKinley Drive and the east right-of-way line of Memorial Drive as shown per plat of said The Denali Addition;

THENCE N89°27'26"E a distance of 254.00 feet along the north line of this described tract and said Lot 9, and along the south right-of-way line of said McKinley Drive, to a point for the northeast corner of this described tract;

THENCE S09°07'47"W along the east line of this described tract and over and across said Lot 9, passing the South line of said Lot 9 and a north line of said 125.04 acre tract at a distance of 534.84 feet, and continuing over and across said 125.04 acre tract, for a total distance of 563.38 feet to a point for the southeast corner of this described tract;

THENCE S89°27'26"W a distance of 253.89 feet along the south line of this described tract and over and across said 125.04 acre tract, to a point for the southwest corner of this described tract;

THENCE N08°54'47"E a distance of 28.53 feet along the west line of this described tract and over and across said 125.04 acre tract to a point for an angle corner of this described tract, and being at the southwest corner of said Lot 9, same being the southeast corner of said Memorial Drive;

THENCE N09°07'47"E a distance of 534.84 feet along the west line of this described tract and said Lot 9 and along the east right-of-way line of said Memorial Drive, to the **POINT OF BEGINNING** and containing **3.24 acres** of land, more or less.

MF Zoning Tract

BEING a **13.50 acre** zoning tract out of the southeast-quarter (Abstract No. 766) of Section No. 12, Lunatic Asylum Lands, City of Abilene, Taylor County, Texas, and being out of Subdivision No. 5, Alfred and Mary Fasshauer Subdivision of Survey No. 12, Lunatic Asylum Land, as shown per plat recorded in Volume 1, Page 274, Plat Records, Taylor County, Texas, said 13.50 acre tract of land being out of and a part of Lot 9, Block D of The Denali Addition as shown per plat recorded in Cabinet 4, Slide 588, Plat Records, Taylor County, Texas, and being out of and a part of a called 125.04 acre tract of land described in a Warranty Deed with Vendor's Lien to PB 6950, LLC recorded in Instrument No. 2021-17398, Official Public Records, Taylor County, Texas and being out of and a part of a 6.04 acre tract of land, known as Tract 1, described in a Warranty Deed with Vendor's Lien to PB 6950, LLC recorded in Instrument No. 2021-21155, of said Official Public Records. Said **13.50 acre** tract being more particularly described as follows:

BEGINNING at a point for the northwest corner of this described tract, said point being in the north line of said Lot 9 and being in the south right-of-way line of said McKinley Drive as shown per plat of said The Denali Addition; from which a point at the northwest corner of said Lot 9 bears S89°27'26"W 254.00 feet;

THENCE N89°27'26"E a distance of 963.36 feet along the north line of this described tract and said Lot 9, and along the south right-of-way line of McKinley Drive to a point for the most northerly northeast corner of this described tract, and being the north corner of the southwest clip corner of the intersection of said McKinley Drive and Horse Head Crossing, as shown per plat of said The Denali Addition;

THENCE S45°07'57"E a distance of 42.12 feet along the northeast line of this described tract and said Lot 9, and along the clip corner of said McKinley Drive and said Horse Head Crossing, to a point for a northeast corner of this described tract and said Lot 9, same being the east corner of said southwest clip corner;

THENCE S00°16'40"W a distance of 152.37 feet along the most northerly east line of this described tract and said Lot 9, and along the west right-of-way line of said Horse Head Crossing, to a point for an interior corner of this described tract, and being at the most easterly southeast corner of said Lot 9, and being at the southwest corner of said Horse Head Crossing right-of-way, and being in the north line of said 6.04 acre tract;

THENCE N89°29'37"E a distance of 31.44 feet along a north line of this described tract, and along the south right-of-way line of said Horse Head Crossing, and along the north line of said 6.04 acre tract, to a point for the most easterly northeast corner of this described tract;

THENCE S00°29'37"E along the east line of this described tract, and over and across said 6.04 acre tract, passing the South line of said 6.04 acre tract, same being a north line of said 125.04 acre tract, at a distance of 345.03 feet, and continuing over and across said 125.04 acre tract, for a total distance of 373.00 feet to a point for the southeast corner of this described tract;

THENCE S89°27'26"W a distance of 1116.53 feet along the south line of this described tract, and continuing over and across said 125.04 acre tract, to a point for the southwest corner of this described tract;

THENCE N09°07'0847"E along the west line of this described tract, and continuing over and across said 125.04 acre tract, passing a north line of said 125.04 acre tract, same being the south line of said Lot 9, at a distance of 28.51 feet, and continuing along the west line of this described tract, and over and across said Lot 9 for a total distance of 563.38 feet to the **POINT OF BEGINNING** and containing **13.50 acres** of land, more or less.



ZONING CASE Z-2022-13

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: June 7, 2022

City Council 1st Reading: June 23, 2022

City Council 2nd Reading: July 14, 2022

Applicant

Owner: PB 6950, LLC

Agent: Jacob & Martin

Request

Rezone from Residential Multi-Family (MF), Office (O), and Agricultural Open Space (AO) to General retail (GR), Residential Multi-Family (MF), and General Commercial (GC) Districts allowing uses commensurate with General Retail (GR), General Commercial (GC), and Residential Multi-Family (MF).

Location

7450 HWY 83-84, being 41.3417 acres of now-vacant land on the south side of McKinley Dr. and a tract of land either side of Horse Head Crossing between Memorial Drive and State Highway 83-84.

Background

This property was annexed to the City limits of Abilene during 1980. This property has remained vacant since being annexed into the City of Abilene. The subject property is bounded by Memorial Dr. on the west, McKinley Dr. on the north and HWY 83-84 on the east. An extension of Horsehead Crossing will bisect the subject property.

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, properties on the western portion of the property and on the north of McKinley Dr. are Residential Medium Density and Office with the eastern portion of the property Office and General retail. South and west of the subject property the zoning is Agricultural Open (AO) district. Between Denali and the subject property apartments are being constructed with a density of approximately 17 units to the acre. The request does surround a lone single-family house on three sides.

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 and its surroundings to be in a "Multi-Family Use" area with a Community Enhancement Corridor along the frontage of HWY 83-84. This proposed zoning request 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.

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.

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

The subject property lies at the intersection of Hwy 83-84 with Denali Dr. with connection to Horse Head Crossing and McKinley Dr. to Memorial Dr. Furthermore, the subject property has direct access to 8" sanitary sewer mains and a 8" water main. The development of this site may require additional public improvements.

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

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

Staff Recommendation

City staff recommends **approving** this requested zone change to General retail (GR), Residential Multi-Family (MF), and General Commercial (GC) Districts allowing uses commensurate with General Retail (GR), General Commercial (GC), and Residential Multi-Family (MF).

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on May 24th, of 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**

Owner	Property ID	Situs	Response
	1079390	6817X HORSE HEAD CROSSING	
ER PROPCO WC LLC	968668	2617 ANTILLEY RD	
ER PROPCO WC LLC	968668	2617 A ANTILLEY RD	
ER PROPCO WC LLC	968668	2617 B ANTILLEY RD	
PARKER CYNTHIA	13583		
PB 6950 LLC	14249	7050 HWY 83-84	
PB 6950 LLC	37863		
PB 6950 LLC	37975		
PB 6950 LLC	13695	7450 HWY 83-84	
PB 6950 LLC	1083716		

Property ID

Owner	Property ID	Situs	Response
PARKER CYNTHIA	13583		
PB 6950 LLC	13695	7450 HWY 83-84	
PB 6950 LLC	14249	7050 HWY 83-84	
PB 6950 LLC	37863		
PB 6950 LLC	37975		
ER PROPCO WC LLC	968668	2617 ANTILLEY RD	
ER PROPCO WC LLC	968668	2617 A ANTILLEY RD	
ER PROPCO WC LLC	968668	2617 B ANTILLEY RD	
	1079390	6817X HORSE HEAD CROSSING	
PB 6950 LLC	1083716		

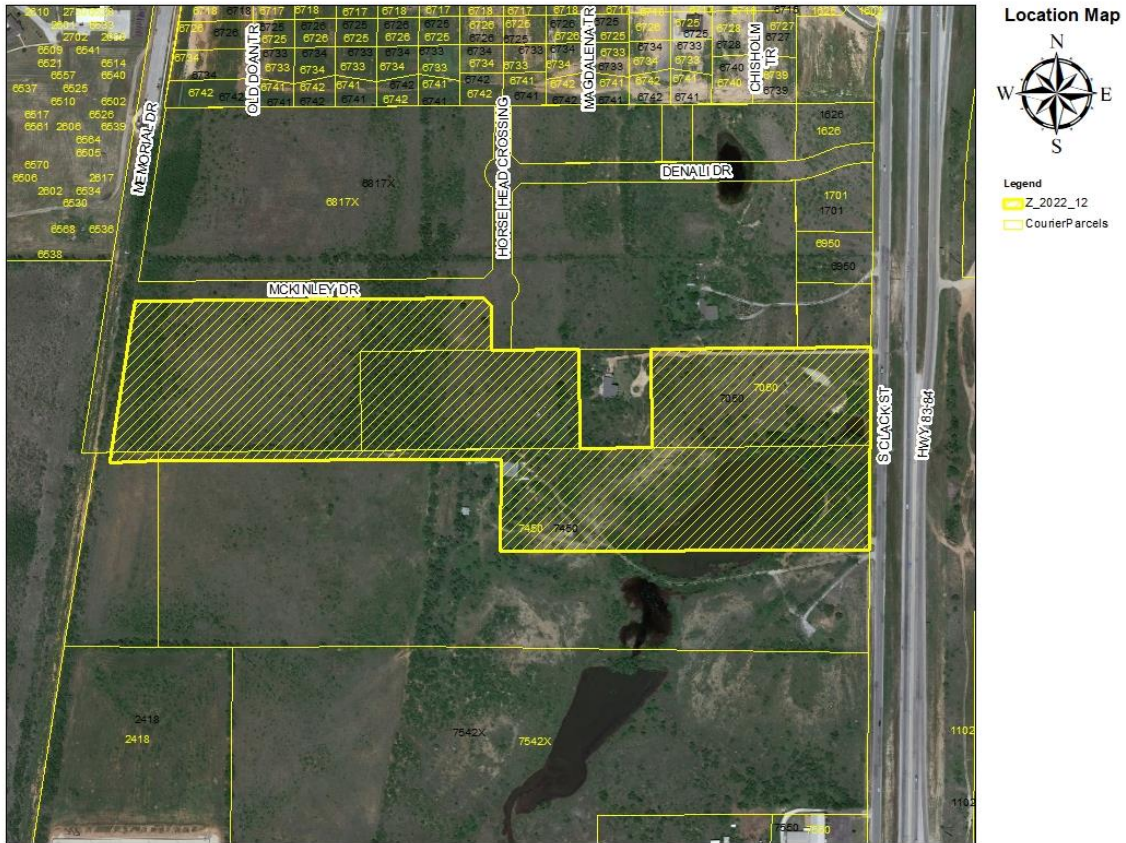
Attachments

Application

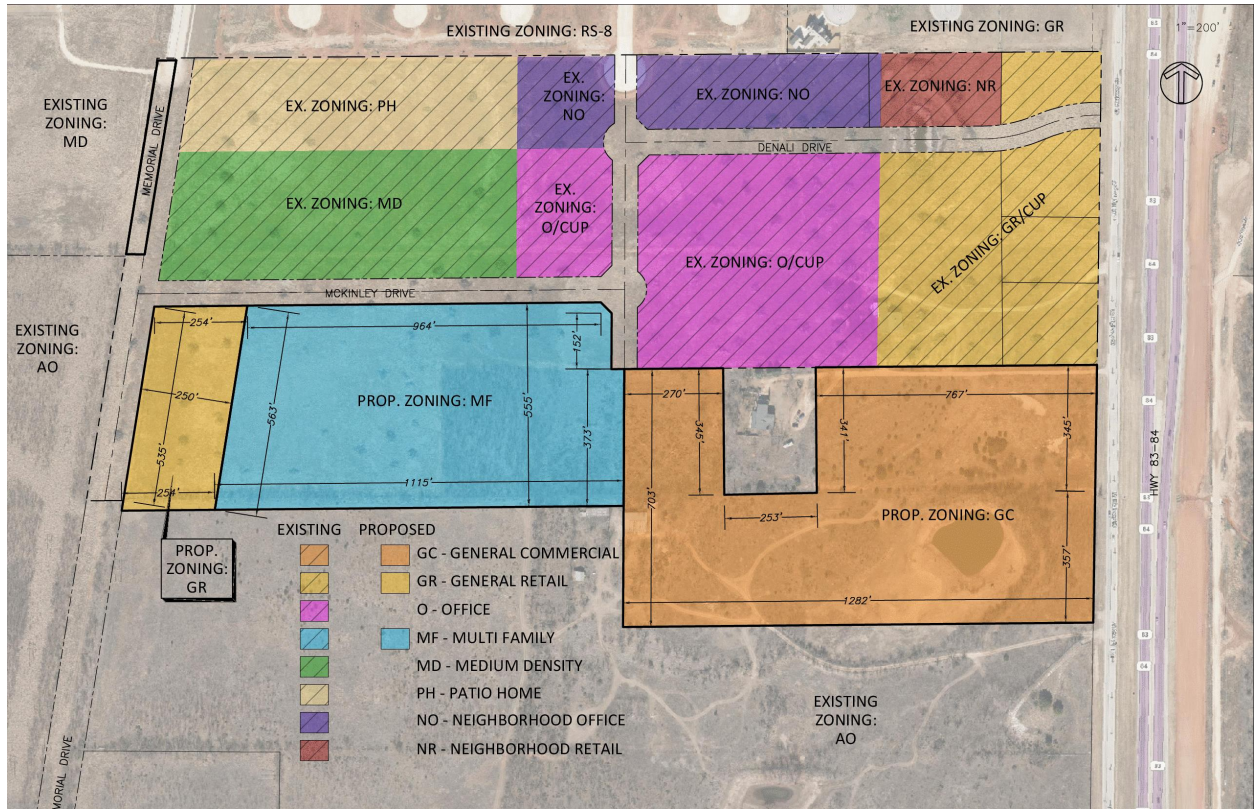
PowerPoint Presentation

Graphic Concept Plan

LOCATION MAP



ZONING MAP

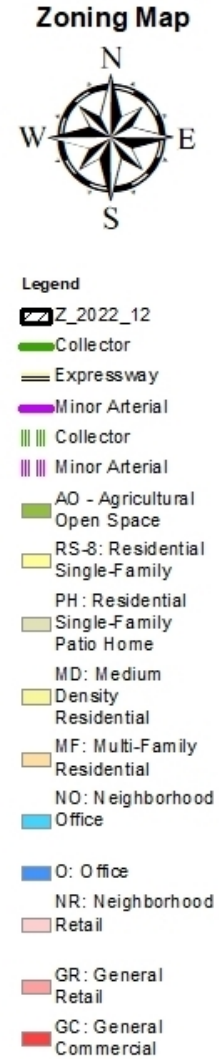


ZONING REQUEST

Case:	Z-2022-13
Owner:	PB 6950, LLC
Agent:	Jacob & Martin
Request:	Rezone from Residential Multi-Family (MF), Office (O), and Agricultural Open Space (AO) to General retail (GR), Residential Multi-Family (MF), and General Commercial (GC) Districts allowing uses commensurate with General Retail (GR), General Commercial (GC), and Residential Multi-Family (MF).
Location:	41.3417 Acres of land located at 7450 HWY 83-84,
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	June 7, 2022
City Council Hearings:	1 st : June 23 rd , 2022 2 nd : July 14 th , 2022



Z-2022-13 CURRENT ZONING MAP



EXISTING ZONING: RS-8

EXISTING ZONING: GR

EXISTING ZONING: MD

EXISTING ZONING: AO

EXISTING ZONING: AO

PROPOSED ZONING:

EXISTING	PROPOSED
[Orange]	GC - GENERAL COMMERCIAL
[Yellow]	GR - GENERAL RETAIL
[Pink]	O - OFFICE
[Blue]	MF - MULTI FAMILY
[Green]	MD - MEDIUM DENSITY
[Light Green]	PH - PATIO HOME
[Purple]	NO - NEIGHBORHOOD OFFICE
[Red]	NR - NEIGHBORHOOD RETAIL

DIMENSIONS:

- Precinct 07: 964' x 555'
- Precinct 08: 767' x 345'
- Precinct 09: 1115' x 373'
- Precinct 10: 1282' x 357'

STREETS: MEMORIAL DRIVE, DENALI DRIVE, MCKINLEY DRIVE.

LEGEND:

- EX. ZONING: PH
- EX. ZONING: MD
- EX. ZONING: NO
- EX. ZONING: O/CUP
- EX. ZONING: GR/CUP
- PROP. ZONING: MF
- PROP. ZONING: GC
- PROP. ZONING: GR

Scale: 1" = 200'

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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

Permitted Uses in MF Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Homeless/Emergency Shelter
- C Personal Care Facility
- C Rehabilitation Facility
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- C Day-Care Operation - Center-Based
- P School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

Permitted Uses in GC Zoning

RESIDENTIAL USES:

- P Hotel/Motel
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P
- C
- TP

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)

Permitted as a Conditional Use Permit, Requiring Approval by City Council

Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Z-2022-13 VIEWS OF SUBJECT & ADJACENT PROPERTIES

Subject Property East View



Subject Property South View



Subject Property Northwest View



Subject Property West View





- 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: 7/14/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **17. Ordinance (Final Reading) CUP-2022-04: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Windmill Circle Apartments LLC (Represented By Enprotec/Hibbs & Todd, Engineering Consultants) For Approval Of A Conditional Use Permit Allowing Multi-Family Residential Buildings On Approximately 15 Acres Of Now-Vacant Land In A General Retail (GR) District At 28 Thru 36 Windmill Circle And At 5601 Memorial Drive In South Abilene. (Tim Littlejohn)**

GENERAL INFORMATION

The request is to Add a Conditional Use Permit (CUP) to allow Multiple-Family (MF) dwellings on approximately 14.95 acres of property zoned General Retail (GR).

SPECIAL CONSIDERATIONS

This zoning item requires a super-majority vote of approval for passage, which is 6 of the 7 members of the Council.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval with conditions as recommended by P & Z.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request with conditions by

a vote of 5-2. The conditions are as stated: The proposed Multiple-Family dwellings that are adjacent to Memorial Drive and those adjacent to the northern property line should have a height restriction of two (2) stories. A Type A buffer will be installed along the northern property line. Additionally, a masonry fence of seven feet (7') in height will serve as a barrier on the Memorial Drive side of the property.

ATTACHMENTS:

1. CUP-2022-04 Council Ordinance
2. CUP-2022-04 Final Staff Report
3. CUP NOTES
4. CUP-2022-04 Presentation
5. 3034 Broken Bough Trail
6. 57851-2342 Antilley Road
7. 5718 Legacy Drive
8. 5749 Legacy Drive
9. 5809 Legacy
10. 5818 Legacy Drive
11. 5833 Legacy Drive
12. 5834 Legacy Drive
13. 5841 Legacy Drive
14. 24248-21 Windmill Circle
15. 983065-23 Windmill Circle
16. 1010923-5725 Legacy Drive
17. 1010930-5825 Legacy Drive
18. 1010933-5849 Legacy Drive
19. 1010934-5901 Legacy Drive
20. Abby Speed
21. Combined Responses (15)
22. ID# 1010926, 1010925
23. ID# 1010935, 1010928, 24379
24. Legacy Village HOA Board
25. 2302 Ians Ct
26. 2309 Preston Trail
27. 2317 Ians Court
28. 2317 Preston Trl
29. 2325 Biltmore Court
30. 2333 Lynbrook Drive
31. 2334 Preston Trail
32. 2418 Spyglass Hill Court Amber Letter
33. 2418 Spyglass Hill Court Jonathan Letter
34. 5258 Wyndham Court
35. 5266 Wyndham Ct
36. 5602 Legacy Drive

37. 5618 Legacy Drive
38. 5626 Legacy Drive

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 23rd day of June 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 21st day of May 2022, the same being more than fifteen (15) days prior to a public hearing held at the Abilene City Hall at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 14th day of July 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 14th day of July 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

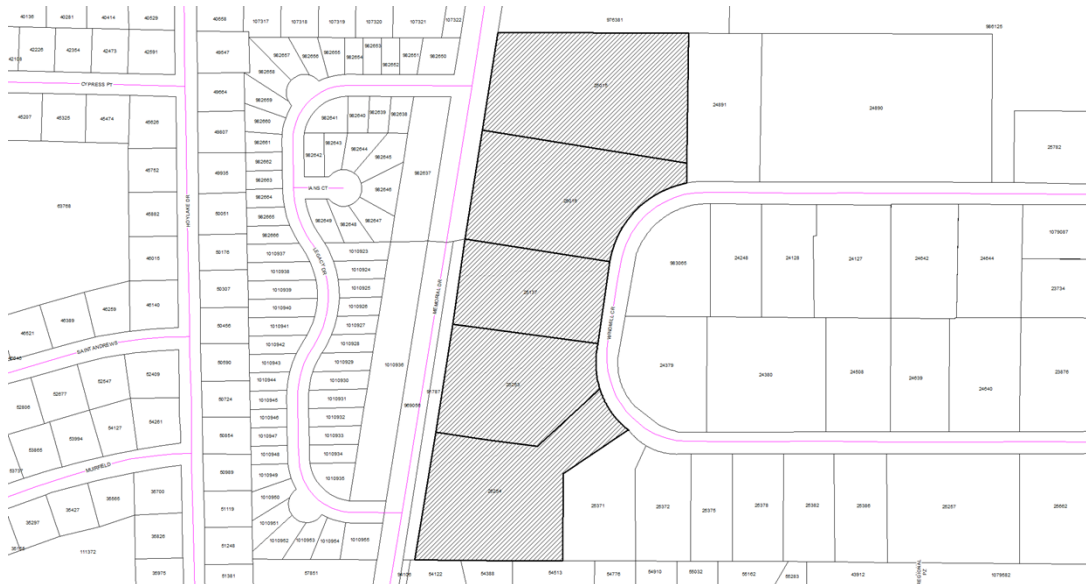
ORDINANCE NO. _____

EXHIBIT A

Conditional Use Permit (CUP) to allow Multi-Family Residential on the following described property in a General Retail (GR) zoning district:

Lots 304, 305, 107, 108, and 109 of Block B within the Windmill Acres subdivision.

- **Conditions:** The proposed Multiple- Family dwellings that are adjacent to Memorial Drive and the dwellings that are adjacent to the north property line shall have a height restriction of two (2) stories, and a type “A” land use buffer shall be required along the north property line. In addition, a seven (7’) foot masonry wall shall be required along memorial drive.



END-

ZONING CASE CUP-2022-04

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: June 7, 2022

City Council 1st Reading: June 23, 2022

City Council 2nd Reading: July 14, 2022

Applicant

Owner: Windmill Circle Apartments, LLC

Agent: Enprotec Hibbs and Todd, LLC

Request

Add a Conditional Use Permit (CUP) to allow Multiple-Family (MF) dwellings on approximately 14.95 acres of property zoned General Retail (GR).

Location

5601 Memorial Drive (Lots 107,108,109, 304 & 305, Block B, Windmill Acres Subdivision)

Background

This zone change request incorporates five (5) total lots of the Windmill Acres Subdivision; originally platted in 1980 (3174-0). Lots 107, 108, and 109 were re-platted in 1981 (RP-4481). Lots 304 and 305 were re-platted in 2011(MRP-4611). These subject properties were rezoned from a Planned Development District (PD-34) to General Retail (GR) District in 2012 (Ordinance No. 61-2012).

According to information provided within the application, the owner intends to establish an apartment complex within the subject properties. Prior to 2017, Multiple-Family Dwellings were permitted in a GR district. In 2017, the Land Development Code (LDC) was altered to permit Multiple-Family dwellings with specific requirements in GR districts with the approval of a Conditional Use Permit (CUP) (Ordinance No. 35-2017). The language within the LDC regarding these specific requirements was altered again in 2020 (Ordinance No. 54-2020). The specific requirements are that *multiple-family dwellings shall be subject to limitations on overall residential density, and building setback, the same as if such dwellings were located in a Residential Multiple-Family (MF) District.*

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the subject property's immediate area are illustrated on the map included in this report. As indicated on the map, adjacent zoning consists of PD-33 District (Abilene Senior Living) to the north, a mixture of PD-34 and Light Industrial (LI) District to the east, PD-32 to the south, and Patio Home (PH) District to the West (Legacy Village Subdivision Section 1 & 2).

Criteria Assessment

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

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

The Future Land Use and Development Plan Map identifies this area as low-density residential. However, a special activities center is located in close proximity to the south which includes one (1) of two (2) Abilene Hospitals. The Comprehensive Plan suggests that higher density housing should support activity centers and transition the density to the surrounding residential area (Strategy 12; Page 20). The proposed Conditional Use Permit to permit multiple-family dwellings within this district could serve as an effective and appropriate use to supplement the economic development of the special activities center.

It is the opinion of the staff that the proposed zoning map amendment will serve to implement the goals, objectives, and policies of the Comprehensive Plan as well as the Future Land Use and Development Plan Map.

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

No, General Retail (GR) Districts are intended to accommodate a wide range of retail trade, services and activities that are needed to serve the community. However, the purpose of a Conditional Use Permit is to allow the establishment of uses of which may be suitable only in certain location in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses.

It is the opinion of staff that the inclusion of purpose and intent of the applicable zoning district regulations to permit multiple family dwellings within a GR district with the approval of a conditional use permit accomplishes this criterion 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-family dwellings immediately to the north and the proposed use can provide a suitable zoning district buffer from the more intensive districts to the east from the low intensity residential district to the west along Memorial Drive.

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

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

Yes, the proposed use will not generate pedestrian and vehicular traffic that will be hazardous or conflict with existing and anticipated traffic. Memorial Drive is a minor arterial that is 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 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; however, the proposed site plan illustrates a 14-foot landscape berm that extends along the western property line adjacent to memorial drive. It is the opinion of staff that this landscape berm will mitigate adverse effects of the development from the lower intensity residential-district to the west.

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

- Approval with conditions:
 - The proposed Multiple- Family dwellings that are adjacent to Memorial Drive and the dwellings that are adjacent to the north property line shall have a height restriction of two (2) stories, and a type “A” land use buffer shall be required along the north property line. In addition, a seven (7') foot masonry wall shall be required along memorial drive.
 -

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on May 27, 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.

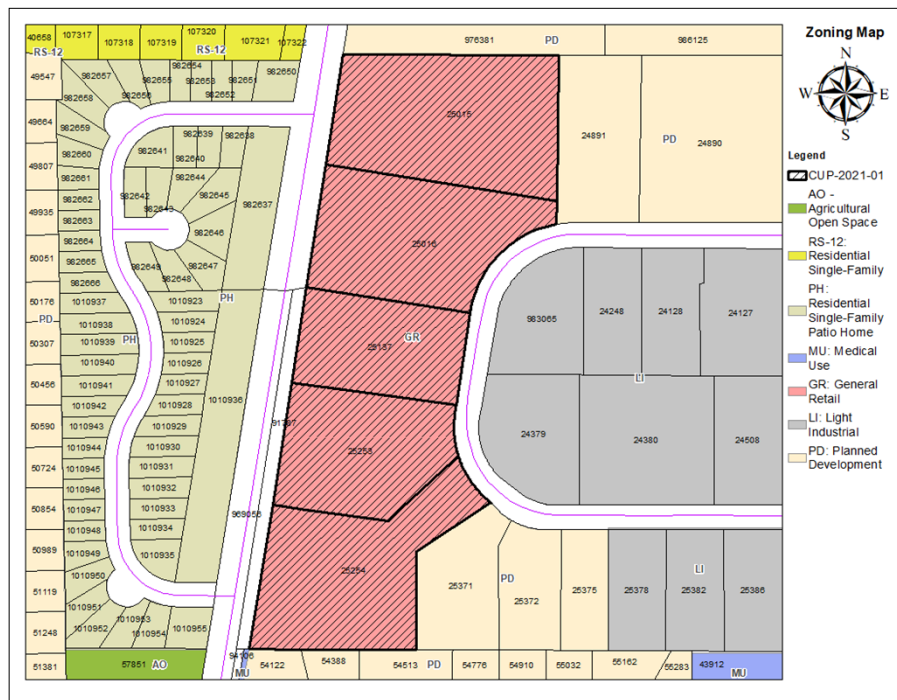
Owner	Property ID	Situs	Response
ABILENE CHARGER PROPERTIES LP	976381	2225 COVENANT DR	
ANDERSON JEFFREY & ANGIE	1010934	5901 LEGACY DR	○
BARNER MATTHEW C	1010935	5933 LEGACY DR	○
BEIRO HENRY & REBECCA	1010930	5825 LEGACY DR	
BIXBY BROOKE	1010924	5733 LEGACY DR	
BRINGHURST CAROL	1010926	5749 LEGACY DR	○
BROOKS KEVIN CONRAD &	1010929	5817 LEGACY DR	
CIC INVESTMENTS INC	57851	2342 ANTILLEY RD	●
CITY OF ABILENE	91787		
CITY OF ABILENE	94106		
CITY OF ABILENE	969056		
DAVIS CHARLES M & COLLEEN M	982647	2309 IANS CT	
FOSTER TIMOTHY	1010927	5801 LEGACY DR	
HENDERSON CHERYL L	982646	2301 IANS CT	
HOMEOWNERS OF LEGACY VILLAGE	982637	5650 MEMORIAL DR	
HOMEOWNERS OF LEGACY VILLAGE	982650	5566 MEMORIAL DR	
HOMEOWNERS OF LEGACY VILLAGE	1010936		
HOMEOWNERS OF LEGACY VILLAGE	1010955	5966 LEGACY DR	
LATOUR VINCENT & DAWN	54388	13 HOSPITAL DR	
M2B ABILENE LLC	24890	18 WINDMILL CR	
NORTHCOTT JERRY L & JANET L	1010925	5741 LEGACY DR	○
PAIGE MARY ANN	982638	5609 LEGACY DR	
PARISH TARRANCE & KIMBERLY D	1010933	5849 LEGACY DR	
RAMSEY CYNTHIA	982651	5602 LEGACY DR	
RICH COLDEN S & DANLEE N	107321	2301 INNISBROOK DR	
ROBBINS WILLIAM LYNN &	1010928	5809 LEGACY DR	○
SAMS REAL ESTATE BUSINESS TR	986125	5610 S CLACK ST	
SAMS REAL ESTATE BUSINESS TR	986125	A B S CLACK ST	
SAMS REAL ESTATE BUSINESS TR	986125	5550 S CLACK ST	
SELBY VIRGINIA	25371	38 WINDMILL CR	
SELBY VIRGINIA	25372	40 WINDMILL CR	
SELBY VIRGINIA	25375	42 WINDMILL CR	
SHERROD PAUL BLAKE JR &	24891	24 WINDMILL CR	
SIZEMORE DUSTIN & APRIL	982645	2302 IANS CT	
SMITH KEVIN A & CONNIE F	24248	21 WINDMILL CR	
SMITH KEVIN A & CONNIE F	983065	23 WINDMILL CR	
SMITH NADENE	1010932	5841 LEGACY DR	
TSCHAAR MIKE HEATING &	24379	25 WINDMILL CR	○
VILLAGES OF ABILENE MEADOWS LP	107322	5550 MEMORIAL DR	
VILLAGES OF ABILENE MEADOWS LP	107353	5502 MEMORIAL DR	
WEBB CYNTHIA L	1010931	5833 LEGACY DR	○
WINDMILL CIRCLE APARTMENTS LLC	25015	5601 MEMORIAL DR	
WINDMILL CIRCLE APARTMENTS LLC	25016	28 WINDMILL CR	
WINDMILL CIRCLE APARTMENTS LLC	25137	32 WINDMILL CR	
WINDMILL CIRCLE APARTMENTS LLC	25253	34 WINDMILL CR	
WINDMILL CIRCLE APARTMENTS LLC	25254	36 WINDMILL CR	
WOLVERTON MICHAEL KENT & CHERYL L	1010923	5725 LEGACY DR	
Y2Z LLC	54513	14 HOSPITAL DR	
Y2Z LLC	54776	16 HOSPITAL DR	
Y2Z LLC	54910	17 HOSPITAL DR	
ZACHRY H C STUDIO/GALLERY INC	54122	11 HOSPITAL DR	
ZACHRY H C STUDIO/GALLERY INC	54122	12 HOSPITAL DR	
ZACHRY H C STUDIO/GALLERY INC	54122	6001 MEMORIAL DR	
ZEIGLER JAY ROBERT &	1010954	5950 LEGACY DR	

Prop ID			
Owner	Property ID	Situs	Response
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M2B ABILENE LLC	24890	18 WINDMILL CR	
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WINDMILL CIRCLE APARTMENTS LLC	25253	34 WINDMILL CR	
WINDMILL CIRCLE APARTMENTS LLC	25254	36 WINDMILL CR	
SELBY VIRGINIA	25371	38 WINDMILL CR	
SELBY VIRGINIA	25372	40 WINDMILL CR	
SELBY VIRGINIA	25375	42 WINDMILL CR	
ZACHRY H C STUDIO/GALLERY INC	54122	11 HOSPITAL DR	
ZACHRY H C STUDIO/GALLERY INC	54122	12 HOSPITAL DR	
ZACHRY H C STUDIO/GALLERY INC	54122	6001 MEMORIAL DR	
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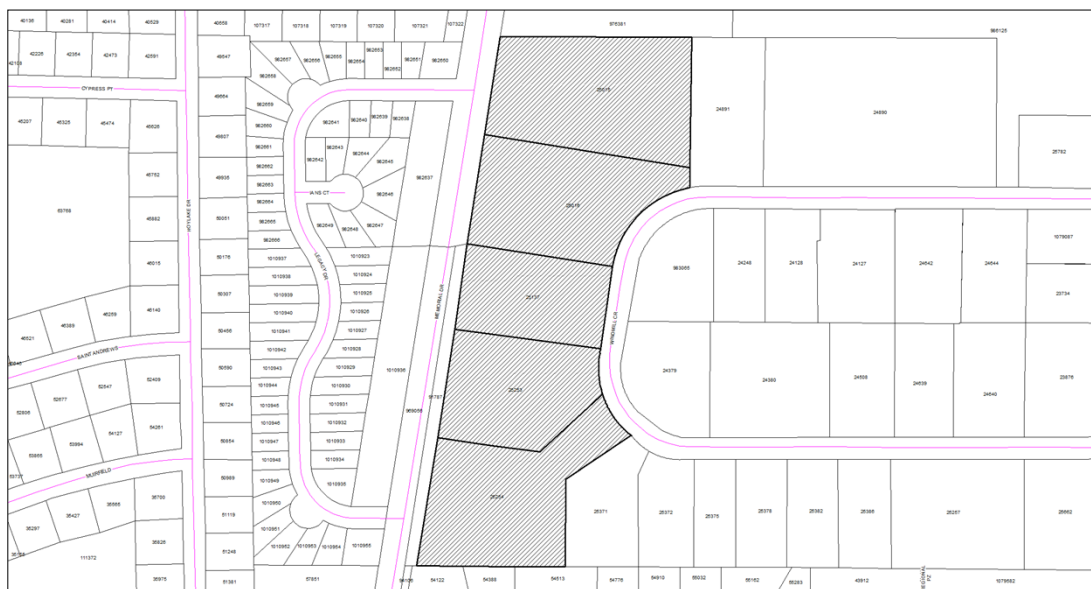
Attachments
Proposed Site Plan with Conditions Exhibit



ZONING MAP



LOCATION MAP



CUP NOTES

Section 1.4.3.5 - Criteria for Approval

(a) *Factors.* When considering an application for a Conditional Use Permit, the Planning and Zoning Commission shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

- (1)** The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
- (2)** The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (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;
- (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;
- (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;

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

(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.

(b) Conditions. The Planning and Zoning Commission or City Council may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as these bodies deem necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include:

(1) Limitation of building size or height,

(2) Increased open space,

(3) Limitations on impervious surfaces,

(4) Enhanced loading and parking requirements,

(5) Additional landscaping,

(6) Curbing,

(7) Sidewalk,

(8) Vehicular access and parking improvements,

(9) Placement or orientation of buildings and entryways,

(10) Buffer yards,

(11) Landscaping and screening,

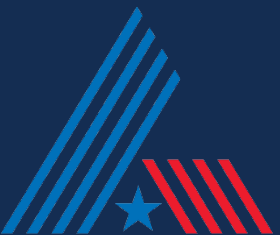
(12) Signage restrictions and design,

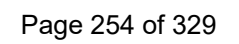
(13) Maintenance of buildings and outdoor areas,

(14) Duration of the permit and hours of operation.

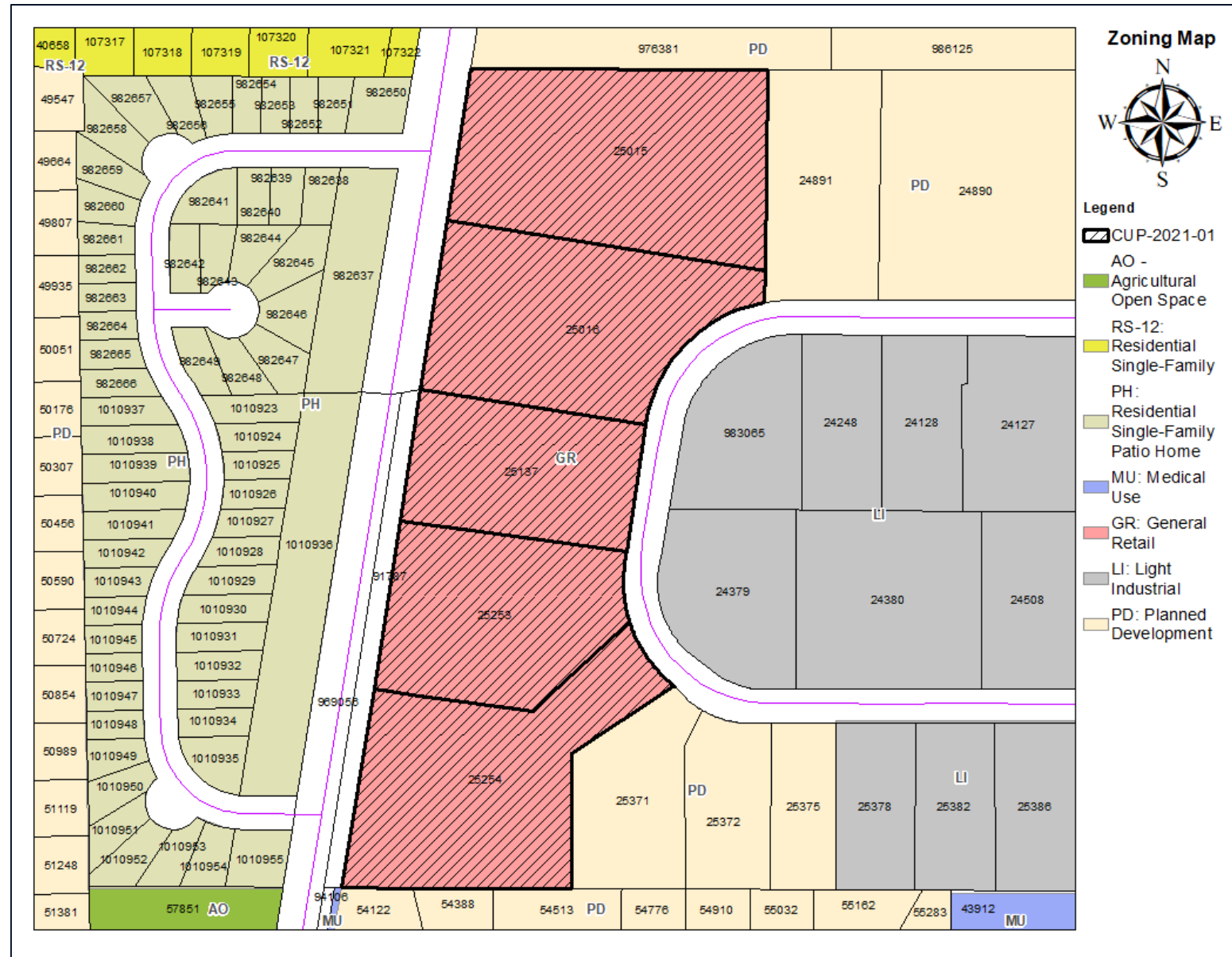
REZONE

Case:	CUP-2022-04
Owner:	Windmill Circle Apartments LLC
Agent:	Enprotec Hibbs and Todd, LLC
Request:	Add Conditional Use Permit to General Retail District (GR)
Location:	5601 Memorial Drive
Notification:	1 in Favor, 6 Opposed within buffer
Planning & Zoning:	June 7, 2022
City Council Hearings:	June 23, 2022 July 14, 2022





CUP-2022-04 ZONING MAP



CUP-2022-04 PHOTOS

North view of Subject Properties



South view along Memorial
DR. at North Legacy Village Dr.
Entrance



Legacy Village Dr.
North Entrance



South view along Memorial
DR. at South Legacy Village Dr
Entrance



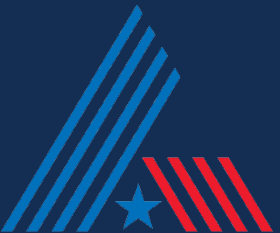
North neighboring property



East neighboring property



East neighboring property



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

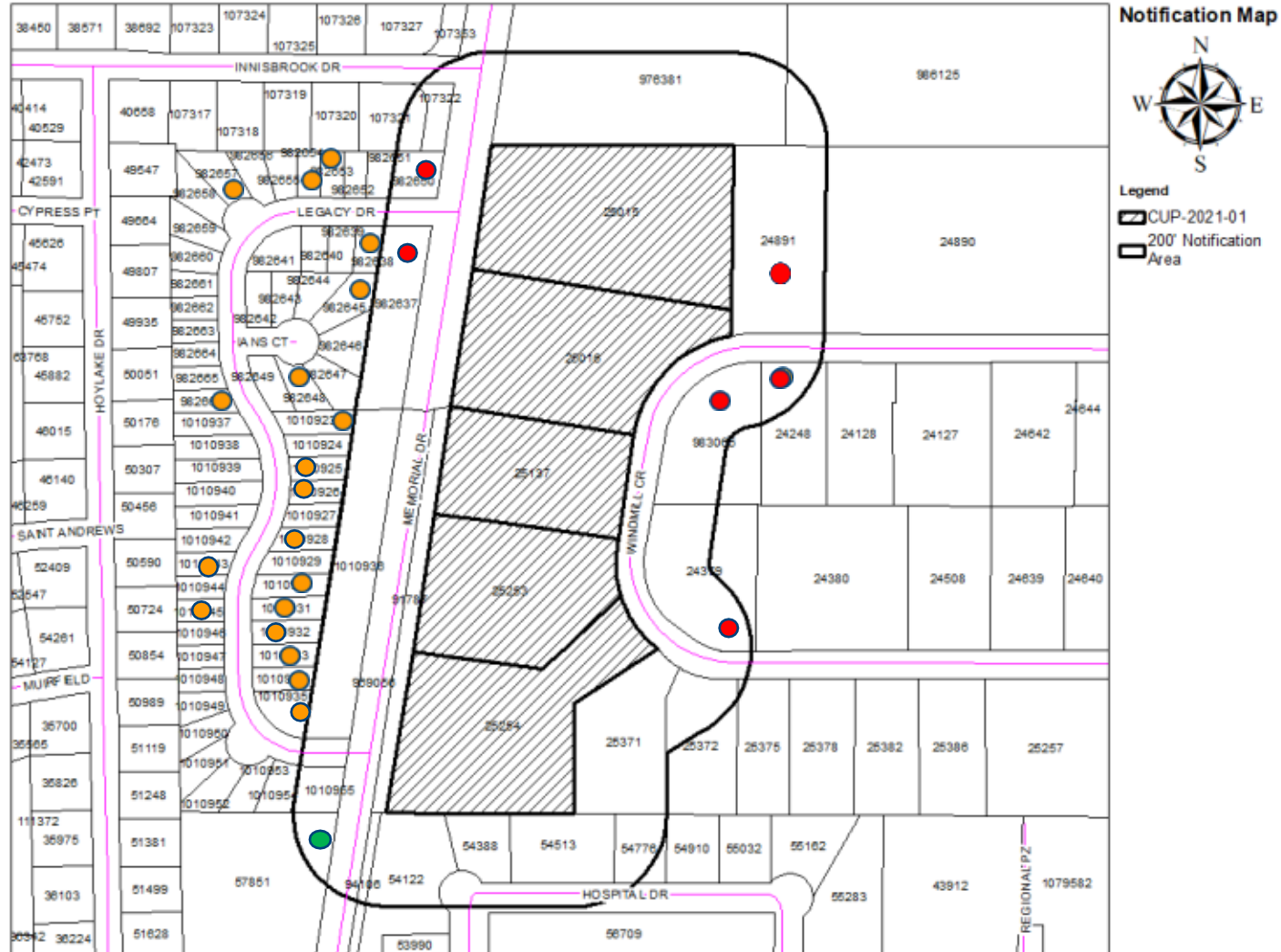
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Permitted as a Conditional Use Permit, Requiring Approval by City Council
Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

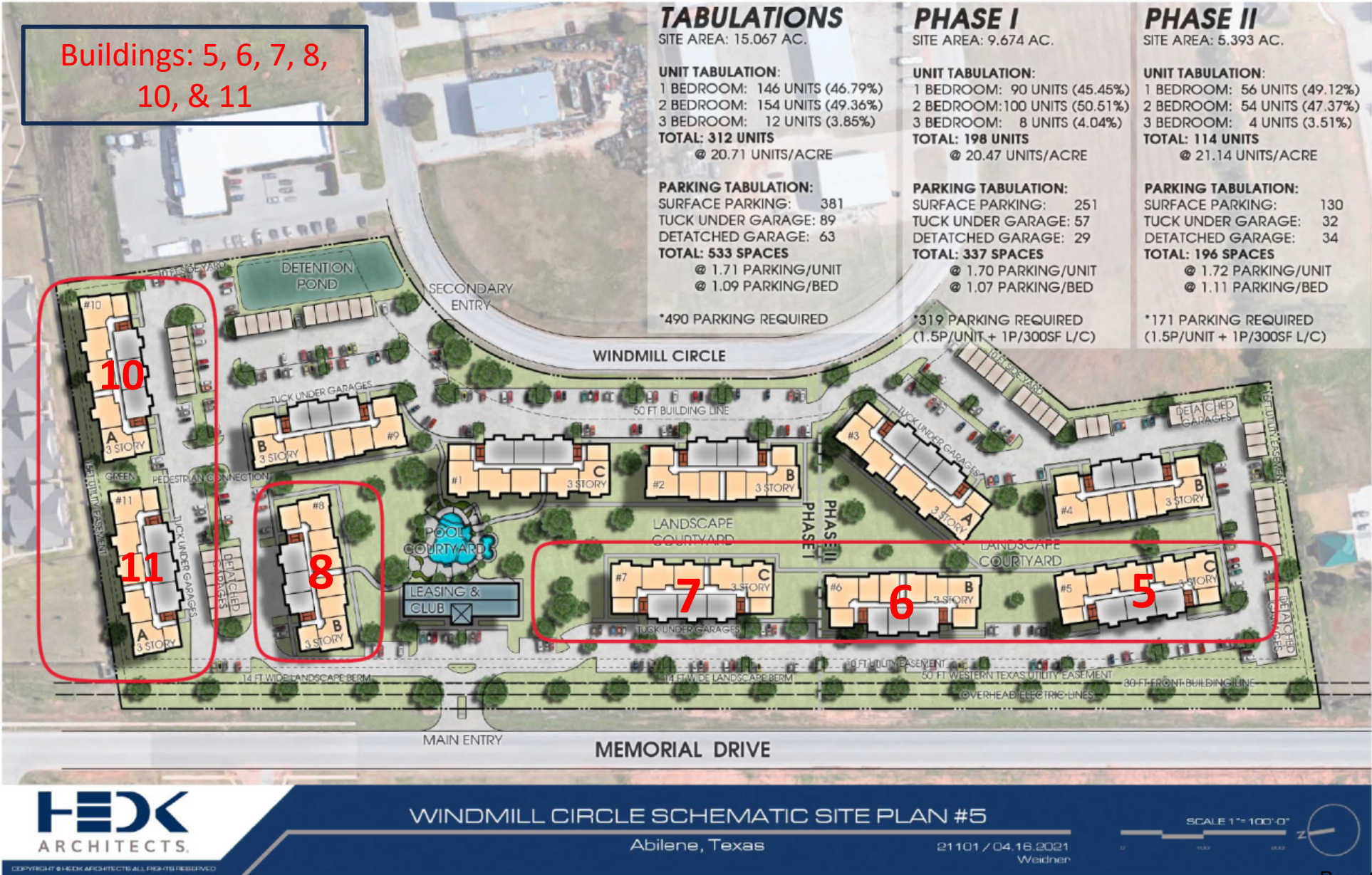
CUP-2022-04 CONCEPT PLAN



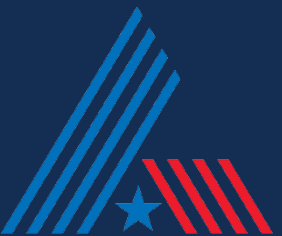
CUP-2022-04 NOTIFICATION MAP



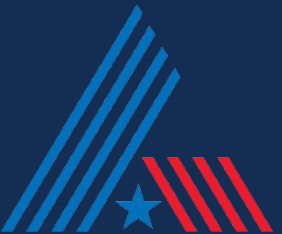
CUP-2022-04 CONCEPT PLAN (RECOMMENDATION)



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.3.5 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Same as P & Z
- P & Z Recommendation: Approval with conditions:
 - The proposed Multiple- Family dwellings that are adjacent to Memorial Drive and the dwellings that are adjacent to the north property line shall have a height restriction of two (2) stories, and a type “A” land use buffer shall be required along the north property line. In addition, a seven (7’) foot masonry wall shall be required along memorial drive.



Questions





Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Apt complex on memorial drive

1 message

'Samm' via Planning Services <planning@abilenetx.gov>

Mon, Apr 25, 2022 at 7:16 PM

Reply-To: Samm <sammclark515@yahoo.com>

To: planning@abilenetx.gov

To whom it may concern,

I heard about the apartment complex on my neighborhood app from others in our neighborhood near the potential development. Based on the comments I know there are going to be people there to strongly oppose it.

I just want to take a minute to tell you I am for it. These "not in my neighborhood" movements stifle progress and growth. Our city is growing and there needs to be more apartment options. The spot is ideal since the land is vacant, it's close to Sam's, the highway, medical services and restaurants.

It saddens me that some people will look down on a brand new apartment complex and judge this as not good enough for their neighborhood. People should have options in different school districts. Even people who aren't in a position to buy a house. Especially in the current housing market.

I hope you move forward with the progress and growth that will come with this development.

Warmest Regards,
Samantha clark

Sent from my iPhone

--

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To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/087597A2-CCDB-41B7-BAB3-59976993C3E2%40yahoo.com>.



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

CIC INVESTMENTS INC
1514 S TREADAWAY BLVD
ABILENE, TX 79602-4927

NOTICE OF PUBLIC HEARING

RE: Conditional Use Permit /Application Number CUP-2022-04

04/20/2022

The Planning and Zoning Commission will hold a public hearing on **May 3, 2022 at 1:30 PM**, in an auditorium at the South Branch of the Abilene Public Library located in Suite 1246 at the Mall of Abilene, 4310 Buffalo Gap Road in Abilene, Texas, to recommend approval or denial to City Council on a request from Windmill Circle Apartments LLC (Represented by Enprotec/Hibbs & Todd, Engineering Consultants) for Approval of a Conditional Use Permit Allowing Multi-Family Residential Buildings on Approximately 15 Acres of Now-Vacant Land in a General Retail (GR) District at 28 thru 36 Windmill Circle and at 5601 Memorial Drive in South Abilene. Legal Description Being Lots 304, 305, 107, 108 and 109 in Block B of Windmill Acres, Abilene, Taylor County, Texas.

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

The attached map shows the area of this request. Only the area highlighted by striped lines shown on that map is being considered for a change of zoning. The solid boundary line surrounding this subject area is only a notification area. If approved by the Planning and Zoning Commission, or if denied and promptly appealed to Abilene's City Council, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **June 9, 2022 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

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

CASE #: CUP-2022-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: CIC INVESTMENTS INC

Parcel I.D.: 57851

Address: 2342 ANTILLEY RD

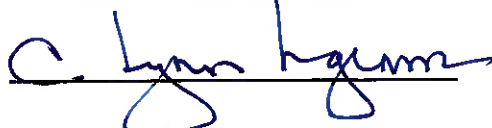
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: 

MAY 4 AM 11:02

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

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



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Legacy Village - Rezoning Request across Memorial Rd

1 message

Ed Patton <ed@edpattonoil.com>

Fri, Apr 29, 2022 at 2:19 PM

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>

Cc: "planning@abilenetx.gov" <planning@abilenetx.gov>

Mayor Anthony Williams

City of Abilene

Dear Mayor Williams:

RE: Zoning at 5601 Memorial Dr,

[28 Windmill Cir](#), 32 Windmill Cir,[34 Windmill Cir](#), & 36 Windmill Cir

I live at [5718 Legacy Drive](#) (access is via Memorial Drive). I am writing today to ask that on May 3 you vote to deny the zoning request that would allow apartments to be built on the properties listed above. With the proximity of Sam's, the off ramp of the Highway by Sam's, and Antilley Road (including the new traffic light at the intersection of 83/84 and Antilley Road) there can be a lot of congestion in the area including Memorial Drive. I also suspect that a traffic light will soon need to be added to the intersection of Memorial Drive and Antilley Road.

I will be unable to attend and speak the May 3 Council meeting. Thus, I have instead sent this email. Thank you for your consideration in reading my concern. And thank you for your work on the City Council to make Abilene a better place.

Very truly yours,

Ed Patton

[5718 Legacy Drive](#)[Abilene, TX 79606](#)ed@edpattonoil.com

Cell: 325/669-8515

--

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To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/SN6PR02MB407797D6FA5AED440F5F55FDCFFC9%40SN6PR02MB4077.namprd02.prod.outlook.com>.



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Fwd: Rezoning Case # CUP - 2022-04

1 message

'Carol' via Planning Services <planning@abilenetx.gov>

Tue, Apr 26, 2022 at 10:18 AM

Reply-To: Carol <cbringhurst1971@yahoo.com>

To: travis.carver@abilenetx.gov

Cc: planning@abilenetx.gov

Sent from my iPhone

Begin forwarded message:

From: Carol <cbringhurst1971@yahoo.com>**Date:** April 26, 2022 at 10:13:32 AM CDT**To:** anthony.williams@abilenetx.gov**Cc:** shane.price@abilenetx.gov**Subject: Rezoning Case # CUP - 2022-04**

Dear Mayor, Councilmen, and Councilwomen,

Thank you for your leadership on housing affordability and many other issues of great importance to our community. I'm writing you today to express my concern and strong opposition to the zoning change for the following locations:

5601 Memorial
28 Windmill Cir
32 Windmill Cir
34 Windmill Cir
36 Windmill Cir

Housing affordability, supply, and security are among the nation's top concerns. However, these should not come at the expense of those residing around Memorial Dr. We bought in this area because of safety and security. Fortunately, the commercial buildings in this area create a "sleepy" feeling after a particular time of day because the streets only house those who live in the area. Yet, with this proposed change, our life will be altered drastically.

Concerns with multifamily development include school overcrowding, a surge in crime, increased traffic, and overall degradation of neighborhood appearance. There is also the uniformity of the surrounding areas to consider. Apartment complexes are usually multiple stories, which does not fit the other buildings in the area.

I ask that you deny this request.

Carol Bringhurst
5749 Legacy Dr
Abilene, TX 79606

--

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To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/026360C7-036B-471F-B3CA-8596562E6BCB%40yahoo.com>.

April 25, 2022

Dear Mayor, Councilmen and Councilwomen:

We are writing to express our concern and strong opposition to the zoning changes for the following locations:

5601 Memorial
28 Windmill Cir
32 Windmill Cir
34 Windmill Cir
36 Windmill Cir

Housing affordability, supply and security are among the nation's top concerns. However, these should not come at the expense of those residing around Memorial Drive. We bought and built in this area because of safety and security. Fortunately, the commercial buildings in this area create a "sleepy" feeling after a particular time of day because the streets only house those who live in the area. Yet, with this proposed change, our life will be altered drastically.

Concerns with multi-family development include school overcrowding, a surge in crime, increased traffic and overall degradation of our neighborhood appearance. There is also the uniformity of the surrounding areas to consider. Apartment complexes are usually multiple stories, which does not fit the other buildings in the area. Property values are likely to go down in this area if multi-family apartments are built.

We urge you to disapprove and deny the proposed rezoning. After recent meetings and discussions with my neighbors, I know our opinions are shared by many who live in this area of Abilene.

Thank you for your leadership and continued service and support of our communities.

Best regards,



William and Patricia Robbins
5809 Legacy Drive
Abilene, TX 79606



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] CUP-2022-04

1 message

'terrye johnson' via Planning Services <planning@abilenetx.gov>

Tue, Apr 26, 2022 at 12:00 PM

Reply-To: terrye johnson <tljohnson3@yahoo.com>

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, Planning Services <planning@abilenetx.gov>

Dear Mayor, City Council Members and Planning Staff,

I am writing to express my strong opposition to allowing a large multi-family residential building to be built at 5601 Memorial Drive.

Please do not allow a structure of this size to be built in this area. A multi-family residential structure is not consistent with the surrounding houses. It is not a fit for this neighborhood.

I am concerned about the effects of the greatly increased amount of traffic on Memorial Drive (and other neighborhood streets), and the safety of this area. In addition, my home is also an investment. Allowing this structure to be built will most likely decrease the value of my property at 5818 Legacy Drive.

Many of my neighbors are retired and decided to live on Legacy Drive due to it's serene, quiet and beautiful qualities. Please do not take this away!

I vigorously urge you to deny this request for a Conditional Use Permit. Please allow this neighborhood to retain the tranquility and safety it enjoys now.

Thank you for your service and support of the Abilene Community.

Sincerely,

Terrye Johnson
[5818 Legacy Drive](#)
 325-428-9519

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Zoning change on Memorial

2 messages

coweb1 via Planning Services <planning@abilenetx.gov>

Mon, Apr 25, 2022 at 3:49 PM

Reply-To: coweb1@verizon.net

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, "planning@abilenetx.gov" <planning@abilenetx.gov>

Dear Mayor, Councilmen and Councilwomen,

Thank you for your leadership on housing affordability and many other issues of great importance to our community. I'm writing you today to express my concern and strong opposition to the zoning change for the following locations:

5601 Memorial
28 Windmill Cir
32 Windmill Cir
34 Windmill Cir
36 Windmill Cir

Housing affordability, supply, and security are among the nation's top concerns. However, these should not come at the expense of those residing around Memorial Dr. We bought in this area because of safety and security. Fortunately, the commercial buildings in this area create a "sleepy" feeling after a particular time of day because the streets only house those who live in the area. Yet, with this proposed change, our life will be altered drastically.

Concerns with multifamily development include school overcrowding, a surge in crime, increased traffic, and overall degradation of neighborhood appearance. There is also the uniformity of the surrounding areas to consider. Apartment complexes are usually multiple stories, which does not fit the other buildings in the area.

I ask that you deny this request.

Thank you for your time,

Cynthia Webb
5833 Legacy Dr.

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Farr, Melissa <melissa.farr@abilenetx.gov>

Mon, Apr 25, 2022 at 3:55 PM

To: coweb1@verizon.net, Planning Services <planning@abilenetx.gov>

Thank you for your response. The letter has been received and noted for **CUP-2022-04**.



Melissa E. Farr, Executive Assistant

555 Walnut Street, Suite 110
Abilene, Texas 79601-5254

Post Office Box 60
Abilene, Texas 79604-0060

(325) 676-6237 (Office)

<https://www.abilenetx.gov/424/Planning-Development-Services>

[Quoted text hidden]



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Windmill Apartment rezoning request

1 message

'Carl Castleberry' via Planning Services <planning@abilenetx.gov>

Mon, Apr 25, 2022 at 4:29 PM

Reply-To: Carl Castleberry <castlebubba@yahoo.com>

To: "planning@abilenetx.gov" <planning@abilenetx.gov>

I understand that there is a rezoning request for a 15 acre apartment complex on Memorial Dr directly across from my subdivision. As a homeowner in Legacy Village, I strongly oppose this rezoning request.

I grew up in Abilene and moved around the US during my career. After recently retiring from Phillips 66 in Oklahoma, we decided to move back home to Abilene. We took great care in finding a place to live. Our neighborhood butts up next to Fairway Oaks and is filled with many other retirees and also some working families. It is quiet, with most of those working doing so during the day, so people aren't coming and going and making noise all night. I knew that land across Memorial was commercial property, so it would be developed some day, but I was thinking offices or maybe even a restaurant or retail. If I knew apartments were going in across the street, we certainly would not have chosen to live here and to pay what we did based on the prime location.

The severity of my first major concern depends on what kind of apartments these are, and what is the density, etc.. Regardless, I can see the desirability of my neighborhood dropping like a rock. Even worse, the prospect of neighbors leaving en masse and property values dropping like a rock too.

Traffic is my other major concern. The increase in traffic from dense apartment housing sounds like a nightmare. Not only that, the nature of apartment living will change the traffic patterns as people will be coming and going all night.

My last concern is crime could increase. I know people have to have a place to live and most apartment dwellers are law abiding citizens, but I do worry about increased crime.

Please DO NOT approve this rezoning request. Thanks for all you do for our fine city. I plan to be at the meeting on May 4th.

Carl Castleberry
5834 Legacy Dr
806-310-7135

Sent from Yahoo Mail on Android

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Zoning change opposition

1 message

Nadene Smith <jnsmith@suddenlink.net>

Sat, Apr 30, 2022 at 8:50 AM

To: anthony.williams@abilenetx.gov, shane.price@abilenetx.gov, lynn.beard@abilenetx.gov, donna.albus@abilenetx.gov, weldon.hurt@abilenetx.gov, kyle.mcalister@abilenetx.gov, travis.craver@abilenetx.gov, planning@abilenetx.gov

Dear Mayor, Council members, and City staff:

I'm grateful to live in Abilene, TX. Thank you for your leadership in making our city one of the top in the nation.

Please accept my email, addressing the upcoming zoning change for the following locations:

5601 Memorial

28 Windmill Cir

32 Windmill Cir

34 Windmill Cir

36 Windmill Cir

It's my understanding these areas want to be rezoned for apartments that would be 3 stories high. There are three specific concerns at this early date that come to mind:

1. Increased traffic: Currently it is difficult to go in/out of Memorial Drive on Antilley safely and in a timely fashion. Traffic overcrowding is a huge safety issue!
2. The Legacy Drive neighborhood, directly across the street from the proposed apartment complex, is a \$300,000 and up area. A 3-story apartment complex would decrease the value of this housing development significantly.
3. With apartment/rental living comes an un-invested, transient population. I specifically bought in this area for safety and security and feel that would be jeopardized.

I humbly ask that you consider denying this zoning request.

I'm prioritizing my work schedule to be present at the public hearing.

Sincerely,

Nadene Smith

325.864.1261

--

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

CASE #: CUP-2022-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: SMITH KEVIN A & CONNIE F
Parcel I.D.: 24248
Address: 21 WINDMILL CR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:



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

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For the PLANNING & ZONING COMMISSION

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

CASE #: CUP-2022-04

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Name: SMITH KEVIN A & CONNIE F

Parcel I.D.: 983065

Address: 23 WINDMILL CR

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: 

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

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For the PLANNING & ZONING COMMISSION
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CASE #: CUP-2022-04

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Name: WOLVERTON MICHAEL KENT & CHERYL L
Parcel I.D.: 1010923
Address: 5725 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:



MAY 2 AM 11:09

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

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PLANNING & DEVELOPMENT SERVICES

BEIRO HENRY & REBECCA
5825 LEGACY DR
ABILENE, TX 79606-4393

NOTICE OF PUBLIC HEARING

RE: Conditional Use Permit Application Number CUP-2022-04

04/20/2022

The Planning and Zoning Commission will hold a public hearing on **May 3, 2022 at 1:30 PM**, in an auditorium at the South Branch of the Abilene Public Library located in Suite 1246 at the Mall of Abilene, 4310 Buffalo Gap Road in Abilene, Texas, to recommend approval or denial to City Council on a request from Windmill Circle Apartments LLC (Represented by Enprotec/Hibbs & Todd, Engineering Consultants) for Approval of a Conditional Use Permit Allowing Multi-Family Residential Buildings on Approximately 15 Acres of Now-Vacant Land in a General Retail (GR) District at 28 thru 36 Windmill Circle and at 5601 Memorial Drive in South Abilene. Legal Description Being Lots 304, 305, 107, 108 and 109 in Block B of Windmill Acres, Abilene, Taylor County, Texas.

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

The attached map shows the area of this request. Only the area highlighted by striped lines shown on that map is being considered for a change of zoning. The solid boundary line surrounding this subject area is only a notification area. If approved by the Planning and Zoning Commission, or if denied and promptly appealed to Abilene's City Council, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **June 9, 2022 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

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

CASE #: CUP-2022-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: BEIRO HENRY & REBECCA

Parcel I.D.: 1010930

Address: 5825 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:

Henry A. Beiro

see attached email

MAY 2 AM 11:09

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

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

CASE #: CUP-2022-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: PARISH TARRANCE & KIMBERLY D
Parcel I.D.: 1010933
Address: 5849 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: _____

APR 29 AM 11:53

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

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

For the PLANNING & ZONING COMMISSION

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

CASE #: CUP-2022-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: ANDERSON JEFFREY & ANGIE

Parcel I.D.: 1010934

Address: 5901 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: Angie Anderson

APR 29 AM 11:46

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

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



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Request to Deny Conditional use Permit Application # 2022-041 message

Abby Speed <abbys@stovallrealtors.com>

Sun, May 1, 2022 at 6:52 PM

Cc: Jay Eagle Zeigler <jay.zeigler.1@us.af.mil>, jay.r.zeigler@gmail.com, "Speed, Abby J." <abby.speed@gmail.com>, Ed Farnsworth <e.farnsworth68@gmail.com>, Henry Beiro <hhbeiro@gmail.com>, Mark Spurlock <bikeabilene@yahoo.com>, Stacey Yandell <yandellhome@att.net>
Bcc: planning@abilenetx.gov

Dear Councilmember,

I'm writing to you today to express my concern and strong opposition to the zoning change for the locations on Memorial Dr and Windmill Cir.

Since 2006 I've been a real estate agent and I know firsthand that allowing the build of apartment complexes will negatively impact housing sales and prices in Legacy Village and surrounding areas. For example, I currently have a listing in Wylie Legacies (across from Wylie High School). Unfortunately, this house backs up to the newly built apartments. As a result, I received a lot of negative feedback from potential buyers that they would not buy the house because of those apartments alone (this feedback is in writing, and I can provide it upon request).

Can you imagine in a time when we have an unprecedented housing shortage that these desperate buyers would decline a home because of this reason alone? Fortunately, the housing shortage will ease up; however, unfortunately, it will only make it harder to sell our houses if you approve the conditional use permit.

I ask that you deny this request.

Housing affordability, supply, and security are among the nation's top concerns. However, these should not come at the expense of those residing around Memorial Dr. We bought in this area because of safety and security. Fortunately, the commercial buildings in this area create a "sleepy" feeling after a particular time of day because the streets only house those who live in the area. Yet, with this proposed change, our life will be altered drastically.

Again, I ask that you deny this request.

Concerns with multifamily development include school overcrowding, a surge in crime, increased traffic, and overall degradation of neighborhood appearance. There is also the uniformity of the surrounding areas to consider. Apartment complexes are usually multiple stories, which does not fit the other buildings in the area.

Lastly, I ask that you deny this request.

V/r,

Abby Speed

--

Texas law requires all agents to provide Information about Brokerage Services (IABS) - [Please Click Here](#)

Thank you,

Abby

Abby Speed, REALTOR®, GRI

Cell: 325-261-0778
www.soldwithspeed.com

Berkshire Hathaway Home Services - Stovall, REALTORS®

3382 S 27th St.
Abilene, TX 79605
www.stovallrealtors.com

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Re: 15-acre "affordable housing" apartment complex on Memorial Drive at Windmill Acres

1 message

'Joe Alexander' via Planning Services <planning@abilenetx.gov>

Tue, Apr 26, 2022 at 4:51 PM

Reply-To: Joe Alexander <joealexander@icloud.com>

To: planning@abilenetx.gov

Cc: anthony.williams@abilenetx.gov, shane.price@abilenetx.gov, lynn.beard@abilenetx.gov, donna.albus@abilenetx.gov, weldon.hurt@abilenetx.gov, kyle.mcalister@abilenetx.gov, travis.craver@abilenetx.gov

Ladies & Gentlemen:

I wish I could attend this hearing in person, but my time does not permit attending during my patient hours.

I am a homeowner is Waterside at Wyndham. I am concerned about the potential development of the 15 acres on Windmill Circle for Affordable housing (or for that matter, any housing project.). The current zoning of this location does not permit any residential development for a good reason. It is commercial property and should stay that way. Current ingress and egress to Windmill Circle is via Clack St. The western side of the proposed development fronts Memorial Drive. If access to Memorial Drive is included in the project (which only makes sense), this will put the majority of the traffic taking a winding route through residential street that were not engineered for the amount of current traffic, much less any additional traffic. Currently, this route is used in excess of original planning due to the construction of Sam's Club. Lynbrook Drive is the only street that allows connection to Buffalo Gap Road and points north. Foot traffic and bicycle traffic is already at danger with current traffic. The streets are too narrow to allow street parking (which is often present during the day) and for 2 cars to be able to pass.

I urge the Council to consider current residents safety before making any decisions on the development. At the very least, if approval is considered, divert all access onto Clack Street and not Memorial Drive. The land on Windmill Circle should, in my opinion, remain industrial/commercial and not be changed to any type of residential development.

Thank you for your consideration.

Joe Alexander, MD
 5258 Wyndham Ct.
 Abilene, TX 79606
joealexander@icloud.com
 325-668-7474

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Fwd: Rezoning Case # CUP - 2022-04

1 message

'Carol' via Planning Services <planning@abilenetx.gov>

Tue, Apr 26, 2022 at 10:18 AM

Reply-To: Carol <cbringhurst1971@yahoo.com>

To: travis.carver@abilenetx.gov

Cc: planning@abilenetx.gov

Sent from my iPhone

Begin forwarded message:

From: Carol <cbringhurst1971@yahoo.com>**Date:** April 26, 2022 at 10:13:32 AM CDT**To:** anthony.williams@abilenetx.gov**Cc:** shane.price@abilenetx.gov**Subject:** Rezoning Case # CUP - 2022-04

Dear Mayor, Councilmen, and Councilwomen,

Thank you for your leadership on housing affordability and many other issues of great importance to our community. I'm writing you today to express my concern and strong opposition to the zoning change for the following locations:

5601 Memorial
28 Windmill Cir
32 Windmill Cir
34 Windmill Cir
36 Windmill Cir

Housing affordability, supply, and security are among the nation's top concerns. However, these should not come at the expense of those residing around Memorial Dr. We bought in this area because of safety and security. Fortunately, the commercial buildings in this area create a "sleepy" feeling after a particular time of day because the streets only house those who live in the area. Yet, with this proposed change, our life will be altered drastically.

Concerns with multifamily development include school overcrowding, a surge in crime, increased traffic, and overall degradation of neighborhood appearance. There is also the uniformity of the surrounding areas to consider. Apartment complexes are usually multiple stories, which does not fit the other buildings in the area.

I ask that you deny this request.

Carol Bringhurst
5749 Legacy Dr
Abilene, TX 79606

--

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April 25, 2022

Dear Mayor, Councilmen and Councilwomen:

We are writing to express our concern and strong opposition to the zoning changes for the following locations:

5601 Memorial
28 Windmill Cir
32 Windmill Cir
34 Windmill Cir
36 Windmill Cir

Housing affordability, supply and security are among the nation's top concerns. However, these should not come at the expense of those residing around Memorial Drive. We bought and built in this area because of safety and security. Fortunately, the commercial buildings in this area create a "sleepy" feeling after a particular time of day because the streets only house those who live in the area. Yet, with this proposed change, our life will be altered drastically.

Concerns with multi-family development include school overcrowding, a surge in crime, increased traffic and overall degradation of our neighborhood appearance. There is also the uniformity of the surrounding areas to consider. Apartment complexes are usually multiple stories, which does not fit the other buildings in the area. Property values are likely to go down in this area if multi-family apartments are built.

We urge you to disapprove and deny the proposed rezoning. After recent meetings and discussions with my neighbors, I know our opinions are shared by many who live in this area of Abilene.

Thank you for your leadership and continued service and support of our communities.

Best regards,



William and Patricia Robbins
5809 Legacy Drive
Abilene, TX 79606



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] CUP-2022-04

1 message

'terrye johnson' via Planning Services <planning@abilenetx.gov>

Tue, Apr 26, 2022 at 12:00 PM

Reply-To: terrye johnson <tljohnson3@yahoo.com>

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, Planning Services <planning@abilenetx.gov>

Dear Mayor, City Council Members and Planning Staff,

I am writing to express my strong opposition to allowing a large multi-family residential building to be built at 5601 Memorial Drive.

Please do not allow a structure of this size to be built in this area. A multi-family residential structure is not consistent with the surrounding houses. It is not a fit for this neighborhood.

I am concerned about the effects of the greatly increased amount of traffic on Memorial Drive (and other neighborhood streets), and the safety of this area. In addition, my home is also an investment. Allowing this structure to be built will most likely decrease the value of my property at 5818 Legacy Drive.

Many of my neighbors are retired and decided to live on Legacy Drive due to it's serene, quiet and beautiful qualities. Please do not take this away!

I vigorously urge you to deny this request for a Conditional Use Permit. Please allow this neighborhood to retain the tranquility and safety it enjoys now.

Thank you for your service and support of the Abilene Community.

Sincerely,

Terrye Johnson
[5818 Legacy Drive](#)
 325-428-9519

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Zoning change on Memorial

2 messages

coweb1 via Planning Services <planning@abilenetx.gov>

Mon, Apr 25, 2022 at 3:49 PM

Reply-To: coweb1@verizon.net

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, "planning@abilenetx.gov" <planning@abilenetx.gov>

Dear Mayor, Councilmen and Councilwomen,

Thank you for your leadership on housing affordability and many other issues of great importance to our community. I'm writing you today to express my concern and strong opposition to the zoning change for the following locations:

5601 Memorial
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32 Windmill Cir
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Housing affordability, supply, and security are among the nation's top concerns. However, these should not come at the expense of those residing around Memorial Dr. We bought in this area because of safety and security. Fortunately, the commercial buildings in this area create a "sleepy" feeling after a particular time of day because the streets only house those who live in the area. Yet, with this proposed change, our life will be altered drastically.

Concerns with multifamily development include school overcrowding, a surge in crime, increased traffic, and overall degradation of neighborhood appearance. There is also the uniformity of the surrounding areas to consider. Apartment complexes are usually multiple stories, which does not fit the other buildings in the area.

I ask that you deny this request.

Thank you for your time,

Cynthia Webb
5833 Legacy Dr.

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Farr, Melissa <melissa.farr@abilenetx.gov>

Mon, Apr 25, 2022 at 3:55 PM

To: coweb1@verizon.net, Planning Services <planning@abilenetx.gov>

Thank you for your response. The letter has been received and noted for **CUP-2022-04**.



Melissa E. Farr, Executive Assistant

555 Walnut Street, Suite 110
Abilene, Texas 79601-5254

Post Office Box 60
Abilene, Texas 79604-0060

(325) 676-6237 (Office)

<https://www.abilenetx.gov/424/Planning-Development-Services>

[Quoted text hidden]



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Windmill Apartment rezoning request

1 message

'Carl Castleberry' via Planning Services <planning@abilenetx.gov>

Mon, Apr 25, 2022 at 4:29 PM

Reply-To: Carl Castleberry <castlebubba@yahoo.com>

To: "planning@abilenetx.gov" <planning@abilenetx.gov>

I understand that there is a rezoning request for a 15 acre apartment complex on Memorial Dr directly across from my subdivision. As a homeowner in Legacy Village, I strongly oppose this rezoning request.

I grew up in Abilene and moved around the US during my career. After recently retiring from Phillips 66 in Oklahoma, we decided to move back home to Abilene. We took great care in finding a place to live. Our neighborhood butts up next to Fairway Oaks and is filled with many other retirees and also some working families. It is quiet, with most of those working doing so during the day, so people aren't coming and going and making noise all night. I knew that land across Memorial was commercial property, so it would be developed some day, but I was thinking offices or maybe even a restaurant or retail. If I knew apartments were going in across the street, we certainly would not have chosen to live here and to pay what we did based on the prime location.

The severity of my first major concern depends on what kind of apartments these are, and what is the density, etc.. Regardless, I can see the desirability of my neighborhood dropping like a rock. Even worse, the prospect of neighbors leaving en masse and property values dropping like a rock too.

Traffic is my other major concern. The increase in traffic from dense apartment housing sounds like a nightmare. Not only that, the nature of apartment living will change the traffic patterns as people will be coming and going all night.

My last concern is crime could increase. I know people have to have a place to live and most apartment dwellers are law abiding citizens, but I do worry about increased crime.

Please DO NOT approve this rezoning request. Thanks for all you do for our fine city. I plan to be at the meeting on May 4th.

Carl Castleberry
5834 Legacy Dr
806-310-7135

Sent from Yahoo Mail on Android

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CASE #: CUP-2022-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: PARISH TARRANCE & KIMBERLY D
Parcel I.D.: 1010933
Address: 5849 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: _____

APR 29 AM 11:53

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

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For the PLANNING & ZONING COMMISSION

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

CASE #: CUP-2022-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: ANDERSON JEFFREY & ANGIE

Parcel I.D.: 1010934

Address: 5901 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: Angie Anderson

APR 28 AM 11:46

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

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CASE #: CUP-2022-04

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Name: BRINGHURST CAROL
Parcel I.D.: 1010926
Address: 5749 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:



APR 27 AM 10:43

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

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For the PLANNING & ZONING COMMISSION
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CASE #: CUP-2022-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: NORTHCOTT JERRY L & JANET L
Parcel I.D.: 1010925
Address: 5741 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:



APR 27 AM 10:43

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

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

CASE #: CUP-2022-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: BARNER MATTHEW C
Parcel I.D.: 1010935
Address: 5933 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: Matthew Barner

APR 27 AM 10:43

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

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

CASE #: CUP-2022-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: ROBBINS WILLIAM LYNN &
Parcel I.D.: 1010928
Address: 5809 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: William Robbins
Patricia Ann Robb

APR 27 AM 10:43

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

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

CASE #: CUP-2022-04

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Name: TSCHAAR MIKE HEATING &
Parcel I.D.: 24379
Address: 25 WINDMILL CR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: Mike Tscharr

APR 27 AM 10:43

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

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Fw: Opposition to 15 acre Apartment Complex Across Memorial

3 messages

Jimmy Boulware <jimmy_b84@hotmail.com>

Sun, Apr 24, 2022 at 7:48 PM

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, "planning@abilenetx.gov" <planning@abilenetx.gov>, Yurika Boulware <yurika_mcgill@yahoo.com>

Good Afternoon Abilene City Officials,

I recently moved to Abilene, Texas and purchased a house in Legacy Village.

After being stationed in Alaska for 6.5 years, we were moved to San Antonio. That was one of the worst places I have ever lived, and was even worse trying to raise a family in and provide a safe environment. Once promotion results were released, I was given the option of 4 bases, Dyess being one of them. My family and I immediately picked Dyess for our #1 because I have always heard how much of a hidden gem it is and how highly our friends spoke of it.

Upon arriving, we realized how right they were. We were happy to purchase a house to have our daughters in the famed Wylie School district, and become part of the community. Our family loves how safe and quiet it is, along with the lack of traffic, and actually feel safe going on walks and letting our kids play outside.

With an apartment complex going up behind our place, that would drastically change. I am more than likely on the final assignment of my career, and bought a house as an investment opportunity, the apartments would destroy that.

I am a Combat Wounded Active Duty Service member with a Purple Heart, and don't do the best with crowds, noise, traffic, and the thought of folks watching me.... Well, apartments behind my house would not help that.

We walk our kids to the bus stop each morning and enjoy the walk and how safe it is.... Apartment traffic will destroy that

Each morning I enjoy my drive to work with the lack of traffic, wave at the neighbors walking, and the small town feel... Once again, the apartments will destroy that

I humbly ask that you vote no on the rezoning of the empty lot on Memorial Drive. Please don't let Abilene turn into San Antonio/Austin.

I would hate for our little slice of Heaven be destroyed and ruin what Abilene has been hyped to be.

Thank you for your time and consideration.

Jimmy Boulware

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To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/SN4PR04MB838292C633CE539500385D4A84F89%40SN4PR04MB8382.namprd04.prod.outlook.com>.

Jimmy Boulware <jimmy_b84@hotmail.com>

Sun, Apr 24, 2022 at 8:39 PM

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, "planning@abilenetx.gov" <planning@abilenetx.gov>, Yurika Boulware <yurika_mcgill@yahoo.com>

Unfortunately, I will not be able to attend due to being in Alabama for temporary duty. I ask that you put yourselves in our shoes.... Would you want that behind your house? After purchasing a nice house, would you want a multi-level apartment complex being built by your house in a nice area? Apartments would be an eyesore, nowhere near the same architectural design, and unfortunately brings in undesirable people and activities.

Thank you again for your time and consideration.

Get [Outlook for iOS](#)

From: Jimmy Boulware <jimmy_b84@hotmail.com>

Sent: Sunday, April 24, 2022 7:48:34 PM

To: anthony.williams@abilenetx.gov <anthony.williams@abilenetx.gov>; shane.price@abilenetx.gov <shane.price@abilenetx.gov>; lynn.beard@abilenetx.gov <lynn.beard@abilenetx.gov>; donna.albus@abilenetx.gov <donna.albus@abilenetx.gov>; weldon.hurt@abilenetx.gov <weldon.hurt@abilenetx.gov>; kyle.mcalister@abilenetx.gov <kyle.mcalister@abilenetx.gov>; travis.craver@abilenetx.gov <travis.craver@abilenetx.gov>; planning@abilenetx.gov <planning@abilenetx.gov>; Yurika Boulware <yurika_mcgill@yahoo.com>

Subject: Fw: Opposition to 15 acre Apartment Complex Across Memorial

Good Afternoon Abilene City Officials,

I recently moved to Abilene, Texas and purchased a house in Legacy Village.

After being stationed in Alaska for 6.5 years, we were moved to San Antonio. That was one of the worst places I have ever lived, and was even worse trying to raise a family in and provide a safe environment. Once promotion results were released, I was given the option of 4 bases, Dyess being one of them. My family and I immediately picked Dyess for our #1 because I have always heard how much of a hidden gem it is and how highly our friends spoke of it.

Upon arriving, we realized how right they were. We were happy to purchase a house to have our daughters in the famed Wylie School district, and become part of the community. Our family loves how safe and quiet it is, along with the lack of traffic, and actually feel safe going on walks and letting our kids play outside.

With an apartment complex going up behind our place, that would drastically change. I am more than likely on the final assignment of my career, and bought a house as an investment opportunity, the apartments would destroy that.

I am a Combat Wounded Active Duty Service member with a Purple Heart, and don't do the best with crowds, noise, traffic, and the thought of folks watching me.... Well, apartments behind my house would not help that.

We walk our kids to the bus stop each morning and enjoy the walk and how safe it is.... Apartment traffic will destroy that

Each morning I enjoy my drive to work with the lack of traffic, wave at the neighbors walking, and the small town feel... Once again, the apartments will destroy that

I humbly ask that you vote no on the rezoning of the empty lot on Memorial Drive. Please don't let Abilene turn into San Antonio/Austin.

I would hate for our little slice of Heaven be destroyed and ruin what Abilene has been hyped to be.

Thank you for your time and consideration.

Jimmy Boulware

--

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Farr, Melissa <melissa.farr@abilenetx.gov>

Mon, Apr 25, 2022 at 3:59 PM

To: Jimmy boulware <jimmy_b84@hotmail.com>, Planning Services <planning@abilenetx.gov>

Thank you for your response. The letter has been received and noted for **CUP-2022-04**.



Melissa E. Farr, Executive Assistant

555 Walnut Street, Suite 110
Abilene, Texas 79601-5254

Post Office Box 60
Abilene, Texas 79604-0060

(325) 676-6237 (Office)

<https://www.abilenetx.gov/424/Planning-Development-Services>

[Quoted text hidden]



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Fwd: P&Z Case#CUP-2022-04

1 message

Julianna Nickson <juliannanickson@gmail.com>
Bcc: planning@abilenetx.gov

Thu, Apr 28, 2022 at 2:29 PM

Regarding Case#CUP-2022-04

Windmill Acres - Approval of a Conditional Use Permit Allowing Multi-Family Residential Buildings on Approximately 15 Acres of Now-Vacant Land in a General Retail (GR) District

I would like to express that I am adamantly against the development of Apartments on the lots on Windmill.

It should continue to stay General Retail. I am not against an office/medical office. As is it currently zoned is the appropriate use. General Retail is what surrounds the other lots in that area.

This change would only damage the neighborhood.

It would lower the current homeowners property values.

That not only affects the current homeowners, but the tax dollars that the city will receive.

Please vote NO to this proposal.

Thank you,

Julianna Nickson

--

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] a 15 acre apartment complex on Memorial Drive (5650-5660 Memorial Drive)2 messages

Randy Wilson <rwilson@randywilsonlaw.com>

Mon, Apr 25, 2022 at 8:34 AM

To: kyle.mcalister@abilenetx.gov, donna.albus@abilenetx.gov, anthony.williams@abilenetx.gov, shane.price@abilenetx.gov, lynn.beard@abilenetx.gov, weldon.hurt@abilenetx.gov, travis.craver@abilenetx.gov, planning@abilenetx.gov

As residents of Wyndham Court and Waterside @ Wyndham, we all oppose the project for apartments at the above location.

1

The traffic on Memorial, Lynbrook, is already too heavily traveled, even by vehicles which are supposed to be prohibited from traveling on Lynbrook, Innisbrook Covenant, and Peppermill streets. Memorial has become a "raceway" and backdoor to Sam's Club. This project will only add to the problems facing the residents who already live next to Memorial as well as the residents in the neighborhood who walk their dogs, walk, jog, walk the children in strollers, ride bicycles both adult and children along Memorial and adjacent streets.

With kindest regards, I remain
Very truly yours,
Randy Wilson

rwilson@randywilsonlaw.com

The information contained in this communication is a transmission from the Law Offices of Randy Wilson and Kristin Postell, PLLC and is information protected by the attorney/client and/or attorney/work product privilege. It, along with any attachments hereto, is also covered by the Electronic communications Privacy Act, 18 U.S.C. Sections 2510-2512. This e-mail is intended only for the personal and confidential use of the recipient(s) named in the communication, and the privileges are not waived by virtue of this having been sent by electronic mail. Recipient named herein has indicated consent to receive communications via electronic medium. Should the recipient change their mind, and want further communication to be sent in a different fashion, please contact my office immediately. If the person actually receiving this communication is not the named recipient, any use, dissemination, distribution or copying of the communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, (325)677-4678, and delete the original message from your system. Thank you

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Farr, Melissa <melissa.farr@abilenetx.gov>

Mon, Apr 25, 2022 at 3:57 PM

To: Randy Wilson <rwilson@randywilsonlaw.com>, Planning Services <planning@abilenetx.gov>

Thank you for your response. The message has been received and noted for **CUP-2022-04**.



Melissa E. Farr, Executive Assistant

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Abilene, Texas 79601-5254

Post Office Box 60
Abilene, Texas 79604-0060

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<https://www.abilenetx.gov/424/Planning-Development-Services>

[Quoted text hidden]

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

CASE #: CUP-2022-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: BRINGHURST CAROL
Parcel I.D.: 1010926
Address: 5749 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:

Carol Bringhurst

APR 27 AM 10:43

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

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For the PLANNING & ZONING COMMISSION
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Name: NORTHCOTT JERRY L & JANET L
Parcel I.D.: 1010925
Address: 5741 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:

Jerry Northcott

APR 27 AM 10:43

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CASE #: CUP-2022-04

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Name: BARNER MATTHEW C
Parcel I.D.: 1010935
Address: 5933 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: Matthew Barner

APR 27 AM 10:43

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Name: ROBBINS WILLIAM LYNN &
Parcel I.D.: 1010928
Address: 5809 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: William Robbins
Patricia Ann Robb

APR 27 AM 10:43

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

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Name: TSCHAAR MIKE HEATING &
Parcel I.D.: 24379
Address: 25 WINDMILL CR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: Mike Tscharr

APR 27 AM 10:43

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



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] CUP-2022-04 opposition

1 message

Henry Beiro <hhbeiro@gmail.com>

Wed, May 4, 2022 at 8:35 PM

To: planning@abilenetx.gov

Cc: Abby Speed <abby.speed@gmail.com>, Ed Farnsworth <e.farnsworth68@gmail.com>, Henry Beiro <hhbeiro@gmail.com>, Mark Spurlock <bikeabilene@yahoo.com>, Stacey Yandell <yandellhome@att.net>, "Charlie M. Davis" <cmdavis@senderotx.com>

Name: Homeowners at Legacy Village of 59 lots with voting residents, represented by the Board of Directors:

Legacy Village HOA Board of Directors		
Name	Email	Phone
Stacey Yandell	yandellhome@att.net	817-688-8412
Henry Beiro	hhbeiro@gmail.com	502-648-6384
Ed Farnsworth	e.farnsworth68@gmail.com	325-439-0245
Abby Speed	abby.speed@gmail.com	405-612-9124
Mark Spurlock	bikeabilene@yahoo.com	325-338-8507

Parcel ID: 1010965, 1010936, 962637, 962660 are **inside the 200 foot notification zone** for CUP-2022-04.

Herein we unanimously **OPPOSE** CUP-2022-04 as inconsistent with current zoning, detrimental to traffic, and the safety of the area.

When we bought into Legacy Village, we were proud of the value provided by the builders and the City of Abilene to protect our neighborhood. Currently zoned General Retail (GR) we expect the City leaders to be consistent to the plan. The consultant suggests that it is consistent with a change to multi-family using a variance called a Conditional Use Permit. We are concerned that this flexibility in the zoning process is **overcrowding the neighborhood**. We are concerned with the increase of traffic and the lack of changes required by the City to manage this traffic. We are concerned with the current fire department equipment to manage three stories at this end of town in a high density multi family apartment complex. We also believe as stated in Texas regulation delegating authority to local government:

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES

SUBTITLE A. MUNICIPAL REGULATORY AUTHORITY

CHAPTER 211. MUNICIPAL ZONING AUTHORITY

SUBCHAPTER A. GENERAL ZONING REGULATIONS

Added by Acts 1991, 72nd Leg., ch. 687, Sec. 18, eff. Sept. 1, 1991. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 7.81, eff. Sept. 1, 1999.

Sec. 211.004. COMPLIANCE WITH COMPREHENSIVE PLAN.

(a) Zoning regulations **must be adopted in accordance with a comprehensive plan and must be designed to:**

- (1) **lessen congestion** in the streets;
- (2) **secure safety from fire, panic, and other dangers;**

- (3) **promote health and the general welfare;**
- (4) **provide adequate light and air;**
- (5) **prevent the overcrowding of land;**
- (6) **avoid undue concentration of population; or**
- (7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

Our Taylor County plan emulates these premises. **Please be consistent.**

When I look out my back door to the East, I see the sun come up over the horizon. All of us with property viewing the East do not wish to see a two and three story multifamily complex blocking air and light, producing sights and sounds not in harmony with our neighborhood.

As a Board member of the Legacy Village, I am.

--

Henry H. Beiro
5825 Legacy Dr
Abilene, TX 79606
Cell 502-648-6384

--

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Fw: Opposition to 15 acre Apartment Complex Across Memorial

3 messages

Jimmy Boulware <jimmy_b84@hotmail.com>

Sun, Apr 24, 2022 at 7:48 PM

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, "planning@abilenetx.gov" <planning@abilenetx.gov>, Yurika Boulware <yurika_mcgill@yahoo.com>

Good Afternoon Abilene City Officials,

I recently moved to Abilene, Texas and purchased a house in Legacy Village.

After being stationed in Alaska for 6.5 years, we were moved to San Antonio. That was one of the worst places I have ever lived, and was even worse trying to raise a family in and provide a safe environment. Once promotion results were released, I was given the option of 4 bases, Dyess being one of them. My family and I immediately picked Dyess for our #1 because I have always heard how much of a hidden gem it is and how highly our friends spoke of it.

Upon arriving, we realized how right they were. We were happy to purchase a house to have our daughters in the famed Wylie School district, and become part of the community. Our family loves how safe and quiet it is, along with the lack of traffic, and actually feel safe going on walks and letting our kids play outside.

With an apartment complex going up behind our place, that would drastically change. I am more than likely on the final assignment of my career, and bought a house as an investment opportunity, the apartments would destroy that.

I am a Combat Wounded Active Duty Service member with a Purple Heart, and don't do the best with crowds, noise, traffic, and the thought of folks watching me.... Well, apartments behind my house would not help that.

We walk our kids to the bus stop each morning and enjoy the walk and how safe it is.... Apartment traffic will destroy that

Each morning I enjoy my drive to work with the lack of traffic, wave at the neighbors walking, and the small town feel... Once again, the apartments will destroy that

I humbly ask that you vote no on the rezoning of the empty lot on Memorial Drive. Please don't let Abilene turn into San Antonio/Austin.

I would hate for our little slice of Heaven be destroyed and ruin what Abilene has been hyped to be.

Thank you for your time and consideration.

Jimmy Boulware

--

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Jimmy Boulware <jimmy_b84@hotmail.com>

Sun, Apr 24, 2022 at 8:39 PM

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, "planning@abilenetx.gov" <planning@abilenetx.gov>, Yurika Boulware <yurika_mcgill@yahoo.com>

Unfortunately, I will not be able to attend due to being in Alabama for temporary duty. I ask that you put yourselves in our shoes.... Would you want that behind your house? After purchasing a nice house, would you want a multi-level apartment complex being built by your house in a nice area? Apartments would be an eyesore, nowhere near the same architectural design, and unfortunately brings in undesirable people and activities.

Thank you again for your time and consideration.

Get [Outlook for iOS](#)

From: Jimmy Boulware <jimmy_b84@hotmail.com>

Sent: Sunday, April 24, 2022 7:48:34 PM

To: anthony.williams@abilenetx.gov <anthony.williams@abilenetx.gov>; shane.price@abilenetx.gov <shane.price@abilenetx.gov>; lynn.beard@abilenetx.gov <lynn.beard@abilenetx.gov>; donna.albus@abilenetx.gov <donna.albus@abilenetx.gov>; weldon.hurt@abilenetx.gov <weldon.hurt@abilenetx.gov>; kyle.mcalister@abilenetx.gov <kyle.mcalister@abilenetx.gov>; travis.craver@abilenetx.gov <travis.craver@abilenetx.gov>; planning@abilenetx.gov <planning@abilenetx.gov>; Yurika Boulware <yurika_mcgill@yahoo.com>

Subject: Fw: Opposition to 15 acre Apartment Complex Across Memorial

Good Afternoon Abilene City Officials,

I recently moved to Abilene, Texas and purchased a house in Legacy Village.

After being stationed in Alaska for 6.5 years, we were moved to San Antonio. That was one of the worst places I have ever lived, and was even worse trying to raise a family in and provide a safe environment. Once promotion results were released, I was given the option of 4 bases, Dyess being one of them. My family and I immediately picked Dyess for our #1 because I have always heard how much of a hidden gem it is and how highly our friends spoke of it.

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I would hate for our little slice of Heaven be destroyed and ruin what Abilene has been hyped to be.

Thank you for your time and consideration.

Jimmy Boulware

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Farr, Melissa <melissa.farr@abilenetx.gov>

Mon, Apr 25, 2022 at 3:59 PM

To: Jimmy boulware <jimmy_b84@hotmail.com>, Planning Services <planning@abilenetx.gov>

Thank you for your response. The letter has been received and noted for **CUP-2022-04**.



Melissa E. Farr, Executive Assistant

555 Walnut Street, Suite 110
Abilene, Texas 79601-5254

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Abilene, Texas 79604-0060

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<https://www.abilenetx.gov/424/Planning-Development-Services>

[Quoted text hidden]



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Fwd: Zoning for Proposed Windmill Circle Apartments

1 message

Dixie Yurczyk <fleahop101@comcast.net>
To: "planning@abilenetx.gov" <planning@abilenetx.gov>

Sun, May 1, 2022 at 6:06 PM

We are very strongly opposed to the zoning change for the Proposed Windmill Circle Apartments.

Streets and traffic flow will not support all the additional traffic.

Thank you

Dixie Yurczyk
[2309 Preston Trail](#)
[Abilene, TX](#)

--

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Request to Deny Conditional use Permit Application # 2022-04

1 message

yandell <yandellhome@att.net>

Tue, May 3, 2022 at 6:35 AM

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, "planning@abilenetx.gov" <planning@abilenetx.gov>

Thank you for your leadership on housing affordability and many other issues of great importance to our community. I'm writing to express my concern and strong opposition to the zoning change under Conditional use Permit Application # 2022-04.

Housing affordability, supply, and security are among the nation's top concerns. However, these should not come at the expense of those residing around Memorial Drive. We bought in this area because of safety and security. Fortunately, the commercial buildings in this area create a "sleepy" feeling after a particular time of day because the streets only house those who live in the area. Yet, with this proposed change, our life will be altered drastically.

Again, I ask that you deny this request.

Concerns with multifamily development include school overcrowding, a surge in crime, increased traffic, and overall degradation of neighborhood appearance. There is also the uniformity of the surrounding areas to consider. Apartment complexes are usually multiple stories, which does not fit the other buildings in the area. Light pollution from the complex will directly affect our privacy. We bought our home and planned to live here through our retirement, the apartments would destroy that.

Again, I ask that you deny this request.

The current General Retail (GR) district offers minimal impact and compatibility with the comprehensive plan. A conditional use permit is considered a characteristic of the land. This land under Section 1.4.3.5 "Criteria for Approval" has items of concern:

- #3 does not preserve the character of adjacent developments,
- #4 generates hazards for pedestrian and vehicular traffic
- #5 proposal fails to provide mitigation for roadway adjustments, traffic control devices
- #6 proposal fails to provide for visual impacts mitigation. e.g. signage, garbage, light pollution at night

Lastly, I ask that you deny this request.

Thank you for your time and consideration.

Gary & Stacey Yandell
 2317 Ians Court
 Abilene, TX 79606
 (817) 368-1040
 (817) 688-8412

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Fwd: P&Z Case#CUP-2022-04

1 message

Julianna Nickson <juliannanickson@gmail.com>
Bcc: planning@abilenetx.gov

Thu, Apr 28, 2022 at 2:29 PM

Regarding Case#CUP-2022-04

Windmill Acres - Approval of a Conditional Use Permit Allowing Multi-Family Residential Buildings on Approximately 15 Acres of Now-Vacant Land in a General Retail (GR) District

I would like to express that I am adamantly against the development of Apartments on the lots on Windmill.

It should continue to stay General Retail. I am not against an office/medical office. As is it currently zoned is the appropriate use. General Retail is what surrounds the other lots in that area.

This change would only damage the neighborhood.

It would lower the current homeowners property values.

That not only affects the current homeowners, but the tax dollars that the city will receive.

Please vote NO to this proposal.

Thank you,

Julianna Nickson

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[planning/CAPsbLRwNSKjbAfyH9v%2BECWa0Vymc20Cgz649u9eTg3-aH5bJUw%40mail.gmail.com](https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CAPsbLRwNSKjbAfyH9v%2BECWa0Vymc20Cgz649u9eTg3-aH5bJUw%40mail.gmail.com).



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Follow-Up: Zoning Meeting for Proposed Windmill Circle Apartments

1 message

David Upshaw <Davidalanupshaw@msn.com>

Wed, May 4, 2022 at 10:47 AM

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, "planning@abilenetx.gov" <planning@abilenetx.gov>
Cc: David Upshaw <Davidalanupshaw@msn.com>

Hello,

As a homeowner residing at [2325 Biltmore Ct.](#), I'm writing to express my opposition to the proposed location for the Windmill Circle Apartment complex; the currently proposed location is between Memorial Drive and Windmill Circle. Beautiful homes currently line Memorial Drive. Placing a 15-acre apartment complex directly across from these million-dollar homes is an incompatible and unacceptable mix that detracts from the peaceful, isolated neighborhood atmosphere in which we reside. This is one of the primary reasons we chose to live here. This project is threatening to disrupt the neighborhood that we and all of the other homeowners here have created and invested in.

Thank you for listening to our concerns.

Respectfully,

David A. Upshaw

[2325 Biltmore Ct.](#)[Abilene, TX 79606](#)

325-200-9700

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Memorial Drive Apartment Complex1 message

Paul Freiheit <thebookies81@gmail.com>

Sun, May 1, 2022 at 10:50 AM

To: anthony.williams@abilenetx.gov, donna.albus@abilenetx.gov, weldon.hurt@abilenetx.gov, kyle.mcalister@abilenetex.gov, travis.craver@abilenetx.gov, planning@abilenetx.gov, Candy Freiheit <thebookies@aol.com>

Cc: shane.price@abilenetx.gov, lynn.beard@abilenetx.gov

Hi. My name is Paul Freiheit and I live at [2333 Lynbrook drive](#), a couple blocks from the proposed apartment development. My wife Candice and I are strongly opposed to an apartment complex this close to our house mostly due to excessive traffic concerns. We moved here before Sam's club was here and that quadrupled the traffic in and of itself.

Our two votes are no

Thank you

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[CAJ3O9WXM9qoB3DD2F2K3yBT-W%2BtCjCvytphvDGg1BbOLaRSrTA%40mail.gmail.com](https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CAJ3O9WXM9qoB3DD2F2K3yBT-W%2BtCjCvytphvDGg1BbOLaRSrTA%40mail.gmail.com).



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Plannin & Zoning Meeting - Windmill Circle Apartments1 message

john reed <johnreedtx@hotmail.com>

Sat, Apr 30, 2022 at 10:39 AM

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.carver@abilenetx.gov" <travis.carver@abilenetx.gov>
Cc: "planning@abilenetx.gov" <planning@abilenetx.gov>

Mr. Mayor, City Council Members & Planning Committee:

I am writing to register my opposition to a zoning change to permit a 15 acre apartment complex between Memorial Drive & Windmill Circle.

I live at 2334 Preston Trail 79606.

Such a complex will substantially increase traffic into & through residential neighborhoods west of Memorial Drive where many children play and will present a danger to them.

Unfortunately, I am unable to attend the hearing on May 3rd but wanted to register my complete opposition to such a zoning change.

Thanks for your consideration.

Respectively,

John Reed

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Memorial Drive Zoning Request

1 message

'Amber Ponder' via Planning Services <planning@abilenetx.gov>

Mon, May 2, 2022 at 8:19 AM

Reply-To: Amber Ponder <adponder21@yahoo.com>

To: anthony.williams@abilenetx.gov, planning@abilenetx.gov

Dear Mayor Williams,

I am strongly opposed to rezoning the area on Memorial Drive to allow for high-density, low income housing. Not only am I a resident of Wyndham, I provide anesthesia services for Abilene Eye Institute Cataract and Refractive Surgery Center which stands almost directly adjacent to the area to be considered for rezoning. I live and work in the epicenter of the proposed area and this decision will impact me directly.

As city council, you have an obligation to protect the financial interests of your residents and allow them to maintain the character of the neighborhoods they've chosen to for their most important investment, their homes. Stanford business professor, Rebecca Diamond (Who Wants Affordable Housing in their Backyard? An Equilibrium Analysis of Low Income Property Development), has demonstrated that low-income housing developments in wealthier neighborhoods drives down prices and decreases racial diversity. A typical low-income development results in a \$17 million loss. This is compounded by the reality of Hendrick's acquisition of Abilene Regional Medical Center that extended a non-profit umbrella costing the Wylie Independent School District significant tax revenue generation.

It makes no sense to re-zone an area that's experiencing financial investment and growing. In the last four years, an endoscopy center, a surgery center, several doctor's offices, a strip mall, dentistry centers, an assisted living community, and several restaurants have been established, not to mention the multiple single-home developments. This is the kind of growth that Abilene needs and I think it is foolish to sabotage that with a low-income project that the community doesn't want.

Lastly, I support low-income housing projects when they are intelligently implemented and the impacted community has a say in the process. I think this proposal is the antithesis of intelligent implementation and community involvement. The reality is that the social benefit low-income residents receive comes at a cost to the community, especially if the proposed project is a high-density, multi-story apartment complex.

Thank you!

Dr. Amber Ponder DNAP, CRNA

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Proposed rezoning on Memorial Drive

1 message

'Jonathon Ponder' via Planning Services <planning@abilenetx.gov>

Mon, May 2, 2022 at 9:55 AM

Reply-To: Jonathon Ponder <jtponder@yahoo.com>

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, "planning@abilenetx.gov" <planning@abilenetx.gov>

Dear Councilmen and Councilwomen,

I strongly oppose the rezoning proposal on Memorial Drive to allow for low-income housing. At the outset, I want it known that I'm an advocate of affordable housing projects provided they are intelligently and considerately implemented. I recognize the social, academic, and professional benefits that low-income residents realize through affordable housing initiatives. That benefit does not, however, exist in a vacuum and poor implementation can be exploitive to the community.

This rezoning proposal directly aligns with HUD's Affirmative Furthering Fair Housing regulation, which is a clear mandate to back-door annex suburbs and nullify wealthier neighborhood boundaries. Affordable housing also seeks property tax concessions from local governments. In effect, these high density developments force quiet communities to import population from elsewhere, at their own expense, where the neighborhood must live with the consequences.

Stanford professors, Rebecca Diamond and Tim McQuade, conducted a study (*Who wants affordable housing in their backyard? An equilibrium analysis of low income property development*) that is often used to tout the outcome improvements that occur moving children from poorer neighborhoods to higher-income ones while conveniently leaving out the negatives. Specifically, they demonstrated that affordable housing only revitalizes low-income areas where investment is sparse or absent. In addition, this strategy better achieves diversity goals. In higher income areas, affordable housing is not viewed as an amenity and results in strong housing price drops locally that radiates outward over time. In a low-income region, a low-income project is worth about \$116 million to the immediate surrounding neighborhood. Conversely, in higher income areas, these projects create a \$17 million loss.

As city council members, you have a duty to protect financial interests of your citizens and allow them to preserve the elements of their neighborhoods that attracted them in the first place. This requires long-term vision. I would be a proponent of a project involving single family homes or 2-3 unit condo-style builds, but a high-density, low-income apartment complex will always be a high-density, low-income apartment complex. Considering the very real outward sprawl towards Tuscola and the Jim Ned school district, it makes no sense to discourage investment in our neighborhood with a low-income apartment complex. Furthermore, this kind of decision-making also removes the opportunity for 15 acres of commercial expansion that would generate real economic growth.

All I'm asking is that you let logic prevail. Implement these projects in areas that lack investment so Abilene can reap the full benefit. This area is experiencing increasing home values and financial investment. For example, in the last 4 years, I've seen development in the form of 2 surgery centers, 2 investment management businesses, a large dental practice, offices for an oral surgeon and an allergist/immunologist, new strip malls, a physician primary care practice, a car wash, an assisted living community, and numerous

restaurants in addition to multiple single-family home developments in the area. In addition, many families are renovating homes in this area. This growth should be nurtured, and the zoning restrictions should be respected.

In the early 2000's, Trenton, New Jersey had developed over 6000 low-income units when its surrounding neighbors had around 200 each. While the rest of the state was realizing increasing median household incomes around 6%, Trenton was realizing a 6% decrease in median income, decreasing home values, and diminishing school performance. This should be a cautionary tale for Abilene. It is unjust to wholesale our neighborhood so a developer can make a tax-subsidized profit selling what is not his: the value we have created in our neighborhoods. It certainly makes no sense to stifle private investment in our community when there are so many areas in our city that desperately needs investment and rehabilitation.

Please maintain the current zoning. Help Abilene grow in a measured, rational fashion that grows the economy, produces opportunity, and protects what our residents have created. Changing zoning rules on a whim is not a healthy habit for a city intent on growth. This is especially true when it comes to placing low-income housing. It violates the trust of the citizens you have a duty to protect and diminishes value.

Thank you,

Jonathon Ponder, Wyndam Place homeowner and anesthesia provider for the community.

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Re: 15-acre "affordable housing" apartment complex on Memorial Drive at Windmill Acres

1 message

'Joe Alexander' via Planning Services <planning@abilenetx.gov>

Tue, Apr 26, 2022 at 4:51 PM

Reply-To: Joe Alexander <joealexander@icloud.com>

To: planning@abilenetx.gov

Cc: anthony.williams@abilenetx.gov, shane.price@abilenetx.gov, lynn.beard@abilenetx.gov, donna.albus@abilenetx.gov, weldon.hurt@abilenetx.gov, kyle.mcalister@abilenetx.gov, travis.craver@abilenetx.gov

Ladies & Gentlemen:

I wish I could attend this hearing in person, but my time does not permit attending during my patient hours.

I am a homeowner is Waterside at Wyndham. I am concerned about the potential development of the 15 acres on Windmill Circle for Affordable housing (or for that matter, any housing project.). The current zoning of this location does not permit any residential development for a good reason. It is commercial property and should stay that way. Current ingress and egress to Windmill Circle is via Clack St. The western side of the proposed development fronts Memorial Drive. If access to Memorial Drive is included in the project (which only makes sense), this will put the majority of the traffic taking a winding route through residential street that were not engineered for the amount of current traffic, much less any additional traffic. Currently, this route is used in excess of original planning due to the construction of Sam's Club. Lynbrook Drive is the only street that allows connection to Buffalo Gap Road and points north. Foot traffic and bicycle traffic is already at danger with current traffic. The streets are too narrow to allow street parking (which is often present during the day) and for 2 cars to be able to pass.

I urge the Council to consider current residents safety before making any decisions on the development. At the very least, if approval is considered, divert all access onto Clack Street and not Memorial Drive. The land on Windmill Circle should, in my opinion, remain industrial/commercial and not be changed to any type of residential development.

Thank you for your consideration.

Joe Alexander, MD
 5258 Wyndham Ct.
 Abilene, TX 79606
joealexander@icloud.com
 325-668-7474

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] a 15 acre apartment complex on Memorial Drive (5650-5660 Memorial Drive)

2 messages

Randy Wilson <rwilson@randywilsonlaw.com>

Mon, Apr 25, 2022 at 8:34 AM

To: kyle.mcalister@abilenetx.gov, donna.albus@abilenetx.gov, anthony.williams@abilenetx.gov, shane.price@abilenetx.gov, lynn.beard@abilenetx.gov, weldon.hurt@abilenetx.gov, travis.craver@abilenetx.gov, planning@abilenetx.gov

As residents of Wyndham Court and Waterside @ Wyndham, we all oppose the project for apartments at the above location.

1

The traffic on Memorial, Lynbrook, is already too heavily traveled, even by vehicles which are supposed to be prohibited from traveling on Lynbrook, Innisbrook Covenant, and Peppermill streets. Memorial has become a "raceway" and backdoor to Sam's Club. This project will only add to the problems facing the residents who already live next to Memorial as well as the residents in the neighborhood who walk their dogs, walk, jog, walk the children in strollers, ride bicycles both adult and children along Memorial and adjacent streets.

With kindest regards, I remain
Very truly yours,
Randy Wilson

rwilson@randywilsonlaw.com

The information contained in this communication is a transmission from the Law Offices of Randy Wilson and Kristin Postell, PLLC and is information protected by the attorney/client and/or attorney/work product privilege. It, along with any attachments hereto, is also covered by the Electronic communications Privacy Act, 18 U.S.C. Sections 2510-2512. This e-mail is intended only for the personal and confidential use of the recipient(s) named in the communication, and the privileges are not waived by virtue of this having been sent by electronic mail. Recipient named herein has indicated consent to receive communications via electronic medium. Should the recipient change their mind, and want further communication to be sent in a different fashion, please contact my office immediately. If the person actually receiving this communication is not the named recipient, any use, dissemination, distribution or copying of the communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, (325)677-4678, and delete the original message from your system. Thank you

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Farr, Melissa <melissa.farr@abilenetx.gov>

Mon, Apr 25, 2022 at 3:57 PM

To: Randy Wilson <rwilson@randywilsonlaw.com>, Planning Services <planning@abilenetx.gov>

Thank you for your response. The message has been received and noted for **CUP-2022-04**.



Melissa E. Farr, Executive Assistant

555 Walnut Street, Suite 110
Abilene, Texas 79601-5254

Post Office Box 60
Abilene, Texas 79604-0060

(325) 676-6237 (Office)

<https://www.abilenetx.gov/424/Planning-Development-Services>

[Quoted text hidden]

For the PLANNING & ZONING COMMISSION

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

CASE #: CUP-2022-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: RAMSEY CYNTHIA

Parcel I.D.: 982651

Address: 5602 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature:

Cindy Ramsey

I am not opposed to progress, however, apartments don't fit into the already well-established, Hot Neighborhood. Please refer to letter I sent on 4/28/22.

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

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



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Legacy Village - Rezoning Request Across Memorial1 message

James Parker <jparkerins@sbcglobal.net>

Sat, Apr 30, 2022 at 9:25 AM

To: anthony.williams@abilenetx.gov

Cc: Shane.price@abilenetx.gov, Lynn.beard@abilenetx.gov, Donna.albus@abilenetx.gov, Weldon.hurt@abilenetx.gov, kyle.mcalister@abilenetx.gov, Travis.craver@abilenetx.gov, planning@abilenetx.gov

To: The Mayor, City Councilmen, and City Councilwomen,

Our purpose for writing to each of you is to express concern about the proposed zoning change at the following locations:

- 5601 Memorial
- 28 Windmill Circle
- 32 Windmill Circle
- 34 Windmill Circle
- 36 Windmill Circle

All of the above properties are across Memorial from our sub-division of Legacy Village.

It is our desire to inform the City Council and the Planning and Zoning Commission of our opposition to the re-zoning of those locations from General Commercial to zoning that would allow a large apartment complex to be built.

If this re-zoning is granted, it will directly affect the volume of traffic on Memorial, which has already become quite busy during the day. Adding the greatly increased volume of traffic from an apartment complex, it will become even more congested, not only during the daytime, but during the nighttime as well. The noise factor would be much greater than it is now, both day and night.

We are retired and we purchased our property in 2019 because of the quiet neighborhood and the proximity to close medical facilities. We have wonderful neighbors of similar age who have become our new friends. Each has expressed great satisfaction with our neighborhood and the ability to look out for the wellbeing of each other. It is a great place to enjoy a quiet and peaceful retirement, along with our new neighbors.

Not only is our neighborhood made up of retirees, but the greater neighborhood has young couples with children. We believe an apartment complex would create a safety hazard for these as they are walking, biking, and doing the things young children do. As citizens of Abilene, all of us are concerned about child safety.

For all these reasons, and more, we are opposed to the zoning change and sincerely request that the change not be granted.

Respectively,

James & Carole Parker
5618 Legacy Drive

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Rezoning Request Legacy Village

1 message

Marjorie Abendschan <jandmabendschan@gmail.com>

Fri, Apr 29, 2022 at 12:42 PM

To: anthony.williams@abilenetx.gov

Cc: shane.price@abilenetx.gov, lynn.beard@abilenetx.gov, donna.albus@abilenetx.gov, weldon.hurt@abilenetx.gov, kyle.mcalister@abilenetx.gov, travis.craver@abilenetx.gov, planning@abilenetx.gov, Charles Davis <cmdavis@senderotx.com>

Do you realize when you are 82 years old, raised five children, worked hard professionally and saved for years and then you build that quiet place to spend your latter years...what a disappointment it would be for apartments across the street to go in. There would be noise, traffic and all that comes with apartment communities. Also, my profession was 30 years as a realtor, so right up at the top of all the years of saving for my latter years, my property value will drop. Please bring this before your meeting and consider this is mostly others that are retired and settled in.

Thank you for your consideration and anything you can do to help us keep our neighborhood safe.

Marjorie Abendschan
5626 Legacy Dr.
Abilene, TX. 79606

Sent from my iPad

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**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 18. 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. 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
4. 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
5. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
6. 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
7. 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
8. 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
9. 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
10. 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
11. Samuel Hightower v. City of Abilene, Appeal of Temporary Suspension to Hearing Examiner, filed

December 28, 2021

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

13. 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

14. Library's Collection Development Policy

B. 551.072 (Deliberations about Real Property)

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

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

E. 551.076 (Deliberations about Security Devices)

F.551.087 (Business Prospect/Economic Development)

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None



**City Council
Agenda Memo**

City Council Meeting Date: 7/14/2022

TO: Honorable Mayor and City Council Members

FROM: Robert Hanna, City Manager

SUBJECT: 19. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Enter into a Chapter 380 Agreement with Habitat for Humanity for Infill Residential Development (*Robert Hanna*)

GENERAL INFORMATION

Information to be provided during the meeting

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Chapter 380 with Habitat for Humanity

Resolution: Authorizing a Chapter 380 Agreement with Habitat for Humanity for Infill Residential Development



QUESTIONS?

