



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 August 11, 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 Kyle McAlister

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. **Service Awards:**

- Tye Brooks - 25 Years - Fire Department
- Jay Tabor - 25 Years - Fire Department
- Gaite Taylor - 25 Years - Fire Department
- Jeffery Waggoner - 25 Years - Fire Department
- Wyatt Robinson - 20 Years - Water Department

CONSENT AGENDA AND PUBLIC COMMENTS

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

After the Council Members have requested any item on the consent Agenda be considered separately, the public comment period will be held. The public comment section of the consent agenda allows members of the public to present any ideas or information to the City Council and staff, and also allows for public

comment on the consent agenda items not otherwise pulled for separate consideration. Neither the City Council nor staff will engage in discussion with the public during the public comments unless the item is listed on the Council agenda.

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

3. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Workshop Meeting Held on July 27, 2022, and the Regular Meeting Held on July 28, 2022 **(Shawna Atkinson)**
4. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter **(Shawna Atkinson)**
 - Tax Increment Reinvestment Zone (TIRZ) Board
5. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Ordering a City of Abilene Special Election to be Held on Tuesday, November 8, 2022, for the Purpose of a Citizen Initiative to Make Abilene a Sanctuary City for the Unborn **(Shawna Atkinson)**
6. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Take Action on Ordering a City of Abilene Special Election to be Held on Tuesday, November 8, 2022, for the Purpose of Amending Sections of the Charter of the City of Abilene **(Shawna Atkinson)**
7. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Authorizing a Joint Election Agreement and Contract for Election Services with Taylor County for a Special Election to be Held on Tuesday, November 8, 2022 **(Shawna Atkinson)**
8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving the Renewal of the Tax Increment Reinvestment Zone No. 2 Facade Improvement and Demolition Assistance Grant Programs and Committing Funds for Implementation **(Tim Littlejohn)**
9. **Resolution:** Receive a Report, Hold a Discussion and Take Action to accept a Federal Aviation Administration Airport Improvement Program Grant. **(Don Green)**
10. **Resolution:** Receive a Report, Hold a Discussion and Take Action to accept the award of the FY22 Airport Infrastructure Grant (AIG). **(Don Green)**
11. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving the 2022 Edward Byrne Memorial Justice Assistance (JAG) Grant Program **(Marcus Dudley)**
12. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding a Professional Services Contract to Kimley-Horn and Associates, Inc. For N 5th St Traffic Signal Modifications **(Max Johnson)**
13. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding Bid #2255 N. 6th St. and Cypress St. Improvements to Bontke Brothers, Inc. **(Max Johnson)**
14. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding Bid #2256 Reconstruction of EN 10th St From Treadaway Blvd to Judge Ely Blvd to Bontke Brothers, Inc. **(Max Johnson)**
15. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding Bid #2257 S 14th St. RR Tie-in to Bontke Brothers, Inc. **(Max Johnson)**
16. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving

Financing for the Benefit of McMurry University and Related Matters (Mike Rains).

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

17. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on On Calling a Bond Election to be Held within the City, Making Provisions for the Conduct of the Election, and Enacting Other Provisions Relating to the Subject (Robert Hanna)
18. **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, By Amending Two (2) School Zones near Bassetti Elementary and Wylie Early Childhood Center; Adding Two (2) Existing Zones on Beltway South (FM 707); and Adding a New School Zone on Oldham Ln (FM 1750) (Max Johnson)
19. **Ordinance (Final Reading) CUP-2022-06:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Patrick Batten Represented By Rylie Batten For Approval Of A Conditional Use Permit Allowing A Group Home (A.K.A. Halfway House) On Approximately .16 Acres Of Residential Medium Density (MD) District at 1242 Orange St In North Abilene, Legal Description Being Lot 12 In Block F Of Steffens & Lowden, Abilene, Taylor County, Texas. (Tim Littlejohn)
20. **Ordinance (Final Reading) Z-2022-14:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Weatherbee Construction Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 104 Specifically Rezone approximate 14.34 acres currently Residential Medium Density to create and add tract 6 of Planned Development District (PD- 104) and modifying PD-104 to add and allow 50' wide residential lots as a permitted use within all tracts, save and except, Lot 1, Block A (MF), Trails of Abilene Addition. (Tim Littlejohn)
21. **Ordinance (Final Reading) Z-2022-16:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Arete Interests, LLC Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 159A Specifically To Amend The Concept Plan To Allow For More Residential Uses. Legal Description Being Lots 101-109, Block A, Parramore's Subdivision, Abilene In Taylor County, Texas. (Tim Littlejohn)
22. **Ordinance (Final Reading) Z-2022-17:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Grace Tabernacle Church Represented By Nancy Brown And Gene Dezell To Change Zoning From Residential Single Family (RS-6) To Neighborhood Retail (NR), On Approximately .62 Acres In South Abilene, Legal Description Being Lots 5-8, Block 15, Campus Addition, Abilene, Taylor County, Texas. (Tim Littlejohn)
23. **Ordinance (Final Reading) Z-2022-18:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Sugar Agua #1 Ltd Represented By Matthew Muzechenko To Change Zoning On Approximately 7.15 Acres In Southwest Abilene From Agricultural Open (AO) To General Commercial (GC). (Tim Littlejohn)
24. **Ordinance (Final Reading) Z-2022-15:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Cimarron Meadows Development Corp. Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 170 Specifically To Add Approximately 37 Acres Of Existing Residential Medium Density (MD) And Approximately 15 Acres Of Agricultural Open Space (AO) Zoning And Amending Them To Allow For 5,000 Square Foot Lots With 5 Foot Side Setbacks And 50 X 100 Foot Lot Dimensions. (Tim Littlejohn)

BUDGET ORDINANCES

25. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and

Take Action on Approving the 2021-2022 Revised Budget **(Mike Rains)**

26. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving and Adopting the Proposed Budget for Fiscal Year 2022-2023 **(Mike Rains)**
27. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving and Adopting the Proposed 2022-2023 Tax Rates **(Mike Rains)**
28. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting Fees and Charges for Fiscal Year 2022-2023 **(Mike Rains)**

EXECUTIVE SESSION

29. **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

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

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 5th day of August, 2022, at 2:30 p.m.

Shawna Atkinson, TRMC, CMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Workshop Meeting Held on July 27, 2022, and the Regular Meeting Held on July 28, 2022 (*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Special Workshop meeting held on July 27, 2022, and the Regular meeting held on July 28, 2022

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 07-27-2022 Minutes - Special Budget
2. 07-28-2022 Minutes - Regular - Morning

**SPECIAL CALLED MEETING
BUDGET WORK SESSION
July 27, 2022 at 9:00 a.m.**

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

The City Council of the City of Abilene, Texas met in a Special Called Meeting on July 27, 2022, at 9:00 a.m. in the Council Chambers, 555 Walnut St. 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.

Councilmember Shane Price delivered the invocation, and led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

Mayor Williams outlined the agenda for the morning.

BUDGET WORKSHOP

2. Staff Presentation on Revised FY 2021-2022 and Proposed FY 2022-2023 Budgets
Complete Budget Review

City Manager Hanna provided the overview of the proposed schedule for budget work sessions

- Budget Workshop July 27
 - First Reading 2021-2022 Revised Budget
 - First Reading 2022-2023 Budget
 - First Reading Tax Rate
 - First Reading Fee Schedule

- Public Hearing and Adoption of: August 11 – Regular Council Meeting
 - 2021-2022 Revised Budget
 - Tax Rate
 - 2022-2023 Budget
 - Fee Schedule

The Revised FY 2021-2022 and Proposed FY 2022-2023 Budgets information was as follows:

• Budget Changes Since the July 1, 2022 Filed Date All Funds

	FY 2022 Revised	FY 2023 Proposed
Total Revenues as filed 7/1/2022	\$296,848,359	\$313,380,435
Adjustments:		
Property Tax Certified Values		17,080
Increase in Self Insurance Transfer In for penny on the tax rate		4,250
Remove use of ARPA funding for CDL pay	(350,640)	
Reduce Fleet Fund Fuel Charge revenue	(77,682)	(354,234)
Adjusted Revenues	<u>\$296,420,037</u>	<u>\$313,047,531</u>
Total Expenditures as filed 7/1/2022	\$303,146,025	\$317,453,763
Adjustments:		
Replace one-time CDL Bonus with increase in pay rate	(263,573)	348,204
Increase in Self Insurance Transfer Out for penny on the tax rate		4,250
Increase in Convention Center Transfer Out for penny on the tax rate		4,250
Reduce fuel charges allocated to funds	(87,067)	(354,234)
Reduce Fleet Fund fuel charge expenditures	(77,682)	(354,234)
Move and adjust Water Utilities Fund portion of Tyler Munis	454,671	(412,783)
	<u>\$303,172,374</u>	<u>\$316,689,216</u>
Fund Balance - Beginning	<u>\$86,175,140</u>	<u>\$79,422,803</u>
Fund Balance - Ending	<u>\$86,148,791</u>	<u>\$80,187,350</u>

General Fund Summary of Revenues & Expenditures FY 2022-2023 Budget

	Actual 2020-2021	Approved 2021-2022	Revised 2021-2022	Proposed 2022-2023
REVENUE				
Current Revenue	\$123,921,555	\$106,703,681	\$115,856,067	\$118,432,578
Operating Transfers In	3,893,993	4,101,264	3,971,240	4,041,250
Total Current Revenue & Transfers In	<u>\$127,815,548</u>	<u>\$110,804,945</u>	<u>\$119,827,307</u>	<u>\$122,473,828</u>
EXPENDITURES				
Personnel Services	\$77,279,074	\$82,471,012	\$81,628,024	\$86,714,564
Supplies	2,824,582	3,202,198	3,373,213	3,425,272
Maintenance	1,416,512	1,920,653	2,074,859	2,009,873
Other Services & Charges	14,970,740	15,648,013	16,965,064	17,876,824
Capital Expenditures	9,623	-	13,920	23,992
Operating Transfers	30,766,851	7,528,996	15,772,227	12,423,303
Total Expenditures	<u>\$127,267,382</u>	<u>\$110,770,872</u>	<u>\$119,827,307</u>	<u>\$122,473,828</u>
Net Revenues Over (Under) Expenditures	<u>\$548,166</u>	<u>\$34,073</u>	<u>-</u>	<u>-</u>
Beginning Fund Balance	<u>\$30,346,162</u>	<u>\$26,536,120</u>	<u>\$30,894,328</u>	<u>\$30,894,328</u>
Ending Fund Balance	<u>\$30,894,328</u>	<u>\$26,570,193</u>	<u>\$30,894,328</u>	<u>\$30,894,328</u>

General Fund
FY 2022 Revised Key Revenue Changes from FY 2022
Approved Budget

Property tax	Additional TIRZ property tax	(\$150,000)
Sales tax	Increase in receipts	4,936,980
	Increase in gas, decrease in telecommunication,	
Franchise/Access Fees	cable franchise tax	123,380
Intergovernmental revenue	ARPA grant	4,355,979
Charges for services	Recoverable overtime no longer charged	(360,882)
Miscellaneous revenues	Increase in investment earnings	156,888
All other		(39,983)
Total Increase/(Decrease)		<u>\$9,022,362</u>

General Fund
FY 2022 Revised Key Expenditure Changes from
FY 2022 Approved Budget

Personnel	Decreased full-time salaries	(\$1,972,060)
	Increased overtime	581,318
	Increased termination pay	1,177,350
	Decreased recoverable overtime	(311,201)
Supplies		171,015
Maintenance		154,206
Other Services/charges	Increased fleet fuel	585,542
	Increased utilities	369,930
	Increased technology charges	104,500
Capital Expenditures	Zoo storage container	13,920
Operating transfers out	End of year funds transferred to Minor Improvement Fund	3,221,677
	ARPA funds transferred to Minor Improvement Fund	4,391,979
	Increased funds transferred for 380 Agreements	265,321
All other		302,938
Total Increase/(Decrease)		<u>\$9,056,435</u>

General Fund

FY 2023 Key Revenue Changes from FY 2022 Revised Budget

Taxes and franchise fees	Property tax assessed value increase	\$4,785,270
	Sales tax	947,510
	Payment in lieu of taxes - Hendrick Health Systems/Lancium	360,607
Intergovernmental revenue	Reduction in ARPA funds	(4,391,979)
Charges for services	Reduction in recoverable overtime	(216,253)
Miscellaneous revenues	Increase in investment earnings	161,010
	Increase in indirect cost and other recoveries	794,744
All other		<u>205,612</u>
Total Increase/(Decrease)		<u>\$2,646,521</u>

General Fund

FY 2023 Key Expenditure Changes from FY 2022 Revised Budget

Personnel Services	Police & Fire Meet & Confer	\$1,966,559
	Non-civil service 6% market adjustment	2,077,530
	Full staffing funding	2,804,325
	Reduction in termination pay & overtime	(1,717,154)
Supplies		52,059
Maintenance		(64,986)
Other Services and Charges	Fleet fuel, maintenance & replacement	432,554
	Increase in interfund charges	448,092
Operating Transfers	Fund Police Apparatus Fund	1,100,000
	Increase Transit Fund subsidy	529,019
	Increase in Street Maintenance Fund transfer	3,927,765
	Reduction in ARPA transfer	(4,391,979)
	2021 End of Year Funds	(3,221,677)
	Reduction in Minor Improvement transfer	(1,300,552)
All Other		<u>4,966</u>
	Total Increase/(Decrease)	<u>\$ 2,646,521</u>

**Schedule of Tax Rate
Per \$100 Assessed Valuation
FY 2014-FY 2023**

<u>Fiscal Year</u>	<u>General Operating</u>	<u>General Debt Service</u>	<u>Total Tax Rate</u>
2014	.5095	.1765	.6860
2015	.5215	.1645	.6860
2016	.5306	.1834	.7140
2017	.5448	.2017	.7465
2018	.5648	.2103	.7751
2019	.5648	.2074	.7722
2020	.6069	.1808	.7877
2021	.6019	.1858	.7877
2022	.6019	.1832	.7851
2023	.5988	.1633	.7621

**Water & Sewer Operating Fund
Summary of Revenues & Expenditures
FY 2022-2023 Budget**

	<u>Actual 2020-2021</u>	<u>Approved 2021-2022</u>	<u>Revised 2021-2022</u>	<u>Proposed 2022-2023</u>
REVENUE				
Charges for Service	\$59,246,676	\$61,678,637	\$61,702,637	\$67,533,221
Federal/State Assistance	11,531	-	-	-
Interest, Misc & Transfers	1,729,543	314,644	400,714	374,790
Total Revenue	\$60,987,750	\$61,993,281	\$62,103,351	\$67,908,011
EXPENDITURES				
Personnel Services	\$10,259,099	\$11,355,882	\$11,044,998	\$11,941,379
Supplies	3,293,027	4,251,890	5,536,580	5,929,260
Maintenance	3,123,502	3,262,522	3,944,109	4,142,297
Other Services & Charges	19,512,509	22,011,912	22,036,073	22,830,398
Capital Expenditures	1,146,108	2,085,690	1,993,717	1,707,180
Debt Service	17,379,750	15,737,940	15,737,940	17,451,840
Operating Transfers	47,800	7,691,008	8,360,646	9,195,768
Total Expenditures	\$54,761,795	\$66,396,844	\$68,654,063	\$73,198,122
Net Revenues Over (Under) Expenditures	\$6,225,955	\$(4,403,563)	\$(6,550,712)	\$(5,290,111)
Beginning Fund Balance	22,479,166	27,116,443	28,705,121	22,154,409
Ending Fund Balance	\$28,705,121	\$22,712,880	\$22,154,409	\$16,864,298

**Water & Sewer Operating Fund
FY 2022 Revised Revenue Changes from Original FY 2022 Budget**

Charges for Services	\$ 24,000
Interest Earnings & Misc.	86,070
Total Increase/(Decrease)	<u>\$ 110,070</u>

Water & Sewer Operating Fund
 FY 2022 Revised Expenditure Changes from Original FY 2022 Budget

Personnel Services	\$ (310,884)
Chemical Supplies	1,267,000
Maintenance	681,587
Transfers Out	669,638
All Other	<u>(50,122)</u>
 Total Increase/(Decrease)	 <u>\$ 2,257,219</u>

Water & Sewer Operating Fund
 FY 2023 Revenue Changes from FY 2022 Revised Budget

Charges for Service	\$ 5,830,584
Miscellaneous Revenue	65,530
Transfers in	<u>(91,454)</u>
 Total Increase/(Decrease)	 <u>\$ 5,804,660</u>
% Change	9%

Water & Sewer Operating Fund
 FY 2023 Expenditure Changes from FY 2022 Revised Budget

Personnel Services	\$ 896,381
Chemical Supplies	391,246
Maintenance	198,188
Wholesale Water Costs	250,043
Intrafund charges	511,142
Capital Outlay	(286,537)
Debt Service Transfers	1,713,900
Capital Project Transfers	835,122
All Other	<u>34,574</u>
 Total Increase/(Decrease)	 \$4,544,059
% Change	7%

City of Abilene Water Utilities - 2023 CIP 5 YR. PLAN			
PROJECT YEAR	PROJECT #	PROJECT DESCRIPTION	COST (\$ MILLION)
2023	80700121	Hamby WWTP Phase II MBR Expansion	\$6.00
	80500423	East Highway 80 14" CI Replacement	\$2.30
	80500323	Abandon High Level Pump Station	<u>\$0.22</u> \$8.52
2024	80300221	Lake Abilene Dam Improvements	\$3.78
	80500124	24" Water Line Maple PS to BG EST	\$3.78
	80400123	Northeast WTP Rehabilitation & HSPS	<u>\$30.70</u> \$38.26
2025	80500125	1.5 MG EST for 1 st PP	\$4.54
	80500225	18" Water Supply Pipeline – Loop 322	<u>\$5.19</u> \$9.73
2026	80500126	1 st /2 nd PP Boundary Modifications	\$1.73
	80500223	1.5 MG 277 EST for West of 2 nd PP	<u>\$4.43</u> \$6.16
2027	80500127	Maple Street PS Expansion	\$4.10
	80500227	Prison EST Rehab	\$0.64
	80500327	Buck Creek Pump Station	<u>\$8.15</u> \$12.90

Airport Operating Fund Summary of Revenues & Expenditures FY 2022-2023 Budget

	Actual 2020-2021	Approved 2021-2022	Revised 2021-2022	Proposed 2022-2023
REVENUE				
Charges for Service	-	\$1,330,469	\$1,329,869	\$1,330,469
Federal/State Assistance	-	1,050,000	1,025,000	960,000
Miscellaneous	-	633,138	840,418	646,820
Total Revenue	-	\$3,013,607	\$3,195,287	\$2,937,289
EXPENDITURES				
Personnel Services	-	\$1,648,124	\$1,633,327	\$1,755,178
Supplies	-	60,330	55,330	73,830
Maintenance	-	164,676	160,676	384,476
Other Services & Charges	-	650,843	673,853	806,227
Debt Service	-	471,160	-	-
Total Expenditures	-	\$2,995,133	\$2,523,186	\$3,019,711
Net Revenues Over (Under) Expenditures	-	\$18,474	\$672,101	\$(82,422)
Beginning Fund Balance	-	-	-	672,101
Ending Fund Balance	-	\$18,474	\$672,101	\$589,679

**Solid Waste Services Fund
Summary of Revenues & Expenditures
FY 2022-2023 Budget**

	Actual 2020-2021	Approved 2021-2022	Revised 2021-2022	Proposed 2022-2023
REVENUE				
Charges for Service	\$16,605,800	\$17,382,076	\$17,869,275	\$18,061,150
Federal Grants & Programs	12,672	-	-	-
Miscellaneous	19,833	39,950	53,070	31,030
Total Revenue	\$16,638,305	\$17,422,026	\$17,922,345	\$18,092,180
EXPENDITURES				
Personnel Services	\$4,076,399	\$4,178,887	\$4,390,376	\$4,627,859
Supplies	50,242	65,920	68,920	74,920
Maintenance	59,190	105,000	116,500	126,500
Other Services & Charges	8,794,464	9,740,399	10,381,228	10,203,254
Capital Expenditures	228,184	350,000	350,000	450,000
Operating Transfers	2,712,570	3,209,210	3,209,210	2,527,850
Total Expenditures	\$15,921,049	\$17,649,416	\$18,516,234	\$18,010,383
Net Revenues Over (Under) Expenditures	\$717,256	\$(227,390)	\$(593,889)	\$81,797
Beginning Fund Balance	2,951,319	2,948,423	3,668,575	3,074,686
Ending Fund Balance	\$3,668,575	\$2,721,033	\$3,074,686	\$3,156,483

**Stormwater Services Fund
Summary of Revenues & Expenditures
FY 2022-2023 Budget**

	Actual 2020-2021	Approved 2021-2022	Revised 2021-2022	Proposed 2022-2023
REVENUE				
Charges for Service	\$2,904,994	\$2,970,975	\$2,970,975	\$3,119,524
Other	33,964	47,485	54,765	46,300
Total Revenue	\$2,938,958	\$3,018,460	\$3,025,740	\$3,165,824
EXPENDITURES				
Personnel Services	\$1,291,724	\$1,439,126	\$1,326,048	\$1,534,824
Supplies	22,946	40,390	40,390	40,390
Maintenance	166,129	256,050	234,526	344,050
Other Services & Charges	1,035,261	1,551,688	1,645,286	1,811,727
Operating Transfers	-	-	21,524	-
Total Expenditures	\$2,516,060	\$3,287,254	\$3,267,774	\$3,730,991
Net Revenues Over (Under) Expenditures	\$422,898	\$(268,794)	\$(242,034)	\$(565,167)
Beginning Fund Balance	1,218,740	1,195,269	1,641,638	1,399,604
Ending Fund Balance	\$1,641,638	\$926,475	\$1,399,604	\$834,437

Self Insurance Fund Summary of Revenues & Expenditures FY 2022-2023 Budget

	Actual 2020-2021	Approved 2021-2022	Revised 2021-2022	Proposed 2022-2023
REVENUE				
City Health Contributions	\$7,748,237	\$7,752,846	\$7,739,340	\$7,808,798
Employee Health Contributions	3,068,835	3,343,130	3,000,000	3,450,000
Retiree Health Contributions	132,585	118,500	173,460	173,460
Interfund Charges	2,722,039	3,139,770	2,959,150	3,720,800
Recoveries	646,803	540,230	826,530	540,230
Miscellaneous	2,475	3,470	21,570	38,260
Operating Transfers In	1,322,888	630,272	630,272	703,220
Total Revenue	\$15,643,862	\$15,528,218	\$15,350,322	\$16,434,768
EXPENDITURES				
Health & Drug Claims	\$8,565,015	\$9,123,700	\$9,533,362	\$9,600,000
Administrative Charges	790,903	855,890	705,000	771,730
Liability/Property Premiums/Charges/Claims	3,408,675	3,317,040	3,317,040	3,600,630
Other Expenditures	678,363	665,894	814,858	776,686
Total Expenditures	\$13,442,956	\$13,962,524	\$14,370,260	\$14,749,046
Net Revenues Over (Under) Expenditures	\$2,200,906	\$1,565,694	\$980,062	\$1,685,722
Beginning Fund Balance	2,678,732	4,485,395	4,879,638	5,859,700
Ending Fund Balance	\$4,879,638	\$6,051,089	\$5,859,700	\$7,545,422

Health Insurance Plan Changes

	2022 Current Plan	2023 Proposed Changes	% Increase 2022-2023	2023 Proposed Changes
Employee Premiums-monthly cost	Base Plan	Base Plan		Buy Up Plan
Employee only	\$138	\$145	5%	\$175
Employee+children	\$303	\$318	5%	\$373
Employee + spouse	\$524	\$550	5%	\$638
Employee+family	\$607	\$637	5%	\$738
City Contributions-monthly cost	\$508 per employee	\$508 per employee	-	\$508 per employee
Medical Copay	\$50/\$75	\$50/\$75	-	\$35/\$60
Prescription Copay	\$15/\$50/\$70/ \$150	\$15/\$50/\$70/ \$150	-	\$15/\$50/\$70/\$ 150
Deductible	\$3,000/\$6,000 \$7,500/\$15,000	\$3,000/\$6,000 \$7,500/\$15,000	-	\$1,500/\$3,000 \$5,500/\$11,000

Street Maintenance Fund Summary of Revenues & Expenditures FY 2022-2023 Budget

	Actual 2020-2021	Approved 2021-2022	Revised 2021-2022	Proposed 2022-2023
REVENUE				
Street Maintenance Fee	\$5,379,549	\$5,371,900	\$5,394,470	\$7,485,315
Contribution from DCOA	3,709,128	2,000,000	2,000,000	1,759,772
Miscellaneous Revenue	1,076	820	6,500	10,830
Transfers in	1,040,900	1,040,900	1,040,900	4,968,665
Total Revenue	\$10,130,653	\$8,413,620	\$8,441,870	\$14,224,582
EXPENDITURES				
Maintenance	\$421,400	\$1,040,900	\$986,770	\$1,040,900
Other Services & Charges	490	-	-	-
Transfers to Capital Outlay Fund	8,193,629	8,320,260	8,374,390	12,503,500
Total Expenditures	\$8,615,519	\$9,361,160	\$9,361,160	\$13,544,400
Net Revenues Over (Under) Expenditures	\$1,515,134	\$(947,540)	\$(919,290)	\$680,182
Beginning Fund Balance	2,283,968	3,435,648	3,799,102	2,879,812
Ending Fund Balance	\$3,799,102	\$2,488,108	\$2,879,812	\$3,559,994

Street Maintenance Fund Recommended Rate Changes

SOURCE	03/2022	CURRENT RATE		PROPOSED RATE	
	BASE	RATE	AMOUNT	RATE	AMOUNT
Budget Total - Street Maintenance Fee			\$ 5,371,900		
C1 - 523 @ \$25	531	\$ 25.00	\$ 159,300	\$ 45.00	\$ 286,740
C2 - 558 @ \$35	559	\$ 35.00	\$ 234,780	\$ 55.00	\$ 368,940
C3 - 623 @ \$45	629	\$ 45.00	\$ 339,660	\$ 65.00	\$ 490,620
C4 - 794 @ \$55	792	\$ 55.00	\$ 522,720	\$ 75.00	\$ 712,800
C5 - 496 @ \$65	498	\$ 65.00	\$ 388,440	\$ 85.00	\$ 507,960
C6 - 97 @ \$75	97	\$ 75.00	\$ 87,300	\$ 95.00	\$ 110,580
MF - 904 @ \$6.00	11,163	\$ 6.00	\$ 803,736	\$ 8.00	\$ 1,071,648
R1 - 36709 @ \$6.50	36,860	\$ 6.75	\$ 2,985,660	\$ 8.75	\$ 3,870,300
LMI - 502 @ \$1.75	507	\$ 1.75	\$ 10,647	\$ 1.75	\$ 10,647
Total Street Maintenance Fee	51,636		\$ 5,532,243		\$ 7,430,235

Street Maintenance Fund Anticipated Category of Expenses over Five Year Period

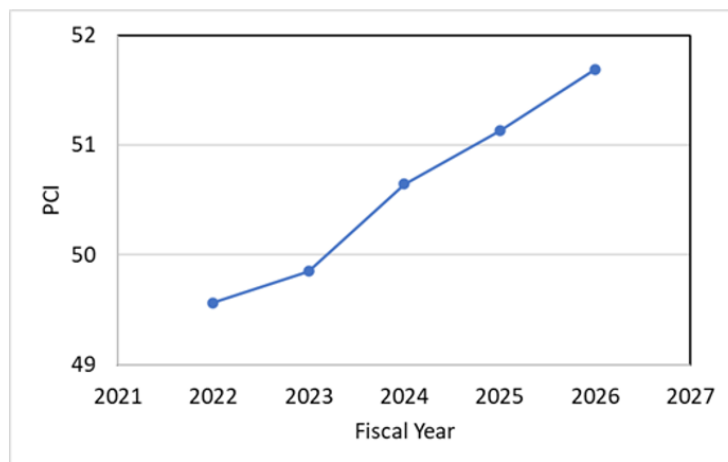
Table 1. Annual Budget Distribution for Scenario 6

Year	ACP/JCP Crack Sealing	ACP Slurry Seal & Micro surfacing	ACP Mill and Thin Overlay & Partial Depth Rehabilitation	ACP/JCP Full Depth Reconstruction /Reclamation	JCP Partial Depth Patching	Street Maintenance Fund Used for Planned Projects	Total
2022	\$100,000	\$450,000	3,750,000	2,500,000	\$174,000	\$7,026,000	\$14,000,000
2023	\$100,000	\$680,000	\$4,570,000	\$4,150,000	\$290,000	\$4,210,000	\$14,000,000
2024	\$100,000	\$1,000,000	\$6,500,000	\$6,000,000	\$400,000	-	\$14,000,000
2025	\$100,000	\$1,000,000	\$6,550,000	\$6,000,000	\$350,000	-	\$14,000,000
2026	\$100,000	\$580,000	\$6,945,000	\$6,000,000	\$375,000	-	\$14,000,000

Street Maintenance Fund Anticipated PCI Index at End of Five Year Period

Table 2. Improved PCI of Scenario 6

Year	Scenario 6
2022	50
2023	50
2024	51
2025	51
2026	52



Fire Apparatus Fund Summary of Revenues & Expenditures FY 2022-2023 Budget

	Actual 2020-2021	Approved 2021-2022	Revised 2021-2022	Proposed 2022-2023
REVENUE				
Transfers in General Fund	\$1,100,000	\$1,100,000	\$1,227,200	\$1,100,000
Contributions	-	-	-	-
Interest	1,228	500	3,300	9,667
Total Revenue	\$1,101,228	\$1,100,500	\$1,230,500	\$1,109,667
EXPENDITURES				
Fire Apparatus	\$1,335,717	\$84,610	\$1,742,900	\$703,451
Total Expenditures	\$1,335,717	\$84,610	\$1,742,900	\$703,451
Net Revenues Over (Under) Expenditures	\$(234,489)	\$1,015,890	\$(512,400)	\$406,216
Beginning Fund Balance	1,814,607	1,400,373	1,580,118	1,067,718
Ending Fund Balance	\$1,580,118	\$2,416,263	\$1,067,718	\$1,473,934

Police Apparatus Fund Summary of Revenues & Expenditures FY 2022-2023 Budget

	Actual 2020-2021	Approved 2021-2022	Revised 2021-2022	Proposed 2022-2023
REVENUE				
Transfers in General Fund	-	-	-	\$1,100,000
Transfers in Minor Improvement Fund	-	\$1,100,000	\$1,505,614	-
Transfers in Other Funds	-	311,000	-	-
Interest	-	-	-	13,559
Total Revenue	-	\$1,411,000	\$1,505,614	\$1,113,559
EXPENDITURES				
Police Apparatus	-	\$780,950	\$827,682	\$935,812
Total Expenditures	-	\$780,950	\$827,682	\$935,812
Net Revenues Over (Under) Expenditures	-	\$630,050	\$677,932	\$177,747
Beginning Fund Balance	-	-	-	677,932
Ending Fund Balance	-	\$630,050	\$677,932	\$855,679

Minor Improvement Fund Summary of Revenues & Expenditures FY 2022-2023 Budget

	Actual 2020-2021	Approved 2021-2022	Revised 2021-2022	Proposed 2022-2023
REVENUE				
Transfers from General Fund	\$23,076,910	\$621,231	\$8,365,931	-
Transfers from Other Funds	311,566	-	7,190,531	\$205,000
Interest	3,320	1,800	5,729	-
Total Revenue	\$23,391,796	\$623,031	\$15,562,191	\$205,000
EXPENDITURES	\$13,057,301	\$4,692,926	\$24,396,437	\$3,188,071
Net Revenues Over (Under) Expenditures	\$10,334,495	\$(4,069,895)	\$(8,834,246)	\$(2,983,071)
Beginning Fund Balance	5,494,406	15,021,870	15,828,901	6,994,655
Ending Fund Balance	\$15,828,901	\$10,951,975	\$6,994,655	\$4,011,584

American Rescue Plan Act Grant (ARPA)

	FY 2021	FY 2022	Total
Funds Received	<u>\$10,727,981</u>	<u>\$10,727,981</u>	<u>\$21,455,962</u>
Grant Appropriation			
Revenue loss*	\$10,727,981	\$4,391,979	\$15,119,960
Response to Public Health & Economic Impacts of Covid 19 **		6,336,002	6,336,002
Total Appropriation	<u>\$10,727,981</u>	<u>\$10,727,981</u>	<u>\$21,455,962</u>

*Funds Utilized for:

Downtown Hotel	\$5,000,000
Minor Improvement Fund Projects	10,119,960

** Planned Use:

Nelson Park Flat Fields	5,000,000
Park Walking Trails	985,000
Undesignated	351,002
	<u>\$21,455,962</u>

All Other Funds
 Other items to be aware of...

- The fleet replacement fund will purchase vehicle replacements as follows: \$514,000 for General Fund, \$134,000 for Water & Sewer Fund, and \$2,411,000 for the Solid Waste Services Fund. This totals \$3,059,000. All purchases exceeding \$50,000 will require Council approval, and all will meet Council's adopted vehicle replacement policy.
- Bond election projects are not included in the budgets with the exception of fire apparatus for a new Fire Station #9, which is included in the Minor Improvement Fund budget for FY 2023.

DISCUSSION

Council and staff discussed the reorganization of the Police Department, and the youth division budget being reorganized under the special victims unit, instead of its own division. Body armor was not included in the budget, as they are keeping the equipment already in use. The cameras for interrogation rooms are in the works, we are just waiting on equipment, but the previous authorization will hold for when we actually procure them.

Councilmember Price would like to see Lee Park changed to Valentine Park on page 69 of the Budget, since the Park was recently renamed.

Councilmember Price also questioned if the façade improvement grant was still in use. Mr. Hanna explained that the TIRZ board reallocated that money, and it will come before Council in August to approve expenditures. It's still being used and there are 2-3 applicants waiting for the funds to be reallocated.

Councilmember Price questioned if the contract for the Convention Center management with ASM is approved at tomorrow's meeting, will the budget need to be revised. Mr. Hanna stated that the second reading of the budget will reflect that, if the contract is approved.

Councilmembers Price and Beard stated their concern since working on the building codes. They are concerned that there is a potential that some low-to-moderate income property owners will not be able to afford to fix their properties up to code with the implementation of the new building code. They would like to see some program implementation to help those in that situation. Mr. Hanna agreed that ARPA funds for grants for low-to-moderate income property owners could be utilized, as well as MIP funds. Also in regards to the Street Maintenance Fee, there are lots of people who would qualify for the LMI rate, that just have not come in to apply for it. He encouraged those who would qualify to come in and apply.

Councilmember McAlister encouraged everyone to let them know now what they would like to see, as waiting for August will be too late.

Councilmember Craver questioned if there were programs or non-profits we could work with to expand our resources. Mr. Hanna stated that we've done a great job already of partnering with non-profits like Habitat for Humanity and the United Way, and we will continue to look for new ways to do so.

Councilmember Price questioned the sales tax amount and if the numbers come from the Comptroller. Mr. Hanna clarified that they do and we have safeguards in place in the budget and have underestimated retail sales growth as a protection.

Councilmember Price questioned if we were fulfilling our requirements for the Street Maintenance Fee as far as annual reviews. Mr. Hanna clarified that the Street Maintenance Advisory Board has met and recommends the fee continuing, and it will take effect October 1st, unless Council chooses otherwise.

ORDINANCES

3. Consider on First Reading - Ordinance Approving Revised 2021-2022 Budget

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

- David Swart – spoke about the Street Maintenance Fee and the DCOA not putting money into the street maintenance fund any longer. Mr. Swart says that the fee is hurting small businesses.
- Shawnte Fleming – questioned if there would be assistance given to those homeowners who own property in the flood zone, since federal funding cannot be given to them.

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

Mr. Hanna addressed citizens concerns. He stated we are still in discussion with the DCOA on their input into street maintenance, and since the funds for this would potentially come out of general fund monies, they could potentially be used for those in the flood zone, as it wouldn't have the same restrictions as federal money would.

Councilmember McAlister moved to approve the item as presented. Councilmember Price 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

Councilmember Beard had conflicts and abstained from voting on accounts 5025 - Child Advocacy Center, 5070 - Victim Advocacy, and 6060 – Aviation and Airport Operating Fund. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office.

4. Consider on First Reading - Proposed 2022-2023 Budget

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

Councilmember Price moved to approve the item as presented. 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

Councilmember Beard had conflicts and abstained from voting on accounts 5025 - Child Advocacy Center, 5070 - Victim Advocacy, 6060 – Aviation and Airport Operating Fund, and anything regarding raises for non-civil service employees. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office.

5. Consider on First Reading - Ordinance Setting Tax Levy

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

- David Swart – spoke about retirees from the City not getting a cost of living raise like current employees do.

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

Councilmember McAlister moved to approve the item as presented, setting the tax rate at \$0.7621.
Councilmember Craver 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

6. Consider on First Reading - Ordinance adopting fees and charges for FY 2022-2023

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

- Ryan Goodwin – questioned the fees for the Convention Center and how they seem to be “nickel and diming” people who host events there. Questioned if there could be some kind of combo pass for the Zoo and Adventure Cove and what the process is for appealing a zoning request to avoid being out the \$250 fee.

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

Mr. Hanna addressed Mr. Goodwin’s concerns and stated that the fees are consistent with similar convention centers, that they had not considered a combo passed but he is not opposed to the idea, it just has to be run through the Zoological Society, and that there are opportunities for an applicant to ask an item to be tabled to wait for a full slate of Council members, if they choose.

Councilmember Price moved to approve the fee schedule as presented in the updated budget book.
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

ADJOURNMENT

Because the budget workshop was completed and scheduled ordinances adopted at first reading, the public was informed that the budget ordinances will not be considered during the regular City Council meeting on Thursday, July 28th for the budget.

The meeting adjourned at 10:09 a.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____

CITY COUNCIL MEETING
July 28, 2022 at 8:30 a.m.

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

The City Council of the City of Abilene, Texas met in Regular Session on July 28, 2022, at 8:30 a.m. in the Council Chambers, 555 Walnut St. 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.

Councilmember Travis Craver delivered the invocation, and led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Proclamations:
 - Water Quality Month – accepted by Max Johnson, Director of Public Works and Public Works staff.

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 3-23. Items 5 and 10 were pulled for individual consideration.

Item pulled for individual consideration were as follows:

- Mayor Pro-tem Hurt – Item #5
- Councilmember Beard – Item #10

PUBLIC COMMENTS

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

- David Swart – spoke about item 5 and stated that there is a great management team already in place at the convention center, so he would like to know the reason why a company would need to come in to manage it. Mr. Swart also spoke about item #8 and stated that Bontke Brothers also bid on the walkway at Cedar Creek project, when they were the low bidder but were not selected. He also spoke about the water damage at the new police department and the bond election regarding Fire Station 9. He asked council and staff to not build too small if the fire station is approved.
- Ryan Goodwin – appreciated item 17 at the last meeting and how Planning and Zoning handled the item, as it was a great use for the area. Mr. Goodwin liked how flexible the owner of the property was willing to be for the neighborhood.
- Samuel Garcia – recognized the Water Department and stated it is the most vital department for every citizen. Mr. Garcia also wanted to thank the Librarians for all of their hard work in promoting good educational pieces for the community. He also spoke about the demolition of the old Abilene Reporter News building and that he does not understand why that is happening.

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

CONSENT AGENDA

Mayor Pro-tem Hurt moved to approve the consent agenda, now consisting of items 3-4, 6-9 and 11-23. 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

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on July 14, 2022
4. Resolution: Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter
[ASSIGNED RESOLUTION NO. 112-2022]

Board	Term End Date
<i>Betty Hardwick Center Board of Trustees</i>	
Priscilla Rayford [Reappointment]	August 2024
<i>Senior Citizens Advisory Board</i>	
Monroe Nevells [Reappointment]	May 2024
Robin Calloway Walls [New]	May 2024

6. Resolution: Receive a Report, Hold a Discussion, and Take Action on the Approval of FY 2022/2023 One-Year Action Plan for CDBG and HOME Programs
[ASSIGNED RESOLUTION NO. 114-2022]
7. Resolution: Receive a Report, Hold a Discussion and Take action on Approving the Purchase of New Furniture for Phase One of the First Floor Remodel
[ASSIGNED RESOLUTION NO. 115-2022]
8. Resolution: Receive a Report, Hold a Discussion and Take Action on Approval for the City Manager to enter into a contract with Bontke Brothers Construction, Inc. for the replacement and repair of bridges at Maxwell Municipal Golf Course
[ASSIGNED RESOLUTION NO. 116-2022]
9. Resolution: Receive a Report, Hold a Discussion and Take Action to Award a Contract to The Goodman Corporation for Architectural/Engineering Services for a New Multimodal Transit Facility **[ASSIGNED RESOLUTION NO. 117-2022]**
11. Resolution: Receive a Report, Hold a Discussion and Take Action on authorizing a contract for the Cleaning and Inspection of the West Sewer Interceptor
[ASSIGNED RESOLUTION NO. 119-2022]
12. Resolution: Receive a Report, Hold a Discussion and Take Action Authorizing the City Manager to enter into an Advanced Funding Agreement with Texas Department of Transportation for the N 10th Street Highway Safety Improvement Program Project
[ASSIGNED RESOLUTION NO. 120-2022]
13. Resolution: Receive a Report, Hold a Discussion and Take Action Authorizing the City Manager to enter into an Advanced Funding Agreement with Texas Department of Transportation for the Rebecca Lane Highway Safety Improvement Program Project
[ASSIGNED RESOLUTION NO. 121-2022]
14. Resolution: Receive a Report, Hold a Discussion and Take Action Authorizing the City Manager to enter into an Advanced Funding Agreement with Texas Department of Transportation for the S 14th Street Flashing Yellow Arrow Highway Safety Improvement Program Project

[ASSIGNED RESOLUTION NO. 122-2022]

15. Resolution: Receive a Report, Hold a Discussion and Take Action Authorizing the City Manager to enter into an Advanced Funding Agreement with Texas Department of Transportation for the S 14th Street Interconnected System Highway Safety Improvement Program Project

[ASSIGNED RESOLUTION NO. 123-2022]

16. Resolution: Receive a Report, Hold a Discussion and Take Action to Approve an Extended Term Street Use License with TTY Holdings, LLC

[ASSIGNED RESOLUTION NO. 124-2022]

17. 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, By Amending Two (2) School Zones near Bassetti Elementary and Wylie Early Childhood Center; Adding Two (2) Existing Zones on Beltway South (FM 707); and Adding a New School Zone on Oldham Ln (FM 1750)
18. Ordinance (First Reading) Z-2022-14: Receive a Report, Hold a Discussion and Take Action on A Request From Weatherbee Construction Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 104 Specifically Rezone approximate 14.34 acres currently Residential Medium Density to create and add tract 6 of Planned Development District (PD- 104) and modifying PD-104 to add and allow 50' wide residential lots as a permitted use within all tracts, save and except, Lot 1, Block A (MF), Trails of Abilene Addition
19. Ordinance (First Reading) Z-2022-16: Receive a Report, Hold a Discussion and Take Action on A Request From Arete Interests, LLC Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 159A Specifically To Amend The Concept Plan To Allow For More Residential Uses. Legal Description Being Lots 101-109, Block A, Parramore's Subdivision, Abilene In Taylor County, Texas.
20. Ordinance (First Reading) Z-2022-17: Receive a Report, Hold a Discussion and Take Action on A Request From Grace Tabernacle Church Represented By Nancy Brown And Gene Dezell To Change Zoning From Residential Single Family (RS-6) To Neighborhood Retail (NR), On Approximately .62 Acres In South Abilene, Legal Description Being Lots 5-8, Block 15, Campus Addition, Abilene, Taylor County, Texas
21. Ordinance (First Reading) CUP-2022-06: Receive a Report, Hold a Discussion and Take Action on A Request From Patrick Batten Represented By Rylie Batten For Approval Of A Conditional Use Permit Allowing A Group Home (A.K.A. Halfway House) On Approximately .16 Acres Of Residential Medium Density (MD) District at 1242 Orange St In North Abilene, Legal Description Being Lot 12 In Block F Of Steffens & Lowden, Abilene, Taylor County, Texas
22. Ordinance (First Reading) Z-2022-15: Receive a Report, Hold a Discussion and Take Action on A Request From Cimarron Meadows Development Corp. Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 170 Specifically To Add Approximately 37 Acres Of Existing Residential Medium Density (MD) And Approximately 15 Acres Of Agricultural Open Space (AA) Zoning And Amending Them To Allow For 5,000 Square Foot Lots With 5 Foot Side Setbacks And 50 X 100 Foot Lot Dimensions
23. Ordinance (First Reading) Z-2022-18: Receive a Report, Hold a Discussion, and Take Action on A Request From Sugar Agua #1 Ltd Represented By Matthew Muzechenko To Change Zoning On

Approximately 7.15 Acres In Southwest Abilene From Agricultural Open (AO) To General Commercial (GC).

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

5. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Enter into a Management Agreement between ASM Global and the City of Abilene for Management Services for the Abilene Convention Center
[ASSIGNED RESOLUTION NO. 113-2022]

Adoption of the item would approve a management agreement with ASM Global for the management of the Abilene Convention Center.

Having pulled the item, Mayor Pro-tem Hurt asked for clarification on what happens to City staff after this goes into affect, as well as the fee schedule that's being approved with the budget. Mr. Hanna clarified that employees will start a transition period over to ASM after approval. They will be offered a position with the City, should they choose. Mindy Patterson, Deputy City Manager, also clarified that fees are set by ASM but approved by Council in the budget process, and that we will honor every contract already signed.

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

- Samuel Garcia – questioned how the new management team will handle the reoccurring and well known events, and if those bookings will be held for them.
- Pam Sitzes – stated her questions had already been answered. Stated the Abilene Convention and Visitors Bureau is not here to voice in opposition or for approval, but they work very well with the current staff and they have always been taken care of.
- Ryan Goodwin – questioned if the new management company will keep the same prices and fees or if they will change.

Councilmember Price moved to approve the item as presented, with the updated version of the management agreement. 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

10. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Enter into a Memorandum of Understanding between All Kind Animal Initiative and the City of Abilene for the Development of a Pet Adoption and Resource Center on City Property
[ASSIGNED RESOLUTION NO. 118-2022]

Adoption of this item would approve a memorandum of understanding with All Kind Animal Initiative for the Development of a Pet Adoption and Resource Center (PARC) on City property.

Having pulled the item, Councilmember Beard asked for clarification on the MOU's public/private partnership so everyone can understand what is happening. Mr. Hanna spoke about the partnership and the proposed facility.

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

Councilmember Craver moved to approve the item as presented. 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

REGULAR AGENDA

24. 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, By Amending School Zone near Dyess Elementary and Updating AISD school names
[ASSIGNED ORDINANCE NO. 30-2022]

Max Johnson, Director of Public Works, presented the item. Adoption of the item would amend Chapter 18 of the code to amend the school zone near Dyess Elementary and update several AISD school names.

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

Councilmember Price moved to approve the item with the correct street name. Councilmember McAlister 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

27. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Development Corporation of Abilene's Economic Development Plan
[ASSIGNED RESOLUTION NO. 127-2022]

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would approve the Development Corporation of Abilene's Economic Development Plan. Ms. Mayo went over the accomplishments of the DCOA for the past year and the details of their economic development plan.

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

- David Swart – stated he did not see anything about the budget and questioned why. Mr. Swart also questioned where the DCOA staff salaries are being paid from.

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

Councilmember Beard moved to approve the item as presented. Councilmember Craver 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

25. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Amended 2021-2022 Fiscal Year Budget for the Development Corporation of Abilene
[ASSIGNED RESOLUTION NO. 125-2022]

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would amend the 2021-2022 fiscal year budget for the Development Corporation of Abilene.

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

- David Swart – stated that it was not mentioned where the new Amazon and cheese factory were located and he would like to know. He suggested a car parts distributor or ammo plant for their next projects.

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

Councilmember McAlister moved to approve the item as presented. 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

26. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Fiscal Year 2023 Budget for the Development Corporation of Abilene
[ASSIGNED RESOLUTION NO. 126-2022]

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would approve the fiscal year 2023 budget for the Development Corporation of Abilene.

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

- David Swart – questioned if Amazon will ever pay rent in the new facility they are in. Mr. Swart also stated that he thinks Abilene needs something more common for the average person to get a job.
- Ryan Goodwin – asked if citizens could get a print out of the presentation in the future.

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

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

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

Items 28, 29, 30 & 31 were not considered at this time. They were completed during the budget workshop on 7/27.

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 9:50 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:

32. D. 551.071 (Consultation with Attorney)

1. Request for extended line of duty illness or injury leave of absence

The Executive Session ended at 10:06 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

19. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Possible Action on a Request for Extended Line of Duty Illness or Injury Leave of Absence Made By Police Officer
[ASSIGNED RESOLUTION NO. 128-2022]

Earlier in the meeting, under Section 551.071 (Consultation with Attorney) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 9:50 a.m., and ended at 9:59 a.m. No votes or actions were taken at that time.

Zach Horn with Lion Gorskey and Gillford, attorney for Mary Guitar, spoke on Ms. Guitar's behalf. Mr. Horn asked that Officer Guitar's leave of absence be extended by four months with pay and gave the reasoning behind this request. Marcus Dudley, Chief of Police, presented the timeline of events that led up to this request and asked that Council deny Officer Guitar's request.

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

Mayor Williams moved to approve Officer Guitar's extended leave of absence by four months at full pay. Deputy Mayor Pro-tem Albus seconded the motion; motion carried.

AYES (4): Mayor Williams, Deputy Mayor Pro-tem Albus, and Councilmembers Price and Craver
NAYS (3): Mayor Pro-tem Hurt, Councilmember Beard and McAlister

ADJOURNMENT

There being no further business, the meeting adjourned at 10:41 a.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 4.

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

- **Tax Increment Reinvestment Zone (TIRZ) Board**

GENERAL INFORMATION

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

SPECIAL CONSIDERATIONS

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

FUNDING/FISCAL IMPACT

No cost consideration to the city.

STAFF RECOMMENDATION

(Re)Appointment

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

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

RESOLUTION NO. _____

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

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

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

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

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

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

PASSED this 11th day of August, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____
EXHIBIT "A"

Board	Term End Date
<i>Tax Increment Reinvestment Zone (TIRZ)</i>	
Charles Black [Reappointment]	August 2024
Sam Vinson [Reappointment]	August 2024
Ricardo Gutierrez [Reappointment]	August 2024
Robert Stormy Higgins [Reappointment] [Chair]	August 2024
Ben Grant [Reappointment]	August 2024

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

- Tax Increment Reinvestment Zone (TIRZ) Board





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

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 Ordering a City of Abilene Special Election to be Held on Tuesday, November 8, 2022, for the Purpose of a Citizen Initiative to Make Abilene a Sanctuary City for the Unborn (*Shawna Atkinson*)**

GENERAL INFORMATION

Pursuant to Section 40, Charter of the City of Abilene, the Sanctuary City for the Unborn ordinance proposed by the initiative petition, in the exact form proposed, is being submitted to the voters of Abilene.

Section 3.005(c) of the Texas Election Code requires a November election be ordered not later than the 78th day before election day. For the November 8th election, the deadline for ordering the election is Tuesday, August 22, 2022. Thursday, August 11, 2022, is the last City Council meeting day to order the election without having to schedule a special meeting.

Texas Election Code, Chapter 43, authorizes countywide polling place programs. Taylor County, through its Elections Department, utilizes Vote Centers. Use of these vote centers will apply to this election.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

None.

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 2022 Resolution Ordering November Election Sanctuary City Unborn
2. 2022 Resolution Ordering November Election Sanctuary City Unborn SPANISH
3. PROPOSED_EV Schedule - Taylor & Jones (without temporary branch locations)
4. PROPOSED County Wide Vote Centers November 8, 2022
5. SCFTU_Ordinance_for_Abilene_Texas_11-30-21.docx-9164618
6. SCFTU Ordinance - ABILENE Texas -Spanish (08-11-22)
7. Presentation - Sanctuary City Order

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS ORDERING A SPECIAL ELECTION REGARDING A PROPOSITION TO ADOPT OR REJECT THE PROPOSED ORDINANCE TO OUTLAW ABORTION WITHIN THE CITY OF ABILENE AND TO DECLARE ABILENE A SANCTUARY CITY FOR THE UNBORN, TO BE HELD ON TUESDAY, NOVEMBER 8, 2022; PROVIDING FOR THE CONDUCT AND THE GIVING NOTICE OF THE ELECTION; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, on February 22, 2022, an initiative petition was filed in the City Secretary's Office, by a group of citizens to make Abilene a sanctuary city for the unborn; and

WHEREAS, on March 21, 2022, the City Secretary's office verified the required number of signatures; and

WHEREAS, on April 14, 2022, the City Council received the certified petition from the City Secretary, and a First Reading of the proposed initiative Ordinance was considered by the City Council; and

WHEREAS, on April 28, 2022, the City Council failed to pass the ordinance proposed by the Initiative petition in the exact form proposed; and

WHEREAS, pursuant to Section 40, Charter of the City of Abilene, the proposed initiative ordinance shall be submitted to the voters; and

WHEREAS, Taylor County, pursuant to Texas Election Code 43.007 allows the Commissioners Court to participate in the program to eliminate county election precinct polling places and establish countywide polling places for each election held on the uniform election date in November; and,

WHEREAS, each countywide polling place must allow a voter to vote in the same election in which the voter would be entitled to vote in the county election precinct in which the voter resides; and

WHEREAS, Taylor County has been approved by the Secretary of State to utilize countywide polling places; and

WHEREAS, locations of the polling places are as designated in Exhibit A, attached to this resolution, but which locations may be changed by Taylor or Jones Counties, and which changes, if any, are hereby made part of this ordinance by reference and can be found by visiting the Taylor County webpage, if you reside in Taylor County: <http://www.taylorcountytexas.org/214/current-elections> or by contacting:

Taylor County Elections Administrator
400 Oak Street, #101, Abilene, Texas 79602
(325) 674-1216

Or by visiting the Jones County webpage, if you reside in Jones County: <https://www.co.jones.tx.us/page/jones.Elections> or by contacting:

Jones County Clerk
P.O. Box 552, Anson, Texas 79501
(325) 823-3762

WHEREAS, early voting will be conducted at the locations and during the dates and times established by Taylor and Jones Counties, as reflected in Exhibit B, attached to this ordinance, but which locations may be changed by Taylor or Jones Counties, and which changes, if any, are hereby made part of this resolution by reference and can be found by visiting the Taylor County webpage if you reside in Taylor County: <http://www.taylorcountytexas.org/214/current-elections> or by contacting:

Taylor County Elections Administrator
400 Oak Street, #101, Abilene, Texas 79602
(325) 674-1216

Or by visiting the Jones County webpage, if you reside in Jones County: <https://www.co.jones.tx.us/page/jones.Elections> or by contacting:

Jones County Clerk
P.O. Box 552, Anson, Texas 79501
(325) 823-3762

WHEREAS, applications for ballots by mail must be received no later than 5:00 p.m., Tuesday, October 28, 2022, and sent to the following:

Freda Ragan
Taylor County Elections Administrator
P. O. Box 3318
Abilene, Texas 79604
Email: raganfr@taylorcountytexas.org

Or

LeeAnn Jennings
Jones County Clerk
P.O. Box 552
Anson, Texas 79501
Email: ljennings@co.jones.tx.us

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

PART 1: That a copy of the proposed initiative ordinance is attached hereto as Exhibit C and made a part hereof for all purposes.

PART 2: That a special election is hereby ordered to be held on Tuesday, November 8, 2022, under the applicable provisions of the Texas Election Code, the Abilene City Charter and City ordinances.

PART 3: That said election shall be for the purpose of voting for or against the following proposition:

PROPOSITION

THE CODE OF ORDINANCES OF THE CITY OF ABILENE, TEXAS SHALL BE
AMENDED BY ENACTING AN ORDINANCE OUTLAWING ABORTION WITHIN THE
CITY OF ABILENE, DECLARING ABILENE A SANCTUARY CITY FOR THE
UNBORN, MAKING VARIOUS PROVISIONS AND FINDINGS, PROVIDING FOR
SEVERABILITY, REPEALING CONFLICTING ORDINANCES, AND
ESTABLISHING AN EFFECTIVE DATE.

FOR: _____

AGAINST: _____

PART 4: That this Resolution shall take effect immediately from and after its passage.

ADOPTED by the City Council of the City of Abilene on the 11th day of August, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

RESOLUCIÓN NÚM. _____

UNA RESOLUCIÓN DEL CONCEJO MUNICIPAL DE LA CIUDAD DE ABILENE, TEXAS QUE ORDENA UNA ELECCIÓN ESPECIAL CON RESPECTO A UNA PROPUESTA PARA ADOPTAR O RECHAZAR LA ORDENANZA PROHIBIDA PARA PROHIBIR EL ABORTO EN LA CIUDAD DE ABILENE Y PARA DECLARAR ABILENE UNA CIUDAD SANTUARIO PARA LOS NO NACIDOS, QUE SE CELEBRARÁ EL MARTES 8 DE NOVIEMBRE DE 2022; PROVEER PARA LA REALIZACIÓN Y LA NOTIFICACIÓN DE LA ELECCIÓN; PROPORCIONAR UNA FECHA EFECTIVA; Y DICTAR OTRAS DISPOSICIONES RELACIONADAS CON LA MATERIA

POR CUANTO, el 22 de febrero de 2022, un grupo de ciudadanos presentó una petición de iniciativa en la Oficina del Secretario de la Ciudad para hacer de Abilene una ciudad santuario para los no nacidos; y

POR CUANTO, el 21 de marzo de 2022, la oficina del Secretario de la Ciudad verificó el número requerido de firmas; y

POR CUANTO, el 14 de abril de 2022, el Concejo Municipal recibió la petición certificada del Secretario de la Ciudad, y el Concejo Municipal consideró una Primera Lectura de la Ordenanza de iniciativa propuesta; y

POR CUANTO, el 28 de abril de 2022, el Concejo Municipal no aprobó la ordenanza propuesta por la petición de Iniciativa en la forma exacta propuesta; y

POR CUANTO, de conformidad con la Sección 40, Estatutos de la Ciudad de Abilene, la ordenanza de iniciativa propuesta se presentará a los votantes; y

POR CUANTO, el condado de Taylor, de conformidad con el Código Electoral de Texas 43.007, permite que el Tribunal de Comisionados participe en el programa para eliminar los lugares de votación de los precintos electorales del condado y establecer lugares de votación en todo el condado para cada elección celebrada en la fecha de elección uniforme en noviembre; y,

POR CUANTO, cada lugar de votación en todo el condado debe permitir que un votante vote en la misma elección en la que el votante tendría derecho a votar en el precinto electoral del condado en el que reside el votante; y

POR CUANTO, el condado de Taylor ha sido aprobado por el Secretario de Estado para utilizar lugares de votación en todo el condado; y

POR CUANTO, las ubicaciones de los lugares de votación son las designadas en el Anexo A, adjunto a esta resolución, pero qué ubicaciones pueden ser cambiadas por los condados de Taylor o Jones, y qué cambios, si los hubiere, se hacen parte de esta ordenanza por referencia y pueden ser se encuentra visitando la página web del condado de Taylor, si reside en el condado de Taylor: <http://www.taylorcountytexas.org/214/current-elections> o comunicándose con:

Administrador de elecciones del condado de Taylor
400 Oak Street, #101, Abilene, Texas 79602
(325) 674-1216

O visitando la página web del condado de Jones, si reside en el condado de Jones:
<https://www.co.jones.tx.us/page/jones.Elections> o comunicándose con:

Secretario del condado de Jones
PO Box 552, Anson, Texas 79501
(325) 823-3762

POR CUANTO , la votación anticipada se llevará a cabo en los lugares y durante las fechas y horarios establecidos por los condados de Taylor y Jones, como se refleja en el Anexo B, adjunto a esta ordenanza, pero qué lugares pueden ser cambiados por los condados de Taylor o Jones, y qué cambios, en su caso, forman parte de esta resolución por referencia y se pueden encontrar visitando la página web del condado de Taylor si reside en el condado de Taylor:
<http://www.taylorcountytexas.org/214/current-elections> o comunicándose con:

Administrador de elecciones del condado de Taylor
400 Oak Street, #101, Abilene, Texas 79602
(325) 674-1216

O visitando la página web del condado de Jones, si reside en el condado de Jones:
<https://www.co.jones.tx.us/page/jones.Elections> o comunicándose con:

Secretario del condado de Jones
PO Box 552, Anson, Texas 79501
(325) 823-3762

POR CUANTO , las solicitudes de boletas por correo deben recibirse a más tardar a las 5:00 p. m. del martes 28 de octubre de 2022 y enviarse a lo siguiente:

freda ragan
Administrador de elecciones del condado de Taylor
apartado de correos 3318
Abilene, Texas 79604
Correo electrónico: raganfr@taylorcountytexas.org

O

Lee Ann Jennings
Secretario del condado de Jones
apartado de correos 552
Anson, Texas 79501
Correo electrónico: ljennings@co.jones.tx.us

AHORA POR LO TANTO, EL CONCEJO MUNICIPAL DE LA CIUDAD DE ABILENE, TEXAS RESUELVE :

PARTE 1: Que una copia de la ordenanza de iniciativa propuesta se adjunta al presente como Anexo C y forma parte del mismo para todos los fines.

PARTE 2: Que por la presente se ordena la celebración de una elección especial el martes 8 de noviembre de 2022, de conformidad con las disposiciones aplicables del Código Electoral de Texas, la Carta Constitutiva de la Ciudad de Abilene y las ordenanzas de la Ciudad.

PARTE 3: Que dicha elección será con el propósito de votar a favor o en contra de la siguiente proposición:

PROPOSICIÓN

EL CÓDIGO DE ORDENANZAS DE LA CIUDAD DE ABILENE, TEXAS SERÁ ENMENDADO MEDIANTE LA PROMULGACIÓN DE UNA ORDENANZA QUE PROHIBE EL ABORTO DENTRO DE LA CIUDAD DE ABILENE, LA QUE DECLARA A ABILENE UNA CIUDAD SANTUARIO PARA LOS NO NACIDOS, LA REALIZACIÓN DE DISTINTAS DISPOSICIONES Y CONCLUSIONES, LA DISTINCIÓN DE LA DIVISIBILIDAD, LA REVOCACIÓN DE LAS ORDENANZAS EN CONFLICTO, Y ESTABLECIMIENTO DE UNA FECHA DE VIGENCIA.

PARA: _____

CONTRA: _____

PARTE 4: Que esta Resolución entrará en vigor inmediatamente a partir de su aprobación.

ADOPTADO por el Concejo Municipal de la Ciudad de Abilene el día 11^{de} agosto de 2022.

DAR FE:

SECRETARIO

ALCALDE DE LA CIUDAD

APROBADO:

ABOGADO DE LA CIUDAD

PROPOSED EARLY VOTING SCHEDULE

October 24, 2022 – November 24, 2022

Joint General and Special Elections
November 8, 2022

MAIN EARLY VOTING LOCATION		
Taylor County Plaza	October 24th – October 28th (Monday – Friday)	8:00 a.m. – 5:00 p.m.
400 Oak Street, Suite 101-A	October 29th (Saturday)	7:00 a.m. – 7:00 p.m.
Abilene, TX 79602	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4 (Monday - Friday)	7:00 a.m. – 7:00 p.m.
For Jones County:		
Jones County Activity Center	October 24th – October 28th	8:00 a.m. – 5:00 p.m.
400 Oak Street, Suite 101	Monday – Friday	
Abilene, TX 79602	October 31st - November 4th	8:00 a.m. – 5:00 p.m.
	Monday – Friday	
TEMPORARY BRANCH LOCATIONS (Taylor County Only)		
Mall of Abilene	October 24th – October 28th (Monday- Friday)	10:00 a.m. – 7:00 p.m.
4310 Buffalo Gap Road	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79605	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
<i>Movie theatre corridor</i>	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
Abilene City Hall	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
555 Walnut Street	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79601	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
<i>E. Entrance, Main Lobby</i>	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
1095 N. Judge Ely Blvd	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79601	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
920 N. Willis St.	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79603	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
2160 Pine St.	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79601	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
3301 S. 14 th St.	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79605	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.

**October 11, 2022 – Last day to register to vote for the November 8, 2022 Joint General and Special Elections.*

**October 28, 2022 – Last day to RECEIVE an application for a ballot by mail for the November 8, 2022 Joint General and Special Elections.*

**October 28, 2022 – Last day to RECEIVE an FPCA for the November 8, 2022 Joint General and Special Elections.*

Taylor County Elections
400 Oak Street, Suite 101
Abilene, TX 79602
325-674-1216
www.taylorcountytexas.org

Jones County Clerk
PO Box 552
Anson, Texas 79501
325-823-7362
<https://www.co.jones.tx.us/page/jones.Elections>

PROPOSED

COUNTY WIDE VOTE CENTER LOCATIONS

Taylor County

Joint Special Elections – November 8, 2022

Elecciones Municipales - 8 de noviembre de 2022

7:00 a.m. – 7:00 p.m.

Taylor County voters may vote at **ANY ONE** of the following locations on Election Day

*Los votantes del condado de Taylor pueden votar en **CUALQUIERA** de los siguientes lugares el día de las elecciones*

Vote Center	Physical Address	Location
Abilene City Hall	555 Walnut Street, Abilene, TX 79601	East Entrance – Main Lobby
Beltway Park Church North Campus	2850 Hwy 351, Abilene, TX 79601	
Buffalo Gap Church of Christ	741 Litel Street, Buffalo Gap, TX 79508	Fellowship Hall
Cesar Chavez Recreation Center	2250 Ambler Ave., Abilene, TX 79603	Gym
Church of Christ–S. 11 th & Willis	3333 S. 11 th Street, Abilene, TX 79605	West Building, multi-purpose room
First Baptist Church – Merkel	307 Locust Street, Merkel, TX 79536	Family Life Center
First Baptist Church – Tuscola	632 Kent Street, Tuscola, TX 79562	Family Life Center
Hillcrest Church of Christ	650 E. Ambler Ave., Abilene, TX 79601	Gym
Lawn Baptist Church	518 Avenue D, Lawn, TX 79530	Family Life Center
New Beginnings United Pentecostal	5535 Buffalo Gap Road, Abilene, TX 79606	Main Foyer
Oldham Lane Church of Christ	5049 Oldham Lane, Abilene, TX 79602	Special Events Room
River of Life Church	539 Hwy 83/84, Abilene, TX 79606	Main Foyer
Southern Hills Church of Christ	3666 Buffalo Gap Road, Abilene, TX 79605	Foyer at Main Sanctuary
Taylor County Plaza	400 Oak Street, Abilene, TX 79602	Suite 101-A
Thomas Elementary School	1240 Lakeside Drive, Abilene, TX 79602	Gym
Tye Industrial Park Small Business Incubator	649 Scott St., Tye, TX 79563	Suite 215
View Baptist Church	250 Boynton Road, Abilene, TX 79606	Fellowship Hall
Westminster Presbyterian Church	4515 South 14 th Street, Abilene, TX 79605	Gym
Woodlawn Baptist Church	922 Woodlawn Drive, Abilene, TX 79603	Multi-Purpose Room
Zion Lutheran Church	2801 Antilley Road, Abilene, TX 79606	Large Fellowship Hall

Jones County
Joint Special Elections – November 8, 2022
Elecciones Municipales - 8 de noviembre de 2022
7:00 a.m. – 7:00 p.m.

Jones County voters may vote at **ANY ONE** of the following locations on Election Day
Los votantes del condado de Jones pueden votar en CUALQUIERA de los siguientes lugares el día de las elecciones

Vote Center	Physical Address	Location
Hamlin High School	650 SW 5 th Street, Hamlin, TX 79520	Gym Foyer <i>Gimnasio Vestíbulo</i>
Stamford VIP Community Center	508 East Gould, Stamford, TX 79553	
Lueders City Hall	201 East Main, Lueders, TX 79533	
Ft. Phantom Baptist Church	11343 FM 600, Abilene, TX 79601	Fellowship Hall <i>Salón de becas</i>
Hawley Church of Christ	410 4 th Street, Hawley, TX 79525	Fellowship Hall <i>Salón de becas</i>
Hodges Baptist Church	13933 CR 495, Hawley, TX 79525	Fellowship Hall <i>Salón de becas</i>
Jones County Activity Center	1108 West Court Plaza, Anson, TX 79501	

ORDINANCE OUTLAWING ABORTION, DECLARING ABILENE A SANCTUARY CITY FOR THE UNBORN, MAKING VARIOUS PROVISIONS AND FINDINGS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE
BE IT ORDAINED BY THE CITY OF ABILENE, TEXAS THAT:

A. FINDINGS

The City of Abilene finds that:

- (1) Human life begins at conception.
- (2) Abortion is an act of violence that purposefully and knowingly terminates an unborn human life.
- (3) Unborn human beings are entitled to the full and equal protection of the laws that prohibit violence against other human beings.
- (4) The State of Texas has never repealed its pre-*Roe v. Wade* statutes that outlaw and criminalize abortion unless the mother's life is in danger. *See* West's Texas Civil Statutes, articles 4512.1 – 4512.6 (1974); *see also* Act of June 14, 1973, ch. 399, §§ 5–6, 1973 Tex. Acts 883, 995–96; *see also id.* 996a, 996e (including the Texas abortion laws in the table indicating the “Disposition of Unrepealed Articles of the Texas Penal Code of 1925 and Vernon's Penal Code.”).
- (5) The Texas Legislature has reaffirmed the continued existence and validity of the State's pre-*Roe v. Wade* criminal abortion statutes. *See* Senate Bill 8, 87th Leg., § 2 (2021) (“The legislature finds that the State of Texas never repealed, either expressly or by implication, the state statutes enacted before the ruling in *Roe v. Wade*, 410 U.S. 113 (1973), that prohibit and criminalize abortion unless the mother's life is in danger.”).
- (6) The law of Texas therefore continues to define abortion as a criminal offense except when necessary to save the life of the mother. *See* West's Texas Civil Statutes, article 4512.1 (1974); Senate Bill 8, 87th Leg., § 2 (2021).
- (7) The law of Texas also imposes felony criminal liability on anyone who “furnishes the means for procuring an abortion knowing the purpose intended,” *see* West's Texas Civil Statutes, article 4512.2 (1974), as well as anyone who aids or abets an abortion performed in violation of Texas law, *see* Tex. Penal Code section 7.02.
- (8) The Supreme Court's judgment in *Roe v. Wade* did not cancel or formally revoke the Texas statutes that outlaw and criminalize abortion, and the judiciary has no power to erase a statute that it believes to be unconstitutional. *See Pidgeon v. Turner*, 538 S.W.3d 73, 88 n.21 (Tex. 2017) (“When a court declares a law unconstitutional, the law remains in place unless and until the body that enacted it

repeals it”); *Texas v. United States*, 945 F.3d 355, 396 (5th Cir. 2019) (“The federal courts have no authority to erase a duly enacted law from the statute books, [but can only] decline to enforce a statute in a particular case or controversy.” (citation and internal quotation marks omitted)).

(9) The Supreme Court’s pronouncements in *Roe v. Wade* and subsequent cases may temporarily limit the ability of State officials to impose penalties on those who violate the Texas abortion statutes, but they do not veto or erase the statutes themselves, which continue to exist as the law of Texas until they are repealed by the legislature that enacted them. The State’s temporary inability to prosecute or punish those who violate its abortion statutes on account of *Roe v. Wade* does not change the fact that abortion is defined as a criminal act under Texas law.

(10) The Texas murder statute defines the crime of “murder” to include any act that “intentionally or knowingly causes the death” of “an unborn child at every stage of gestation from fertilization until birth.” See Texas Penal Code § 19.02; Texas Penal Code § 1.07. Although the statute exempts “lawful medical procedures” from the definition of murder, see Texas Penal Code § 19.06(2), an abortion is not a “lawful medical procedure” under Texas law unless the life of the mother is in danger, see West’s Texas Civil Statutes, article 4512.1 (1974).

(11) The law of Texas also prohibits abortions unless they are performed in a facility that meets the minimum standards for an ambulatory surgical center, and by a physician who holds admitting privilege at a nearby hospital. See Texas Health and Safety Code § 171.0031, 245.010(a). The Supreme Court’s ruling in *Whole Woman’s Health v. Hellerstedt*, 136 S. Ct. 2292 (2016), did not alter or revoke these requirements of state law; it merely enjoined state officials from enforcing the penalties established in those statutes against the abortion providers who violate them. *Whole Woman’s Health v. Hellerstedt* does not change the fact that abortion is not a “lawful medical procedure” under Texas law unless it complies with sections 171.0031 and 245.010(a) of the Texas Health and Safety Code, and it does not change the fact that the Texas murder statute prohibits abortions that fail to comport with these still-existing requirements of Texas law.

(12) The Texas abortion laws are severable in each of their discrete applications, and they are severable as applied to each individual person, group of persons, or circumstances. See Tex. Gov’t Code § 311.032(c); Tex. Gov’t Code § 311.036(c) (“Every statute that regulates or prohibits abortion is severable in each of its applications to every person and circumstance. If any statute that regulates or prohibits abortion is found by any court to be unconstitutional, either on its face or as applied, then all applications of that statute that do not violate the United States Constitution and Texas Constitution shall be severed from the unconstitutional applications and shall remain enforceable, notwithstanding any other law, and the statute shall be

interpreted as if containing language limiting the statute's application to the persons, group of persons, or circumstances for which the statute's application will not violate the United States Constitution and Texas Constitution.”). These laws therefore remain enforceable against any individual or entity that aids or abets an abortion performed in Texas, so long as the prosecution of the particular individual or entity that aids or abets the abortion will not impose an “undue burden” on abortion patients.

(13) The City of Abilene finds it necessary to supplement the existing state-law prohibitions on abortion with its own prohibitions on abortion, and to empower city officials and private citizens to enforce these prohibitions to the maximum extent permitted by state law and the Constitution. *See* Tex. Local Gov't Code §§ 54.001(b)(1); 54.004.

(14) The law of Texas explicitly allows municipalities and political subdivisions to outlaw and prohibit abortion, and to establish penalties and remedies against those who perform or enable unlawful abortions. *See* Tex. Gov't Code § 311.036(b) (“A statute may not be construed to restrict a political subdivision from regulating or prohibiting abortion in a manner that is at least as stringent as the laws of this state unless the statute explicitly states that political subdivisions are prohibited from regulating or prohibiting abortion in the manner described by the statute.”).

(15) To protect the health and welfare of all residents within the City of Abilene, including the unborn, the City finds it necessary to outlaw abortion under city law, to outlaw acts that aid or abet abortions, and to establish penalties and remedies as provided in this ordinance. *See* Tex. Local Gov't Code §§ 54.001(b)(1); 54.004.

B. DECLARATIONS

(1) We declare Abilene, Texas to be a Sanctuary City for the Unborn.

(2) Abortion at all times and at all stages of pregnancy is declared to be an act of murder unless the mother's life is in danger.

(3) Abortion-inducing drugs are declared to be contraband, and we declare the possession of abortion-inducing drugs within city limits to be an unlawful act.

(4) Abortions performed anywhere in the state of Texas are criminal acts under Texas law, unless the abortion is procured or attempted by medical advice for the purpose of saving the life of the mother. *See* West's Texas Civil Statutes, articles 4512.1 – 4512.6 (1974); *see also* Senate Bill 8, 87th Leg., § 2.

(5) Any person who “furnishes the means for procuring an abortion knowing the purpose intended,” or who otherwise aids or abets an abortion performed in Texas, is a criminal and a felon subject to prosecution and imprisonment under article

4512.2 of the Revised Civil Statutes and section 7.02 of the Texas Penal Code, unless the abortion is procured or attempted by medical advice for the purpose of saving the life of the mother.

(6) The City of Abilene urges the district attorneys of Taylor and Jones Counties to investigate and prosecute any individual or organization that “furnishes the means for procuring” an elective abortion, or that otherwise aids or abets such abortions, including:

- (a) employers and insurers who arrange for coverage of abortions in Texas;
- (b) individuals and organizations that knowingly provide transportation to or from a Texas abortion provider;
- (c) individuals and organizations that knowingly pay for another person’s abortion in Texas, including abortion funds and abortion-assistance organizations;
- (d) individuals who knowingly donate money to abortion funds and abortion-assistance organizations that aid or abet abortions performed in Texas;
- (e) individuals and organizations that offer or provide “abortion doula” services in Texas.

(7) The City of Abilene urges all of its citizens to regard those who perform or assist elective abortion in Texas as criminals, consistent with the abortion laws of Texas, and to report these criminal activities to the relevant district attorneys for investigation and criminal prosecution.

C. AMENDMENTS TO CITY CODE

Chapter 20 of the Abilene Code of Ordinances is amended by adding Article VIII to read as follows:

ARTICLE VIII. ABORTION

Sec. 20.86. Definitions

(a) For the purposes of this article, the following definitions shall apply:

- (1) “Abortion” means the act of using or prescribing an instrument, a drug, a medicine, or any other substance, device, or means with the intent to cause the death of an unborn child of a woman known to be pregnant. The term does not include birth-control devices or oral contraceptives, and it does not include Plan B, morning-after pills, or emergency

contraception. An act is not an abortion if the act is done with the intent to:

(A) save the life or preserve the health of an unborn child;

(B) remove a dead, unborn child whose death was caused by accidental miscarriage; or

(C) remove an ectopic pregnancy.

(2) “Unborn child” means a natural person from the moment of conception who has not yet completely left the womb.

(3) “Abortion-inducing drugs” includes mifepristone, misoprostol, and any drug or medication that is used to terminate the life of an unborn child. The term does not include birth-control devices or oral contraceptives, and it does not include Plan B, morning-after pills, or emergency contraception. The term also does not include drugs or medications that are possessed or distributed for a purpose that does not include the termination of a pregnancy.

Sec. 20.87. Abortion Prohibited

(a) It shall be unlawful for any person to procure or perform an abortion of any type and at any stage of pregnancy in the city of Abilene, Texas.

(b) It shall be unlawful for any person to knowingly aid or abet an abortion that occurs in the city of Abilene, Texas. This section does not prohibit referring a patient to have an abortion which takes place outside the city limits of Abilene, Texas. The prohibition in this section includes, but is not limited to, the following acts:

(1) Knowingly providing transportation to or from an abortion provider;

(2) Giving instructions over the telephone, the internet, or any other medium of communication regarding self-administered abortion;

(3) Providing money with the knowledge that it will be used to pay for an abortion or the costs associated with procuring an abortion;

(4) Providing or arranging for insurance coverage of an abortion;

(5) Providing “abortion doula” services; and

(6) Coercing or pressuring a pregnant mother to have an abortion against her will.

(c) It shall be an affirmative defense to the unlawful acts described in Subsections (a) and (b) if the abortion was in response to a life-threatening

physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed. The defendant shall have the burden of proving this affirmative defense by a preponderance of the evidence.

(d) It shall be unlawful for any person to possess or distribute abortion-inducing drugs in the city of Abilene, Texas.

(e) No provision of this section may be construed to prohibit any action which occurs outside of the jurisdiction of the city of Abilene, Texas.

(f) No provision of this section may be construed to prohibit any conduct protected by the First Amendment of the U.S. Constitution, as made applicable to state and local governments through the Supreme Court's interpretation of the Fourteenth Amendment, or by Article 1, Section 8 of the Texas Constitution.

(g) Under no circumstance may the mother of the unborn child that has been aborted, or the pregnant woman who seeks to abort her unborn child, be subject to prosecution or penalty under this section.

(h) Whoever violates this section shall be subject to the maximum penalty permitted under Texas law for the violation of a municipal ordinance governing public health, and each violation shall constitute a separate offense.

(i) Neither the City of Abilene, nor any of its officers or employees, nor any district or county attorney, nor any executive or administrative officer or employee of any state or local governmental entity, may impose or threaten to impose the penalty described in Subsection (h) unless and until:

(1) The Supreme Court overrules *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), and permits states and municipalities to punish anyone who violates an abortion prohibition, or

(2) A state or federal court enters a declaratory judgment or otherwise rules that the imposition or threatened imposition of this penalty upon the particular person, corporation, or entity that committed the unlawful act described in Subsection (h) will not impose an "undue burden" on women seeking abortions; or

(3) A state or federal court enters a declaratory judgment or otherwise rules that the person, corporation, or entity that committed the

unlawful act described in Subsection (h) lacks third-party standing to assert the rights of women seeking abortions in court.

(j) The penalty provided in Subsection (h) may not be imposed or threatened against any individual or entity if a previous decision of the Supreme Court of the United States established that the conduct of that individual or entity was constitutionally protected at the time it occurred.

(k) The non-imposition of the penalties described in Subsection (h) does not in any way legalize the conduct that has been outlawed by this section, and it does not in any way limit or affect the availability of the private-enforcement remedies established in Section 20.91, or the criminal penalties for abortion set forth in article 4512.1 of the Revised Civil Statutes and sections 1.07 and 19.02(b) of the Texas Penal Code. Abortion remains and is to be regarded as an illegal act under city law and a criminal act under state law, except when abortion is necessary to save the life of the mother. And abortion remains outlawed under both city and state law, despite the temporary and partial inability of city and state officials to punish those who violate the abortion laws on account of the Supreme Court's decisionmaking.

(l) Mistake of law shall not be a defense to the penalty established Subsection (h).

Sec. 20.88. Abortion Coverage Prohibited in Employer-Provided Health Insurance or Benefits

(a) It shall be unlawful for any employer in the city of Abilene, Texas, and for any person acting on that employer's behalf, to offer, provide, or arrange for coverage of abortion in any health-insurance policy or plan, flexible spending account, health savings account, or any other benefit provided to its employees, except for abortions performed in response to a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

(b) Whoever violates this section shall be subject to the maximum penalty permitted under Texas law for the violation of a municipal ordinance governing public health, and each violation shall constitute a separate offense.

(c) Any official of the city of Abilene, Texas, who becomes aware that an employer is aiding or abetting abortions by providing coverage of abortions in an employee-benefits package shall report that employer to the district

attorneys of Taylor and Jones Counties, and to all other district attorneys with jurisdiction over that employer, for criminal prosecution under article 4512.2 of the Revised Civil Statutes and section 7.02 of the Texas Penal Code.

Sec. 20.89. Abortions Performed Outside Abilene, Texas

(a) It is the policy of Abilene, Texas to protect its unborn residents from individuals and organizations that aid or abet the killing of unborn children, and to protect the unborn from those who seek to kill or otherwise harm them, to the maximum extent permissible under state and federal law.

(b) Except as provided by Subsections (c), (d), (e), and (f), it shall be unlawful for any person to knowingly aid or abet an abortion performed on a resident of Abilene, Texas, or to attempt to aid or abet such an abortion, regardless of where the abortion is or will be performed. The prohibition in this subsection includes, but is not limited to:

- (1) Offering or knowingly providing transportation to or from an abortion provider;
- (2) Giving instructions over the telephone, the internet, or any other medium of communication regarding self-administered abortion;
- (3) Offering or providing money with the knowledge that it will be used to pay for, offset, or reimburse the costs of an abortion or the costs associated with procuring an abortion;
- (4) Providing or arranging for insurance coverage of an abortion;
- (5) Offering or providing “abortion doula” services;
- (6) Providing referrals to an abortion provider;
- (7) Coercing or pressuring a pregnant mother to have an abortion; and
- (8) Engaging in any of the conduct that would make one an accomplice to abortion under section 7.02 of the Texas Penal Code.

(c) This section may not be construed to impose civil or criminal liability on any speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the United States Supreme Court’s interpretation of the Fourteenth Amendment of the United States Constitution, or by Article 1, Section 8 of the Texas Constitution.

(d) This section may not be construed to prohibit conduct that Abilene, Texas, is forbidden to prohibit or regulate under state or federal law.

(e) It shall be an affirmative defense if the unlawful acts described in Subsection (b) were taken in response to a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed. The defendant shall have the burden of proving this affirmative defense by a preponderance of the evidence.

(f) Under no circumstance may the woman upon whom the abortion was performed, or the pregnant woman who seeks to abort her unborn child, be subject to prosecution or penalty under this section.

(g) Whoever violates this section shall be subject to the maximum penalty permitted under Texas law for the violation of a municipal ordinance governing public health, and each violation shall constitute a separate offense.

(h) Neither the City of Abilene, nor any of its officers or employees, nor any district or county attorney, nor any executive or administrative officer or employee of any state or local governmental entity, may impose or threaten to impose the penalty described in Subsection (g) unless and until:

(1) The Supreme Court overrules *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), and permits states and municipalities to punish anyone who violates an abortion prohibition, or

(2) A state or federal court enters a declaratory judgment or otherwise rules that the imposition or threatened imposition of this penalty upon the particular person, corporation, or entity that committed the unlawful act described in Subsection (g) will not impose an “undue burden” on women seeking abortions; or

(3) A state or federal court enters a declaratory judgment or otherwise rules that the person, corporation, or entity that committed the unlawful act described in Subsection (g) lacks third-party standing to assert the rights of women seeking abortions in court.

(i) The penalty provided in Subsection (g) may not be imposed or threatened against any individual or entity if a previous decision of the Supreme Court of the United States established that the conduct of that individual or entity was constitutionally protected at the time it occurred.

(j) The non-imposition of the penalties described in Subsection (g) does not in any way legalize the conduct that has been outlawed by this section, and it

does not in any way limit or affect the availability of the private-enforcement remedies established in Section 20.91. Abortion remains and is to be regarded as an illegal act under city law and a criminal act under state law, except when abortion is necessary to save the life of the mother.

(k) Mistake of law shall not be a defense to the penalty established Subsection (g).

(l) Any official of the city of Abilene, Texas, who becomes aware that an individual or organization is aiding or abetting abortions performed in Texas by engaging in the conduct described in subsection (b) shall report that individual or organization to the district attorneys of Taylor and Jones Counties, or to the district attorneys with jurisdiction over that individual or organization, for criminal prosecution under article 4512.2 of the Revised Civil Statutes and section 7.02 of the Texas Penal Code.

Sec. 20.90. Abortions Performed in Violation of Texas Law

(a) It is the policy of the city of Abilene to ensure that the Texas abortion laws are enforced to the maximum possible extent consistent with the Constitution and existing Supreme Court doctrine.

(b) Except as provided by subsections (d), (e), (f), and (g), it shall be unlawful for any person to perform an abortion in violation of any statute enacted by the Texas legislature, including article 4512.1 of the Revised Civil Statutes, as well as sections 171.0031(a)(1) and 245.010(a) of the Texas Health & Safety Code.

(c) Except as provided by subsections (d), (e), (f), and (g), it shall be unlawful for any person to knowingly aid or abet an abortion performed in violation of any statute enacted by the Texas legislature, including article 4512.1 of the Revised Civil Statutes, as well as sections 171.0031(a)(1) and 245.010(a) of the Texas Health & Safety Code. The prohibition in this subsection includes, but is not limited to:

(1) Offering or knowingly providing transportation to or from an abortion provider;

(2) Giving instructions over the telephone, the internet, or any other medium of communication regarding self-administered abortion;

(3) Offering or providing money with the knowledge that it will be used to pay for, offset, or reimburse the costs of an abortion or the costs associated with procuring an abortion;

- (4) Providing or arranging for insurance coverage of an abortion;
- (5) Offering or providing “abortion doula” services;
- (6) Providing referrals to an abortion provider;
- (7) Coercing or pressuring a pregnant mother to have an abortion; and
- (8) Engaging in conduct that makes one an accomplice to abortion under section 7.02 of the Texas Penal Code.

(d) This subsection may not be construed to impose civil or criminal liability on any speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the United States Supreme Court’s interpretation of the Fourteenth Amendment of the United States Constitution, or by Article 1, Section 8 of the Texas Constitution.

(e) This section may not be construed to prohibit conduct that Abilene, Texas, is forbidden to prohibit or regulate under state or federal law.

(f) It shall be an affirmative defense if the unlawful acts described in Subsection (b) were taken in response to a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed. The defendant shall have the burden of proving this affirmative defense by a preponderance of the evidence.

(g) Under no circumstance may the woman upon whom the abortion was performed, or the pregnant woman who seeks to abort her unborn child, be subject to prosecution or penalty under this section.

(h) Whoever violates this section shall be subject to the maximum penalty permitted under Texas law for the violation of a municipal ordinance governing public health, and each violation shall constitute a separate offense.

(i) Neither the City of Abilene, nor any of its officers or employees, nor any district or county attorney, nor any executive or administrative officer or employee of any state or local governmental entity, may impose or threaten to impose the penalty described in Subsection (h) unless and until:

- (1) The Supreme Court overrules *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), and permits states

and municipalities to punish anyone who violates an abortion prohibition, or

(2) A state or federal court enters a declaratory judgment or otherwise rules that the imposition or threatened imposition of this penalty upon the particular person, corporation, or entity that committed the unlawful act described in Subsection (h) will not impose an “undue burden” on women seeking abortions; or

(3) A state or federal court enters a declaratory judgment or otherwise rules that the person, corporation, or entity that committed the unlawful act described in Subsection (h) lacks third-party standing to assert the rights of women seeking abortions in court.

(j) The penalty provided in Subsection (h) may not be imposed or threatened against any individual or entity if a previous decision of the Supreme Court of the United States established that the conduct of that individual or entity was constitutionally protected at the time it occurred.

(k) The non-imposition of the penalties described in Subsection (h) does not in any way legalize the conduct that has been outlawed by this section, and it does not in any way limit or affect the availability of the private-enforcement remedies established in Section 20.91. Abortion remains and is to be regarded as an illegal act under city law and a criminal act under state law, except when abortion is necessary to save the life of the mother.

(l) Mistake of law shall not be a defense to the penalty established Subsection (h).

(m) Any official of the city of Abilene, Texas, who becomes aware that an individual or organization is performing or aiding or abetting abortions in violation of in violation of any statute enacted by the Texas legislature, including articles 4512.1 and 4512.2 of the Revised Civil Statutes, as well as sections 171.0031(a)(1) and 245.010(a) of the Texas Health & Safety Code, shall report that individual or organization to the district attorneys of Taylor and Jones Counties, or to the district attorneys with jurisdiction over that individual or organization, for criminal prosecution under articles 4512.1 and 4512.2 of the Revised Civil Statutes and section 7.02 of the Texas Penal Code.

Sec. 20.91. Private Right of Action

(a) Any person, other than an officer or employee of a state or local governmental entity in this state, may bring a civil action in state court

against any person who violates or intends to violate sections 20.87, 20.88, 20.89, or 20.90.

(b) If a claimant prevails in an action brought under this section, the court shall award:

- (1) injunctive relief sufficient to prevent the defendant from violating section 20.87, 20.88, 20.89, or 20.90 in the future;
- (2) statutory damages in an amount of not less than \$10,000 for each violation of section 20.87, 20.88, 20.89, or 20.90 that the defendant committed; and
- (3) costs and attorney's fees.

(c) Notwithstanding Subsection (b), a court may not award relief under this section if the defendant demonstrates that the defendant previously paid statutory damages in a previous action for the particular conduct that violated section 20.87, 20.88, 20.89, or 20.90.

(d) There is no statute of limitations for an action brought under this section.

(e) The following are not a defense to an action brought under this section:

- (1) ignorance or mistake of law;
- (2) a defendant's belief that the requirements of this section, or the requirements of sections 20.87, 20.88, 20.89, or 20.90, are unconstitutional or were unconstitutional;
- (3) a defendant's reliance on any court decision that has been overruled on appeal or by a subsequent court, even if that court decision had not been overruled when the defendant engaged in conduct that violates sections 20.87, 20.88, 20.89, or 20.90;
- (4) a defendant's reliance on any state or federal court decision that is not binding on the court in which the action has been brought;
- (5) nonmutual issue preclusion or nonmutual claim preclusion;
- (6) the consent of the unborn child's mother to the abortion; or
- (7) any claim that the enforcement of sections 20.87, 20.88, 20.89, or 20.90 or the imposition of civil liability against the defendant will violate the constitutional rights of third parties, except as provided by section 20.92.

(f) An action under this section must be brought in state court and not in the local or municipal courts;

(g) This section may not be construed to impose liability on any speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the United States Supreme Court's interpretation of the Fourteenth Amendment of the United States Constitution, or by Article 1, Section 8 of the Texas Constitution;

(h) Neither the city of Abilene, Texas, nor any state or local official may intervene in an action brought under this section. This subsection does not prohibit a person or entity described by this subsection from filing an amicus curiae brief in the action.

(i) A civil action under this section may not be brought by any person who impregnated the abortion patient through an act of rape, sexual assault, incest, or any other unlawful act.

(j) Under no circumstance may a civil action under this section be brought against the mother of the unborn child that has been aborted, or the pregnant woman who seeks to abort her unborn child.

Sec. 20.92. Civil Liability: Undue Burden Defense

(a) A defendant against whom an action is brought under Section 20.91 does not have standing to assert the rights of women seeking an abortion as a defense to liability under that section unless:

- (1) the United States Supreme Court or the Supreme Court of Texas holds that the courts of this state must confer standing on that defendant to assert the third-party rights of women seeking an abortion in state court as a matter of federal or state constitutional law; or
- (2) the defendant has standing to assert the rights of women seeking an abortion under the tests for third-party standing established by the United States Supreme Court.

(b) A defendant in an action brought under Section 20.91 may assert an affirmative defense to liability under this section if:

- (1) the defendant has standing to assert the third-party rights of a woman or group of women seeking an abortion in accordance with Subsection (a); and
- (2) the defendant demonstrates that the relief sought by the claimant will impose an undue burden on that woman or that group of women

seeking an abortion, or otherwise violate the rights of women seeking abortions under the United Constitution.

(c) A court may not find an “undue burden” under Subsection (b) unless the defendant introduces evidence proving that:

(1) an award of relief will prevent a woman or a group of women from obtaining an abortion; or

(2) an award of relief will place a substantial obstacle in the path of a woman or a group of women who are seeking an abortion.

(d) A defendant may not establish an “undue burden” under this section by:

(1) merely demonstrating that an award of relief will prevent women from obtaining support or assistance, financial or otherwise, from others in their effort to obtain an abortion; or

(2) arguing or attempting to demonstrate that an award of relief against other defendants or other potential defendants will impose an undue burden on women seeking an abortion.

(e) The affirmative defense under Subsection (b) is not available if the United States Supreme Court overrules *Roe v. Wade*, 410 U.S. 113 (1973), or *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

(f) Nothing in this section shall in any way limit or preclude a defendant from asserting the defendant’s personal constitutional rights as a defense to liability under Section 20.91, and a court may not award relief under Section 20.91 if the conduct for which the defendant has been sued was an exercise of state or federal constitutional rights that personally belong to the defendant.

Sec. 20.93. Severability

(a) Mindful of *Leavitt v. Jane L.*, 518 U.S. 137 (1996), in which in the context of determining the severability of a state statute regulating abortion the United States Supreme Court held that an explicit statement of legislative intent is controlling, the provisions and applications of this article shall be severable as follows:

(1) It is the intent of the city that every section, provision, subsection, sentence, clause, phrase, or word in this article, and every application of the provisions in this article, are severable from each other. If any application of any provision in this article to any person, group of persons, or circumstances is found by a court to be invalid or unconstitutional, then the remaining applications of that provision to

all other persons and circumstances shall be severed and may not be affected. All constitutionally valid applications of the provisions in this article shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the city's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this article to impose an undue burden in a large or substantial fraction of relevant cases, the applications that do not present an undue burden shall be severed from the remaining applications and shall remain in force, and shall be treated as if the city had enacted an provision limited to the persons, group of persons, or circumstances for which the provision's application do not present an undue burden. The city further declares that it would have enacted this article, and each provision, section, subsection, sentence, clause, phrase, or word, and all constitutional applications of this article, irrespective of the fact that any provision, section, subsection, sentence, clause, phrase, or word, or applications of this article were to be declared unconstitutional or to represent an undue burden.

- (2) If any court declares or finds a provision in this article facially unconstitutional, when there are discrete applications of that provision that can be enforced against a person, group of persons, or circumstances without violating the Constitution, then those applications shall be severed from all remaining applications of the provision, and the provision shall be interpreted, as a matter of city law, as if the city had enacted a provision limited to the persons, group of persons, or circumstances for which the provision's application will not violate the Constitution.
- (3) If any provision of this article is found by any court to be unconstitutionally vague, then the applications of that provision that do not present constitutional vagueness problems shall be severed and remain in force, consistent with the declarations of the city's intent in Subsections (a)(1) and (a)(2), and the provision shall be interpreted, as a matter of city law, as if the city had enacted a provision limited to the persons, group of persons, or circumstances for which the provision's application do not present constitutional vagueness problems.
- (4) No court may decline to enforce the severability requirements in Subsections (a)(1), (a)(2), and (a)(3) on the ground that severance would "rewrite" the ordinance or involve the court in legislative or lawmaking activity. A court that declines to enforce or enjoins a

locality or government official from enforcing a subset of an ordinance's applications is never "rewriting" an ordinance, as the ordinance continues to say exactly what it said before. A judicial injunction or declaration of unconstitutionality is nothing more than a non-enforcement edict that can always be vacated by later courts if they have a different understanding of what the Constitution requires; it is not a formal amendment of the language in a statute or ordinance. A judicial injunction or declaration of unconstitutionality no more "rewrites" an ordinance than a decision by an executive official not to enforce a duly enacted statute or ordinance in a limited and defined set of circumstances.

(5) If any federal or state court ignores or declines to enforce the requirements of Subsections (a)(1), (a)(2), (a)(3), or (a)(4), or holds a provision of this article invalid or unconstitutional on its face after failing to enforce the severability requirements of Subsections (a)(1), (a)(2), (a)(3) and (a)(4), for any reason whatsoever, then the Mayor shall hold delegated authority to issue a saving construction of this article that avoids the constitutional problems or other problems identified by the federal or state court, while enforcing the provisions of this article to the maximum possible extent. The saving construction issued by the Mayor shall carry the same force of law as an ordinance; it shall represent the authoritative construction of this article in both federal and state judicial proceedings; and it shall remain in effect until the court ruling that declares invalid or enjoins the enforcement of the original provision in this article is overruled, vacated, or reversed.

(6) The Mayor must issue the saving construction described in Subsection (a)(5) within 20 days after a judicial ruling that declares invalid or enjoins the enforcement of a provision of this article after failing to enforce the severability requirements of Subsections (a)(1), (a)(2), (a)(3), and (a)(4). If the Mayor fails to issue the saving construction required by Subsections (a)(5) within 20 days after a judicial ruling that declares invalid or enjoins the enforcement of a provision of this article after failing to enforce the severability requirements of Subsections (a)(1), (a)(2), (a)(3), and (a)(4), or if the Mayor's saving construction fails to enforce the provisions of the article to the maximum possible extent permitted by the Constitution or other superseding legal requirements, as construed by the federal or state judiciaries, then any person may petition for a writ of mandamus

requiring the Mayor to issue the saving construction described in Subsection (a)(5).

D. EFFECTIVE DATE

This ordinance shall take effect upon: (1) approval by the City Council, or (2) approval by the voters, whichever occurs sooner.

PASSED, ADOPTED, SIGNED and APPROVED,

Mayor of the City of Abilene, Texas

City Secretary of the City of Abilene, Texas

FURTHER ATTESTED BY "WE THE PEOPLE", THE CITIZENS and WITNESSES TO THIS PROCLAMATION, THIS _____ DAY OF _____, THE YEAR OF OUR LORD _____.

WITNESS: _____

WITNESS: _____

ORDENANZA QUE PROHIBE EL ABORTO, DECLARA A ABILENE UNA CIUDAD SANTUARIO PARA LOS NO NACIDOS, ESTABLECE DISTINTAS DISPOSICIONES Y CONCLUSIONES, ESTABLECE DIVISIBILIDAD Y ESTABLECE UNA FECHA DE VIGENCIA

ORDENE POR LA CIUDAD DE ABILENE, TEJAS QUE:

A. HALLAZGOS

La ciudad de Abilene determina que:

- (1) La vida humana comienza en la concepción.
- (2) El aborto es un acto de violencia que intencionalmente y con conocimiento termina con una vida humana no nacida.
- (3) Los seres humanos por nacer tienen derecho a la protección plena e igualitaria de las leyes que prohíben la violencia contra otros seres humanos.
- (4) El estado de Tejas nunca ha derogado sus estatutos anteriores a *Roe v. Wade* que prohíben y penalizan el aborto a menos que la vida de la madre esté en peligro. Ver los Estatutos Civiles de Tejas de West, artículos 4512.1 – 4512.6 (1974); véase también Ley de 14 de junio de 1973, cap. 399, §§ 5–6, 1973 Tejas Acts 883, 995–96; véase también id. 996a, 996e (incluidas las leyes de aborto de Tejas en la tabla que indica la “Disposición de los artículos no derogados del Código Penal de Tejas de 1925 y el Código Penal de Vernon”).
- (5) La Legislatura de Tejas ha reafirmado la existencia continua y la validez de los estatutos de aborto penal del Estado anteriores a *Roe v. Wade*. Véase el Proyecto de Ley del Senado 8, Legislatura 87, § 2 (2021) (“La legislatura determina que el estado de Tejas nunca derogó, ya sea expresa o implícitamente, los estatutos estatales promulgados antes del fallo en *Roe v. Wade*, 410 US 113 (1973), que prohíben y penalizan el aborto a menos que la vida de la madre esté en peligro.”).
- (6) Por lo tanto, la ley de Tejas continúa definiendo el aborto como un delito penal, excepto sea necesario para salvar la vida de la madre. Ver los Estatutos Civiles de Tejas de West, artículo 4512.1 (1974); Proyecto de Ley del Senado 8, Legislatura 87, § 2 (2021).
- (7) La ley de Tejas también impone responsabilidad penal por delito grave a cualquier persona que “brinde los medios para procurar un aborto sabiendo el propósito previsto”, consulte los Estatutos Civiles de Tejas de West, artículo 4512.2 (1974), así como a cualquier persona que ayude o instigue a un aborto. aborto realizado en violación de la ley de Tejas, consulte la sección 7.02 del Código Penal de Tejas.
- (8) El fallo de la Corte Suprema en *Roe v. Wade* no canceló ni revocó formalmente las leyes de Tejas que prohíben y penalizan el aborto, y el poder judicial no tiene poder para borrar una ley que considera inconstitucional. Véase *Pidgeon v. Turner*, 538 S.W.3d 73, 88 n.21 (Tex. 2017) (“Cuando un tribunal declara inconstitucional una ley, la ley permanece vigente a menos y hasta que el organismo que la promulgó la derogue”); *Tejas v. United States*, 945 F.3d 355, 396 (5th Cir. 2019) (“Los tribunales federales no tienen autoridad para borrar una ley debidamente promulgada de los estatutos, [pero solo pueden] negarse a hacer cumplir un estatuto en un caso particular o controversia.” (cita y comillas internas omitidas)).
- (9) Los pronunciamientos de la Corte Suprema en *Roe v. Wade* y casos posteriores pueden limitar temporalmente la capacidad de los funcionarios estatales para imponer sanciones a quienes violen los estatutos de aborto de Tejas, pero no vetan ni borran los estatutos mismos, que continúan existiendo. como la ley de Tejas hasta que sean derogados por la legislatura que los promulgó. La incapacidad temporal del Estado para enjuiciar o castigar a quienes violan sus estatutos sobre el

aborto a causa de *Roe v. Wade* no cambia el hecho de que el aborto se define como un acto criminal bajo la ley de Tejas.

(10) El estatuto de asesinato de Tejas define el delito de "asesinato" para incluir cualquier acto que "provoque la muerte intencionalmente o a sabiendas" de "un niño por nacer en cada etapa de la gestación desde la fertilización hasta el nacimiento". Ver Código Penal de Tejas § 19.02; Código Penal de Tejas § 1.07. Aunque el estatuto exime a los "procedimientos médicos legales" de la definición de asesinato, ver el Código Penal de Tejas § 19.06(2), un aborto no es un "procedimiento médico legal" bajo la ley de Tejas a menos que la vida de la madre esté en peligro, ver *West's Estatutos Civiles de Tejas*, artículo 4512.1 (1974).

(11) La ley de Tejas también prohíbe los abortos a menos que se realicen en un centro que cumpla con los estándares mínimos para un centro quirúrgico ambulatorio y por un médico que tenga privilegios de admisión en un hospital cercano. Consulte el Código de Salud y Seguridad de Tejas § 171.0031, 245.010(a). El fallo de la Corte Suprema en *Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292 (2016), no modificó ni revocó estos requisitos de la ley estatal; simplemente ordenó a los funcionarios estatales aplicar las sanciones establecidas en esos estatutos contra los proveedores de servicios de aborto que los violen. *Whole Woman's Health v. Hellerstedt* no cambia el hecho de que el aborto no es un "procedimiento médico legal" bajo la ley de Tejas a menos que cumpla con las secciones 171.0031 y 245.010(a) del Código de Salud y Seguridad de Tejas, y no cambia el hecho que el estatuto de asesinato de Tejas prohíbe los abortos que no cumplan con estos requisitos aún existentes de la ley de Tejas.

(12) Las leyes de aborto de Tejas son divisibles en cada una de sus aplicaciones discretas, y son divisibles según se apliquen a cada persona individual, grupo de personas o circunstancias. Ver Código del Gobierno de Tejas § 311.032(c); *Tex. Gov't Code* § 311.036(c) ("Toda ley que regula o prohíbe el aborto es separable en cada una de sus aplicaciones a cada persona y circunstancia. Si cualquier ley que regula o prohíbe el aborto es declarada inconstitucional por un tribunal, ya sea en su forma o como se aplica, entonces todas las aplicaciones de ese estatuto que no violen la Constitución de los Estados Unidos y la Constitución de Tejas se separarán de las aplicaciones inconstitucionales y seguirán siendo ejecutables, a pesar de cualquier otra ley, y el estatuto se interpretará como si que contenga lenguaje que limite la aplicación del estatuto a las personas, grupos de personas o circunstancias por las cuales la aplicación del estatuto no violará la Constitución de los Estados Unidos y la Constitución de Tejas"). Por lo tanto, estas leyes siguen siendo aplicables contra cualquier persona o entidad que ayude o instigue un aborto realizado en Tejas, siempre y cuando el enjuiciamiento de la persona o entidad en particular que ayude o instigue el aborto no imponga una "carga indebida" a las pacientes abortadas.

(13) La Ciudad de Abilene considera necesario complementar las prohibiciones existentes de la ley estatal sobre el aborto con sus propias prohibiciones sobre el aborto, y facultar a los funcionarios de la ciudad y a los ciudadanos para hacer cumplir estas prohibiciones en la medida máxima permitida por la ley estatal y el Constitución. Ver Código de Gobierno Local de Tejas §§ 54.001(b)(1); 54.004.

(14) La ley de Tejas permite explícitamente que los municipios y las subdivisiones políticas proscriban y prohíban el aborto, y que establezcan sanciones y recursos contra quienes realicen o permitan abortos ilegales. Véase el Código de Gobierno de Tejas § 311.036(b) ("Un estatuto no puede interpretarse para restringir que una subdivisión política regule o prohíba el aborto de una manera que sea al menos tan estricta como las leyes de este estado, a menos que el estatuto establezca explícitamente que las subdivisiones políticas tienen prohibido regular o prohibir el aborto en la forma descrita por el estatuto").

(15) Para proteger la salud y el bienestar de todos los residentes dentro de la Ciudad de Abilene, incluidos los no nacidos, la Ciudad considera necesario prohibir el aborto según la ley de la ciudad, prohibir los actos que ayuden o inciten a los abortos y establecer sanciones y remedios. según lo dispuesto en esta ordenanza. Ver Código de Gobierno Local de Tejas §§ 54.001(b)(1); 54.004.

B. DECLARACIONES

- (1) Declaramos a Abilene, Tejas como una Ciudad Santuario para los No Nacidos.
- (2) El aborto en todo momento y en todas las etapas del embarazo se declara como un acto de asesinato a menos que la vida de la madre esté en peligro.
- (3) Las drogas que inducen el aborto se declaran contrabando, y declaramos que la posesión de drogas que inducen el aborto dentro de los límites de la ciudad es un acto ilegal.
- (4) Los abortos practicados en cualquier parte del estado de Tejas son actos criminales bajo la ley de Tejas, a menos que el aborto sea procurado o intentado por consejo médico con el fin de salvar la vida de la madre. Ver los Estatutos Civiles de Tejas de West, artículos 4512.1 – 4512.6 (1974); véase también el Proyecto de Ley del Senado 8, 87 Leg., § 2.
- (5) Cualquier persona que “brinde los medios para procurar un aborto sabiendo el propósito previsto”, o que de otra manera ayude o sea cómplice de un aborto realizado en Tejas, es un criminal sujeto a enjuiciamiento y prisión bajo el artículo 4512.2 de la Ley Civil Revisada. Estatutos y la sección 7.02 del Código Penal de Tejas, a menos que el aborto sea procurado o intentado por consejo médico con el fin de salvar la vida de la madre.
- (6) La ciudad de Abilene insta al fiscal de distrito del condado de Taylor a investigar y enjuiciar a cualquier individuo u organización que “brinde los medios para procurar” un aborto electivo, o que de otra manera ayude o sea cómplice de dichos abortos, incluidos:
 - (a) empleadores y aseguradoras que organizan la cobertura de abortos en Tejas;
 - (b) individuos y organizaciones que a sabiendas brindan transporte hacia o desde un proveedor de servicios de aborto en Tejas;
 - (c) personas y organizaciones que a sabiendas pagan por el aborto de otra persona en Tejas, incluidos los fondos de aborto y las organizaciones de asistencia para el aborto;
 - (d) personas que a sabiendas donan dinero a fondos de aborto y organizaciones de asistencia para el aborto que ayudan o incitan a abortos realizados en Tejas;
 - (e) individuos y organizaciones que ofrecen o brindan servicios de “doula de aborto” en Tejas.
- (7) La ciudad de Abilene insta a todos sus ciudadanos a que consideren criminales a quienes realizan o ayudan a realizar abortos electivos en Tejas, de acuerdo con las leyes de aborto de Tejas, y que informen estas actividades delictivas a los fiscales de distrito correspondientes para su investigación y sanción penal enjuiciamiento.

C. ENMIENDAS AL CÓDIGO DE LA CIUDAD

El Código de Ordenanzas de San Angelo se modifica agregando el Artículo 8.12 para que diga lo siguiente:

ARTÍCULO 8.12 — ABORTO

Segundo. 8.12.001. Definiciones

- (a) A los efectos de este artículo, se aplicarán las siguientes definiciones:

(1) “Aborto” significa el acto de usar o recetar un instrumento, una droga, un medicamento o cualquier otra sustancia, dispositivo o medio con la intención de causar la muerte de un niño nonato de una mujer que se sabe que está embarazada. El término no incluye los dispositivos de control de la natalidad o los anticonceptivos orales, y no incluye el Plan B, las píldoras del día después o la anticoncepción de emergencia. Un acto no es un aborto si el acto se realiza con la intención de:

(A) salvar la vida o preservar la salud de un niño por nacer;

(B) sacar a un niño muerto por nacer cuya muerte fue causada por un aborto espontáneo accidental; o

(C) eliminar un embarazo ectópico

(2) “Niño por nacer” significa una persona física desde el momento de la concepción que aún no ha salido completamente del útero.

(3) “Fármacos que inducen el aborto” incluye mifepristona, misoprostol y cualquier fármaco o medicamento que se utilice para terminar con la vida de un niño por nacer. El término no incluye los dispositivos de control de la natalidad o los anticonceptivos orales, y no incluye el Plan B, las píldoras del día después o la anticoncepción de emergencia. El término tampoco incluye drogas o medicamentos que se posean o distribuyan con un propósito que no incluya la terminación de un embarazo.

Segundo. 8.12.002. Aborto Prohibido

(a) Será ilegal que cualquier persona procure o realice un aborto de cualquier tipo y en cualquier etapa del embarazo en la ciudad de Abilene, Tejas.

(b) Será ilegal que cualquier persona ayude o incite a sabiendas a un aborto que ocurra en la ciudad de Abilene, Tejas. Esta sección no prohíbe remitir a una paciente a un aborto que se lleve a cabo fuera de los límites de la ciudad de Abilene, Tejas. La prohibición en esta sección incluye, pero no se limita a, los siguientes actos:

(1) proporcionar transporte a sabiendas hacia o desde un proveedor de servicios de aborto;

(2) Dar instrucciones por teléfono, Internet o cualquier otro medio de comunicación con respecto al aborto autoadministrado;

(3) Proporcionar dinero sabiendo que se utilizará para pagar un aborto o los costos asociados con la obtención de un aborto;

(4) Proporcionar o hacer arreglos para la cobertura de seguro de un aborto;

(5) Proporcionar servicios de “doula de aborto”; y

(6) Coaccionar o presionar a una madre embarazada para que aborte en contra de su voluntad.

(c) Será una defensa afirmativa a los actos ilegales descritos en las Subsecciones (a) y (b) si el aborto fue en respuesta a una condición física que amenaza la vida agravada por, causada por o derivada de un embarazo que, como certificado por un médico, pone a la mujer en peligro de muerte o un riesgo grave de deterioro sustancial de una función corporal importante a menos que se realice un aborto. El acusado tendrá la carga de probar esta defensa afirmativa por preponderancia de la evidencia.

d) Será ilegal que cualquier persona posea o distribuya drogas abortivas en la ciudad de Abilene, Tejas.

(e) Ninguna disposición de esta sección puede interpretarse para prohibir cualquier acción que ocurra fuera de la jurisdicción de la ciudad de Abilene, Tejas.

(f) Ninguna disposición de esta sección puede interpretarse para prohibir cualquier conducta protegida por la Primera Enmienda de la Constitución de los Estados Unidos, tal como se aplica a los gobiernos estatales y locales a través de la interpretación de la Decimocuarta Enmienda de la Corte Suprema, o por el Artículo 1, Sección 8 de la Constitución de Tejas.

(g) Bajo ninguna circunstancia la madre del niño por nacer que ha sido abortado, o la mujer embarazada que busca abortar a su niño por nacer, puede estar sujeta a enjuiciamiento o sanción bajo esta sección.

(h) Quien viole esta sección estará sujeto a la pena máxima permitida por la ley de Tejas por la violación de una ordenanza municipal que rige la salud pública, y cada violación constituirá una ofensa separada.

(i) Ni la Ciudad de Abilene, ni ninguno de sus funcionarios o empleados, ni ningún fiscal de distrito o condado, ni ningún funcionario ejecutivo o administrativo o empleado de cualquier entidad gubernamental estatal o local, puede imponer o amenazar con imponer la sanción descrita en la subsección (h) a menos y hasta que:

(1) La Corte Suprema anula *Roe v. Wade*, 410 U.S. 113 (1973), y *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), y permite que los estados y municipios castiguen a cualquiera que viole la prohibición del aborto, o

(2) Un tribunal estatal o federal dicta una sentencia declaratoria o dictamina de otro modo que la imposición o la amenaza de imposición de esta sanción a la persona, corporación o entidad en particular que cometió el acto ilícito descrito en la Subsección (h) no impondrá una "indebida carga" sobre las mujeres que buscan abortos; o

(3) Un tribunal estatal o federal dicta una sentencia declaratoria o dictamina que la persona, corporación o entidad que cometió el acto ilegal descrito en la Subsección (h) carece de legitimación como tercero para hacer valer los derechos de las mujeres que buscan un aborto en los tribunales.

(j) La pena dispuesta en el inciso (h) no podrá imponerse ni amenazarse contra ningún individuo o entidad si una decisión previa de la Corte Suprema de los Estados Unidos estableció que la conducta de ese individuo o entidad estaba constitucionalmente protegida en el momento en que ocurrió.

(k) La no imposición de las sanciones descritas en la Subsección (h) de ninguna manera legaliza la conducta que ha sido proscrita por esta sección, y de ninguna manera limita o afecta la disponibilidad de los recursos de ejecución privada. establecido en la Sección 8.12.006, o las sanciones penales por aborto establecidas en el artículo 4512.1 de los Estatutos Civiles Revisados y las secciones 1.07 y 19.02(b) del Código Penal de Tejas. El aborto permanece y debe ser considerado como un acto ilegal bajo la ley de la ciudad y un acto criminal bajo la ley estatal, excepto cuando el aborto es necesario para salvar la vida de la madre. Y el aborto sigue estando prohibido según las leyes municipales y estatales, a pesar de la incapacidad temporal y parcial de los funcionarios municipales y estatales para castigar a quienes violan las leyes sobre el aborto debido a la decisión de la Corte Suprema.

(l) El error de derecho no será una defensa de la pena establecida en el inciso (h).

Segundo. 8.12.003. Cobertura de aborto prohibida en el seguro médico o los beneficios proporcionados por el empleador

(a) Será ilegal que cualquier empleador en la ciudad de Abilene, Tejas, y cualquier persona que actúe en nombre de ese empleador, ofrezca, proporcione o coordine la cobertura del aborto en cualquier póliza o plan de seguro médico, flexible cuenta de gastos, cuenta de ahorro para la salud o cualquier otro beneficio proporcionado a sus empleados, con excepción de los abortos realizados en respuesta a una condición física que pone en peligro la vida, agravada por, causada o derivada de un embarazo que, según lo certificado por un médico, coloca a la mujer en peligro de muerte o en riesgo grave de deterioro sustancial

de una función corporal importante a menos que se realice un aborto.

(b) Quien viole esta sección estará sujeto a la pena máxima permitida por la ley de Texas por la violación de una ordenanza municipal que rige la salud pública, y cada violación constituirá una ofensa separada.

(c) Cualquier funcionario de la ciudad de Abilene, Texas, que se dé cuenta de que un empleador está ayudando o instigando abortos al proporcionar cobertura de abortos en un paquete de beneficios para empleados deberá informar a ese empleador al fiscal de distrito del condado de Taylor, y a todos los demás fiscales de distrito con jurisdicción sobre ese empleador, para enjuiciamiento penal según el artículo 4512.2 de los Estatutos Civiles Revisados y la sección 7.02 del Código Penal de Texas.

Segundo. 8.12.004. Abortos realizados fuera de San Angelo, Texas

(a) Es política de Abilene, Texas, proteger a sus residentes por nacer de individuos y organizaciones que ayudan o incitan a matar a niños por nacer, y proteger a los por nacer de aquellos que buscan matarlos o hacerles daño, al máximo medida permitida por las leyes estatales y federales.

(b) Salvo lo dispuesto en las subsecciones (c), (d), (e) y (f), será ilegal que cualquier persona ayude o incite a sabiendas a un aborto practicado a una residente de Abilene, Texas, o intentar ayudar o ser cómplice de dicho aborto, independientemente de dónde se realice o vaya a realizarse el aborto. La prohibición en esta subsección incluye, pero no se limita a:

(1) Ofrecer o proporcionar a sabiendas transporte hacia o desde un proveedor de servicios de aborto;

(2) Dar instrucciones por teléfono, Internet o cualquier otro medio de comunicación con respecto al aborto autoadministrado;

(3) Ofrecer o proporcionar dinero a sabiendas de que se utilizará para pagar, compensar o reembolsar los costos de un aborto o los costos asociados con la obtención de un aborto;

(4) Proporcionar o hacer arreglos para la cobertura de seguro de un aborto;

(5) Ofrecer o proporcionar servicios de “doula de aborto”;

(6) Proporcionar referencias a un proveedor de servicios de aborto;

(7) Coaccionar o presionar a una madre embarazada para que aborte; y

(8) Participar en cualquiera de las conductas que lo convertirían a uno en cómplice del aborto según la sección 7.02 del Código Penal de Texas.

(c) No se puede interpretar que esta sección imponga responsabilidad civil o penal por ningún discurso o conducta protegidos por la Primera Enmienda de la Constitución de los Estados Unidos, tal como se aplica a los estados a través de la interpretación de la Decimocuarta Enmienda de la Corte Suprema de los Estados Unidos. Constitución de los Estados Unidos, o por el Artículo 1, Sección 8 de la Constitución de Texas.

(d) Esta sección no puede interpretarse para prohibir una conducta que Abilene, Texas, tiene prohibido prohibir o regular según la ley estatal o federal.

(e) Será una defensa afirmativa si los actos ilícitos descritos en el inciso (b) fueron realizados en respuesta a una condición física que pone en peligro la vida, agravada por, causada o derivada de un embarazo que, según certificado por un médico, coloca la mujer en peligro de muerte o en grave riesgo de deterioro sustancial de una función corporal importante a menos que se realice un aborto. El acusado tendrá la carga de probar esta defensa afirmativa por preponderancia de la evidencia.

(f) Bajo ninguna circunstancia la mujer a la que se le practicó el aborto, o la mujer embarazada que busca abortar a su hijo por nacer, podrá ser objeto de enjuiciamiento o sanción en virtud de esta sección.

(g) Quien viole esta sección estará sujeto a la pena máxima permitida por la ley de Texas por la violación

de una ordenanza municipal que rige la salud pública, y cada violación constituirá una ofensa separada.

(h) Ni la Ciudad de Abilene, ni ninguno de sus funcionarios o empleados, ni ningún fiscal de distrito o condado, ni ningún funcionario ejecutivo o administrativo o empleado de cualquier entidad gubernamental estatal o local, puede imponer o amenazar con imponer la sanción descrita en la subsección (g) a menos y hasta que:

(1) La Corte Suprema anula *Roe v. Wade*, 410 U.S. 113 (1973), y *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), y permite que los estados y municipios castiguen a cualquiera que viole la prohibición del aborto, o

(2) Un tribunal estatal o federal dicta una sentencia declaratoria o dictamina de otro modo que la imposición o la amenaza de imposición de esta sanción a la persona, corporación o entidad en particular que cometió el acto ilícito descrito en la Subsección (g) no impondrá una "indebida carga" sobre las mujeres que buscan abortos; o

(3) Un tribunal estatal o federal dicta una sentencia declaratoria o dictamina que la persona, corporación o entidad que cometió el acto ilegal descrito en la Subsección (g) carece de la capacidad de un tercero para hacer valer los derechos de las mujeres que buscan un aborto en los tribunales.

(i) La sanción prevista en el inciso (g) no podrá imponerse ni amenazarse contra ningún individuo o entidad si una decisión previa de la Corte Suprema de los Estados Unidos estableció que la conducta de ese individuo o entidad estaba constitucionalmente protegida en el momento en que ocurrió.

(j) La no imposición de las sanciones descritas en la Subsección (g) de ninguna manera legaliza la conducta que ha sido proscrita por esta sección, y de ninguna manera limita o afecta la disponibilidad de los recursos de ejecución privada. establecido en el Artículo 8.12.006. El aborto permanece y debe ser considerado como un acto ilegal bajo la ley de la ciudad y un acto criminal bajo la ley estatal, excepto cuando el aborto es necesario para salvar la vida de la madre.

(k) El error de derecho no será una defensa de la pena establecida en el inciso (g).

(l) Cualquier funcionario de la ciudad de Abilene, Tejas, que se dé cuenta de que una persona u organización está ayudando o instigando abortos realizados en Tejas al participar en la conducta descrita en la subsección (b) deberá informar a esa persona u organización al distrito. abogado del condado de Taylor, o a los fiscales de distrito con jurisdicción sobre esa persona u organización, para enjuiciamiento penal en virtud del artículo 4512.2 de los Estatutos Civiles Revisados y la sección 7.02 del Código Penal de Tejas.

Segundo. 8.12.005. Abortos realizados en violación de la ley de Tejas

(a) Es política de la ciudad de Abilene garantizar que las leyes de aborto de Tejas se hagan cumplir en la mayor medida posible de conformidad con la Constitución y la doctrina existente de la Corte Suprema.

(b) Salvo lo dispuesto en las subsecciones (d), (e), (f) y (g), será ilegal que cualquier persona practique un aborto en violación de cualquier estatuto promulgado por la legislatura de Tejas, incluido el artículo 4512.1 de los Estatutos Civiles Revisados, así como las secciones 171.0031(a)(1) y 245.010(a) del Código de Salud y Seguridad de Tejas.

c) Salvo lo dispuesto en las subsecciones (d), (e), (f) y (g), será ilegal que cualquier persona ayude o incite a sabiendas a un aborto realizado en violación de cualquier estatuto promulgado por la legislatura de Tejas, incluyendo el artículo 4512.1 de los Estatutos Civiles Revisados, así como las secciones 171.0031(a)(1) y 245.010(a) del Código de Salud y Seguridad de Tejas. La prohibición en esta subsección incluye, pero no se limita a:

(1) Ofrecer o proporcionar a sabiendas transporte hacia o desde un proveedor de servicios de aborto;

(2) Dar instrucciones por teléfono, Internet o cualquier otro medio de comunicación con respecto al

aborto autoadministrado;

(3) Ofrecer o proporcionar dinero a sabiendas de que se utilizará para pagar, compensar o reembolsar los costos de un aborto o los costos asociados con la obtención de un aborto;

(4) Proporcionar o hacer arreglos para la cobertura de seguro de un aborto;

(5) Ofrecer o proporcionar servicios de “doula de aborto”;

(6) Proporcionar referencias a un proveedor de servicios de aborto;

(7) Coaccionar o presionar a una madre embarazada para que aborte; y

(8) Participar en una conducta que lo convierte a uno en cómplice del aborto según la sección 7.02 del Código Penal de Tejas.

(d) Esta subsección no puede interpretarse en el sentido de imponer responsabilidad civil o penal por ningún discurso o conducta protegidos por la Primera Enmienda de la Constitución de los Estados Unidos, tal como se hizo aplicable a los estados a través de la interpretación de la Decimocuarta Enmienda de la Corte Suprema de los Estados Unidos. Constitución de los Estados Unidos, o por el Artículo 1, Sección 8 de la Constitución de Tejas.

(e) Esta sección no puede interpretarse para prohibir una conducta que Abilene, Tejas, tiene prohibido prohibir o regular según la ley estatal o federal.

(f) Será una defensa afirmativa si los actos ilícitos descritos en la Subsección (b) fueron realizados en respuesta a una condición física que pone en peligro la vida, agravada por, causada o derivada de un embarazo que, según certificado por un médico, coloca la mujer en peligro de muerte o en grave riesgo de deterioro sustancial de una función corporal importante a menos que se realice un aborto. El acusado tendrá la carga de probar esta defensa afirmativa por preponderancia de la evidencia.

(g) Bajo ninguna circunstancia la mujer a la que se le practicó el aborto, o la mujer embarazada que busca abortar a su hijo por nacer, podrá ser objeto de eniamento o sanción en virtud de esta sección.

(h) Quien viole esta sección estará sujeto a la pena máxima permitida por la ley de Tejas por la violación de una ordenanza municipal que rige la salud pública, y cada violación constituirá una ofensa separada.

(i) Ni la Ciudad de Abilene, ni ninguno de sus funcionarios o empleados, ni ningún fiscal de distrito o condado, ni ningún funcionario ejecutivo o administrativo o empleado de cualquier entidad gubernamental estatal o local, puede imponer o amenazar con imponer la sanción descrita en la subsección (h) a menos y hasta que:

(1) La Corte Suprema anula *Roe v. Wade*, 410 U.S. 113 (1973), y *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), y permite que los estados y municipios castiguen a cualquiera que viole la prohibición del aborto, o

(2) Un tribunal estatal o federal dicta una sentencia declaratoria o dictamina de otro modo que la imposición o la amenaza de imposición de esta sanción a la persona, corporación o entidad en particular que cometió el acto ilícito descrito en la Subsección (h) no impondrá una “indebida carga” sobre las mujeres que buscan abortos; o

(3) Un tribunal estatal o federal dicta una sentencia declaratoria o dictamina que la persona, corporación o entidad que cometió el acto ilegal descrito en la Subsección (h) carece de legitimación como tercero para hacer valer los derechos de las mujeres que buscan un aborto en los tribunales.

(j) La pena dispuesta en el inciso (h) no podrá imponerse ni amenazarse contra ningún individuo o entidad si una decisión previa de la Corte Suprema de los Estados Unidos estableció que la conducta de ese individuo o entidad estaba constitucionalmente protegida en el momento en que ocurrió.

(k) La no imposición de las sanciones descritas en la Subsección (h) de ninguna manera legaliza la conducta

que ha sido proscrita por esta sección, y de ninguna manera limita o afecta la disponibilidad de los recursos de ejecución privada. establecido en el Artículo 8.12.006. El aborto permanece y debe ser considerado como un acto ilegal bajo la ley de la ciudad y un acto criminal bajo la ley estatal, excepto cuando el aborto es necesario para salvar la vida de la madre.

(l) El error de derecho no será una defensa de la pena establecida en el inciso (h).

(m) Cualquier funcionario de la ciudad de Abilene, Tejas, que tenga conocimiento de que un individuo u organización está realizando, ayudando o instigando abortos en violación de cualquier estatuto promulgado por la legislatura de Tejas, incluidos los artículos 4512.1 y 4512.2 de la Los Estatutos Civiles revisados, así como las secciones 171.0031(a)(1) y 245.010(a) del Código de Salud y Seguridad de Tejas, deberán informar a esa persona u organización al fiscal de distrito del condado de Taylor, o a los fiscales de distrito con jurisdicción sobre ese individuo u organización, para enjuiciamiento criminal bajo los artículos 4512.1 y 4512.2 de los Estatutos Civiles Revisados y la sección 7.02 del Código Penal de Tejas.

Segundo. 8.12.006. Derecho Privado de Acción

(a) Cualquier persona, que no sea un funcionario o empleado de una entidad gubernamental estatal o local en este estado, puede iniciar una acción civil en un tribunal estatal contra cualquier persona que viole o tenga la intención de violar las secciones 8.12.002, 8.12.003, 8.12.004, o 8.12.005.

(b) Si un demandante prevalece en una acción presentada en virtud de esta sección, el tribunal otorgará:

(1) medida cautelar suficiente para evitar que el demandado viole la sección 8.12.002, 8.12.003, 8.12.004 o 8.12.005 en el futuro;

(2) daños estatutarios por un monto de no menos de \$10,000 por cada violación de la sección 8.12.002, 8.12.003, 8.12.004 u 8.12.005 que cometió el demandado; y

(3) costas y honorarios de abogados.

(c) No obstante lo dispuesto en la subsección (b), un tribunal no puede otorgar reparación en virtud de esta sección si el demandado demuestra que pagó previamente los daños legales en una acción previa por la conducta particular que violó la sección 8.12.002, 8.12.003, 8.12.004 o 8.12.005.

(d) No hay estatuto de limitaciones para una acción presentada bajo esta sección.

(e) Lo siguiente no es una defensa a una acción presentada bajo esta sección:

(1) ignorancia o error de ley;

(2) la creencia del acusado de que los requisitos de esta sección, o los requisitos de las secciones 8.12.002, 8.12.003, 8.12.004 o 8.12.005, son inconstitucionales o fueron inconstitucionales;

(3) la confianza del acusado en cualquier decisión judicial que haya sido anulada en apelación o por un tribunal posterior, incluso si esa decisión judicial no hubiera sido anulada cuando el acusado incurrió en una conducta que viola las secciones 8.12.002, 8.12.003, 8.12.004, o 8.12.005;

(4) la confianza del acusado en cualquier decisión de un tribunal estatal o federal que no sea vinculante para el tribunal en el que se presentó la acción;

(5) exclusión de emisión no mutua o exclusión de reclamación no mutua;

(6) el consentimiento de la madre del niño por nacer para el aborto; o

(7) cualquier reclamo de que la aplicación de las secciones 8.12.002, 8.12.003, 8.12.004 o 8.12.005 o la imposición de responsabilidad civil contra el demandado violará los derechos constitucionales de terceros, excepto lo dispuesto en la sección 8.12.007.

(f) Una acción en virtud de esta sección debe presentarse en un tribunal estatal y no en los tribunales locales o municipales;

(g) No se puede interpretar que esta sección imponga responsabilidad sobre ningún discurso o conducta protegidos por la Primera Enmienda de la Constitución de los Estados Unidos, tal como se aplica a los estados a través de la interpretación de la Decimocuarta Enmienda de la Constitución de los Estados Unidos por parte de la Corte Suprema de los Estados Unidos. , o por el Artículo 1, Sección 8 de la Constitución de Tejas;

(h) Ni la ciudad de Abilene, Tejas, ni ningún funcionario estatal o local podrá intervenir en una acción presentada en virtud de esta sección. Esta subsección no prohíbe que una persona o entidad descrita por esta subsección presente un escrito de amicus curiae en la acción.

(i) Una acción civil bajo esta sección no puede ser iniciada por ninguna persona que embarazó a la paciente de aborto a través de un acto de violación, agresión sexual, incesto o cualquier otro acto ilegal.

(j) Bajo ninguna circunstancia podrá entablarse una acción civil bajo esta sección contra la madre del niño por nacer que ha sido abortado, o la mujer embarazada que busca abortar a su niño por nacer.

Segundo. 8.12.007. Responsabilidad Civil: Defensa de Carga Indebida

(a) Un acusado contra quien se inicia una acción bajo la Sección 8.12.006 no tiene legitimación para hacer valer los derechos de las mujeres que buscan un aborto como defensa de la responsabilidad bajo esa sección a menos que:

(1) la Corte Suprema de los Estados Unidos o la Corte Suprema de Tejas sostiene que las cortes de este estado deben conferir legitimación al acusado para hacer valer los derechos de terceros de las mujeres que buscan un aborto en la corte estatal como una cuestión constitucional federal o estatal ley; o

(2) el acusado tiene legitimación para hacer valer los derechos de las mujeres que buscan un aborto bajo las pruebas de legitimación de terceros establecidas por la Corte Suprema de los Estados Unidos.

(b) Un demandado en una acción presentada bajo la Sección 8.12.006 puede hacer valer una defensa afirmativa de responsabilidad bajo esta sección si:

(1) el acusado tiene legitimación para hacer valer los derechos de terceros de una mujer o grupo de mujeres que buscan un aborto de acuerdo con la Subsección (a); y

(2) el demandado demuestra que la reparación solicitada por el demandante impondrá una carga indebida sobre esa mujer o ese grupo de mujeres que buscan un aborto, o de otra manera violará los derechos de las mujeres que buscan un aborto bajo la Constitución de los Estados Unidos.

(c) Un tribunal no puede encontrar una "carga indebida" bajo la Subsección (b) a menos que el demandado presente evidencia que demuestre que:

(1) la concesión de una reparación impedirá que una mujer o un grupo de mujeres obtenga un aborto; o

(2) la concesión de una reparación pondrá un obstáculo sustancial en el camino de una mujer o un grupo de mujeres que buscan un aborto.

(d) Un demandado no puede establecer una "carga indebida" bajo esta sección al:

(1) simplemente demostrar que una concesión de reparación evitará que las mujeres obtengan apoyo o asistencia, financiera o de otro tipo, de otros en su esfuerzo por obtener un aborto; o

(2) argumentar o intentar demostrar que una concesión de reparación contra otros acusados u otros posibles acusados impondrá una carga indebida a las mujeres que buscan un aborto.

(e) La defensa afirmativa bajo la Subsección (b) no está disponible si la Corte Suprema de los Estados Unidos anula Roe v. Wade, 410 U.S. 113 (1973), o Planned Parenthood v. Casey, 505 U.S. 833 (1992).

(f) Nada en esta sección limitará o impedirá de ninguna manera que un acusado haga valer sus derechos constitucionales personales como defensa de responsabilidad conforme a la Sección 8.12.006, y un tribunal no podrá otorgar reparación conforme a la Sección 8.12.006 si la conducta por que el demandado ha sido demandado fue un ejercicio de los derechos constitucionales estatales o federales que pertenecen personalmente al demandado.

Segundo. 8.12.008. Divisibilidad

(a) Consciente de *Leavitt v. Jane L.*, 518 US 137 (1996), en el cual, en el contexto de determinar la separabilidad de una ley estatal que regula el aborto, la Corte Suprema de los Estados Unidos sostuvo que una declaración explícita de intención legislativa está controlando, Las disposiciones y aplicaciones de este artículo serán divisibles como sigue:

(1) Es la intención de la ciudad que cada sección, disposición, subsección, oración, cláusula, frase o palabra de este artículo, y cada aplicación de las disposiciones de este artículo, sean separables entre sí. Si un tribunal determina que la aplicación de cualquier disposición de este artículo a cualquier persona, grupo de personas o circunstancias es inválida o inconstitucional, entonces las aplicaciones restantes de esa disposición a todas las demás personas y circunstancias se eliminarán y no podrán ser afectado. Todas las solicitudes constitucionalmente válidas de las disposiciones de este artículo se separarán de cualquier solicitud que un tribunal considere inválida, dejando las solicitudes válidas en vigor, porque es la intención y la prioridad de la ciudad que las solicitudes válidas se mantengan solas. Incluso si un tribunal de revisión determina que una disposición de este artículo impone una carga indebida en una fracción grande o sustancial de los casos pertinentes, las solicitudes que no presenten una carga indebida se separarán de las solicitudes restantes y permanecerán en vigor, y ser tratada como si la ciudad hubiera promulgado una disposición limitada a las personas, grupos de personas o circunstancias para las cuales la aplicación de la disposición no presenta una carga indebida. La ciudad declara además que habría promulgado este artículo, y cada disposición, sección, subsección, oración, cláusula, frase o palabra, y todas las aplicaciones constitucionales de este artículo, independientemente del hecho de que cualquier disposición, sección, subsección, oración, cláusula, frase o palabra, o aplicaciones de este artículo fueran declaradas inconstitucionales o representaran una carga indebida.

(2) Si cualquier tribunal declara o determina que una disposición de este artículo es manifiestamente inconstitucional, cuando existen aplicaciones discretas de esa disposición que se pueden hacer cumplir contra una persona, grupo de personas o circunstancias sin violar la Constitución, entonces esas aplicaciones serán separadas. de todas las aplicaciones restantes de la disposición, y la disposición se interpretará, como una cuestión de ley de la ciudad, como si la ciudad hubiera promulgado una disposición limitada a las personas, grupos de personas o circunstancias por las cuales la aplicación de la disposición no violará el Constitución.

(3) Si algún tribunal determina que alguna disposición de este artículo es inconstitucionalmente vaga, entonces las aplicaciones de esa disposición que no presenten problemas de vaguedad constitucional se eliminarán y permanecerán en vigor, de conformidad con las declaraciones de intención de la ciudad en las Subsecciones (a)(1) y (a)(2), y la disposición se interpretará, como cuestión de ley de la ciudad, como si la ciudad hubiera promulgado una disposición limitada a las personas, grupos de personas o circunstancias por las cuales la aplicación de la disposición no presentan problemas de vaguedad constitucional.

(4) Ningún tribunal puede negarse a hacer cumplir los requisitos de separabilidad de las subsecciones (a)(1), (a)(2) y (a)(3) con el argumento de que la separación “reescribiría” la ordenanza o involucraría al tribunal en la actividad legislativa o legislativa. Un tribunal que se niega a hacer cumplir o ordena a un funcionario local o gubernamental que haga cumplir un subconjunto de las aplicaciones de una

ordenanza nunca está "reescribiendo" una ordenanza, ya que la ordenanza continúa diciendo exactamente lo que decía antes. Un mandato judicial o declaración de inconstitucionalidad no es más que un edicto de no ejecución que siempre puede ser anulado por tribunales posteriores si tienen una comprensión diferente de lo que exige la Constitución; no es una enmienda formal del lenguaje en un estatuto u ordenanza. Una orden judicial o declaración de inconstitucionalidad no "reescribe" más una ordenanza que una decisión de un funcionario ejecutivo de no hacer cumplir una ley u ordenanza debidamente promulgada en un conjunto limitado y definido de circunstancias.

(5) Si cualquier tribunal federal o estatal ignora o se niega a hacer cumplir los requisitos de las Subsecciones (a)(1), (a)(2), (a)(3) o (a)(4), o tiene una la disposición de este artículo es inválida o inconstitucional a primera vista después de no hacer cumplir los requisitos de separabilidad de las subsecciones (a)(1), (a)(2), (a)(3) y (a)(4), por cualquier motivo cualquiera que sea, entonces el Alcalde tendrá autoridad delegada para dictar una interpretación salvadora de este artículo que evite los problemas constitucionales u otros problemas identificados por el tribunal federal o estatal, al mismo tiempo que hace cumplir las disposiciones de este artículo en la mayor medida posible. La construcción salvadora que expida el Alcalde tendrá la misma fuerza de ley que una ordenanza; representará la interpretación autorizada de este artículo en procedimientos judiciales tanto federales como estatales; y permanecerá en vigor hasta que la sentencia judicial que declare nula o ordene la ejecución de la disposición original de este artículo sea revocada, dejada sin efecto o revocada.

(6) El Alcalde deberá emitir la construcción de ahorro descrita en la Subsección (a)(5) dentro de los 20 días siguientes a una sentencia judicial que declare inválida o prohíba la ejecución de una disposición de este artículo después de no hacer cumplir los requisitos de separabilidad de las Subsecciones (a)(1), (a)(2), (a)(3). y (a)(4). Si el Alcalde no emite la construcción de ahorro requerida por las Subsecciones (a)(5) dentro de los 20 días posteriores a una decisión judicial que declara inválida o ordena la ejecución de una disposición de este artículo después de no hacer cumplir los requisitos de separabilidad de las Subsecciones (a)(1), (a)(2), (a)(3) y (a)(4), o si la construcción salvadora del Alcalde no hace cumplir las disposiciones del artículo en la máxima medida posible permitida por la Constitución o otros requisitos legales sustitutivos, tal como lo interpretan los poderes judiciales federal o estatal, entonces cualquier persona puede solicitar un mandato judicial que requiera que el Alcalde emita la construcción de ahorro descrita en la Subsección (a)(5).

D. FECHA DE VIGENCIA

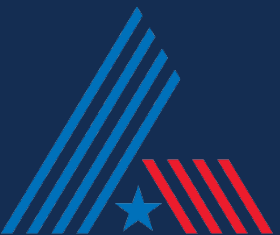
Esta ordenanza entrará en vigencia luego de: (1) la aprobación del Concejo Municipal, o (2) la aprobación de los votantes, lo que ocurra primero.

**Resolution:
Ordering a Special Election for
November 8, 2022, for the Citizen
Initiative to Make Abilene a Sanctuary
City for the Unborn**

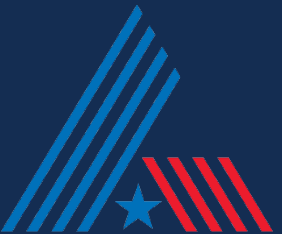


General Election Order

- Election Day: November 8, 2022
- Ballot: Ordinance to Make Abilene a Sanctuary City for the Unborn
- Contract: Taylor and Jones Counties for the administration of elections
- Locations: Countywide Vote Centers through contractual agreement with Taylor and Jones Counties
- Cost: None; only the contracts (\$95,886.74 Estimate for Taylor County)
- Early Voting: Monday, October 24th through Friday, November 4th
- Election Day Voting: Tuesday, November 8, 2022
- Canvass tentatively scheduled for Monday, November 14 at 10:00 a.m. (Special Mtg.)



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: **6. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Ordering a City of Abilene Special Election to be Held on Tuesday, November 8, 2022, for the Purpose of Amending Sections of the Charter of the City of Abilene (Shawna Atkinson)**

GENERAL INFORMATION

The City Council discussed proposed Charter Amendments during its Workshop meeting held on February 11, 2022. The City of Abilene Charter hasn't been amended since 2006, and some sections need to be revised to conform to current practices. There will be 6 propositions for voters to elect yes or no on.:

1. Replacing the words *He and Him* with *He or She* and *Him or Her*
2. Replacing the words *Councilman* and *Councilmen* with *Councilmember* and *Councilmembers*
3. Removing the provision that the parks & recreation board is responsible for implementation of the parks and recreation policies through the city
4. Amending that the director of the parks and recreation department shall be appointed by the city manager and serve as a technical advisor of the parks and recreation board, and shall have the status of a director of the department
5. Removing the provision that the planning and zoning commission shall submit annually to the city manager a list of recommended capital improvements
6. Amending that police officers and fire fighters shall abide by the applicable civil service statutes governing political activities

Section 3.005(c) of the Texas Election Code requires a November election be ordered not later than the 78th day before election day. For the November 8th election, the deadline for ordering the election is Tuesday, August 22, 2022. Since the next regular City Council meeting falls after this date, a special election has been called for Monday, August 15th, to allow for the second

reading of this ordinance.

Texas Election Code, Chapter 43, authorizes countywide polling place programs. Taylor County, through its Elections Department, utilizes Vote Centers. Use of these vote centers will apply to this election.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution ordering the election.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. ORDINANCE Calling Election Amendment to Charter Nov 2022
2. ORDINANCE Calling Election Amendment to Charter Nov 2022 SPANISH
3. PROPOSED_EV Schedule - Taylor & Jones (without temporary branch locations)
4. PROPOSED County Wide Vote Centers November 8, 2022
5. Presentation - Charter Amendments

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD IN ABILENE, TEXAS ON NOVEMBER 8, 2022, TO ALLOW THE VOTERS TO CONSIDER AMENDING SECTIONS OF THE CHARTER OF THE CITY OF ABILENE; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION NOTICE OF SAID ELECTION.

WHEREAS, the City of Abilene is a home rule municipality that operate under the charter form of government pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, the Charter has not been amended since 2006, and some sections should be revised to conform to the current practice of the City; and

WHEREAS, the City is authorized pursuant to Texas Local Government Code Chapter 9 to call an election to seek voter approval to amend the Charter; and

WHEREAS, the City of Abilene, Texas is authorized by law to hold such election on November 8, 2022 in conjunction with the state and county election.

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

PART 1: That an election is, and the same is hereby ordered to be held within the jurisdiction of the City of Abilene, Texas, on the 8th day of November, 2022, pursuant to the laws of the State of Texas, the Charter of the City of Abilene, Texas, and contracts between the City and Taylor and Jones Counties for election services. Such election shall be held for the purpose of considering amendments to the City Charter of the City of Abilene.

PART 2: That the election shall provide for voting for or against the following propositions:

- 1. Amend Sections 7, 8, 22, 35, 44, 47, 49, 51, 52, 71, 72, 76, 88, 116, 137, and 139 to replace the words *He* and *Him* with the words *He or She* and *Him or Her*.**

The ballot will read:

Shall Sections 7, 8, 22, 35, 44, 47, 49, 51, 52, 71, 72, 76, 88, 116, 137, and 139 of the City Charter of the City of Abilene be amended to replace the words “he” and “him” with the words “he or she” and “him or her.”

YES: _____

NO: _____

2. Amend Sections 6, 7, 8, 22, 26, and 131 to replace the words *Councilman* and *Councilmen* with the words *Councilmember* and *Councilmembers*.

The ballot will read:

Shall Sections 6, 7, 8, 22, 26, and 131 of the City Charter of the City of Abilene be amended to replace the words “Councilman” and “Councilmen” with the words “Councilmember” and “Councilmembers.”

YES: _____

NO: _____

3. Amend Section 58, Same – To Formulate Policies to read as follows:

The parks and recreation board shall be responsible for the formulation and recommendation of park and recreation policies to the city manager and the council, ~~and shall be responsible for the implementation of such policies throughout the city.~~

The ballot will read:

Shall Section 58 of the City Charter of the City of Abilene be amended to remove the provision that the Parks and Recreation Board is responsible for the implementation of the parks and recreation policies throughout the city?

YES: _____

NO: _____

4. Amend Section 63, Parks and Recreation Department – Created; Director to read as follows:

~~There shall be a parks and recreation department, the director of which shall be appointed by the city manager with the approval of the parks and recreation board. Said director shall be subject to removal by the city manager.~~ **The director of parks and recreation shall be appointed by the city manager. The director of parks and recreation shall serve as the regular technical advisor of the parks and recreation board, shall have the status of a director of a department and shall have such other duties and responsibilities as the city manager may establish.**

The ballot will read:

Shall Section 63 of the City Charter of the City of Abilene be amended to read that the director of the parks and recreation department shall be appointed by the city manager, shall serve as the regular technical advisor of the parks and recreation board, and shall have the status of a director of the department and have such other duties and responsibilities as the city manager may establish?

YES: _____

NO: _____

5. Amend Section 84, Same – Powers and Duties to read as follows:

The planning and zoning commission shall:

- a. Make, amend, extend or add to a general plan for the physical development of the city which shall contain the commission's recommendations for growth, improvement and beautification of the city. A copy of the general plan, or any part thereof, shall be forwarded to the city manager who shall thereupon submit such plan to the council with his or her recommendations thereon. The council may adopt this plan as a whole or in part, and may adopt any amendment thereto, after at least one public hearing on the proposed action. All amendments to the general plan recommended by the planning and zoning commission shall be submitted in the same manner to the council for approval, and all recommendations to the council from any city department affecting the general plan must be accompanied by a recommendation from the planning and zoning commission.
- b. Recommend to the council approval or disapproval of proposed changes in zoning districts;
- c. Approve or disapprove the platting or subdividing of land within the corporate limits of the city and within adjacent areas as permitted by law;
- d. ~~Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements, if any, which, in the opinion of the commission, are necessary or desirable during the forthcoming five-year period;~~**
- d. Require information from the other departments of the city government in relation to its work;
- e. Recommend to the council approval or disapproval of plans for slum clearance, public housing and urban redevelopment and renewal projects;
- f. Perform such additional duties and exercise such additional powers as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

The ballot will read:

Shall Section 84 of the City Charter of the City of Abilene be amended to remove the provision that the planning and zoning commission shall submit annually to the city manager a list of recommended capital improvements which, in the opinion of the commission, are necessary or desirable during the forthcoming five year period?

YES: _____

NO: _____

6. Amend Section 137, Political Activity to read as follows:

No appointed or hired employee on the payroll of the city shall make a contribution to the campaign fund of any person seeking election to a city office or to any political party supporting a candidate for election to a city office, nor shall he or she be solicited for this purpose; nor shall he or she take active part in any political campaign relating to an election to a city office. **Notwithstanding the above, police officers and fire fighters shall abide by the applicable civil service statutes governing political activities.**

The ballot will read:

Shall Section 137 of the City Charter of the City of Abilene be amended to read that police officers and fire fighters shall abide by the applicable civil service statutes governing political activities.

YES: _____

NO: _____

PART 5: Locations of the polling places are as designated in Exhibit A, attached to this ordinance, but which locations may be changed by Taylor or Jones Counties, and which changes, if any, are hereby made part of this ordinance by reference and can be found by visiting the Taylor County webpage, if you reside in Taylor County: <http://www.taylorcountytexas.org/214/current-elections> or by contacting:

Taylor County Elections Administrator
400 Oak Street, #101, Abilene, Texas 79602
(325) 674-1216

Or by visiting the Jones County webpage, if you reside in Jones County: <https://www.co.jones.tx.us/page/jones.Elections> or by contacting:

Jones County Clerk
P.O Box 552, Anson, Texas 79501
(325) 823-3762

PART 5: Early voting will be conducted at the locations and during the dates and times established by Taylor and Jones Counties, as reflected in Exhibit B, attached to this ordinance, but which locations may be changed by Taylor or Jones Counties, and which

changes, if any, are hereby made part of this resolution by reference and can be found by visiting the Taylor County webpage if you reside in Taylor County: <http://www.taylorcountytexas.org/214/current-elections> or by contacting:

Taylor County Elections Administrator
400 Oak Street, #101, Abilene, Texas 79602
(325) 674-1216

Or by visiting the Jones County webpage, if you reside in Jones County: <https://www.co.jones.tx.us/page/jones.Elections> or by contacting:

Jones County Clerk
P.O. Box 552, Anson, Texas 79501
(325) 823-3762

PART 6: Applications for ballots by mail must be received no later by 5:00 p.m., October 31, 2022, and sent to the following:

Freda Ragan
Taylor County Elections Administrator
P. O. Box 3318
Abilene, Texas 79604
Email: raganfr@taylorcountytexas.org

Or

LeeAnn Jennings
Jones County Clerk
P.O. Box 552
Anson, Texas 79501
Email: ljennings@co.jones.tx.us

PART 7: Pursuant to Section 9.004(c)(2), Texas Local Government Code, the anticipated fiscal impact to the City if the proposed amendments are approved is \$0.00.

PART 8: Notice of said election shall be published in accordance with Chapter 4 of the Election Code. Additionally, in accordance with Section 9.004(c), Texas Local Government Code, notice of the election shall be published in a newspaper of general circulation in Abilene on the same day, in each of two consecutive weeks, with the first publication occurring before the 14th day before the election day. The Notice shall contain a substantial copy of the proposed amendments and shall include an estimate of the anticipated fiscal impact to the City if the amendments are approved.

PART 9: It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not

affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

PART 10: This Ordinance shall take effect immediately from and after its date of final passage.

PART 11: That if the Charter Amendments shall receive a majority of “YES” votes, the amendments shall take effect pursuant to Local Government Code section 9.005.

PASSED ON FIRST READING THIS 11th DAY OF AUGUST, 2022.

PASSED ON SECOND AND FINAL READING THIS 18th DAY OF AUGUST, 2022.

ATTEST:

City Secretary

Mayor

APPROVED:

City Attorney

ORDENANZA NÚM. _____

UNA ORDENANZA DEL CONCEJO MUNICIPAL DE LA CIUDAD DE ABILENE, TEXAS, QUE CONVOCA A ELECCIONES ESPECIALES QUE SE CELEBRARÁN EN ABILENE, TEXAS EL 8 DE NOVIEMBRE DE 2022, PARA PERMITIR A LOS VOTANTES CONSIDERAR LA ENMIENDA DE SECCIONES DE LA CARTA CONSTITUTIVA DE LA CIUDAD DE ABILENE; Y PROPORCIONAR UN AVISO DE PROCLAMACIÓN Y PUBLICACIÓN DE DICHA ELECCIÓN.

POR CUANTO , la ciudad de Abilene es un municipio de gobierno autónomo que opera bajo la forma de estatuto de gobierno de conformidad con el Artículo XI, Sección 5 de la Constitución de Texas; y

POR CUANTO , la Carta no ha sido enmendada desde 2006, y algunas secciones deben revisarse para ajustarse a la práctica actual de la Ciudad; y

POR CUANTO , la Ciudad está autorizada de conformidad con el Capítulo 9 del Código de Gobierno Local de Texas a convocar una elección para buscar la aprobación de los votantes para enmendar la Carta; y

POR CUANTO , la ciudad de Abilene, Texas, está autorizada por ley a celebrar dicha elección el 8 de noviembre de 2022 junto con las elecciones estatales y del condado.

AHORA, POR LO TANTO, EL CONCEJO MUNICIPAL DE LA CIUDAD DE ABILENE, TEXAS ORDENA:

PARTE 1: Que una elección es, y por la presente se ordena que se lleve a cabo dentro de la jurisdicción de la Ciudad de Abilene, Texas, el 8 de noviembre de ²⁰²², de conformidad con las leyes del Estado de Texas, la Carta de la ciudad de Abilene, Texas, y contratos entre la ciudad y los condados de Taylor y Jones para servicios electorales. Dicha elección se llevará a cabo con el fin de considerar las enmiendas a la Carta Constitutiva de la Ciudad de Abilene.

PARTE 2: Que la elección preverá votar a favor o en contra de las siguientes proposiciones:

- 1. Enmendar las Secciones 7, 8, 22, 35, 44, 47, 49, 51, 52, 71, 72, 76, 88, 116, 137 y 139 para reemplazar las palabras *Él* y *Él* con las palabras *Él o Ella* y *Él o ella* _**

La boleta dirá:

¿Deberán enmendarse las Secciones 7, 8, 22, 35, 44, 47, 49, 51, 52, 71, 72, 76, 88, 116, 137 y 139 de la Carta Constitutiva de la Ciudad de Abilene para reemplazar las palabras “él” y “él” con las palabras “él o ella” y “él o ella”.

SÍ: _____

N.º: _____

- 2. Enmendar las Secciones 6, 7, 8, 22, 26 y 131 para reemplazar las palabras *Concejal* y *Concejales* por las palabras *Concejal* y *Concejales* .**

La boleta dirá:

¿Deberían enmendarse las Secciones 6, 7, 8, 22, 26 y 131 de los Estatutos de la Ciudad de Abilene para reemplazar las palabras "Concejal" y "Concejales" con las palabras "Concejal" y "Concejales"?

SÍ: _____

NO: _____

- 3. Enmendarse el Artículo 58, Igual - Para Formular Políticas, para quedar como sigue:**

La junta de parques y recreación será responsable de la formulación y recomendación de políticas de parques y recreación al administrador de la ciudad y al concejo ~~, y será responsable de la implementación de dichas políticas en toda la ciudad.~~

La boleta dirá:

¿Se debe enmendar la Sección 58 de los Estatutos de la Ciudad de Abilene para eliminar la disposición de que la Junta de Parques y Recreación es responsable de la implementación de las políticas de parques y recreación en toda la ciudad?

SÍ: _____

N.º: _____

- 4. Enmendar la Sección 63, Departamento de Parques y Recreación – Creado; Director para leer lo siguiente:**

Habrá un departamento de parques y recreación . ~~, cuyo director será designado por el administrador de la ciudad con la aprobación de la junta de parques y recreación. Dicho director estará sujeto a remoción por parte del administrador de la ciudad.~~ **El director de parques y recreación será designado por el administrador de la ciudad. El director de parques y recreación servirá como asesor técnico regular de la junta de parques y recreación, tendrá el estatus de director de un departamento y tendrá los demás deberes y responsabilidades que establezca el administrador de la ciudad.**

La boleta dirá:

¿Se debe enmendar la Sección 63 de la Carta Constitutiva de la Ciudad de Abilene para que diga que el director del departamento de parques y recreación será designado por el administrador de la ciudad, servirá como asesor técnico regular de la junta de parques y recreación y tendrá el estatus de director del departamento y tiene otros deberes y responsabilidades que el administrador de la ciudad pueda establecer ?

SÍ: _____

NO: _____

5. Modifíquese el Artículo 84, Igual - Facultades y Deberes, para quedar como sigue:

La comisión de planificación y zonificación deberá:

- a. Elaborar, enmendar, ampliar o ampliar un plan general para el desarrollo físico de la ciudad que contendrá las recomendaciones de la comisión para el crecimiento, mejoramiento y embellecimiento de la ciudad. Se enviará una copia del plan general, o cualquier parte del mismo, al administrador de la ciudad, quien luego presentará dicho plan al consejo con sus recomendaciones al respecto. El consejo puede adoptar este plan en su totalidad o en parte, y puede adoptar cualquier enmienda al mismo, después de al menos una audiencia pública sobre la acción propuesta. Todas las enmiendas al plan general recomendadas por la comisión de planificación y zonificación se presentarán de la misma manera al concejo para su aprobación, y todas las recomendaciones al concejo de cualquier departamento de la ciudad que afecten el plan general deben ir acompañadas de una recomendación del comité de planificación y zonificación. comisión de zonificación.
- b. Recomendar al consejo la aprobación o desaprobación de los cambios propuestos en los distritos de zonificación;
- c. Aprobar o desaprobar la planificación o subdivisión de terrenos dentro de los límites corporativos de la ciudad y dentro de áreas adyacentes según lo permita la ley;
- d. ~~Presentar anualmente al administrador de la ciudad, no menos de noventa (90) días antes del comienzo del año presupuestario, una lista de mejoras de capital recomendadas, si las hubiere, que, en opinión de la comisión, sean necesarias o deseables durante el próximo período de cinco años;~~**
- d. Requerir información de las demás dependencias del gobierno de la ciudad en relación con su trabajo;
- e. Recomendar al consejo la aprobación o desaprobación de planes para la limpieza de barrios marginales, viviendas públicas y proyectos de renovación y desarrollo urbano;

- f. Cumplir con las obligaciones adicionales y ejercer los poderes adicionales que se prescriban mediante una ordenanza que no sea incompatible con las disposiciones de esta Carta Constitutiva.

La boleta dirá:

¿Se debe enmendar la Sección 84 de los Estatutos de la Ciudad de Abilene para eliminar la disposición de que la comisión de planificación y zonificación deberá presentar anualmente al administrador de la ciudad una lista de mejoras de capital recomendadas que, en opinión de la comisión, son necesarias o deseables? durante el próximo período de cinco años?

SÍ: _____

NO: _____

6. Enmendar la Sección 137, Actividad Política, para quedar como sigue:

Ningún empleado designado o contratado en la nómina de la ciudad deberá hacer una contribución al fondo de campaña de cualquier persona que busque ser elegida para un cargo de la ciudad o de cualquier partido político que apoye a un candidato para la elección a un cargo de la ciudad, ni se le solicitará para este propósito; ni participará activamente en ninguna campaña política relacionada con una elección para un cargo municipal. **No obstante lo anterior, los policías y bomberos se sujetarán a los estatutos de servicio civil aplicables que rigen las actividades políticas.**

La boleta dirá:

¿Debería enmendarse la Sección 137 de los Estatutos de la Ciudad de Abilene para que diga que los oficiales de policía y los bomberos deben cumplir con los estatutos de servicio civil aplicables que rigen las actividades políticas?

SÍ: _____

NO: _____

PARTE 5: Las ubicaciones de los lugares de votación son las designadas en el Anexo A, adjunto a esta ordenanza, pero las ubicaciones pueden ser cambiadas por los condados de Taylor o Jones, y qué cambios, si los hubiere, se hacen parte de esta ordenanza por referencia y se puede encontrar visitando la página web del condado de Taylor, si reside en el condado de Taylor: <http://www.taylorcountytexas.org/214/current-elections> o comunicándose con:

Administrador de elecciones del condado de Taylor
400 Oak Street, #101, Abilene, Texas 79602
(325) 674-1216

O visitando la página web del condado de Jones, si reside en el condado de Jones: <https://www.co.jones.tx.us/page/jones.Elections> o comunicándose con:

Secretario del condado de Jones
PO Box 552, Anson, Texas 79501
(325) 823-3762

PARTE 5: La votación anticipada se llevará a cabo en los lugares y durante las fechas y horarios establecidos por los condados de Taylor y Jones, como se refleja en el Anexo B, adjunto a esta ordenanza, pero qué lugares pueden ser cambiados por los condados de Taylor o Jones, y cuáles los cambios, si los hubiera, se incluyen en esta resolución como referencia y se pueden encontrar visitando la página web del condado de Taylor si reside en el condado de Taylor: <http://www.taylorcountytexas.org/214/current-elections> o comunicándose con:

Administrador de elecciones del condado de Taylor
400 Oak Street, #101, Abilene, Texas 79602
(325) 674-1216

O visitando la página web del condado de Jones, si reside en el condado de Jones: <https://www.co.jones.tx.us/page/jones.Elections> o comunicándose con:

Secretario del condado de Jones
PO Box 552, Anson, Texas 79501
(325) 823-3762

PARTE 6: Las solicitudes de boletas por correo deben recibirse a más tardar a las 5:00 p. m. del 31 de octubre de 2022 y enviarse a lo siguiente:

freda ragan
Administrador de elecciones del condado de Taylor
apartado de correos 3318
Abilene, Texas 79604
Correo electrónico: raganfr@taylorcountytexas.org

O

Lee Ann Jennings
Secretario del condado de Jones
apartado de correos 552
Anson, Texas 79501
Correo electrónico: ljennings@co.jones.tx.us

PARTE 7: De conformidad con la Sección 9.004(c) (2), Código de Gobierno Local de Texas, el impacto fiscal anticipado para la Ciudad si se aprueban las enmiendas propuestas es de \$0.00.

PARTE 8: El aviso de dicha elección se publicará de conformidad con el Capítulo 4 del Código Electoral. Además, de acuerdo con la Sección 9.004(c), Código de Gobierno Local de Texas, el aviso de la elección se publicará en un periódico de circulación general en Abilene el

mismo día, en cada una de las dos semanas consecutivas, con la primera publicación antes del 14 días antes del día de la elección. El Aviso contendrá una copia sustancial de las enmiendas propuestas e incluirá una estimación del impacto fiscal anticipado para la Ciudad si se aprueban las enmiendas.

PARTE 9: Por la presente se declara que es la intención del Concejo Municipal que las frases, cláusulas, oraciones, párrafos y secciones de esta ordenanza sean separables, y si alguna frase, cláusula, oración, párrafo o sección de esta ordenanza sea declarado inconstitucional por sentencia o decreto válido de cualquier tribunal de jurisdicción competente, tal inconstitucionalidad no afectará a ninguna de las restantes frases, cláusulas, oraciones, párrafos y artículos de esta ordenanza, ya que la misma habría sido promulgada por el Ayuntamiento sin la incorporación en esta ordenanza de cualquier frase, cláusula, oración, párrafo o sección inconstitucional.

PARTE 10: Esta Ordenanza entrará en vigor inmediatamente a partir de la fecha de aprobación final y después de esta.

PARTE 11 : Que si las Enmiendas a la Carta Constitucional reciben una mayoría de votos "SÍ", las enmiendas entrarán en vigencia de conformidad con la sección 9.005 del Código de Gobierno Local.

APROBADO EN PRIMERA LECTURA ESTE DÍA 11 DE AGOSTO DE 2022.

APROBADO EN SEGUNDA Y ÚLTIMA LECTURA ESTE 18 DE AGOSTO DE 2022.

DAR FE:

alcalde secretario de la ciudad

APROBADO:

abogado de la ciudad

PROPOSED EARLY VOTING SCHEDULE

October 24, 2022 – November 24, 2022

Joint General and Special Elections
November 8, 2022

MAIN EARLY VOTING LOCATION		
Taylor County Plaza	October 24th – October 28th (Monday – Friday)	8:00 a.m. – 5:00 p.m.
400 Oak Street, Suite 101-A	October 29th (Saturday)	7:00 a.m. – 7:00 p.m.
Abilene, TX 79602	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4 (Monday - Friday)	7:00 a.m. – 7:00 p.m.
For Jones County:		
Jones County Activity Center	October 24th – October 28th	8:00 a.m. – 5:00 p.m.
400 Oak Street, Suite 101	Monday – Friday	
Abilene, TX 79602	October 31st - November 4th	8:00 a.m. – 5:00 p.m.
	Monday – Friday	
TEMPORARY BRANCH LOCATIONS (Taylor County Only)		
Mall of Abilene	October 24th – October 28th (Monday- Friday)	10:00 a.m. – 7:00 p.m.
4310 Buffalo Gap Road	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79605	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
<i>Movie theatre corridor</i>	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
Abilene City Hall	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
555 Walnut Street	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79601	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
<i>E. Entrance, Main Lobby</i>	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
1095 N. Judge Ely Blvd	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79601	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
920 N. Willis St.	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79603	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
2160 Pine St.	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79601	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
3301 S. 14 th St.	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79605	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.

**October 11, 2022 – Last day to register to vote for the November 8, 2022 Joint General and Special Elections.*

**October 28, 2022 – Last day to RECEIVE an application for a ballot by mail for the November 8, 2022 Joint General and Special Elections.*

**October 28, 2022 – Last day to RECEIVE an FPCA for the November 8, 2022 Joint General and Special Elections.*

Taylor County Elections
400 Oak Street, Suite 101
Abilene, TX 79602
325-674-1216
www.taylorcountytexas.org

Jones County Clerk
PO Box 552
Anson, Texas 79501
325-823-7362
<https://www.co.jones.tx.us/page/jones.Elections>

PROPOSED

COUNTY WIDE VOTE CENTER LOCATIONS

Taylor County

Joint Special Elections – November 8, 2022

Elecciones Municipales - 8 de noviembre de 2022

7:00 a.m. – 7:00 p.m.

Taylor County voters may vote at **ANY ONE** of the following locations on Election Day

*Los votantes del condado de Taylor pueden votar en **CUALQUIERA** de los siguientes lugares el día de las elecciones*

Vote Center	Physical Address	Location
Abilene City Hall	555 Walnut Street, Abilene, TX 79601	East Entrance – Main Lobby
Beltway Park Church North Campus	2850 Hwy 351, Abilene, TX 79601	
Buffalo Gap Church of Christ	741 Litel Street, Buffalo Gap, TX 79508	Fellowship Hall
Cesar Chavez Recreation Center	2250 Ambler Ave., Abilene, TX 79603	Gym
Church of Christ–S. 11 th & Willis	3333 S. 11 th Street, Abilene, TX 79605	West Building, multi-purpose room
First Baptist Church – Merkel	307 Locust Street, Merkel, TX 79536	Family Life Center
First Baptist Church – Tuscola	632 Kent Street, Tuscola, TX 79562	Family Life Center
Hillcrest Church of Christ	650 E. Ambler Ave., Abilene, TX 79601	Gym
Lawn Baptist Church	518 Avenue D, Lawn, TX 79530	Family Life Center
New Beginnings United Pentecostal	5535 Buffalo Gap Road, Abilene, TX 79606	Main Foyer
Oldham Lane Church of Christ	5049 Oldham Lane, Abilene, TX 79602	Special Events Room
River of Life Church	539 Hwy 83/84, Abilene, TX 79606	Main Foyer
Southern Hills Church of Christ	3666 Buffalo Gap Road, Abilene, TX 79605	Foyer at Main Sanctuary
Taylor County Plaza	400 Oak Street, Abilene, TX 79602	Suite 101-A
Thomas Elementary School	1240 Lakeside Drive, Abilene, TX 79602	Gym
Tye Industrial Park Small Business Incubator	649 Scott St., Tye, TX 79563	Suite 215
View Baptist Church	250 Boynton Road, Abilene, TX 79606	Fellowship Hall
Westminster Presbyterian Church	4515 South 14 th Street, Abilene, TX 79605	Gym
Woodlawn Baptist Church	922 Woodlawn Drive, Abilene, TX 79603	Multi-Purpose Room
Zion Lutheran Church	2801 Antilley Road, Abilene, TX 79606	Large Fellowship Hall

Jones County
Joint Special Elections – November 8, 2022
Elecciones Municipales - 8 de noviembre de 2022
7:00 a.m. – 7:00 p.m.

Jones County voters may vote at **ANY ONE** of the following locations on Election Day
Los votantes del condado de Jones pueden votar en CUALQUIERA de los siguientes lugares el día de las elecciones

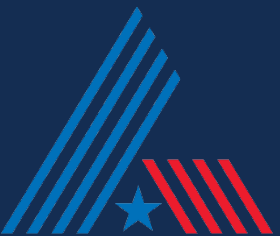
Vote Center	Physical Address	Location
Hamlin High School	650 SW 5 th Street, Hamlin, TX 79520	Gym Foyer <i>Gimnasio Vestíbulo</i>
Stamford VIP Community Center	508 East Gould, Stamford, TX 79553	
Lueders City Hall	201 East Main, Leuders, TX 79533	
Ft. Phantom Baptist Church	11343 FM 600, Abilene, TX 79601	Fellowship Hall <i>Salón de becas</i>
Hawley Church of Christ	410 4 th Street, Hawley, TX 79525	Fellowship Hall <i>Salón de becas</i>
Hodges Baptist Church	13933 CR 495, Hawley, TX 79525	Fellowship Hall <i>Salón de becas</i>
Jones County Activity Center	1108 West Court Plaza, Anson, TX 79501	

Ordinance:
Calling a Special Election for
November 8, 2022, to Consider
Amending Sections of the City Charter



General Election Order

- Election Day: November 8, 2022
- Ballot: 6 Charter Amendments
- Contract: Taylor and Jones Counties for the administration of elections
- Locations: Countywide Vote Centers through contractual agreement with Taylor and Jones Counties
- Cost: None; only the contracts (\$95,886.74 Estimate for Taylor County)
- Early Voting: Monday, October 24th through Friday, November 4th
- Election Day Voting: Tuesday, November 8, 2022
- Canvass tentatively scheduled for Monday, November 14 at 10:00 a.m. (Special Mtg.)



Charter Amendment Propositions

1. **Amend Sections 7, 8, 22, 35, 44, 47, 49, 51, 52, 71, 72, 76, 88, 116, 137, and 139 to replace the words *He* and *Him* with the words *He or She* and *Him or Her*.**

The ballot will read:

Shall Sections 7, 8, 22, 35, 44, 47, 49, 51, 52, 71, 72, 76, 88, 116, 137, and 139 of the City Charter of the City of Abilene be amended to replace the words “he” and “him” with the words “he or she” and “him or her.”

2. **Amend Sections 6, 7, 8, 22, 26, and 131 to replace the words Councilman and Councilmen with the words Councilmember and Councilmembers.**

The ballot will read:

Shall Sections 6, 7, 8, 22, 26, and 131 of the City Charter of the City of Abilene be amended to replace the words “Councilman” and “Councilmen” with the words “Councilmember” and “Councilmembers.”



Charter Amendment Propositions

3. Amend Section 58, Same – To Formulate Policies to read as follows:

The parks and recreation board shall be responsible for the formulation and recommendation of park and recreation policies to the city manager and the council, ~~and shall be responsible for the implementation of such policies throughout the city.~~

The ballot will read:

Shall Section 58 of the City Charter of the City of Abilene be amended to remove the provision that the Parks and Recreation Board is responsible for the implementation of the parks and recreation policies throughout the city?



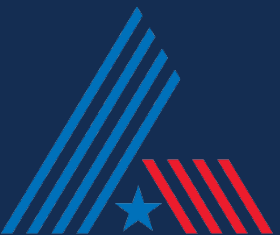
Charter Amendment Propositions

4. Amend Section 63, Parks and Recreation Department – Created; Director to read as follows:

~~There shall be a parks and recreation department, the director of which shall be appointed by the city manager with the approval of the parks and recreation board. Said director shall be subject to removal by the city manager.~~ **The director of parks and recreation shall be appointed by the city manager. The director of parks and recreation shall serve as the regular technical advisor of the parks and recreation board, shall have the status of a director of a department and shall have such other duties and responsibilities as the city manager may establish.**

The ballot will read:

Shall Section 63 of the City Charter of the City of Abilene be amended to read that the director of the parks and recreation department shall be appointed by the city manager, shall serve as the regular technical advisor of the parks and recreation board, and shall have the status of a director of the department and have such other duties and responsibilities as the city manager may establish?



Charter Amendment Propositions

5. Amend Section 84, Same – Powers and Duties to read as follows:

The planning and zoning commission shall:

- a) Make, amend, extend or add to a general plan for the physical development of the city which shall contain the commission's recommendations for growth, improvement and beautification of the city. A copy of the general plan, or any part thereof, shall be forwarded to the city manager who shall thereupon submit such plan to the council with his or her recommendations thereon. The council may adopt this plan as a whole or in part, and may adopt any amendment thereto, after at least one public hearing on the proposed action. All amendments to the general plan recommended by the planning and zoning commission shall be submitted in the same manner to the council for approval, and all recommendations to the council from any city department affecting the general plan must be accompanied by a recommendation from the planning and zoning commission.
- b) Recommend to the council approval or disapproval of proposed changes in zoning districts;
- c) Approve or disapprove the platting or subdividing of land within the corporate limits of the city and within adjacent areas as permitted by law;
- ~~d) Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements, if any, which, in the opinion of the commission, are necessary or desirable during the forthcoming five year period;~~
- e) Require information from the other departments of the city government in relation to its work;
- f) Recommend to the council approval or disapproval of plans for slum clearance, public housing and urban redevelopment and renewal projects;
- g) Perform such additional duties and exercise such additional powers as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

The ballot will read:

Shall Section 84 of the City Charter of the City of Abilene be amended to remove the provision that the planning and zoning commission shall submit annually to the city manager a list of recommended capital improvements which, in the opinion of the commission, are necessary or desirable during the forthcoming five year period?



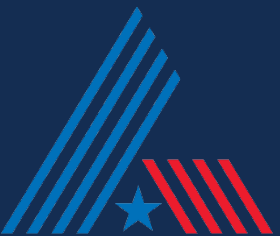
Charter Amendment Propositions

6. Amend Section 137, Political Activity to read as follows:

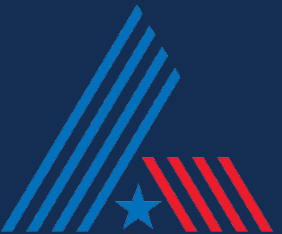
No appointed or hired employee on the payroll of the city shall make a contribution to the campaign fund of any person seeking election to a city office or to any political party supporting a candidate for election to a city office, nor shall he or she be solicited for this purpose; nor shall he or she take active part in any political campaign relating to an election to a city office. **Notwithstanding the above, police officers and fire fighters shall abide by the applicable civil service statutes governing political activities.**

The ballot will read:

Shall Section 137 of the City Charter of the City of Abilene be amended to read that police officers and fire fighters shall abide by the applicable civil service statutes governing political activities.



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Honorable Mayor and Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing a Joint Election Agreement and Contract for Election Services with Taylor County for a Special Election to be Held on Tuesday, November 8, 2022 (*Shawna Atkinson*)

GENERAL INFORMATION

Subchapter D of Chapter 31 of the Texas Election Code provides the City may contract with the County Elections Administrator for certain election services. Chapter 271 of the Texas Election Code provides that the City may enter into an agreement with other jurisdictions that may be conducting elections on the same day in election precincts that can be served by common polling places. The City of Abilene, Taylor County, and other Taylor County political jurisdictions will conduct elections on Tuesday, November 8, 2022. This action authorizes the City to hold the election jointly with jurisdictions that share common polling places and contract with the Taylor County Elections Department for election services, including the selection, training and compensation of precinct election judges.

At this time, there is only a cost estimate from Taylor County Elections department, who performs a post-election audit of the actual expenses incurred to conduct the election(s). The City will receive the invoice for payment after the audit is finalized.

SPECIAL CONSIDERATIONS

Jones County will be done through a separate contract, however, due to the cost, this item does not require Council approval.

FUNDING/FISCAL IMPACT

Overall estimated cost of the November 8, 2022 Special Election is \$95,886.74. The total

number of participants are unknown at this time. The last day for ordering the election for the November 8, 2022, Uniform Election day is Monday, August 22, 2022. After that date, the list of participating jurisdictions will be available.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution authorizing the joint election agreement and contract for election services with Taylor County Elections Department.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Resolution - Contract with Taylor County
2. Joint Election Agreement_Contract_CAB
3. ESTIMATED COST_CityAbilene
4. Cost_%Share
5. Presentation - Elections Contract 2022

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING A JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES WITH TAYLOR COUNTY FOR A SPECIAL ELECTION TO BE HELD TUESDAY, NOVEMBER 8, 2022.

WHEREAS, the City Council has ordered a special election to be held Tuesday, November 8, 2022; and

WHEREAS, the special election is for the purpose of a citizen initiative to make Abilene a sanctuary city for the unborn, charter amendments, and potentially a bond election; and

WHEREAS, it is the desire of the Abilene City Council to continue contractual services with Taylor County for the administration of its general election as done in the past; and

WHEREAS, Taylor County has been approved by the Secretary of State to utilize countywide polling places, which serves as a further convenience to City of Abilene qualified voters to vote at any of the authorized locations for both election day and early voting; and

WHEREAS, Taylor County shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code and may employ other personnel necessary for the proper administration of the election; and

WHEREAS, Taylor County may appoint other deputy early voting clerks to assist in the conduct of early voting as necessary pursuant to Section 83.052 of the Texas Election Code for the proper administration of the election; and

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

That the City Manager is hereby authorized to enter into a Joint Election Agreement and Contract for Election Services with Taylor County, approved as to form by the City Attorney, for a special election to be held Tuesday, November 8, 2022, to be administered by the Taylor County Elections Administrator in accordance with Subchapter D of Chapter 31 and Chapter 271 of the Texas Election Code.

That the contract will provide that the Elections Administrator is to perform or supervise the performance of any or all of the corresponding duties and functions for the election as required under the terms of the Joint Election Agreement and Contract for Election Services.

That this Resolution shall take effect immediately from and after its passage, as indicated below.

ADOPTED by the City Council of the City of Abilene on the 11th day of August, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

**THE STATE OF TEXAS
COUNTY OF TAYLOR**

JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES

THIS JOINT AGREEMENT AND CONTRACT FOR ELECTIONS SERVICES is made by and between Taylor County, a body corporate and politic under the laws of the State of Texas, hereinafter referred to as “County” , acting by and through Freda Ragan, Taylor County Elections Administrator, hereinafter referred to as “Elections Administrator, and the City of Abilene, hereinafter referred to as “Political Subdivision.”

This joint election agreement and contract for election services (“Agreement”) is made pursuant to Texas Election Code Sections 31.092 and 271.002 for a joint **November 8, 2022** election to be administered by Freda Ragan, Taylor County Elections Administrator, hereinafter referred to as “Elections Administrator.”

RECITALS

WHEREAS, The City of Abilene is holding a three Special Elections on November 8, 2022 for the purpose of:

Voting FOR or AGAINST on a Proposed Ordinance to make Abilene a Sanctuary City for the Unborn.

Voting FOR or AGAINST on two Proposed Bond Propositions.

Voting YES or NO on six Proposed Amendments to the Abilene City Charter.

WHEREAS, The County owns an electronic voting system, the Hart InterCivic Verity Duo Voting System, which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122 as amended, and is compliant with the accessibility requirements for persons with disabilities, set forth by Texas Election Code Section 61.012. Political Subdivision desires to use the County’s electronic voting system and to compensate the County for such use and to share in certain other expenses connected with joint elections in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code, as amended.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, **IT IS AGREED** as follows:

I. ADMINISTRATION

The parties agree to hold a “Joint Election” in accordance with Chapter 271 of the Texas Election Code and this agreement. The Taylor County Elections Administrator shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this agreement. Political Subdivision agrees to pay the Taylor County Elections Administrator for equipment, supplies, services, and administrative costs as provided in this agreement. The Taylor County Elections Administrator shall serve as the administrator for the Joint Election; however, the Political Subdivision shall remain responsible for the lawful conduct of its election. The Elections Administrator shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of the Political Subdivision.

It is understood that other political subdivisions may wish to participate in the use of the County’s electronic voting system and polling places, and it is agreed that Taylor County and the Elections Administrator may enter into other joint election agreements and contracts for election services for those purposes on terms and conditions generally similar to those set forth in this contract. Political Subdivision agrees that Taylor County may enter into joint election agreements with other political subdivisions that may have territory located partially or wholly within the boundaries of Political Subdivision, and in such case all parties sharing common territory shall share a joint ballot on the county’s electronic voting system at the applicable polling places.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap.

II. LEGAL DOCUMENTS

Political Subdivision shall be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code and/or Political Subdivision's governing body, charter, or ordinances.

Preparation of the necessary materials for notices and the official ballot shall be the responsibility of Political Subdivision, including translation to languages other than English.

III. VOTING LOCATIONS

Taylor County has adopted a countywide polling place program. Voters from Political Subdivisions participating in this Joint Election may cast a ballot at any polling location open for this election. The Elections Administrator will coordinate and arrange for the use of Early Voting and Election Day voting Locations. The Elections Administrator shall notify each participating Political Subdivision of the voting locations and any necessary changes to the locations.

If polling places for the November 8, 2022 joint election are different from the polling place(s) used by the Political Subdivision in its most recent election, the Elections Administrator agrees to post a notice no later than Friday, October 28, 2022 at the entrance to any previous polling places in the jurisdiction stating that the polling location has changed and stating the polling place names and addresses in effect for the November 8, 2022 election.

The parties agree and acknowledge that early and Election Day polling locations, as well as dates and times for voting, are subject to change, if a change must be made to comply with social distancing, health, or safety requirements or restrictions, or any other requirement or restriction, established by a Governor's Executive Order or local emergency declaration or order.

IV. ELECTION JUDGES, CLERKS, AND OTHER PERSONNEL

Taylor County shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code. The Elections Administrator shall recruit polling place officials who are bilingual (fluent in both English and Spanish). The Elections Administrator shall make emergency appointments of election officials if necessary.

The Elections Administrator shall notify all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that all election judges appointed for the Joint Election are eligible to serve.

The Elections Administrator shall arrange for the training and compensation of all election judges and clerks. The Elections Administrator shall arrange for the date, time, and place for presiding election judges to pick up their election supplies. Each presiding election judge will be sent a letter from the Elections Administrator notifying the person of the appointment, the time and location of training and distribution of election supplies, and the number of election clerks that the presiding judge may appoint.

Each election judge and clerk will receive compensation at an hourly rate established by Taylor County pursuant to Texas Election Code Section 32.091. Judges and Clerks will be compensated for actual time working at a polling place and time spent attending any training classes required to successfully conduct the election. The election judge will receive an additional sum of \$25.00 for picking up the election supplies prior to Election Day and for returning the supplies and equipment to the central counting station after the polls close.

The Elections Administrator may employ other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of supplies during early voting and on Election Day, and for the efficient tabulation of ballots at the central counting station. Part-time personnel working in support of the Early Voting Ballot Board and/or central counting station on election night will be compensated at the rate set by Taylor County.

V. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The Elections Administrator shall arrange for all election supplies and voting equipment including, but not limited to official ballots, sample ballots, voter registration lists, and all forms, signs, maps and other materials used by the election judges at the voting locations. At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap.

Political Subdivision shall furnish the Elections Administrator a list of candidates and/or propositions showing the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot. Political Subdivision shall be responsible for proofreading and approving the ballot insofar as it pertains to political subdivision's candidates and/or propositions.

VI. EARLY VOTING

The participating authorities agree to conduct joint early voting and to appoint the Elections Administrator as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. The participating authorities agree to appoint the Elections Administrator's permanent county employees as deputy early voting clerks. The participating authorities further agree that the Elections Administrator may appoint other deputy early voting clerks to assist in the conduct of early voting as necessary, and that these additional deputy early voting clerks shall be compensated at an hourly rate set by Taylor County pursuant to Section 83.052 of the Texas Election Code.

The Elections Administrator will coordinate and arrange for the use of early voting locations. The Elections Administrator shall notify each participating Political Subdivision of the early voting locations and any necessary changes to the locations. Any qualified voter of the Joint Election may vote early by personal appearance at any one of the joint early voting locations.

As Early Voting Clerk, the Elections Administrator shall receive applications for early voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code. Any requests for early voting ballots to be voted by mail received by Political Subdivision shall be forwarded immediately by regular mail, email, fax or courier to the Elections Administrator for processing.

VII. EARLY VOTING BALLOT BOARD

An Early Voting Ballot Board shall be created to process early voting results from the Joint Election. The County Election Board shall appoint the Presiding Judge and members of the Early Voting Ballot Board. The County Election Board, with the assistance of the Elections Administrator, shall appoint two or more members to constitute the Early Voting Ballot Board.

VIII. CENTRAL COUNTING STATION AND ELECTION RETURNS

The Elections Administrator shall be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

The participating authorities hereby, in accordance with Section 127.002, 127.003, and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Counting Station Manager
Tabulation Supervisor
Presiding Judge

Freda Ragan, Elections Administrator
Traci Appleton, Deputy Elections Clerk
Vicki Adams

The Counting Station Manager or his representative shall deliver timely cumulative reports of the election results as precincts report to the central counting station and are tabulated. The Counting Station Manager shall be responsible for releasing cumulative totals and precinct returns from the election to the joint participants, candidates, press, and general public by distribution of hard copies or electronic transmittals by facsimile (when so requested).

The Elections Administrator will prepare the unofficial canvass reports after all ballots have been counted, and will deliver a copy of the unofficial canvass to the Political Subdivision as soon as possible after all returns have been tabulated. All participating authorities shall be responsible for the official canvass of their respective elections.

The Elections Administrator shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State

IX. RUNOFF ELECTION

Political Subdivision shall have the option of extending the terms of this agreement through its runoff election, if applicable. In the event of such runoff election, the terms of this agreement shall automatically extend unless the Political Subdivision notifies the Elections Administrator in writing within 10 days of the original election.

Political Subdivision shall reserve the right to reduce the number of early voting locations and/or Election Day voting locations in any runoff election.

X. ELECTION EXPENSES AND ALLOCATION OF COSTS

Any election held by Political Subdivision will be at the expense of the Political Subdivision. In the event of joint elections, it is agreed between all participating authorities to share the costs of administering the Joint Election. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared among the total number political subdivisions.

Any expenses incurred in the rental of polling place facilities shall be pro-rated among the participants to the Joint election agreement and contract for election services.

It is agreed that the normal rental rate charged for the County's voting equipment used on Election Day shall be pro-rated among the participants to this joint election agreement and contract for election service.

Each participating political subdivision shall share the cost and reimburse Taylor County for the wages of Early Voting Election Clerks that are appointed and employed to work at each early voting location:

Each participating political subdivision agrees to reimburse Taylor County the wages for Election Day Judges and Clerks.

Each participating political subdivision shall share the cost and reimburse Taylor County for overtime wages at time and a half to the permanent employees of the Elections Administrator for contractual duties performed outside the normal business hours of Taylor County in accordance with Section 31.100(e) of the Texas Election Code.

Political Subdivision agrees to pay Taylor County an administrative fee equal to ten percent (10%) of its total billable costs in accordance with Section 31.100(d) of the Texas Election Code.

Estimated cost of services is stated in **Attachment "A"**.

XI. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Political Subdivision may withdraw from this agreement and the Joint Election should it cancel its election in accordance with Sections 2.051 – 2.053 of the Texas Election Code. The Elections Administrator shall be entitled to receive an administrative fee of \$75.00. The Elections Administrator shall submit an invoice for such fee within 15 days of the cancellation notice.

XII. RECORDS OF THE ELECTION

The Elections Administrator is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

Access to the election records shall be available to each participating authority as well as to the public in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act. The election records shall be stored at the office of the Elections Administrator. The Elections Administrator shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or open records request, the Elections Administrator shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of Political Subdivision to bring to the attention of the Elections Administrator any notice of pending election contest, investigation, litigation or open records request which may be filed with Political Subdivision.

XIII. RECOUNTS

A recount may be obtained as provided by Title 13 of the Texas Election Code. Political Subdivision agrees that any recount shall take place at the offices of the Elections Administrator, and that the Elections Administrator shall serve as Recount Supervisor and Political Subdivision's official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

XIV. MISCELLANEOUS PROVISIONS

1. It is understood that to the extent space is available, that other districts and political subdivisions may wish to participate in the use of the County's election equipment and voting places, and it is agreed that the Elections Administrator may contract with such other districts or political subdivisions for such purposes and that in such even there may be an adjustment of the share to be paid to the County by the participating authorities.
2. The Elections Administrator shall file copies of this document with the Taylor County Treasurer and the Taylor County Auditor in accordance with Section 31.099 of the Texas Election Code.
3. In the event that legal action is filed challenging Political Subdivision's election, each party hereto shall defend its own actions, officials and employees. If it is determined that the actions of Political Subdivision resulted in legal action against Taylor County or the Taylor County Elections Administrator or any additional election personnel, then Political Subdivision shall provide, at its own expense, legal counsel for the County, the Elections Administrator, and additional election personnel as necessary save and except in any instance whereby an unlawful or otherwise improper act or omission of the County, the Election Administrator or another participating authority in the election has precipitated such legal action.

4. Nothing in this contract prevents any party from taking appropriate legal action against any other party and/or other election personnel for a breach of this contract or a violation of the Texas Election Code.
5. No Party to this Agreement shall be liable for delay or failure in the performance of its contractual obligations caused by or arising from any one or more events that are beyond its reasonable control, including, but not limited to, the following events: act of God; war; terrorism; riot; plague; epidemic; pandemic; outbreak of infectious disease or any other public health crisis or disaster; order or act of civil or military authority; or compliance with any law or governmental order, rule, regulation, or direction. Upon such delay or failure affecting one Party, that Party shall notify the other Party and use all reasonable efforts to cure or alleviate the cause of such delay or failure with a view to resuming performance of its contractual obligations as soon as practicable. Notwithstanding the foregoing, in every case the delay or failure to perform must be beyond the control and without the fault or negligence of the Party claiming excusable delay.
6. Taylor County and Political Subdivision agree that under the Constitution and laws of the State of Texas, neither Taylor County nor the Political Subdivision can enter into an agreement whereby either party agrees to indemnify or hold harmless another party; therefore, all references of any kind, if any, to indemnifying or holding or saving harmless for any reason are hereby deleted.
7. This agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Taylor County, Texas.
8. In the event one or more of the provisions contained in the Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
9. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.
10. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.
11. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.

XV. FINAL OBLIGATION AND PAYMENT

Political Subdivision agrees it is obligated to pay to Taylor County all of the Political Subdivision's joint election charges, fees, expenses, and costs as set forth under the terms of this Contract, with the exact amount of the Political Subdivision's financial obligation under the terms of this Contract to be timely calculated after the joint election.

XVI. JOINT CONTRACT ACCEPTANCE AND APPROVAL

IN TESTIMONY HEREOF, this agreement has been executed on behalf of the parties hereto as follows, to-wit:

- (1) It has on the ____ day of _____, 2022 been executed by the Taylor County Elections Administrator pursuant to the Texas Election Code so authorizing;
- (2) It has on the ____ day of _____, 2022 been executed on behalf of the City of Abilene pursuant to an action of the City of Abilene so authorizing;

ACCEPTED AND AGREED TO BY THE CITY OF ABILENE:

APPROVED:

ATTESTED:

Robert Hanna, City Manager

Shawna Atkinson, City Secretary

APPROVED:

City Attorney

ACCEPTED AND AGREED TO BY TAYLOR COUNTY ELECTIONS ADMINISTRATOR:

APPROVED:

Freda Ragan, Elections Administrator
Taylor County

ESTIMATED COST
City of Abilene Special Election
Tuesday, November 8, 2022

EQUIPMENT

Early Voting			
Controllers / Scanners / Verity Duo's (BMDs) @ \$186.00 each	\$	13,062.00	
Election Day			
Controllers / Scanners / Verity Duo's (BMDs) @ \$186.00 each	\$	55,628.00	
Transportation of Equipment/Equipment Preparation	\$	2,375.00	\$ 71,065.00
(includes delivery and pickup_ Election Day)			

LEGAL

Internal L&A Testing		No Charge	
Notice of Public L&A Testing	\$	325.00	
Notice of Election	\$	2,500.00	\$ 2,825.00

MISCELLANEOUS SERVICES

Election Kits for Judges @ \$50.00 each			
Early Voting	\$	455.00	
Election Day	\$	1,300.00	
Internet Connectivity @ Polling Locations			
Early Voting	\$	150.00	
Election Day	\$	375.00	
Mail Ballot Packets			
3,000 @ \$2.25 each (includes postage)	\$	6,750.00	\$ 9,030.00

PERSONNEL

Early Voting Ballot Board	\$	2,000.00	
Central Counting Station	\$	660.00	
Early Voting	\$	65,080.00	
Election Day	\$	45,515.00	
County Employee Overtime	\$	4,000.00	\$ 117,255.00

TOTAL <u>ESTIMATED COST</u> FOR ENTIRE ELECTION	\$ 200,175.00
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Total Estimated Cost of Election	\$200,175.00
Less \$1,000 base cost for each entity that will potentially hold elections	(\$5,000.00)
Total to be used to allocate % Cost to each entity	\$195,175.00

CITY OF ABILENE ESTIMATED COST

% Cost is based upon number of registered voters in district

City of Abilene portion of cost - 44.15% of \$195,175.00	\$	86,169.76
Base Cost	\$	1,000.00
Sub Total	\$	87,169.76
10% Administrative Fee (minimum \$75.00)	\$	8,716.98
TOTAL ESTIMATED COST	\$	95,886.74

**Joint General Election
November 8, 2022**

<i>District</i>	<i># of Registered Voters</i>	<i>% Share</i>
<i>Taylor County</i>	<i>84,903</i>	<i>55.63%</i>
<i>City of Abilene</i>	<i>67,370</i>	<i>44.15%</i>
<i>Eula ISD</i>	<i>225</i>	<i>00.15%</i>
<i>Winters ISD</i>	<i>35</i>	<i>00.02%</i>
<i>Blackwell CISD</i>	<i>69</i>	<i>00.05%</i>
<i>TOTAL</i>	<i>152,602</i>	<i>100.00%</i>

Total Estimated Cost of Election	\$200,175.00
Less \$1,000 Base Charge per Entity	\$5,000.00
Total to be used to allocate % Cost to each entity	\$195,175.00

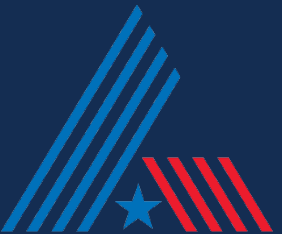
<i>District</i>	<i>%Share</i>	<i>Cost</i>	<i>Base Charge</i>	<i>10% Admin</i>	<i>Total Estimated Cost</i>
<i>Taylor County</i>	<i>55.63%</i>	<i>108,575.85</i>	<i>1,000.00</i>	<i>0</i>	<i>109,575.85</i>
<i>City of Abilene</i>	<i>44.15%</i>	<i>86,169.76</i>	<i>1,000.00</i>	<i>8,716.98</i>	<i>95,886.74</i>
<i>Eula ISD</i>	<i>00.15%</i>	<i>292.76</i>	<i>1,000.00</i>	<i>129.28</i>	<i>1,422.04</i>
<i>Winters ISD</i>	<i>00.02%</i>	<i>39.04</i>	<i>1,000.00</i>	<i>103.90</i>	<i>1,142.94</i>
<i>Blackwell CISD</i>	<i>00.05%</i>	<i>97.59</i>	<i>1,000.00</i>	<i>109.76</i>	<i>1,207.35</i>
<i>TOTAL</i>	<i>100.00%</i>	<i>195,175.00</i>	<i>5,000.00</i>	<i>9,059.92</i>	<i>209,234.92</i>

Resolution: Elections Contract with Taylor County



Elections Contract

- Contract: Taylor County for the administration of elections
- Term: Special Election – November 8, 2022
- Locations: Countywide Polling Locations
- Cost: Estimated at \$95,886.74 (5 participants)



COST ESTIMATE

EQUIPMENT

Early Voting

Controllers / Scanners / Verity Duo's (BMDs) @ \$186.00 each \$ 13,062.00

Election Day

Controllers / Scanners / Verity Duo's (BMDs) @ \$186.00 each \$ 55,628.00

Transportation of Equipment/Equipment Preparation

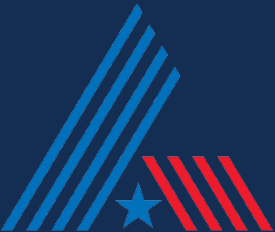
(includes delivery and pickup_ Election Day) \$ 2,375.00 \$ 71,065.00

LEGAL

Internal L&A Testing No Charge

Notice of Public L&A Testing \$ 325.00

Notice of Election \$ 2,500.00 \$ 2,825.00



COST ESTIMATE - CONTINUED

MISCELLANEOUS SERVICES

Election Kits for Judges @ \$50.00 each

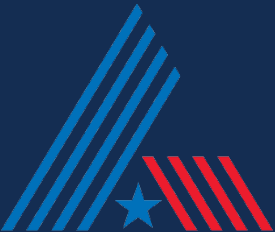
Early Voting	\$	455.00	
Election Day	\$	1,300.00	

Internet Connectivity @ Polling Locations

Early Voting	\$	150.00	
Election Day	\$	375.00	

Mail Ballot Packets

3,000 @ \$2.25 each (includes postage)	\$	6,750.00	\$	9,030.00
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COST ESTIMATE - CONTINUED

PERSONNEL

Early Voting Ballot Board	\$	2,000.00	
Central Counting Station	\$	660.00	
Early Voting	\$	65,080.00	
Election Day	\$	45,515.00	
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TOTAL <u>ESTIMATED COST</u> FOR ENTIRE ELECTION	\$ 200,175.00
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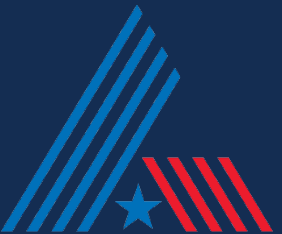
<i>Total Estimated Cost of Election</i>	\$200,175.00
<i>Less \$1,000 base cost for each entity that will potentially hold elections</i>	<u>(\$5,000.00)</u>
<i>Total to be used to allocate % Cost to each entity</i>	\$195,175.00

CITY OF ABILENE ESTIMATED COST

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Base Cost	\$	<u>1,000.00</u>
Sub Total	\$	87,169.76
10% Administrative Fee (minimum \$75.00)	\$	<u>8,716.98</u>
TOTAL ESTIMATED COST	\$	95,886.74

QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: 8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving the Renewal of the Tax Increment Reinvestment Zone No. 2 Facade Improvement and Demolition Assistance Grant Programs and Committing Funds for Implementation *(Tim Littlejohn)*

GENERAL INFORMATION

A Resolution of the Tax Increment Reinvestment Zone No. 2 Board to Renew the Facade Improvement and Demolition Assistance Grant Programs

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The TIRZ Board recommends approval as directed in the meeting held on July 21, 2022.

ATTACHMENTS:

1. 2022 RESOLUTION TIRZ NO. 2 facade & demolition
2. Facade Program Policies and Procedures 042519 Council- Revised
3. TIRZ August 2022 Presentation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE RENEWAL OF THE FACADE IMPROVEMENT AND DEMOLITION ASSISTANCE GRANT PROGRAMS AND COMMITTING FUNDS FOR IMPLEMENTATION

WHEREAS, the City of Abilene adopted Ordinance No. 66-2013 creating a Tax Increment Reinvestment Zone No. 2, establishing certain economic development incentives to encourage and promote private investment within the City of Abilene Tax Increment Reinvestment Zone No. 2; and

WHEREAS, the Tax Increment Reinvestment Zone No. 2 Board has recommended the renewal of the Facade Improvement and Demolition Assistance Grant Programs for implementation within the boundaries of Tax Increment Reinvestment Zone No. 2; and

WHEREAS, facade improvement and demolition assistance grants are considered eligible activities for Tax Increment Reinvestment Zone No. 2 funding; and

WHEREAS, it is understood that grants for eligible facade improvement and demolition projects will be made in accordance with established guidelines and policies as promulgated by the City of Abilene Planning and Development Services Department; and

WHEREAS, grants awarded through the Facade Improvement and Demolition Assistance Grant Programs will be financed with funds currently allocated for such use by the Tax Increment Reinvestment Zone No. 2 Board.

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

PART 1: That the City of Abilene renews the Facade Improvement and Demolition Assistance Grant Programs.

PART 2: That the City Council approve the use of Tax Increment Reinvestment Zone No. 2 funds for such use and delegates grant approval authority to the Director of Planning and Development Services or his designee.

PART 3: That the TIRZ No. 2 funding for this program be limited to \$300,000 total for a three-year period from the date of this Resolution.

ADOPTED on the 11th day of August 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



Façade Improvement Grant Program Application Policies and Procedures

Revised February 21, 2020

Revised September 16, 2020

Revised August 11, 2022

City of Abilene
Planning and Development Services Department
555 Walnut Street, Suite 100
Abilene, Texas 79601-5254
(325) 676-6237

A. Background

On April 25, 2019 the Abilene City Council adopted Resolution Number 93-2019 creating the Abilene Façade Improvement Grant Program. The intent of the program is to provide technical and financial assistance to commercial property owners seeking to renovate or restore their exterior building facades. The program is designed to have a positive impact on properties in need of revitalization, resulting in the overall improvement of the appearance and aesthetics of commercial buildings within the Central Business District. It is important to note that the program is reimbursement-based. Further, it is not the intent of the program to subsidize necessary improvements resulting from building code violations. If awarded a Façade Improvement Program Grant, any deviation from the approved project may result in the total or partial withdrawal of grant funding.

The Façade Improvement Grant Program provides fifty percent (50%) matching grants not to exceed \$15,000.00 per application. Grant funds awarded through the program focus on exterior work on buildings and storefronts within the Central Business District that are visible to the public. No grants will be awarded for previously performed work. All proposed work will be reviewed based upon the Secretary of the Interior's *Standards for the Treatment of Historic Properties* and review criteria that may include, but not be limited to, compatibility, architectural design, and consistency with other façade improvement projects within the immediate area. Proposed projects may include the restoration of architectural details, upgraded windows and doors, signage, and lighting. Applicants will be responsible for hiring licensed professionals to prepare conceptual and final project designs.

B. Definitions

The following definitions shall apply to the terms used in these guidelines:

Applicant: The property owner or authorized agent signing the application for a Façade Improvement Grant.

Central Business District: The area located between North 10th Street and South 7th Street, having an eastern border of Treadaway Boulevard and a western border of Grape and Butternut Streets.

Construction Costs: The cost of construction materials and installation labor. All other associated costs are deemed excluded, including but not exclusively, the following costs: design, construction document preparation, bidding, sweat equity and construction financing.

Eligible Improvements: The improvements identified as eligible in Section D herein.

Façade: The portion of the building parallel to the primary right-of-way as determined by the Planning and Development Services Department.

Landmarks Commission: The advisory board for façade improvement grant applications associated with buildings designated as historic and/or those located within historic overlay zoning districts.

Notice to Proceed: A written notice from the Planning and Development Services Department authorizing the applicant to begin construction.

Property: The physical lot and/or building to which improvements are being made.

Tax Increment Reinvestment Zone (TIRZ) Number 2: A reinvestment zone created by the City of Abilene pursuant to Chapter 311 of the Texas Tax Code, as amended. The purpose of the zone is to promote development or redevelopment within the zone.

C. Eligibility Criteria

The following criteria must be met in order to participate in the Façade Improvement Grant Program:

1. Applicants must be owners of buildings located within the TIRZ boundary of the Central Business District;
2. Applicants must be current on all municipal taxes at the time of application;
3. Applicants must not have any City liens filed against any property owned by the Applicant, including but not limited to code enforcement liens or tax liens;
4. Applicants must comply with all State and local laws and regulations pertaining to licensing, permits, building code, and zoning requirements;
5. Applicants must understand that the overall objective of the program is to improve the exterior appearance, visibility, and presentation of a property. The City has the discretion to decline acceptance of an application and suggest enhancements/improvements that may improve chances of future approval;
6. Buildings proposed for grant funding cannot be new construction. Eligibility of site improvements associated with new construction may be determined by the Director of Planning and Development Services. Historic buildings will be given priority when deciding grant funding allocation.

D. Design Principles and Guidelines

Improvements to be funded by the program must be compatible with the character and architecture of the individual building as well as meeting City standards with regards to latest construction and design trends. Buildings with historically-significant architectural qualities are strongly encouraged to restore and maintain these features. Improvements for buildings not having such architectural features should be carefully considered and be seen as an opportunity to substantially enhance the appearance of the buildings and their associated streetscapes. The Secretary of the Interior's *Standards for the Treatment of Historic Properties* should be used as a guide when considering any work on a historically-significant structure.

1. Eligible Façade Improvements:

- a. Restoration of architectural details in historically-contributing or historically-significant buildings, and the removal of elements which cover architectural details.
- b. Window replacement and window framing visible from the street which is appropriately scaled to the building.
- c. New signage, including monument, wall, and awning signage. All signage must comply with Chapter 4, Article 2, Division 8, Sign Regulations of the Land Development Code.
- d. Lighting which illuminates signage, storefront window displays, and recessed areas of the building façade.
- e. Awnings or canopies.
- f. Curbing, irrigation, approved landscaping or other landscaping features attached to the building where appropriate.
- g. Cleaning, painting or re-siding of the building.
- h. Resurfacing and/or re-striping of parking lots visible from the street.
- i. New storefront construction, appropriately scaled within an existing building.
- j. Other items which may not be listed above that would improve the building façade.

2. Ineligible Improvements/Expenses:

- a. Exterior improvements located on the sides or rear of the building not visible from a public right-of-way
- b. Interior improvements
- c. Roofing
- d. Playground or recreational equipment
- e. Structural changes
- f. Burglar bars
- g. Security Alarm System
- h. "Sweat Equity"

- i. Furniture
- j. Architectural or other professional fees
- k. Asbestos testing, removal, abatement, or remediation
- l. Improvements for which insurance funds are received
- m. Prior Improvements: Alterations and improvements made prior to receiving a “Notice to Proceed” are not eligible for reimbursement

E. Financial Assistance

Funding offered is in the form of a matching grant in which the City of Abilene reimburses the applicant fifty percent (50%) of the total construction costs, up to a \$15,000.00 maximum match award. Architectural design fees may not be included in the total cost of eligible improvements. In addition, the City of Abilene agrees to waive building permits fees on approved façade improvement projects undertaken through this program.

Matching funds may be in the form of other financial aid (grant or loan) received from other agencies and/or banks, but may not be “in-kind”. The City of Abilene will only provide reimbursement after the applicant submits all required documentation indicating payment has been made for the work performed.

No applicant, applicant agent, representative, or tenant shall be entitled to receive grant approval on the same property if requested within five (5) years from the date a previous grant was awarded. No more than \$15,000.00 per property will be awarded within a five (5) year period.

F. Procedures

All prospective applicants must follow the procedures in the order outlined below:

1. All applicants are encouraged to meet with Planning and Development Services Department staff for an initial pre-application submittal conference.
2. Applicant must submit a completed application and all required attachments and supporting materials to Planning and Development Department Services staff for processing.
3. If proposed project involves an historic building or one included in an historic overlay zoning district, the application will be forwarded to the Abilene Landmarks Commission for review and recommendation.
4. After the application has been submitted to the Planning and Development Services Department, a meeting will be held with the applicant on-site at the subject property to review the application and discuss the project.

5. As a condition of the grant application and in consideration of the opportunity to apply for a grant, the applicant consents and shall allow the City of Abilene to perform inspections to determine that the grant, if awarded, will not be used for construction to any building that is not in compliance with City of Abilene Building Codes and related ordinances which are applicable to the construction proposed in the application.
6. The application will then be reviewed and action to either approve or deny the application will be made by the Director of Planning and Development Services. In addition to using the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, other review criteria may include, but not be limited to, compatibility, architectural design, and consistency with other façade improvement projects within the immediate area.
7. In the event an application is denied, the applicant will not be allowed to re-apply for the same project for a period of one (1) year from the date of the original application. An applicant that submitted an application that was denied grant funding may appeal the denial to the City Manager within fourteen (14) days of the date of application denial.
8. Upon application approval, the City will require that the applicant sign an Applicant Agreement and Certification.
9. Upon execution of the agreement, the City will send the applicant a written "Notice to Proceed." Any work completed prior to receiving the "Notice to Proceed" will not be reimbursed through the program by the City.
10. An applicant has thirty (30) days from the date of the Notice to Proceed to initiate construction of approved improvements. The applicant must provide Planning and Development Services Department staff with copies of all building permits and certifications associated with the facade project.
11. On the application, the applicant must provide the dates of when the contractor will begin and complete the project. The project must be completed within six (6) months of receiving the Notice to Proceed. If the project is delayed by weather or unforeseen circumstances, extra time may be requested and submitted to the Planning and Development Services Department for approval.
12. The contractor shall construct project improvements as specified in the approved application. Any changes to designs and construction plans approved as part of the application must be reviewed and approved by Planning and Development Services Department staff.

13. Upon project completion, the applicant will notify Planning and Development Services Department staff within thirty (30) days that the project is complete. City staff will then conduct all necessary inspections to ensure improvements comply with the approved application and all necessary building and zoning codes.
14. When the entire project has been satisfactorily completed and reviewed, the applicant shall provide the Planning and Development Services Department with copies of all paid invoices for a single payment reimbursement of the approved funding.
15. In order to receive reimbursement under the program, all receipts for work must be submitted to the Planning and Development Services Department within thirty (30) days of completing the project.

G. Termination

The City of Abilene has the right to terminate any agreement under the grant program if a participant is found to be in violation of any conditions set forth in these guidelines in accordance with the Façade Improvement Grant Agreement.

Facade Improvement Grant Program Application

Please complete and return along with all required attachments to the Planning and Development Services Department, City Hall, 555 Walnut Street, Suite 100

Applicant Name _____ Date _____

Business Name _____

Mailing Address _____

Contact Phone _____ Email Address _____

Building Owner (If different from applicant) _____

Building Name _____ Building Address _____

Type of Work (check all that apply)

Façade ____ Signage ____ Awnings ____ Parking/Lighting ____ Other ____

Summary of Planned Improvements for Façade Improvement Grant (please provide a separate one (1) page narrative describing in detail the proposed work/modifications)

List Contractor Proposals and Total Amounts (please attach original proposals):

1. _____
2. _____

TOTAL COST OF PROPOSED FAÇADE PROJECT: \$ _____

AMOUNT OF FAÇADE GRANT REQUESTED: \$ _____
(Not to exceed 50% of total cost up to \$15,000.00)

Applicant/Owner Signature

Date

Printed Applicant/Owner Name

Required Attachments

___Proof of ownership: Warranty deed or legal occupancy, such as a lease

___Notarized statement from property owner allowing participation in the program (*applicable to business owners who are not the property owners*)

___Driver's license

___Proof of insurance on the property

___Proof of property tax payment

___Color photographs of existing structure

___Two (2) contractor bids

___Proposed scope of work:

- One (1) page narrative describing in detail the proposed work/modifications
- Printed and digital set of architectural drawings
- Product information
- Color samples
- Other material(s) that would make it helpful to understand your project

Applicant Agreement & Certification

- I have read and fully understand the *Façade Improvement Grant Program Application Policies and Procedures*.
- I understand that any false or misleading information provided at any time during the application process may lead to program ineligibility.
- I understand that any deviation from the requirements set forth in the agreement may result in the ineligibility of reimbursement from the City of Abilene.
- I agree to start the project within thirty (30) days of receiving the Notice to Proceed.
- I agree to complete the project within six (6) months of receiving the Notice to Proceed.
- I agree to submit all receipts of expenditures for the work specified on the application within thirty (30) days of project completion.
- I agree to indemnify and hold harmless the City of Abilene and its employees, directors, officials, and other duly authorized agents from any and all claims and liabilities arising out of or connected to my participation in this program and the ensuing façade improvement work, including any personal injuries or damages to any person(s) or property, loss to or interruption of business by the program participant and participant's tenants and neighbors. This agreement extends to the program participant's employees, duly authorized agents and successors.

The undersigned hereby represents and certified to the best of his/her knowledge and belief that the information contained in this statement and any exhibits or attachments hereto are true and complete and accurately describe the proposed project, and the undersigned agrees to promptly inform the City of Abilene of any changes in the proposed project which may occur.

Applicant Printed Name

Applicant Signature

Date

COUNCIL Meeting

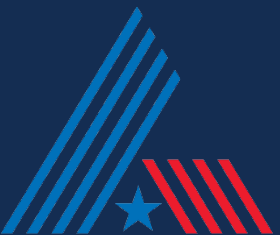
Facade Improvement and Demolition Assistance grant programs
renewal

08-11/2022



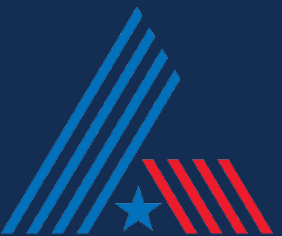
Facade Improvement Grant Program and Demolition Assistance grant Renewal

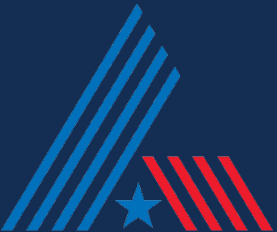
- Incentive Program for Commercial Property Owners to Renovate/Rehabilitate Building Facades
- Facade Improvement Grant awards (Reimbursement) previously up to \$10,000 per Eligible Project on 50/50 match Basis with \$50,000 per year for 3 years
- Demolition Assistance Grant awards previously up to \$15,000 per eligible project on 50/50 match basis with \$150,00 allocated over 3 years
- Program Limited to TIRZ-Eligible Properties within the Central Business District (CBD)/ Expansion Potential to non-TIRZ Properties within CBD
- Landmarks Commission Expressed Support on February 26, 2019
- TIRZ Board Approved Resolution Supporting Program and Committing Funding on March 21, 2019
- Staff is recommending combining the two programs into one
- Due to the success of the facade improvement program staff recommends the fund be increased
- Grants Reviewed and Approved Administratively



Eligible Projects

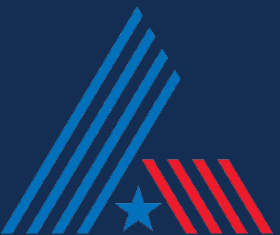
- Eligible projects will remain as identified within the policies and procedure adopted previously for both façade and demolition grants
- Historically the facade grant has more demand than the demolition assistance grant
- Combining the two programs will ensure funds are available for either program is in demand and will help continue to improve the TIRZ district and investments
- Staff has business owners that are ready to take advantage of the facade improvement grant downtown when renewed



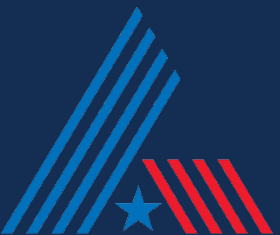




201 Mesquite



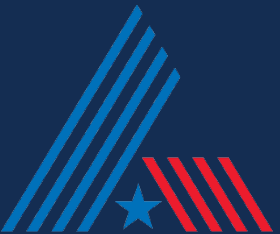
173 Walnut Street



Demolition Grant Assistance Renewal

- **Demolition Assistance Grant Program**
 - Approved by Resolution of TIRZ Board 9/25/19
 - Approved by Resolution of City Council on 11/7/19

50/50 Matching Grant Program
Maximum Grant Award of \$15,000
\$150,000 Allocated Over 3 Years

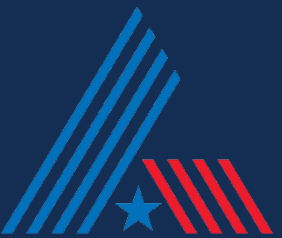


Summary

- Staff recommends combining the Facade Improvement and Demolition Assistance programs funds
- Increasing Facade Assistance match to \$15,000
- Remove maximum allocated dollars within a year
- Demolition Assistance remains the same
- Programs to be extended for 3 additional years
- Program funds will be a combined total of \$300,000



•Questions





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 9. Resolution: Receive a Report, Hold a Discussion and Take Action to accept a Federal Aviation Administration Airport Improvement Program Grant. (Don Green)

GENERAL INFORMATION

The airport receives a grant each year from the Airport Improvement Program (AIP) through the Federal Aviation Administration (FAA) based on passenger boardings. The grant is used to fund capital improvement projects for Abilene Regional Airport. This grant is the airport's FY22 award in the amount of \$1,110,855.00. The grant requires a 10% City match, which will come from remaining 2015 GO Bond Proposition 9 (Airport) funds. The grant will fund 90% of an upcoming terminal improvement project construction, purchase of a new Aircraft Rescue and Fire Fighting Truck, and capital planning.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

This grant requires a 10% City match. The funds are available in 2015 GO Proposition 9 Bond funds.

STAFF RECOMMENDATION

Staff recommends acceptance of this grant.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved its recommendation to accept this grant at its July 13, 2022 meeting.

ATTACHMENTS:

1. AIP Grant 51 Resolution 8-11-22
2. AIP Grant 51 Award Presentation (8-11-22)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE ACCEPTANCE OF THE FY 22
AIRPORT IMPROVEMENT PROGRAM GRANT OFFERED BY THE FEDERAL AVIATION
ADMINISTRATION.**

WHEREAS, The City of Abilene (City) owns and operates Abilene Regional Airport; and

WHEREAS, Abilene Regional Airport participates in the Airport Improvement Program through the Federal Aviation Administration (FAA), as authorized by the Congress of the United States of America;

WHEREAS, the Airport Improvement Program is funded nationally through taxes and fees charged by the FAA on airline tickets and aviation fuel sales; and

WHEREAS, Abilene Regional Airport has demonstrated to FAA the need for Fiscal Year 2022 grant funding to make improvements to the airport terminal, purchase a replacement Aircraft Rescue and Fire Fighting Truck, and conduct additional coordinated capital planning; and

WHEREAS, this grant will pay 90% of eligible costs and the City will provide a 10% match from remaining 2015 General Obligation Bond Proposition 9 funds; and

WHEREAS, FAA offers to the City of Abilene the FY 22 Airport Improvement Program Grant in the amount not to exceed \$1,110,855.00.

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

That the City Manager is authorized to execute the FY22 Airport Improvement Program Grant Offer not to exceed \$1,110,855.00 from FAA, which requires a 10% local match, for improvements at Abilene Regional Airport.

ADOPTED this 11th day of August 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

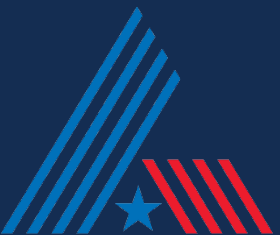
City Council Meeting

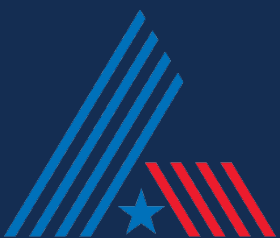
August 11, 2022



FY22 AIP Grant Award

- The airport receives a grant each year from the Airport Improvement Program (AIP) through the Federal Aviation Administration (FAA) based on passenger boardings.
- The grant is in the amount of \$1,110,855.00 and will fund 90% of the cost of the airport's FY22 capital improvement projects.
- The grant will be used to help fund an upcoming terminal improvement project construction, purchase of a new Aircraft Rescue and Fire Fighting Truck, and capital planning.







**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 10. Resolution: Receive a Report, Hold a Discussion and Take Action to accept the award of the FY22 Airport Infrastructure Grant (AIG). (Don Green)

GENERAL INFORMATION

Under the Bipartisan Infrastructure Law, Congress directed FAA to distribute five annual grants to airports to address capital project needs unmet in the Airport Improvement Program (AIP) through a new program called the Airport Infrastructure Grant (AIG). Abilene Regional Airport anticipates receiving \$1,163,905.00 for its FY22 award. The grant will be used to fund additional future Airport Terminal design and construction projects. The grant requires a 10% City match, which will come from remaining 2015 GO Bond Proposition 9 (Airport) funds.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The grant requires a 10% City match, which will come from remaining 2015 GO Bond Proposition 9 (Airport) funds.

STAFF RECOMMENDATION

Staff recommends accepting this grant.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved its recommendation to accept the grant at its July 13, 2022 meeting.

ATTACHMENTS:

1. AIG FY22 Grant Resolution 8-11-22
2. AIG Grant FY22 Award Presentation (8-11-22)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE ACCEPTANCE OF THE FY22
AIRPORT INFRASTRUCTURE GRANT OFFERED BY THE FEDERAL AVIATION
ADMINISTRATION.**

WHEREAS, The City of Abilene (City) owns and operates Abilene Regional Airport; and

WHEREAS, Abilene Regional Airport participates in the Airport Improvement Program through the Federal Aviation Administration (FAA), as authorized by the Congress of the United States of America;

WHEREAS, Under the Bipartisan Infrastructure Law, Congress directed FAA to distribute five annual grants to airports to address capital project needs unmet in the Airport Improvement Program (AIP) through a new program called the Airport Infrastructure Grant (AIG); and

WHEREAS, Abilene Regional Airport has demonstrated to FAA the need for Fiscal Year 2022 grant funding to make improvements to the airport terminal, and conduct additional coordinated capital planning; and

WHEREAS, The FY22 Airport Infrastructure Grant will pay 90% of eligible costs and the City will provide a 10% match from remaining 2015 General Obligation Bond Proposition 9 funds; and

WHEREAS, FAA offers to the City of Abilene a FY22 Airport Infrastructure Grant in the amount not to exceed \$1,163,905.00.

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

That the City Manager is authorized to execute the FY22 Airport Infrastructure Grant Offer not to exceed \$1,163,905.00 from FAA, which requires a 10% local match, for improvements at Abilene Regional Airport.

ADOPTED this 11th day of August 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

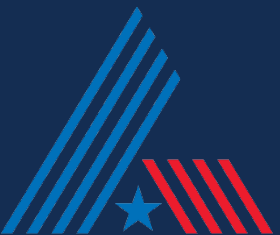
City Council Meeting

August 11, 2022



Airport Infrastructure Grant FY22 Award

- Under the Bipartisan Infrastructure Law, Congress directed FAA to distribute five annual grants to airports to address capital project needs unmet in the Airport Improvement Program (AIP) through a new program called the Airport Infrastructure Grant (AIG).
- The FY22 grant is in the amount of \$1,163,905.00 and will fund 90% of the cost of the airport's capital improvement projects, anticipated to be planning, design and construction of additional Airport Terminal Improvements.







**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Marcus Dudley, Chief of Police

SUBJECT: 11. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the 2022 Edward Byrne Memorial Justice Assistance (JAG) Grant Program (Marcus Dudley)

GENERAL INFORMATION

DOJ Grant

SPECIAL CONSIDERATIONS

n/a

FUNDING/FISCAL IMPACT

Save city approximately \$21,500 in equipment costs.

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2022_Resolution Approve JAG grant
2. 2022 Jag Grant budget to Council

3. 2022 Edward Byrnes JAG grant

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE GRANT APPLICATION FOR THE 2022 JUSTICE ASSISTANCE
GRANT**

WHEREAS, the Abilene Police Department and the Taylor County Sheriff's Office are jointly applying for the 2022 Edward Byrne Memorial Justice Assistance Grant (JAG Grant)) in the amount of \$43,000.00; and

WHEREAS, the City and County agree it is in their best interest to equally split the 2022 JAG grant if awarded, thus giving each entity \$21,500.00; and

WHEREAS, the grant requires City Council approval of the grant and the application thereof; and

WHEREAS, there are no matching fund requirements;

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

PART 1: The City Council authorizes the City Manager to execute any grant documents to secure the 2022 Justice Assistance Grant.

PART 2: The City Council approves the Interlocal Agreement wherein the City of Abilene will equally distribute the JAG grant, if awarded, with the Taylor County Sheriff's Office.

PART 3: This Resolution is effective immediately upon adoption

ADOPTED this 11th day of August, 2022

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



ABILENE POLICE DEPARTMENT

4565 SOUTH 1st St ● ABILENE TX 79605 ● (325) 676-6600

MEMORANDUM

FROM: Marcus Dudley, Jr. Chief of Police
DATE: August 2, 2022
SUBJECT: 2022 Justice Assistance Grant Budget Narrative

Purpose

The JAG program is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution, indigent defense, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvement, and crime victim and witness initiatives and mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.

Plan

The City of Abilene (Abilene Police Department) will share this grant with Taylor County. The entire award amount is \$43,000.00, which will be split equally between the two entities. The Police Department's budget narrative is contained herein:

Support the Department's response to active threat situations by placing breaching tools and equipment in first responder vehicles.

- (72) Breaching kits that include a backpack, heavyweight sledgehammer and breaching tool. Each kit is \$299.00, with a total cost of \$21,528.00. The projected overage of \$28.00 will be paid by the Abilene Police Department.



BJA FY 22 Edward Byrne Memorial

Justice Assistance Grant (JAG)

- Annual award that varies - \$43,000.00
- Split evenly between Abilene Police Department and Taylor County Sheriff's Office
- \$21,500.00 each



Abilene Police Department

- Purchase Door Breaching tools in response to active threat attacks.
- 72 kits to be placed in marked and unmarked police vehicles.
- Total cost is \$21,528.00 of \$22,500.00 grant award. The Department will pay the additional \$28.00.

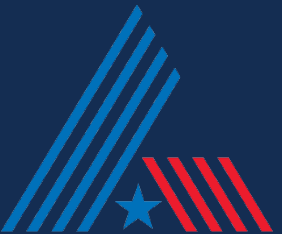


Taylor County Sheriff's Office

- Using funds to phase out aging CEW (Taser) equipment and replace with pepper gun defensive weapons.
- Includes 11 pepper guns @\$1,349.95 each.
- Total cost of \$21,559.60 of \$21,500.00 grant award. Taylor County will pay the additional \$59.60.



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 12. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding a Professional Services Contract to Kimley-Horn and Associates, Inc. For N 5th St Traffic Signal Modifications (Max Johnson)

GENERAL INFORMATION

The scope of the project includes the redesign of traffic signals located at N 5th St at Grape St and N 5th St at Pine St in order to accommodate the two-way traffic pattern.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

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

STAFF RECOMMENDATION

The contract with Kimley-Horn and Associates, Inc. is for the fixed fee amount of \$69,400.00.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. N 5th Traffic Lights resolution (1)
2. Kimley H Prof Serv
3. PROJECT LOCATION
4. N 5th Traffic Lights ppt

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH KIMLEY-
HORN AND ASSOCIATES, INC.**

WHEREAS, The City of Abilene desires to install public improvements associated with the redesign of traffic signals located at N 5th St at Grape St and N 5th St at Pine St in order to accommodate the two-way traffic pattern.; and

WHEREAS, The City of Abilene has selected Kimley-Horn and Associates, Inc. for the schematic design, construction documents, bid administration, and construction administration for said project; and,

WHEREAS, The City Council authorizes the City Manager to execute an agreement with Kimley-Horn and Associates, Inc. in the amount of \$69,400 for engineering services associated with the portion of traffic signals located at N 5th St at Grape St and N 5th St at Pine St.

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

- PART 1: The City Council authorizes the City Manager to execute an agreement with Kimley-Horn and Associates, Inc.
- PART 2: That the agreement is in the amount of \$69,400 for the design and administration of the public improvements.
- PART 3: That this resolution will take effect immediately from and after passage.

ADOPTED this 11th day of August, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



PROFESSIONAL SERVICES CONTRACT Engineers & Architects

This contract, dated the 22nd day of July, 2022, is between the City of Abilene, a home rule municipal corporation of the State of Texas (“City”), and Kimley Horn and Associates, a corporation organized under the laws of the State of North Carolina (“Consultant”).

The City is engaged in Engineering Services and desires to engage the services of Consultant, as an independent contractor and not as an employee, to assist in the project and to render his or her or its services on the terms and conditions provided in this Contract.

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

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

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

I. TERMS

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

II. FEE

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

III. FACILITIES

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

IV. ASSIGNMENT

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

V. STATUS OF CONSULTANT

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

VI. AMENDMENT OR MODIFICATION

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

VII. OWNERSHIP OF DOCUMENTS AND MATERIALS

All documents and materials prepared by Consultant under the terms of this contract are the City's property from the time of preparation, provided the City has substantially performed its obligations, including prompt payment of all sums when due Consultant, under this Contract. Consultant will deliver copies of the documents and materials to the City or make them available for inspection *whenever requested*. City has the right to make duplicate copies of such documents or materials for its own file or use for any other such purposes as the City deems necessary and there shall be no additional costs incurred because of such copying or use. However, modifications or use for other than the purposes intended under this Contract without the written verification or adaption by Consultant for the specific intended purpose shall be without liability or legal exposure to Consultant.

VIII. NONDISCLOSURE

The Consultant may not show to any person or entity any documents, reports, plans, programs, reports, drawings, or any other material which Consultant prepares or acquires in

performing this contract, including any duplicate copies kept by Consultant. The Consultant may not disclose to any person or entity any information regarding the City's activities, unless disclosure is required by legal compulsory process. The City may, however, specifically authorize a limited disclosure at its discretion.

IX. INDEMNITY

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

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

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

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

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

B. Indemnity

The Consultant shall indemnify, hold harmless and defend the City against liability for damage that is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the Consultant or the Consultant’s agent, or another entity over which the Consultant exercises control, subject to the limitations in Texas Local Government Code Section 271.904.

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

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

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

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

X. INSURANCE

A. GENERAL REQUIREMENTS

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

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

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

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

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

(A) erecting or preparing to erect a structure, including a building, bridge, roadway, public utility facility, or related appurtenance;

(B) remodeling, extending, repairing, or demolishing a structure; or

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

B. ADDITIONAL REQUIREMENTS

The required liability insurances and their certificates must:

1. Name the City as an additional insured with respect to operations for which this agreement is made.

2. Provide for 30 days advance written notice of cancellation or material change.

C. TYPES AND AMOUNTS OF INSURANCE

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

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

X 4. Professional Liability

\$500,000 combined single limit
(per occurrence)

 5. See Addendum for Special
Coverages and/or revisions

 6. No Insurance Required

XI. VENUE, CHOICE OF LAW AND INTERPRETATION

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

XII. TERMINATION

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

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

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

XIII. PROJECT REPRESENTATION

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

XIV. NOTICE

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

City – ATTN:
Max Johnson
Public Works Director
City of Abilene
555 Walnut St.
Abilene, TX 79601

Consultant – ATTN:
Hiron Fernando
Project Manager
Kimley-Horn
13455 Noel Rd., Two Galleria
Office Tower STE 700
Dallas, TX 75450

XV. COMPLIANCE WITH LAWS, CHARTER, ORDINANCES

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

XVI. NO INDEBTEDNESS

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

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

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

XVII. EQUAL EMPLOYMENT OPPORTUNITY

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

XVIII. VERIFICATION OF EMPLOYMENT ELIGIBILITY

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

XIX. MINORITY AND WOMEN BUSINESS ENTERPRISES

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

XX. SALES TAX

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

XXI. LEGAL CONSTRUCTION

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

XXII. BOYCOTT OF ISRAEL

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

This section only applies to a contract that: (a) is between a governmental entity and a company with 10 or more full-time employees, and (b) has a value of \$100,000 or more that is to

be paid wholly or partly from public funds of the governmental entity. Additionally, “company” does not include a sole proprietorship.

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

XXIII. SECTIONS AND OTHER HEADINGS

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

XIV. COUNTERPARTS

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

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

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

CITY OF ABILENE

PROFESSIONAL

By:

By:

Name:

Name: Click or tap here to enter text.

Title:

Title: Click or tap here to enter text.

Address:

Phone Number:

Federal Tax ID#:

ATTEST:

ATTEST: (if corporation)

City Secretary

Corporation's Secretary

APPROVED:

Corporate Seal (if available)

By: _____
City Attorney

ATTACHMENT A

Scope of Services

The scope of services will include the development of traffic signal modification plans for the following two (2) intersections in the City of Abilene, Texas:

1. N. 5th Street at Grape Street
 - Existing Signal to be modified
2. N. 5th Street at Pine Street
 - Existing Signal to be modified

The tasks include preparation of signal modification sheets, general notes, quantities, probable construction cost estimates, technical specifications, and coordination with the city. The traffic signal modification plans will be prepared using City of Abilene Standards where applicable.

ATTACHMENT B

PAYMENT SCHEDULE

PARTIES TO INITIAL OPTION SELECTED

OPTION 1 ____

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

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

OPTION 2 ____

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

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

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

OPTION 3 X__

Payment is a fixed fee amount of \$69,400 payable per monthly installments upon completion of the work and written acceptance by City's Project Representative.

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

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

ATTACHMENT C

STATE MANDATED WORKERS' COMPENSATION INSURANCE LANGUAGE

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

a. Definitions

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

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

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

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

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

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

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

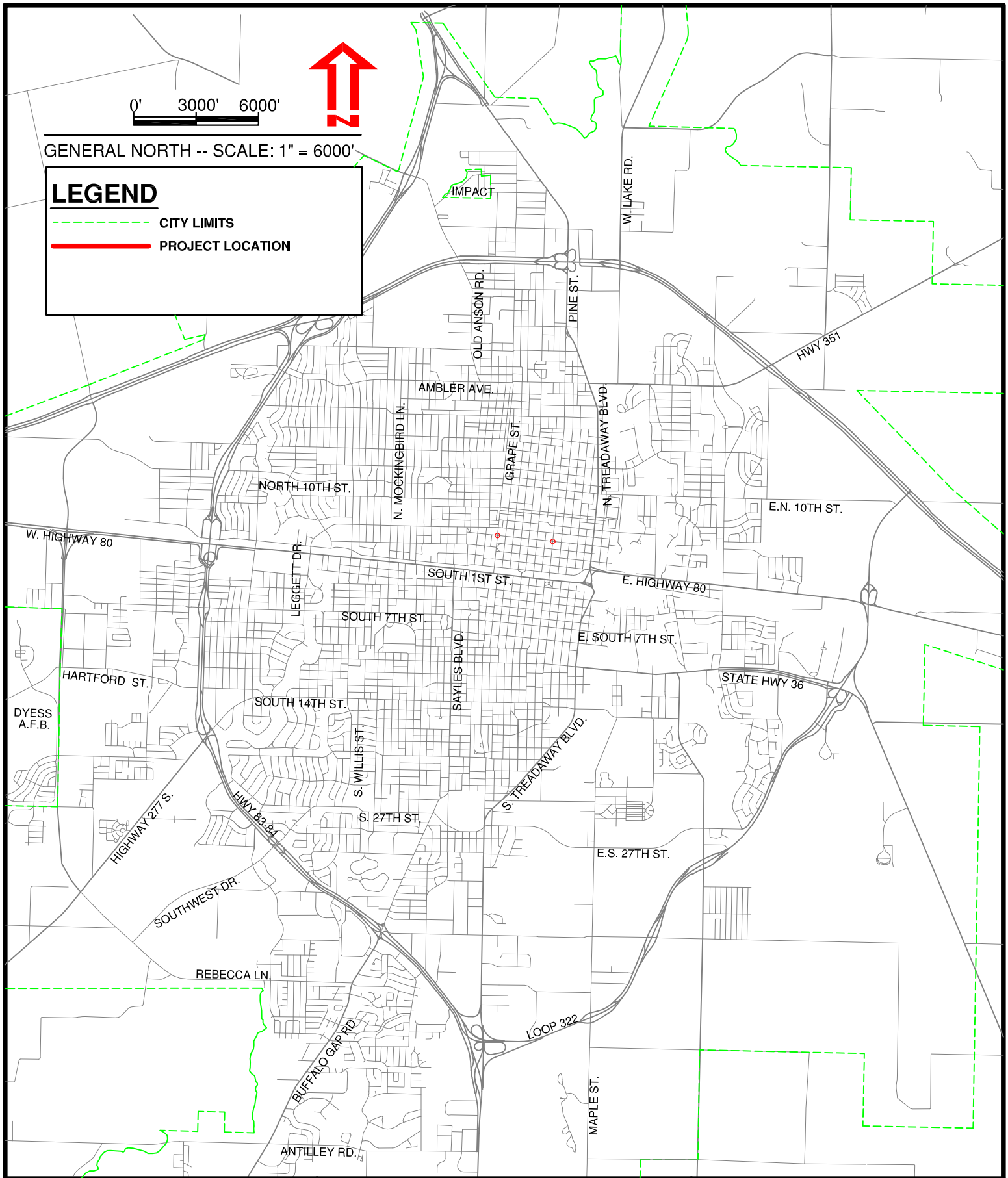
- j. By signing this contract or providing or causing to be provided a certificate of coverage, the Professional is representing to the City that all employees of the Professional who will provide services on the project will be covered by workers' compensation coverage for the duration of the project,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

ATTACHMENT D
NOTICE TO PROCEED

Click or tap here to enter text.

ATTACHMENT E
CHANGE IN SCOPE OF SERVICES

Click or tap here to enter text.



Sheet
1
of
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CITY OF ABILENE, TEXAS
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

TRAFFIC SIGNAL MODIFICATIONS
N 5TH ST & GRAPE ST AND
N 5TH ST & PINE ST

Designed By: S. CHANDLER

Drawn By: T. MATTHEWS

Checked By: S. CHANDLER

Horizontal Scale: 1"=6000'

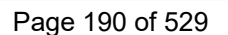
Vertical Scale: N.T.S.

Computer File Name:
Project Location Map

Date: AUGUST 2022

Agenda Item:
Traffic Signal Modifications at
N 5th St. & Grape St and N 5th St & Pine St
(Johnson)

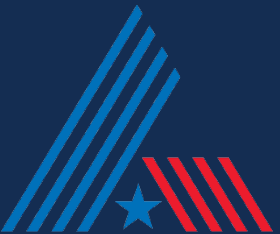




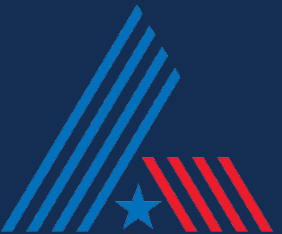
Agenda Item:

Traffic Signal Modifications at N 5th St & Grape and N 5th St & Pine

- The scope of the project includes the redesign of traffic signals located at N 5th St at Grape St and N 5th St at Pine St in order to accommodate the two-way traffic pattern.
- The contract with Kimley-Horn and Associates for \$69,400.00.
- The contract includes: Schematic Design, Construction Documents, Bid Administration, and Construction Administration.



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 13. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid #2255 N. 6th St. and Cypress St. Improvements to Bontke Brothers, Inc. (Max Johnson)

GENERAL INFORMATION

This Project was advertised as a Public Notice on July 17, 2022, and on July 24, 2022 with a bid opening dated August 2, 2022. This construction contract involves the reconstruction of Cypress St from N 5th St to N 6th St and improvements to pedestrian facilities along the Right of Way. This contract will also include all pavement marking and signage required to accommodate loading zones as well as through traffic.

SPECIAL CONSIDERATIONS

This project has a contract completion time of 60 working days (approx. 3 months, weather permitting)

FUNDING/FISCAL IMPACT

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

STAFF RECOMMENDATION

Staff recommends awarding the bid to the best value bidder, Bontke Brothers Construction with a base bid of \$745,099.50.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. N 6th and Cypress resolution
2. N 6th & Cypress
3. CB2255 TABSHEET
4. Scope of Project
5. PROJECT LOCATION
6. N 6th and Cypress ppt

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDBID TO BONTKE BROTHERS CONSTRUCTION, INC., ABILENE, TEXAS

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for the reconstruction of Cypress St from N 5th St to N 6th St and improvements to pedestrian facilities along the Right of Way. This contract will also include all pavement marking and signage required to accommodate loading zones as well as through traffic.

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

WHEREAS, the following base bids were received and opened on August 2, 2022

Bontke Brothers Construction, Inc., Abilene, Texas	\$745,099.50
--	--------------

WHEREAS, Bontke Brothers Construction, Inc., Abilene, Texas submitted the best value base bid amount of \$745,099.50 with the bid meeting specifications. Staff recommends awarding the bid to the best value bidder, Bontke Brothers Construction, Inc., Abilene, Texas.

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

PART 1: That the City Council approves this bid in the amount of \$745,099.50.

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

ADOPTED this 11th day of August, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made on the 11th day of August, 2022 is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and Bontke Brothers Construction Co., Inc. of the City of Abilene, State of Texas. ("Contractor").

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

THE AGREEMENT

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

N. 6TH ST AND CYPRESS ST IMPROVEMENTS

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

In consideration of this Work, the City will pay the Contractor the sum of \$745,099.50 (Seven hundred forty-five thousand ninety-nine dollars and fifty cents).

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

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

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

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

6. **Indemnity.**

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

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

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

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

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

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

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

B. Indemnity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

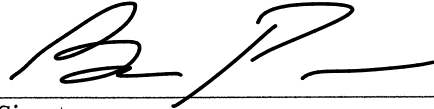
13. **Contract Copies.** Each of the two executed copies is an original.

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

CONTRACTOR

Name of Contractor:

Bontke Brothers Construction Company, inc.



Signature

Brent Partain

Name - Typed or Printed

Project Manager

Title - Typed or Printed

Business Address:

102 college drive

Abilen

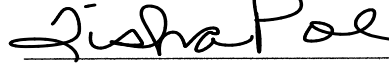
806-30

Business Phone No.

75-130

Federal Tax I.D.#

ATTEST: (If Corporation)



Corporate Secretary's Signature

Corporate Seal

(if none, write "None")

CITY OF ABILENE

Authorized Signature

APPROVED:

City Attorney

ATTEST:

City Secretary

Seal:

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

PAGE
1 OF 1

DEPARTMENT: ENGINEERING
BID NO.: CB-2255
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: AUGUST 2, 2022

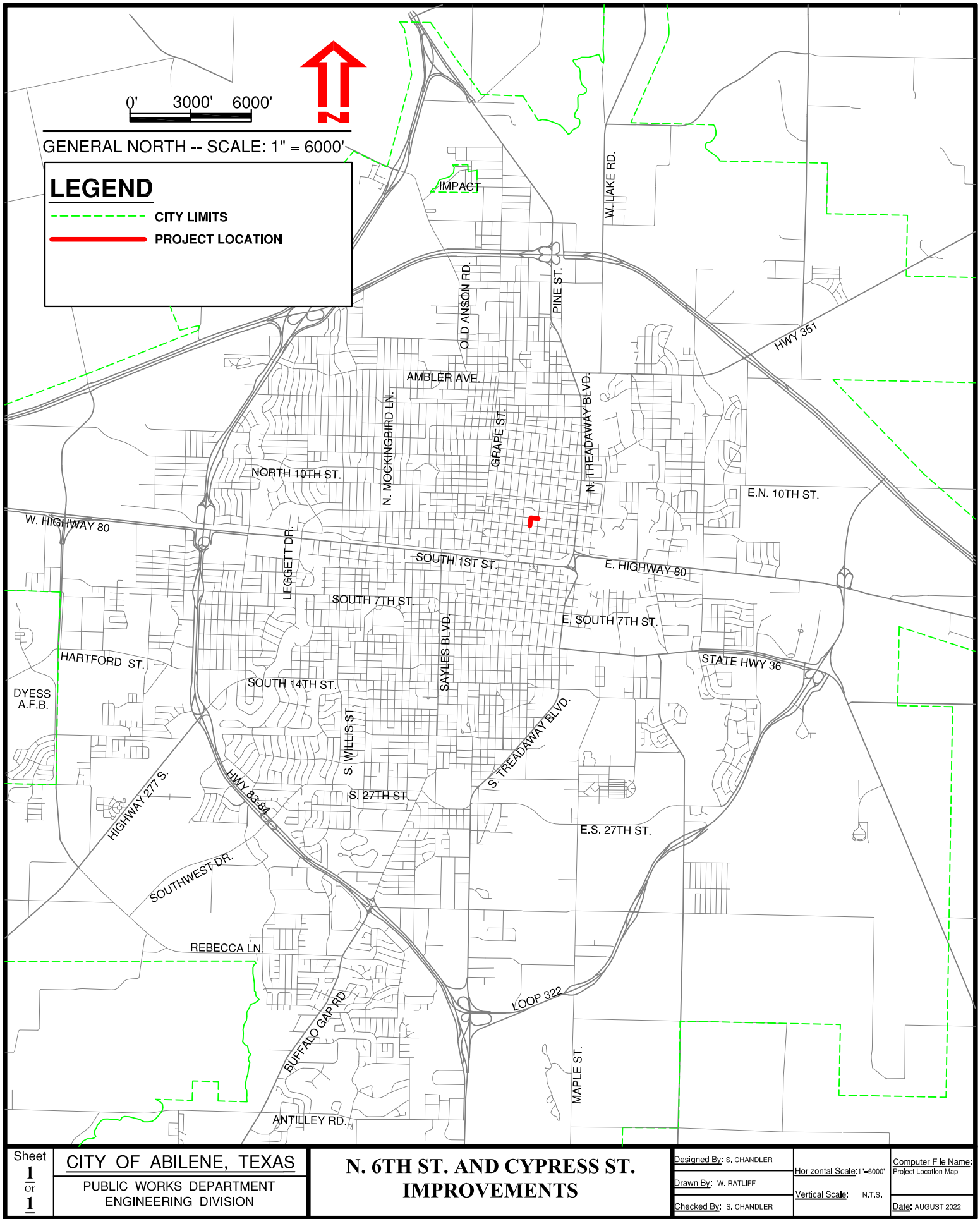
BONTKE BROTHERS
CONSTRUCTION CO., INC.
ABILENE, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	N. 6 TH ST AND CYPRESS ST IMPROVEMENTS				745,099.50										
BASE BID					745,099.50										
DISCOUNT															
TOTAL BID					745,099.50										

*NOTES: INDICATES RECOMMENDED AWARD

SCOPE OF PROJECT

This construction contract involves the reconstruction of Cypress St from N 5th St to N 6th St and a rehabilitation of pedestrian facilities along the Right of Way of N 6th St from Pine St to Cypress St and Cypress St from N 5th St to N 6th St. This contract will also include all pavement marking and signage required to accommodate loading zones as well as through traffic. |



Sheet
1
of
1

CITY OF ABILENE, TEXAS
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

**N. 6TH ST. AND CYPRESS ST.
IMPROVEMENTS**

Designed By: S. CHANDLER
Drawn By: W. RATLIFF
Checked By: S. CHANDLER

Horizontal Scale: 1"=6000'
Vertical Scale: N.T.S.

Computer File Name:
Project Location Map
Date: AUGUST 2022

N. 6th St. and Cypress St. Improvements

**Resolution: Award #CB-2255 N. 6th St. and
Cypress St. Improvements
(Johnson)**



N. 6th St. and Cypress St. Improvements

Streets

Cypress St.

N 6th St.

From

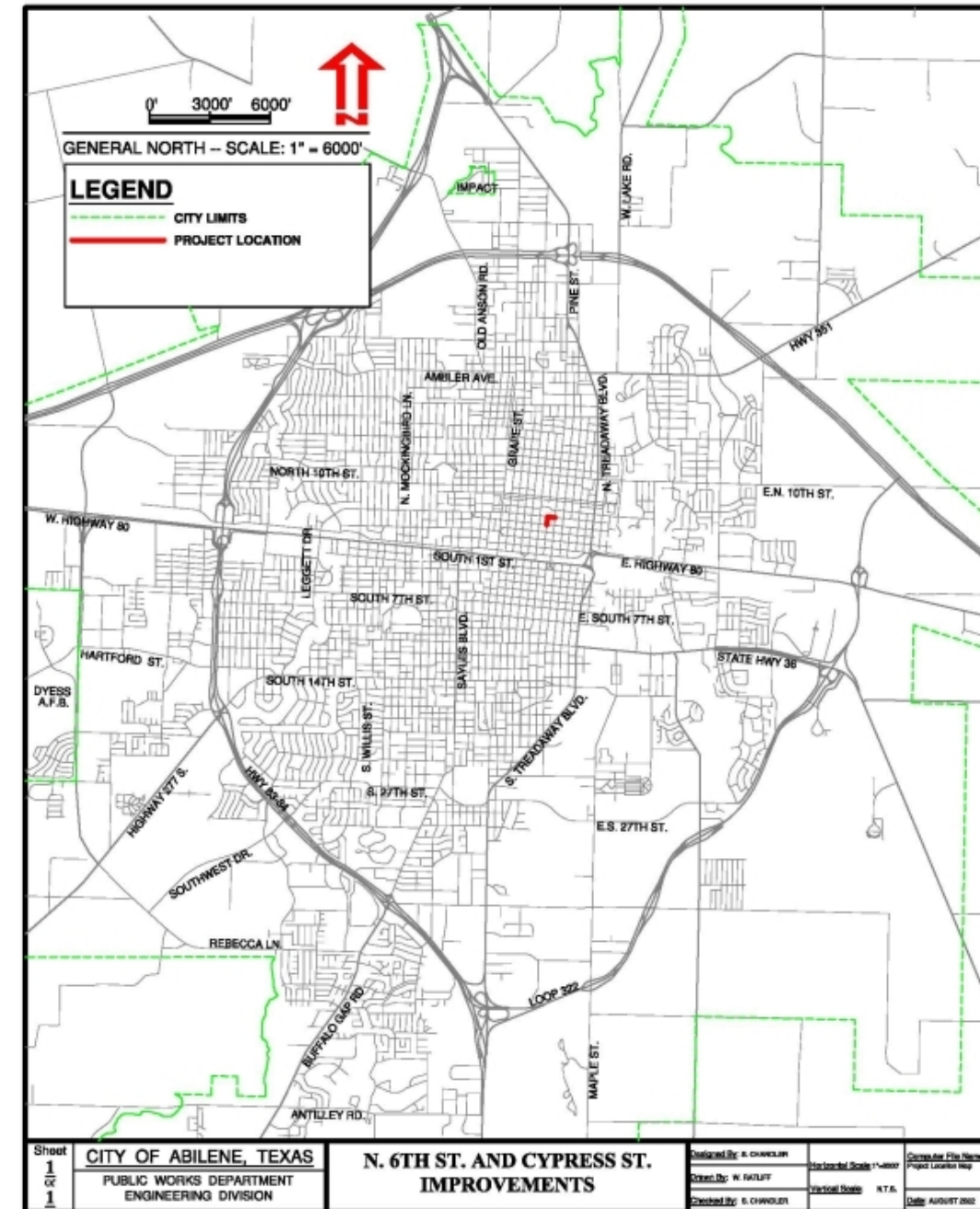
N 5th St.

Pine St.

To

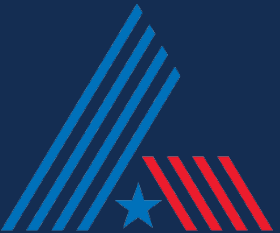
N 6th St.

Cypress St.

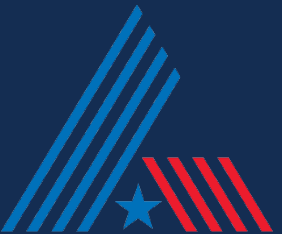


N. 6th St. and Cypress St. Improvements

- Reconstruction of Cypress St from N 5th St to N 6th St and N 6th St from Cypress St. to Pine St.
- Improvements to pedestrian facilities along the Right of Way plus all pavement marking and signage required to accommodate loading zones and through traffic.
- Project Advertised July 17 & July 24, 2022. Bids Opened August 2, 2022.
- One bid received.
- Contract Time – 60 working days
- Staff recommends awarding the contract to Bontke Brothers Construction with a base bid of \$745,099.50.



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 14. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid #2256 Reconstruction of EN 10th St From Treadaway Blvd to Judge Ely Blvd to Bontke Brothers, Inc. (Max Johnson)

GENERAL INFORMATION

This Project was advertised as a Public Notice on July 17, 2022, and on July 24, 2022 with a bid opening dated August 2, 2022. This construction contract involves the resurfacing on EN 10th St from N Treadaway Blvd to Judge Ely Blvd. This contract will also include drainage and pedestrian improvements.

SPECIAL CONSIDERATIONS

This project has a contract completion time of 80 working days (approx. 4 months, weather permitting)

FUNDING/FISCAL IMPACT

Funding for this project is allocated through 2021 Certificates of Obligation.

STAFF RECOMMENDATION

Staff recommends awarding the bid to the best value bidder, Bontke Brothers Construction with a base bid of \$1,683,043.54.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. EN 10th St resolution
2. Bid Tab (1)
3. Scope of Project
4. PROJECT LOCATION MAP Model (1)
5. N10th EN10th ppt

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDBING
BID TO BONTKE BROTHERS CONSTRUCTION, INC., ABILENE, TEXAS**

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for the resurfacing on EN 10th St from N Treadaway Blvd to Judge Ely Blvd. This contract will also include drainage and pedestrian improvements.

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

WHEREAS, the following base bids were received and opened on August 2, 2022

Bontke Brothers Construction, Inc., Abilene, Texas	\$1,683,043.54
Talbran Enterprises, LLC, Prosper, Texas	\$2,199,739.30

WHEREAS, Bontke Brothers Construction, Inc., Abilene, Texas submitted the best value base bid amount of \$1,683,043.54 with the bid meeting specifications. Staff recommends awarding the bid to the best value bidder, Bontke Brothers Construction, Inc., Abilene, Texas.

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

PART 1: That the City Council approves this bid in the amount of \$1,683,043.54.

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

ADOPTED this 11th day of August, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

TABULATION OF BIDS FOR: E.N. 10th Pavement Rehabilitation from Treadaway Blvd. to Judge Ely Blvd., City of Abilene, Texas

BIDS RECEIVED: 8/2/2022

PE Firm Registration No. 1151

BASE BID				Bontke Brothers Construction Comp.		Talbran Enterprises, LLC	
Item No.	Quantity	Unit	Item	Unit Cost	Amount	Unit Cost	Amount
104-1	1,825	LF	Remove Existing Concrete Curb and Gutter	\$ 10.00	\$ 18,250.00	\$ 15.00	\$ 27,375.00
104-2	185	SY	Remove Existing Concrete Sidewalk	\$ 45.00	\$ 8,325.00	\$ 90.00	\$ 16,650.00
110	2,600	CY	Roadway Excavation	\$ 8.00	\$ 20,800.00	\$ 18.00	\$ 46,800.00
200	6,690	SY	Density Controlled Subgrade (6")	\$ 4.50	\$ 30,105.00	\$ 12.00	\$ 80,280.00
310	2,280	GAL	Prime (AEP) Base (.25/.40 GAL/SY)	\$ 7.00	\$ 15,960.00	\$ 7.00	\$ 15,960.00
316-1	9,795	GAL	Surface Treatement (Asphalt) (AC-20-5TR) (0.3 GAL/SY)	\$ 8.00	\$ 78,360.00	\$ 7.00	\$ 68,565.00
316-2	327	CY	Surface Treatment (Aggregate) (PB GR. 4) (100 SY/CY)	\$ 205.00	\$ 67,035.00	\$ 195.00	\$ 63,765.00
340-1	3,755	TONS	Hot Mix Asphaltic Concrete (2")(Type D)(PG70-22)(Tack Coat Subsid.)	\$ 121.55	\$ 456,420.29	\$ 149.87	\$ 562,761.85
340-2	1,000	TONS	Hot Mix Asphaltic Concrete (4")(Type B)(PG64-22) (Concrete Pavement)	\$ 120.00	\$ 120,000.00	\$ 164.97	\$ 164,970.00
340-3	810	TONS	Hot Mix Asphaltic Concrete (6")(Type B)(PG64-22) (Repair Existing Base)	\$ 120.00	\$ 97,200.00	\$ 148.94	\$ 120,641.40
354	32,650	SY	Remove Asphalt Hot Mix Surface (1"-3") (Planning)	\$ 4.00	\$ 130,600.00	\$ 9.25	\$ 302,012.50
360	4,340	SY	Concrete Pavement (8") (Class P)	\$ 85.00	\$ 368,900.00	\$ 94.82	\$ 411,518.80
420-1	19	EA	Concrete Manhole Collar	\$ 500.00	\$ 9,500.00	\$ 250.00	\$ 4,750.00
420-2	10	EA	Concrete Valve Collar	\$ 250.00	\$ 2,500.00	\$ 150.00	\$ 1,500.00
429	167	LF	Remove Sealant and Repair Bridge Expansion Joint	\$ 65.00	\$ 10,855.00	\$ 50.00	\$ 8,350.00
500	1	LS	Mobilization and Insurance	\$ 65,000.00	\$ 65,000.00	\$ 7,500.00	\$ 7,500.00
502	4	MO	Traffic Control Plan	\$ 9,500.00	\$ 38,000.00	\$ 9,937.50	\$ 39,750.00
529	1,825	LF	Concrete Curb and Gutter	\$ 18.00	\$ 32,850.00	\$ 28.00	\$ 51,100.00
531-1	150	SY	Concrete Curb Ramp	\$ 80.00	\$ 12,000.00	\$ 162.00	\$ 24,300.00
531-2	50	SY	Concrete Sidewalk	\$ 75.00	\$ 3,750.00	\$ 148.00	\$ 7,400.00
637-1	6	EA	Aluminum "Bike Route" Sign (with Pole)	\$ 450.00	\$ 2,700.00	\$ 200.00	\$ 1,200.00
637-2	2	EA	Aluminum "BEGIN" Sign	\$ 425.00	\$ 850.00	\$ 100.00	\$ 200.00
637-3	2	EA	Aluminum "END" Sign	\$ 425.00	\$ 850.00	\$ 100.00	\$ 200.00
666-1	5,158	LF	Pavement Markings (Double Solid Line) (4") (Yellow) (Thermo)	\$ 1.50	\$ 7,737.00	\$ 3.25	\$ 16,763.50
666-2	52	LF	Pavement Markings (Diagonal Line)(20" Spacing)(12")(Yellow)(Thermo)	\$ 25.00	\$ 1,300.00	\$ 125.00	\$ 6,500.00
666-3	11,755	LF	Pavement Markings (Single Skip Line) (4") (White) (Thermo)	\$ 0.75	\$ 8,816.25	\$ 2.25	\$ 26,448.75
666-4	270	LF	Pavement Markings (Single Solid Line) (8") (White) (Thermo)	\$ 3.00	\$ 810.00	\$ 5.25	\$ 1,417.50
666-5	128	LF	Pavement Markings (Single Dashed Line) (8") (White) (Thermo)	\$ 5.00	\$ 640.00	\$ 25.00	\$ 3,200.00
666-6	2	EA	Pavement Markings (Crosswalk) (White) (Thermo)	\$ 2,000.00	\$ 4,000.00	\$ 3,500.00	\$ 7,000.00
666-7	6	EA	Pavement Markings (Arrow Symbol) (White) (Thermo)	\$ 1,200.00	\$ 7,200.00	\$ 2,300.00	\$ 13,800.00
666-8	5	EA	Pavement Markings (ONLY Text) (White) (Thermo)	\$ 1,000.00	\$ 5,000.00	\$ 2,300.00	\$ 11,500.00
666-9	10	EA	Pavement Markings (24") (White) (Thermo)	\$ 5.00	\$ 50.00	\$ 2,300.00	\$ 23,000.00
666-10	4	EA	Pavement Markings (Railroad Crossing) (White) (Thermo)	\$ 2,000.00	\$ 8,000.00		\$ -
672-1	166	EA	Raised Pavement Markers (Class B) (Reflectorized) (Type I-C)	\$ 5.00	\$ 830.00	\$ 55.00	\$ 9,130.00
672-2	96	EA	Raised Pavement Markers (Class B) (Reflectorized) (Type II-A-A)	\$ 25.00	\$ 2,400.00	\$ 80.00	\$ 7,680.00
672-3	6	EA	Raised Pavement Markers (Class B) (Reflectorized) (Blue)	\$ 75.00	\$ 450.00	\$ 125.00	\$ 750.00
1000	1	LS	Owners Allowance	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00
TOTAL BASE BID PRICE (Items 104-1 thru 1000)				**	\$ 1,683,043.54	***	\$ 2,199,739.30

**Due to calculation error, Bontke Brothers Construction's Base Bid is lower than what was read aloud at the Bid Opening.

***Due to not using the Addendum Bid Form, Talbran Enterprises, LLC's Base Bid is higher than what was read aloud at the Bid Opening.

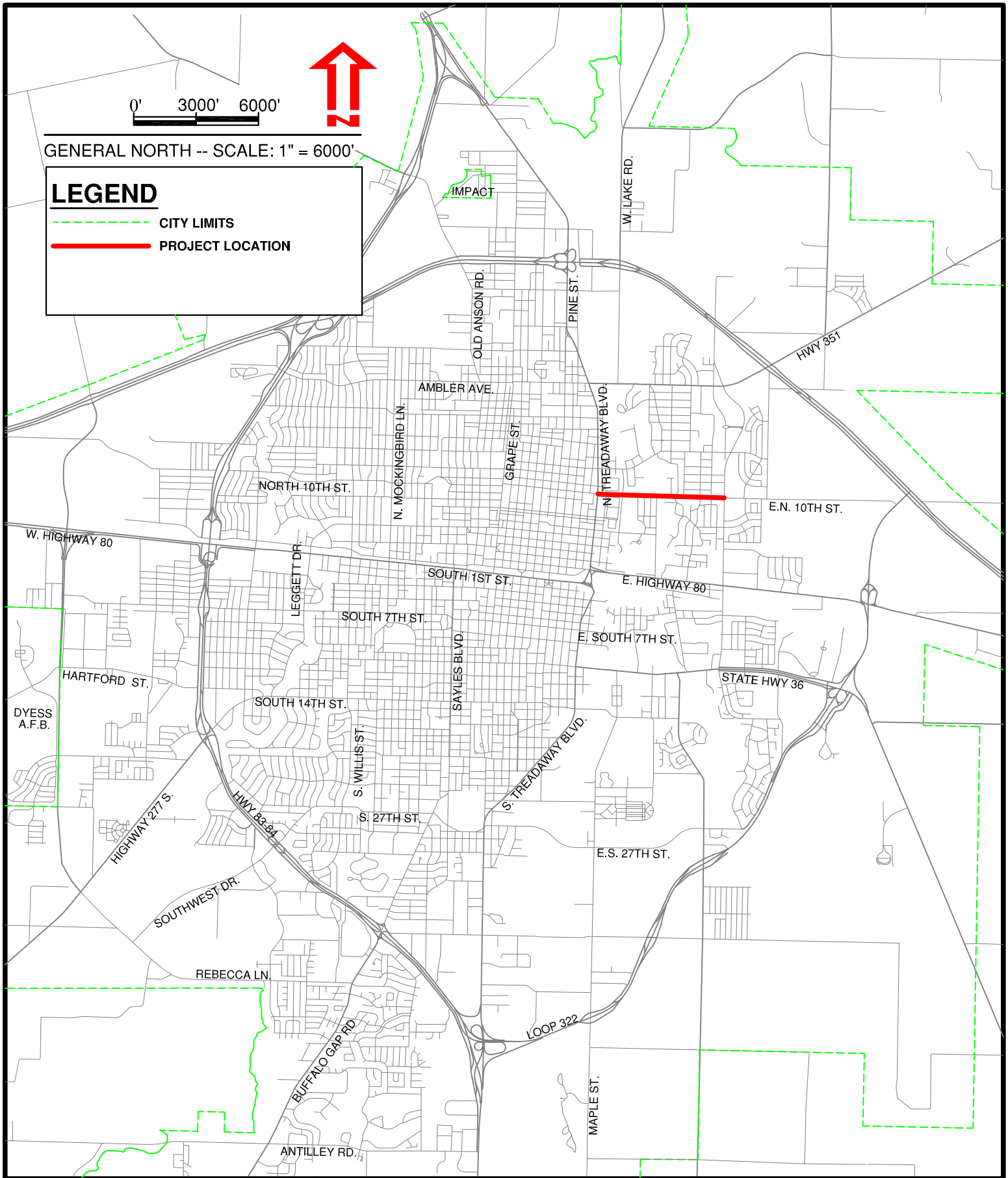


Sage Diller
SAGE DILLER, P.E., #96645

8/2/022

SCOPE OF PROJECT

1. Removal and Replacement of existing HMA surface along E.N. 10th Street, in Abilene, TX from Treadaway Blvd to Judge Ely Blvd.
2. Construction of concrete driveway aprons and ADA curb ramps, for all roadways intersecting E.N. 10th within the limits of roadway rehabilitation.
3. Replacement of curb and gutter and sidewalk in specified areas.
4. Concrete Bridge, Deck repair.



Sheet
1
of
1

CITY OF ABILENE, TEXAS
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

**RECONSTRUCTION OF EN 10TH ST
FROM TREADAWAY BLVD TO
JUDGE ELY BLVD**

Designed By: S. CHANDLER

Drawn By: T. MATTHEWS

Checked By: S. CHANDLER

Horizontal Scale: 1"=6000'

Vertical Scale: N.T.S.

Computer File Name:
Project Location Map

Date: AUGUST 2022

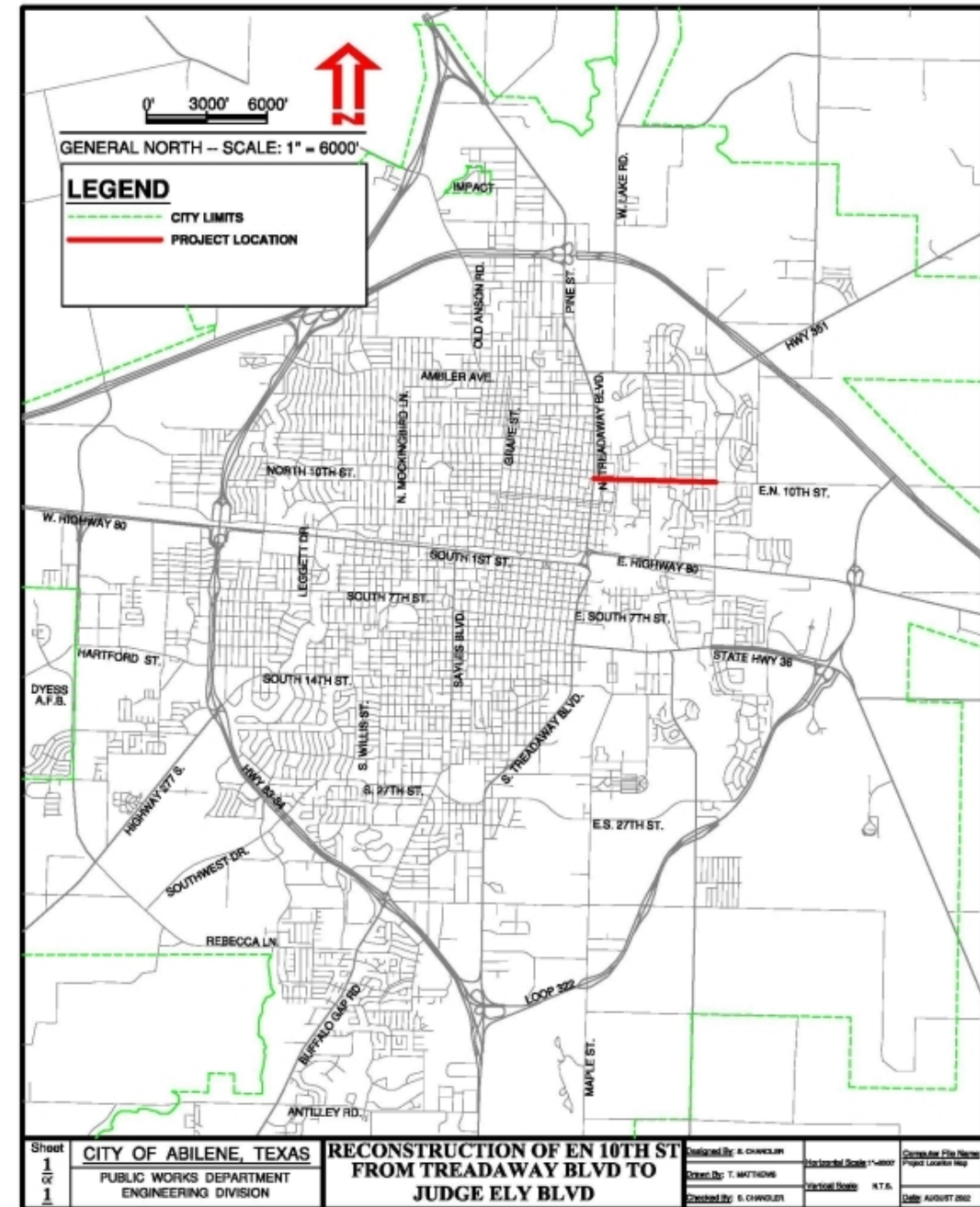
Agenda Item:
Reconstruction of N10th/EN 10th St
From Treadaway Blvd to Judge Ely Blvd

Resolution: Bid Award #CB-2256
Reconstruction of N10th/EN 10th St From
Treadaway Blvd to Judge Ely Blvd
(Johnson)



Reconstruction of N10th/EN 10th St From Treadaway Blvd to Judge Ely Blvd

Streets From To
N10th/EN 10th St. Treadaway Blvd Judge Ely Blvd



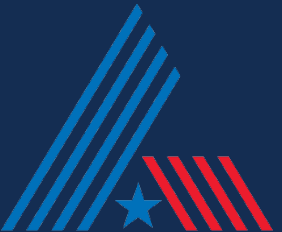
Agenda Item:

Reconstruction of N 10th/EN 10th St From Treadaway Blvd to Judge Ely Blvd

- This construction contract involves resurfacing N 10th/EN 10th St from Treadaway Blvd to Judge Ely Blvd; contract also includes drainage and pedestrian improvements.
- Project Advertised July 17, 2022 & July 24, 2022; Bids Opened August 2, 2022.
- Two bids received.
- Staff recommends awarding the bid to Bontke Brothers Construction with a base bid of \$1,683,043.54.



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 15. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid #2257 S 14th St. RR Tie-in to Bontke Brothers, Inc. *(Max Johnson)*

GENERAL INFORMATION

This Project was advertised as a Public Notice on July 17, 2022, and on July 24, 2022 with a bid opening dated August 2, 2022. This construction contract involves the resurfacing of S 14th Street from Treadaway Boulevard to Cedar Creek. This contract will also include a new vertical alignment in key locations with the goal of creating a smoother ride across the rails, as well as improving existing drainage.

SPECIAL CONSIDERATIONS

This project has a contract completion time of 20 working days (approx. 1 months, weather permitting)

FUNDING/FISCAL IMPACT

Funding for this project is allocated through 2016 GO.

STAFF RECOMMENDATION

Staff recommends awarding the bid to the best value bidder, Bontke Brothers Construction with a base bid of \$252,880.50.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. S 14TH ST RR Tie-in resolution
2. CB2257 TABSHEET
3. S 14TH ST RR Tie-in Scope of Project
4. S 14TH ST RR Tie-in PROJECT LOCATION MAP
5. S 14th Railroad Tie In
6. S 14TH ST RR Tie-in ppt

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDED
BID TO BONTKE BROTHERS CONSTRUCTION, INC., ABILENE, TEXAS**

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for the resurfacing of S 14th Street from Treadaway Boulevard to Cedar Creek. This contract will also include a new vertical alignment in key locations with the goal of creating a smoother ride across the rails, as well as improving existing drainage.

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

WHEREAS, the following base bids were received and opened on August 2, 2022

Bontke Brothers Construction, Inc., Abilene, Texas	\$ 252,880.50
Permian Paving, Inc., Midland, Texas	\$ 304,657.80

WHEREAS, Bontke Brothers Construction, Inc., Abilene, Texas submitted the best value base bid amount of \$252,880.50 with the bid meeting specifications. Staff recommends awarding the bid to the best value bidder, Bontke Brothers Construction, Inc., Abilene, Texas.

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

PART 1: That the City Council approves this bid in the amount of \$ 252,880.50.

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

ADOPTED this 11th day of August, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

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

PAGE
1 OF 1

DEPARTMENT: ENGINEERING
BID NO.: CB-2257
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: AUGUST 2, 2022

BONTKE BROTHERS
CONSTRUCTION CO., INC.
ABILENE, TX

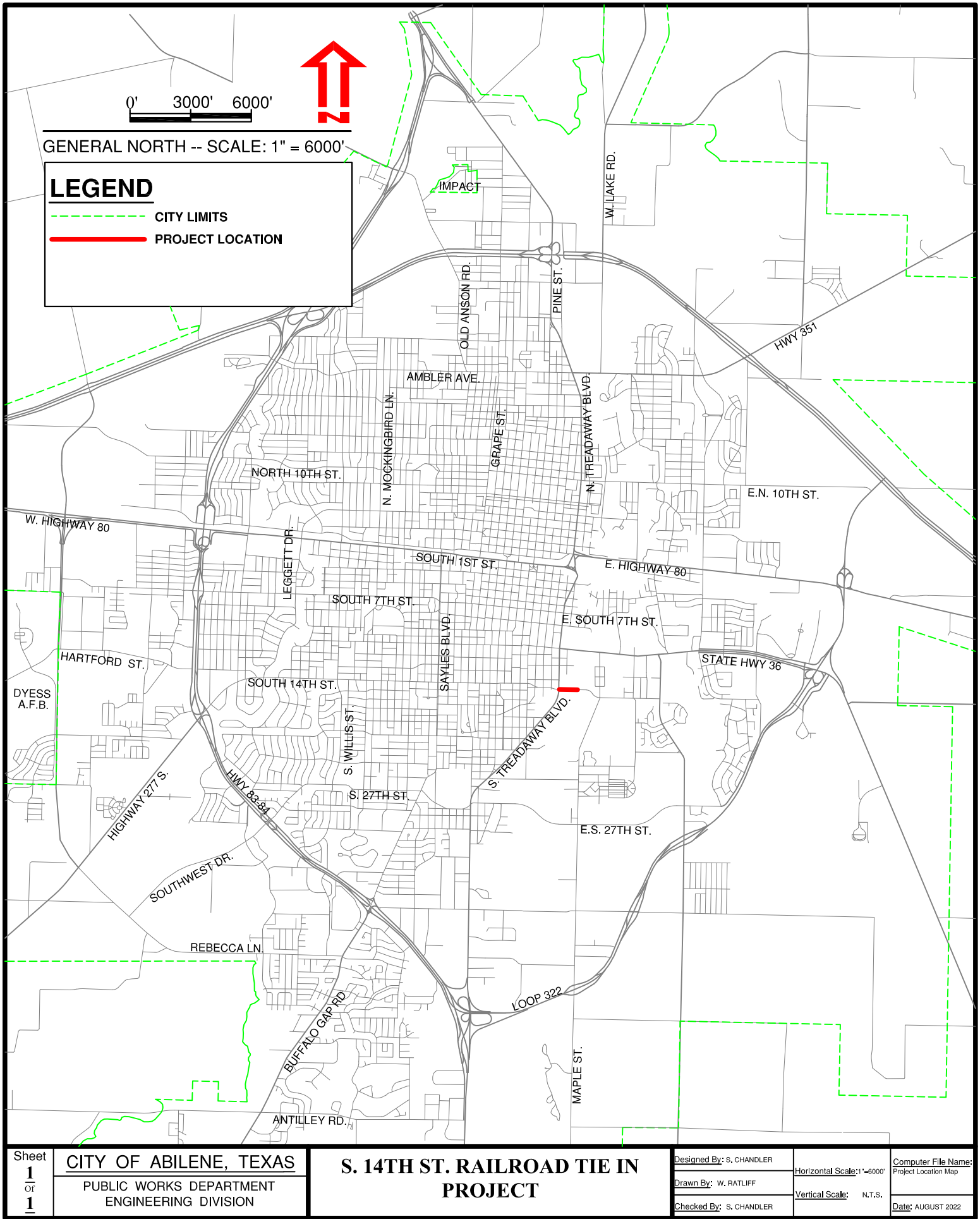
PERMIAN PAVING INC.
MIDLAND, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	S 14 TH ST RAILROAD TIE IN PROJECT FROM TREADAWAY BLVD TO CEDAR CREEK				252,880.50		304,657.80								
BASE BID					252,880.50		304,657.80								
DISCOUNT															
TOTAL BID					252,880.50		304,657.80								

*NOTES: INDICATES RECOMMENDED AWARD

SCOPE OF PROJECT

This construction contract involves the resurfacing of S 14th Street from Treadaway Boulevard to Cedar Creek. This contract will also include a new vertical alignment in key locations with the goal of creating a smoother ride across the rails, as well as improving existing drainage.



GENERAL NORTH -- SCALE: 1" = 6000'

LEGEND

CITY LIMITS

PROJECT LOCATION

Sheet
1
of
1

CITY OF ABILENE, TEXAS

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

S. 14TH ST. RAILROAD TIE IN
PROJECT

Designed By: S. CHANDLER

Drawn By: W. RATLIFF

Checked By: S. CHANDLER

Horizontal Scale: 1"=6000'

Vertical Scale: N.T.S.

Computer File Name:
Project Location Map

Date: AUGUST 2022

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made on the 11th day of August, 2022 is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and Bontke Brothers Construction Co., Inc. of the City of Abilene, State of Texas. ("Contractor").

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

THE AGREEMENT

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

S 14TH ST RAILROAD TIE IN PROJECT FROM TREADAWAY BLVD TO CEDAR CREEK

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

In consideration of this Work, the City will pay the Contractor the sum of \$252,880.50 (Two hundred fifty-two thousand eight hundred eighty dollars and fifty cents).

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

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

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

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

6. **Indemnity.**

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

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

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

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

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

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

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

B. Indemnity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONTRACTOR

Name of Contractor:

Bontke Brothers Construction Company, inc.


Signature

Brent Partain,

Name - Typed or Printed

Project

Manager

Title - Typed or Printed

Business Address:

102 college drive

Abilene, TX 79601

806-300-5577

Business Phone No.

75-1331325

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: |

Agenda Item:
S 14th St. RR Tie-in

Resolution: Bid Award #CB-2257
S 14th St. RR Tie-in
(Johnson)



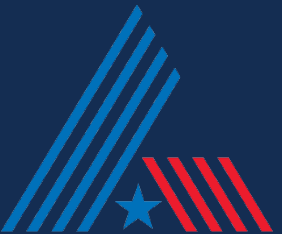
Agenda Item:

S 14th St. RR Tie-in

- This construction contract involves the resurfacing of S 14th Street from Treadaway Boulevard to Cedar Creek; contract will also include a new vertical alignment in key locations with the goal of creating a smoother ride across the rails and improving existing drainage.
- Project Advertised July 17, 2022 & July 24, 2022; Bids Opened August 2, 2022.
- Two bids received.
- Staff recommends awarding the bid to Bontke Brothers Construction with a base bid of \$252,880.50.



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Mike Rains, Finance Director

SUBJECT: 16. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving Financing for the Benefit of McMurry University and Related Matters (Mike Rains).

GENERAL INFORMATION

McMurry University desires to obtain financing of \$20,000,000 from the Beach City Cultural Education Facilities Finance Corporation for the purpose of financing and/or refinancing the acquisition, construction, renovation and equipping of (1) a student center (2) two residence halls and (3) a student apartment complex all to be located on McMurry's campus at 1400 Sayles Blvd.

Pursuant to section 147(f) of the Internal Revenue Code of 1986 the issuance of any qualified 501(c)(3) obligations must be approved by either the governing body of the City or the chief elected executive officer of the City after a public hearing following reasonable public notice.

McMurry published the notice of public hearing on July 25, 2022 in the Abilene Reporter News and held the public hearing on August 2, 2022 on McMurry's campus. During the public hearing, no persons presented comments orally or in writing.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The approval in no way imposes any payment or obligations on the City of Abilene in connection with the financing of the project. The City of Abilene will have no liability with respect to the proposed financing.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution of the City of Abilene - McMurry Financing
2. Powerpoint - Resolution Approving Financing by Beach City Cultural Education Facilities Finance Corp for the Benefit of McMurry

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTY OF TAYLOR §
CITY OF ABILENE §

We, the undersigned officers of the City Council (the “City Council”) of the City of Abilene, Texas (the “City”), hereby certify as follows:

1. The City Council convened in regular meeting on the 11th day of August, 2022, at the designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Anthony Williams	Mayor
Shane Price	Council, Place 1
Lynn Beard	Council, Place 2
Donna Albus	Council, Place 3
Weldon W. Hurt	Council, Place 4
Kyle McAlister	Council, Place 5
Travis Craver	Council, Place 6

and all of said persons were present, except _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING FINANCING FOR THE BENEFIT OF MCMURRY UNIVERSITY AND RELATED MATTERS

was introduced for the consideration of said City Council and read in full. It was then duly moved and seconded that said Resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: ____ NOES: ____ ABSTENTIONS: ____

2. That a true, full, and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Resolution has been duly recorded in said City Council’s minutes of said Meeting; that the above and foregoing paragraph is true, full, and correct excerpt from said City Council’s minutes of said meeting pertaining to the adoption of said Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of said City Council as indicated therein; and that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for adoption at

said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose; and that said Meeting was open to the public, and public notice of the time, place, and purpose of said Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED THIS August 11, 2022.

City Secretary

Mayor

(SEAL)

**RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING
FINANCING FOR THE BENEFIT OF MCMURRY UNIVERSITY AND
RELATED MATTERS**

THE STATE OF TEXAS §
COUNTY OF TAYLOR §
CITY OF ABILENE §

WHEREAS, the City of Abilene, Texas (the “City”) has been informed that the Beach City Cultural Education Facilities Finance Corporation (the “Corporation”), created by the City of Beach City, Texas pursuant to Chapter 337, Texas Local Government Code (the “Act”), has adopted a resolution authorizing the proposed loans (the “Loans”) in the maximum aggregate principal amount of \$20,000,000 under a loan agreement among the Corporation, Frost Bank (the “Bank”) and McMurry University (the “Borrower”), whereby the proceeds of the Loans will be loaned to McMurry University (the “Borrower”) to assist in financing and refinancing the Project (the “Financing”);

WHEREAS, the Corporation is authorized by State Law to provide Financing for cultural and/or educational facilities by contractual arrangement, and the Loans to the Corporation constitute contractual arrangements in which the Corporation is authorized by State Law to participate in;

WHEREAS, the Loans are being issued for the following purposes: (a) financing and/or refinancing the acquisition, construction, renovation and equipping of (1) a student center, (2) two residence halls and (3) a student apartment complex; all to be located on the Borrower’s campus at 1400 Sayles Blvd., Abilene, Texas 79605 (collectively, the “Project”) and (b) paying a portion of the costs of issuance of the Loans;

WHEREAS, the Borrower has agreed to make payments in amounts sufficient to pay debt service required to be made under the Loans (the “Payments”);

WHEREAS, section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) requires that the issuance of any qualified 501(c)(3) obligations be approved by either the governing body of the City or the chief elected executive officer of the City after a public hearing following reasonable public notice;

WHEREAS, the publication of the Notice of Public Hearing (the “Public Notice”) is evidenced by a Publisher’s Affidavit (a copy of which is attached hereto as Exhibit A);

WHEREAS, attached hereto as Exhibit B is Certificate of Public Hearing regarding the conduct of the Public Hearing;

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

Section 1. The City hereby specifically approves the Financing and the Project solely for the purpose of satisfying the requirements of section 147(f) of the Code; provided that the City shall have no liabilities for the Payments nor shall any of the City's assets be pledged to secure the Payments.

Section 2. This Resolution shall become effective immediately upon its passage adoption.

ADOPTED AND APPROVED on August 11, 2022.

ATTEST:

City Secretary

Mayor

(City Seal)

Approved:

City Attorney

EXHIBIT A

PUBLISHER'S AFFIDAVIT

See Attached

Abilene Reporter-News

PART OF THE USA TODAY NETWORK

Certificate of
Publication

ORRICK
609 MAIN STREET

HOUSTON, TX 770023106

STATE OF WISCONSIN)

))

COUNTY OF BROWN)

Before me, the undersigned authority, on this day personally appeared representing the Abilene Reporter-News being duly sworn deposes and says that the following notice(s) published in said newspaper generally circulated in Brown, Callahan, Coleman, Comanche, Eastland, Erath, Fisher, Haskell, Jones, Knox, Mitchell, Nolan, Runnels, Scurry, Shackelford, Stephans, Stonewall, Taylor counties, Texas by:

ORRICK

On the following issue(s) dated to wit:

07/25/2022



Legal Notice Clerk

On this August 2, 2022, I certify that the attached document is a true and exact copy made by the publisher.:



Notary Public, State of Wisconsin, County of Brown

1-7-25

My Commission Expires

Publication Cost: \$385.00
Ad No: 0005347906
Customer No: 7136586433
PO #: 0005347906

of Affidavits: 1

This is not an invoice

KATHLEEN ALLEN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held on August 2, 2022, commencing at 10:00 a.m., at Conference Room 210, 2149 McMurry Court, Maedgen Administration Bldg., Abilene, Texas 79695, to provide an opportunity for all interested persons to be heard with respect to one or more loans from Frost Bank (the "Bank") to Beach City Cultural Education Facilities Finance Corporation or another conduit issuer (the "Corporation"), in the maximum aggregate principal amount of \$20,000,000 and one or more loans (qualified 501(c)(3) bonds as defined in Section 145 of the Internal Revenue Code of 1986, as amended) from the Corporation to McMurry University (the "Borrower") in the same amount (collectively, the "Loans"); all pursuant to one or more loan agreements by and among the Corporation, the Bank and the Borrower.

The Loans are being made pursuant to a plan of finance for the purpose of (a) financing and/or refinancing the acquisition, construction, renovation and equipping of (1) a student center, (2) two residence halls and (3) a student apartment complex; all to be located on the Borrower's campus at 1400 Sayles Blvd., Abilene, Texas 79605; and (b) paying certain expenses in connection with the issuance of the Loans (collectively, the "Project"). The Project is or will be owned by the Borrower. The Loans are not payable out of taxes and are secured by and payable solely from funds provided by the Borrower.

All interested persons are invited to attend the hearing to express their views, both orally and in writing, with respect to the Loans and the Project. Any interested persons unable to attend the hearing may submit their views in writing to the President of the Board of Directors of the Corporation c/o Orrick, Herrington & Sutcliffe LLP, Attn: Hoang Vu, 609 Main Street, 40th Floor, Houston, Texas 77002, prior to the date scheduled for the hearing.

Classifieds

To advertise, visit:
classifieds.reporternews.com

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 Classifieds Email: classifieds@reporternews.com
 Public Notices/Legals Email: legals@reporternews.com



All classified ads are subject to the applicable rate card, copies of which are available from our Advertising Dept. All ads are subject to approval before publication. The Reporter News reserves the right to edit, refuse, reject, classify or cancel any ad at any time. Errors must be reported in the first day of publication. The Reporter News shall not be liable for any loss or expense that results from an error in or omission of an advertisement. No refunds for early cancellation of order.

Adopt Me

Pets

all your favorites...

Domestic Pets

Homes wanted for 3 adorable kittens, 7 weeks old, \$5.00. (325)513-4684

Pomeranian Puppies 5 females, born 4/24/22, 4 blue merles, 1 brown sable, beautiful, home raised, 254-246-2435

Assorted

Stuff

all kinds of things...

Antique Collectibles

Authentic Willie Nelson 10 carat gold diamond ring size 12 & Genuine 14k gold -10.65 carat diamond ring size 10 1/2. 903-916-0978

Sporting Goods

GUN SHOW
 Aug. 13 & 14
 Abilene
 Convention
 Center
 Call: 830-285-0575

Real Estate

Homes

starting fresh...

Homes For Sale - In State



Equal Housing Opportunity
 All real estate advertising in this newspaper is subject to the Federal Fair Housing Act of 1968 which makes it illegal to advertise any preference, limitation or discrimination based on race, color, religion, sex, national origin, handicap or familial status or an intention to make any such preference, limitation or discrimination.

This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis.

Homes

Mobile Home



Eastland, TX, NEW
 Clayton Mobile Home, 2 bdrm, 2 ba, 1088 sq. ft., built in 2021, microwave, d/w, laundry rm, refrig. Never lived in or hooked up. New A/C with warrant. \$72,000. (817)307-9246
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Public Notices

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held on August 2, 2022, commencing at 10:00 a.m., at Conference Room 210, 2149 McMurry Court, Maedgen Administration Bldg., Abilene, Texas 79695, to provide an opportunity for all interested persons to be heard with respect to one or more loans from Frost Bank (the "Bank") to Beach City Cultural Education Facilities Finance Corporation or another conduit issuer (the "Corporation"), in the maximum aggregate principal amount of \$20,000,000 and one or more loans (qualified 501(c)(3) bonds as defined in Section 145 of the Internal Revenue Code of 1986, as amended) from the Corporation to McMurry University (the "Borrower") in the same amount (collectively, the "Loans"); all pursuant to one or more loan agreements by and among the Corporation, the Bank and the Borrower. The Loans are being made pursuant to a plan of finance for the purpose of (a) financing and/or refinancing the acquisition, construction, renovation and equipping of (1) a student center, (2) two residence halls and

Public Notices

(3) a student apartment complex; all to be located on the Borrower's campus at 1400 Sayles Blvd., Abilene, Texas 79605; and (b) paying certain expenses in connection with the issuance of the Loans (collectively, the "Project"). The Project is or will be owned by the Borrower. The Loans are not payable out of taxes and are secured by and payable solely from funds provided by the Borrower.

All interested persons are invited to attend the hearing to express their views, both orally and in writing, with respect to the Loans and the Project. Any interested persons unable to attend the hearing may submit their views in writing to the President of the Board of Directors of the Corporation c/o Orrick, Herrington & Sutcliffe LLP, Attn: Hoang Vu, 609 Main Street, 40th Floor, Houston, Texas 77002, prior to the date scheduled for the hearing.

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of Robert David Rogers, Deceased were issued on July 21, 2022, in Cause No. 31201, pending in the County Court of Taylor County, Texas, to Bennie H. Rogers.

All persons having claims against this Estate which is currently being administered are required to present them to the undersigned within the time and in the manner prescribed by law.

c/o: Sarah Adams Attorney at Law
 500 Chestnut Street
 Suite 1402
 Abilene, Texas 79602

DATED the 21st day of July, 2022.

By: /s/Sarah Adams
 Sarah Adams

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STONEWALL COUNTY SHERIFF'S DEPT.

P.O. BOX 388
 ASPERMONT, TX 79502
 SHERIFF, BILL MULLEN

PHONE: 940-989-3333
 FAX: 940-989-3334



DEPUTY WANTED

The Stonewall County Sheriff's Department, in Aspermont TX, is currently hiring for the position of DEPUTY.

Requests for applications can be requested via email to
angie.sigmon@stonewallcountytx.org
 or srmullen@srcaccess.net.

By mail to:

P.O. Box 388 Aspermont TX 79502,
 or by phone at 940-989-3333.

Salary, benefits and hours, will be discussed during interviews.

KOHLER Walk-In Bath

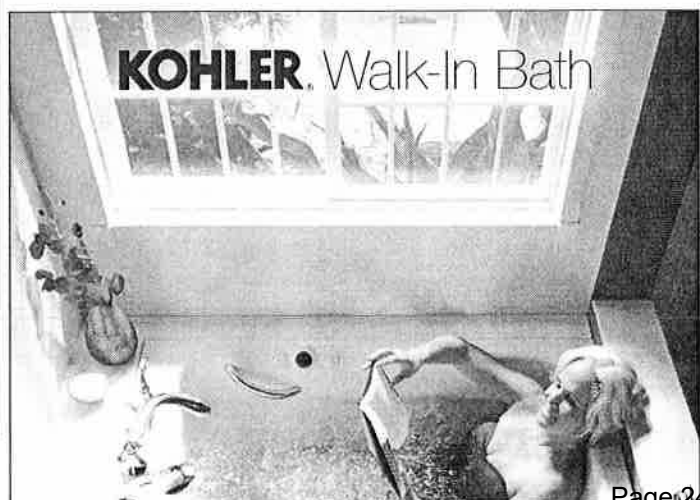


EXHIBIT B

CERTIFICATE OF PUBLIC HEARING

See Attached

CERTIFICATE OF PUBLIC HEARING

I, the undersigned, hereby certify in connection with a series of loan transactions to be entered into by the Beach City Cultural Education Facilities Finance Corporation (the "*Corporation*"), McMurry University ("*Borrower*") and Frost Bank in the maximum aggregate amount of \$20,000,000 (the "*Loans*") for the benefit of Borrower, as follows:

1. I served as Hearing Officer for the Corporation for the purpose of (a) financing and/or refinancing the acquisition, construction, renovation and equipping of (1) a student center, (2) two residence halls and (3) a student apartment complex; all to be located on the Borrower's campus at 1400 Sayles Blvd., Abilene, Texas 79605; and (b) paying certain expenses in connection with the issuance of the Loans (collectively, the "*Project*").

2. Such hearing was conducted commencing at 10:00 a.m. on August 2, 2022, at Conference Room 210, 2149 McMurry Court, Maedgen Administration Bldg., Abilene, Texas 79695, which building and office was open to the public for purposes of the hearing.

3. At the time for the commencement of the hearing, comments, either orally or in writing, were publicly requested on the Project to be financed with proceeds of the Loan and on the making of the Loans.

4. At the hearing,

☒ no persons presented comments orally or in writing.

☐ the comments summarized in Exhibit B-1 were made orally by the persons listed therein.

☐ the written comments attached hereto were presented.

5. No time limitations were imposed on any public comments.

IN WITNESS WHEREOF, I have hereunto set my hand this August 2, 2022.


Hearing Officer

Resolution Approving Financing by Beach City Cultural Education Facilities Finance Corporation for the Benefit of McMurry University

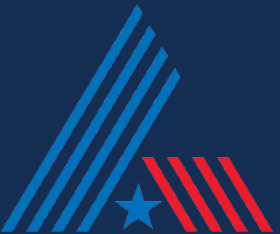


Resolution Approving Financing by Beach City Cultural Education Facilities Finance Corporation for the Benefit of McMurry University

- Beach City Cultural Education Facilities Finance Corporation is proposing a loan for the benefit of McMurry University in the amount of \$20,000,000 for financing and/or refinancing the acquisition, construction, renovation and equipping of (1) a student center, (2) two residence halls and (3) a student apartment complex on McMurry's campus.
- Internal Revenue Code of 1986 Section 147(f) requires that the issuance of any qualified 501(c)(3) obligations be approved by either the chief elected officer or governing body of the City with jurisdiction over the facility, after a public hearing following reasonable public notice.
- McMurry University held a public hearing on August 2, 2022 after posting notice in the Abilene Reporter News.
- The City shall have no liabilities for the payments of the obligations nor shall any of the City's assets be pledged to secure the obligations.



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 17. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on On Calling a Bond Election to be Held within the City, Making Provisions for the Conduct of the Election, and Enacting Other Provisions Relating to the Subject (*Robert Hanna*)

GENERAL INFORMATION

Section 3.005(c) of the Texas Election Code requires a November election be ordered not later than the 78th day before election day. For the November 8th election, the deadline for ordering the election is Tuesday, August 22, 2022. Since the next regular City Council meeting falls after this date, a special election has been called for Monday, August 15th, to allow for the second reading of this ordinance.

Texas Election Code, Chapter 43, authorizes countywide polling place programs. Taylor County, through its Elections Department, utilizes Vote Centers. Use of these vote centers will apply to this election.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

None.

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Bond Election Resolution - Abilene 2022 - 08.11.2022
2. PROPOSED_Early Voting Schedule
3. PROPOSED_ED County Wide Vote Centers
4. First Meeting Presentation - FINAL

THE STATE OF TEXAS §
COUNTIES OF TAYLOR AND JONES §
CITY OF ABILENE §

Section 4. Election Officials. The appointment of the Presiding Election Judges, Alternate Judges, Early Voting Clerks, the Presiding Judge of the early ballot board and any other election officials for the Election shall be made by the Elections Administrator in accordance with the Election Contract

and the Code. The Elections Administrator may employ other personnel necessary for the proper administration of the Election, including such part-time help as is necessary to prepare for the Election, to ensure the timely delivery of supplies during early voting and on Election Day, and for the efficient tabulation of ballots at the central counting station. The City Council hereby authorizes the Mayor, City Manager, or City Secretary to execute or attest on behalf of the City, the Election Contract with the Contracting County.

Section 5. Voting by Mail. Applications for voting by mail for all residents of the City shall submitted by personal delivery or shall be mailed or emailed to the applicable addresses below by October 21, 2022.

(a) Applications for voting by mail for all residents of the City shall be sent as follows:

By Mail, Personal Delivery or Email
in Taylor County:

Freda Ragan
Elections Administrator
400 Oak Street, Suite 101
Abilene, Texas 79602
Phone: (325) 674-1216
Fax: (325) 674-1340
Email: raganfr@taylorcountytexas.org

By Mail, Personal Delivery or Email
in Jones County:

LeeAnn Jennings
Elections Administrator
100 Courthouse Square
Anson, Texas 79501
Phone: 325-823-3762
Fax: (325) 823-3979
Email: leeann.jennings@co.jones.tx.us

Section 6. Early Voting Ballots. An Early Voting Ballot Board shall be created to process early voting results of the Election and the Presiding Judge of the Early Voting Ballot Board shall be designated by the Elections Administrator. The Presiding Judge of the Early Voting Ballot Board shall appoint two or more additional members to constitute the Early Voting Ballot Board members and, if needed, the Signature Verification Committee members required to efficiently process the early voting ballots.

Section 7. Qualified Voters. All qualified electors of and residing in the City, shall be entitled to vote at the election.

Section 8. Propositions. At the Election, the following propositions shall be submitted in accordance with law:

CITY OF ABILENE, TEXAS PROPOSITION A

Shall the City Council of the City of Abilene, Texas, be authorized to issue and sell the bonds of said city in the aggregate principal amount of \$8,000,000 for the public purpose of constructing, improving and equipping Fire Station No. 9 for the Abilene Fire Department, with any surplus funds to be used for the

construction, renovation and equipment of fire stations; with said bonds to be issued in one or more series or issues, to mature serially or otherwise not to exceed 40 years from their date, and bear interest at such rate or rates, not to exceed the respective limits prescribed by law at the time of issuance, and to be sold at such prices, as the City Council in its discretion shall determine; and shall there be levied and pledged, assessed and collected annually ad valorem taxes on all taxable property in said city in an amount sufficient, within the limits prescribed by law, to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?

CITY OF ABILENE, TEXAS PROPOSITION B

Shall the City Council of the City of Abilene, Texas, be authorized to issue and sell the bonds of said City in the aggregate principal amount of \$32,000,000 for the public purpose of constructing, improving and equipping parks and recreation facilities and infrastructure consisting of the Cesar Chavez Recreation Center, the GV Daniels Recreation Center, and the Kirby Lake Trail System, with any surplus funds to be used for the construction, renovation and equipment of parks and recreation facilities; with said bonds to be issued in one or more series or issues, to mature serially or otherwise not to exceed 40 years from their date, and bear interest at such rate or rates, not to exceed the respective limits prescribed by law at the time of issuance, and to be sold at such prices, as the City Council in its discretion shall determine; and shall there be levied and pledged, assessed and collected annually ad valorem taxes on all taxable property in said city in an amount sufficient, within the limits prescribed by law, to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?

Section 9. Official Ballots. The official ballots for the Election shall be prepared in accordance with the Code, so as to permit the electors to vote “FOR” or “AGAINST” the aforesaid propositions which shall be set forth in substantially the following form:

CITY OF ABILENE, TEXAS SPECIAL ELECTION CITY OF ABILENE, TEXAS PROPOSITION A

FOR () THE ISSUANCE OF \$8,000,000 TAX BONDS BY THE CITY OF ABILENE,
TEXAS FOR CONSTRUCTING AND EQUIPPING PUBLIC SAFETY
AGAINST () FACILITIES FOR THE ABILENE FIRE DEPARTMENT, AND LEVYING A
TAX SUFFICIENT TO MAKE THE PAYMENTS OF PRINCIPAL AND
INTEREST THEREON

CITY OF ABILENE, TEXAS SPECIAL ELECTION CITY OF ABILENE, TEXAS PROPOSITION B

FOR () THE ISSUANCE OF \$32,000,000 TAX BONDS BY THE CITY OF ABILENE,
TEXAS FOR CONSTRUCTING AND EQUIPPING PARKS AND
AGAINST () RECREATION FACILITIES AND IMPROVEMENTS, AND LEVYING A
TAX SUFFICIENT TO MAKE THE PAYMENTS OF PRINCIPAL AND
INTEREST THEREON

Section 10. Compliance with Federal Law. In all respects, the Election shall be conducted in accordance with the Code. Pursuant to the federal Help America Vote Act (“HAVA”) and the Code, at each polling place there shall be at least one voting system that is equipped for disabled individuals, and each such voting system shall be a system that has been certified by the Texas Secretary of State as compliant with HAVA and the Code. The City hereby finds that the voting system to be used by the Elections Administrator in administering the Election is such a system, and orders that such voting

equipment or other equipment certified by the Texas Secretary of State shall be used by the City in its elections.

Section 11. Further Procedures. The City Council hereby authorizes and directs the Mayor, City Manager, Assistant City Manager, City Clerk, City Attorney and all other officers, employees and agents of the City, in consultation with the City Attorney, if necessary, to do and perform all such acts and to execute, acknowledge and deliver in the name and on behalf of the City, such documents, agreements, certificates and other instruments, whether or not mentioned in this Resolution, as may be necessary or desirable in order to carry out the terms, provisions and actions provided for in this Resolution.

Section 12. Required Information. In accordance with the provisions of Section 3.009(b), Texas Election Code, it is hereby found and determined that:

- (a) The proposition language that will appear on the ballot is set forth in Section 9 hereof.
- (b) The purpose for which the bonds are to be authorized is set forth in Section 8 hereof.
- (c) The principal amount of the bonds to be authorized is set forth in Sections 8 and 9 hereof.
- (d) If the bonds are approved by the voters, the City Council will be authorized to levy annual ad valorem taxes on all taxable property in the City, sufficient, within the limits prescribed by law, to pay the annual principal of and interest on the bonds and provide a sinking fund to pay the bonds at maturity.
- (e) Based upon the bond market conditions at the date of adoption of this Resolution, the maximum interest rate for any series of the bonds is estimated to be 4.00% as calculated in accordance with applicable law. Such estimate takes into account a number of factors, including the issuance schedule, maturity schedule and the expected bond ratings of the proposed bonds. Such estimated maximum interest rate is provided as a matter of information, but is not a limitation on the interest rate at which the bonds, or any series thereof, may be sold.
- (f) If the bonds are approved, they may be issued in one or more series over a period not to exceed 40 years from the date of issuance of each series of bonds.
- (g) The aggregate amount of the outstanding principal of the City's debt obligations which are secured by ad valorem taxes as of the date of this Resolution is \$119,645,000.
- (h) The aggregate amount of the outstanding interest of the City's debt obligations which are secured by ad valorem taxes as of the date of this Resolution is \$41,266,557.
- (i) The ad valorem debt service tax rate for the City as of the date of this Resolution is \$0.1832 per \$100 of taxable assessed valuation.
- (j) The websites at which additional information pertaining to the Election may be found are:
 - for the City - <https://abilenetx.gov/>
 - for Taylor County - <https://www.taylorcountytexas.org/214/Current-Election>
 - for Jones County - <https://www.co.jones.tx.us/page/jones.Elections>

Section 13. Effective Date. This Resolution shall be in full force and effect from and after its passage and it is accordingly so ordered.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
this 11th day of August, 2022.

ATTEST:

Mayor, City of Abilene, Texas

City Secretary, City of Abilene, Texas

[CITY SEAL]

APPROVED AS TO FORM:

City Attorney

Exhibit “A”
Election Day Voting Locations and Hours
 Tuesday, November 8, 2022 - 7:00 AM to 7:00 PM

Taylor County Election Day Voting Locations

Voters may vote at any of the Taylor County vote centers on Election Day.

Vote Center	Address	Room
Abilene City Hall	555 Walnut Street, Abilene, TX 79601	E. Entrance, Main Lobby
Church of Christ–S. 11th & Willis	3333 S. 11th Street, Abilene, TX 79605	West Building, multi-purpose room
Hillcrest Church of Christ	650 E. Ambler Ave., Abilene, TX 79601	Gym
New Beginnings United Pentecostal 55	5535 Buffalo Gap Road, Abilene, TX 79606	Main Foyer
Oldham Lane Church of Christ	5049 Oldham Lane, Abilene, TX 79602	Special Events Room
River of Life Church	539 Hwy 83/84, Abilene, TX 79606	Main Foyer
Sears Park Recreation Center	2250 Ambler Ave., Abilene, TX 79603	Gym
Southern Hills Church of Christ	3666 Buffalo Gap Road, Abilene, TX 79605	Auditorium Foyer
Taylor County Plaza	400 Oak Street, Abilene, TX 79602	Suite 101-A
Thomas Elementary School	1240 Lakeside Drive, Abilene, TX 79602	Gym
View Baptist Church	250 Boynton Road, Abilene, TX 79606	Fellowship Hall
Westminster Presbyterian Church	4515 South 14th Street, Abilene, TX 79605	Gym
Woodlawn Church of Christ	922 Woodlawn Drive, Abilene, TX 79603	Multi-purpose room
Zion Lutheran Church	2801 Antilley Road, Abilene, TX 79606	Large Fellowship Hall

Jones County Election Day Voting Locations

FT Phantom Baptist Church Fellowship Hall
 11343 Fm 600
 Abilene, Texas 79601

Exhibit “B”
Early Voting Locations and Hours

Taylor County Early Voting Locations

[TBD]

Taylor County Plaza
 400 Oak Street, Suite 101
 Abilene, TX 79602

Mall of Abilene
 4310 Buffalo Gap Road
 Abilene, TX 79605

Abilene City Hall
 555 Walnut Street
 Abilene, TX 79601

Monday, October 24, 2022 – Friday, October 28, 2022	8:00 AM - 5:00 PM
Monday, October 31, 2022 - Tuesday, November 1, 2022	7:00 AM - 7:00 PM

Jones County Early Voting Locations

[TBD]

Monday, October 24, 2022 – Friday, October 28, 2022	8:00 AM - 5:00 PM
Monday, October 31, 2022 - Tuesday, November 1, 2022	7:00 AM - 7:00 PM

Voter Information Document – City of Abilene, Texas Special Election
Proposition A

The following information is prepared to comply with Section 1251.052(b), Texas Government Code.

At the Election, the following language will appear on the ballot:

CITY OF ABILENE, TEXAS SPECIAL ELECTION
CITY OF ABILENE, TEXAS PROPOSITION A

FOR () THE ISSUANCE OF \$8,000,000 TAX BONDS BY THE CITY OF ABILENE, TEXAS FOR CONSTRUCTING AND EQUIPPING PUBLIC SAFETY FACILITIES FOR THE ABILENE FIRE DEPARTMENT, AND LEVYING A TAX SUFFICIENT TO MAKE THE PAYMENTS OF PRINCIPAL AND INTEREST THEREON

AGAINST ()

The following table sets forth the estimated principal amount of, and interest due to maturity on, the bonds to be issued if Proposition A passes, and all outstanding obligations of the City secured by and payable from ad valorem taxes.

Principal Amount of Bonds to be authorized	Estimated interest for Bonds to be authorized ⁽¹⁾	Estimated combined principal and interest required to pay on time and in full the Bonds to be authorized ⁽¹⁾	Principal of City's Existing Outstanding Debt (as of 8/11/22) ⁽²⁾	Remaining interest on City's Existing Outstanding Debt (as of 8/11/22) ⁽²⁾	Combined Principal and Interest to timely pay City's Outstanding Debt (as of 8/11/22) ⁽²⁾
\$8,000,000	\$4,584,146	\$12,584,146	\$119,645,000	\$41,266,557	\$160,911,557

(1) The interest on the proposed bonds was estimated at a rate of 4% (which the City believes is a conservative estimate) based on market conditions as of August 11, 2022, and therefore, the interest payable on the proposed bonds may be less than, or more than, the amounts set forth above based on market conditions at the time of sale of the proposed bonds to be authorized under Proposition A.

(2) Aggregate of all outstanding obligations of the City secured by and payable from ad valorem taxes as of the date of August 11, 2022. Excludes a portion of the following obligations of the City, which it has designated as self-supporting:

- a. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2012 (Waterworks & Sewer)
- b. General Obligation Refunding Bonds, Series 2013 (Waterworks & Sewer)
- c. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2013 (Waterworks & Sewer)
- d. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2014 (Waterworks & Sewer)
- e. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2015 (Waterworks & Sewer)
- f. General Obligation Refunding and Improvement Bonds, Series 2016 (Waterworks & Sewer)
- g. Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2017 (Waterworks & Sewer)
- h. General Obligation Refunding Bonds, Series 2017 (Waterworks & Sewer)
- i. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2018 (Waterworks & Sewer)
- j. Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2019 (Waterworks & Sewer)
- k. General Obligation Refunding Bonds, Taxable Series 2019 (Waterworks & Sewer)
- l. General Obligation Refunding Bonds, Taxable Series 2020 (Waterworks & Sewer)
- m. Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2021B (Local Hotel Occupancy Tax)
- n. Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2022 (Waterworks & Sewer)

Based on the information and assumptions provided in the table above, the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the City with a taxable appraised value of \$100,000 to repay the proposed bonds, if approved, is calculated based on \$8 billion taxable assessed value. That estimate assumes (i) the bonds issued under Proposition A are projected to be issued in calendar year 2023, (ii) that the bonds that may be approved under Proposition A would be sold with an annual amortization that does not exceed 20 years, (iii) annual growth of the City's taxable assessed valuation at a rate of 0% for Proposition A, and Proposition B combined and (iv) an interest rate that does not exceed 4.25%.

Reference is made to the Voter Information Documents for the City's Propositions B which follows this Document, for additional information pertaining to other potential new debt of the City.

Voter Information Document – City of Abilene, Texas Special Election
Proposition B

The following information is prepared to comply with Section 1251.052(b), Texas Government Code.

At the Election, the following language will appear on the ballot:

CITY OF ABILENE, TEXAS SPECIAL ELECTION
CITY OF ABILENE, TEXAS PROPOSITION B

FOR () THE ISSUANCE OF \$32,000,000 TAX BONDS BY THE CITY OF ABILENE,
TEXAS FOR CONSTRUCTING AND EQUIPPING PARKS AND
AGAINST () RECREATION FACILITIES AND IMPROVEMENTS, AND LEVYING A
TAX SUFFICIENT TO MAKE THE PAYMENTS OF PRINCIPAL AND
INTEREST THEREON

The following table sets forth the estimated principal amount of, and interest due to maturity on, the bonds to be issued if Proposition B passes, and all outstanding obligations of the City secured by and payable from ad valorem taxes.

Principal Amount of Bonds to be authorized	Estimated interest for Bonds to be authorized ⁽¹⁾	Estimated combined principal and interest required to pay on time and in full the Bonds to be authorized ⁽¹⁾	Principal of City's Existing Outstanding Debt (as of 8/11/22) ⁽²⁾	Remaining interest on City's Existing Outstanding Debt (as of 8/11/22) ⁽²⁾	Combined Principal and Interest to timely pay City's Outstanding Debt (as of 8/11/22) ⁽²⁾
\$32,000,000	\$18,150,833	\$50,150,833	\$119,645,000	\$41,266,557	\$160,911,557

(1) The interest on the proposed bonds was estimated at a rate of 4% (which the City believes is a conservative estimate) based on market conditions as of August 11, 2022, and therefore, the interest payable on the proposed bonds may be less than, or more than, the amounts set forth above based on market conditions at the time of sale of the proposed bonds to be authorized under Proposition A.

(2) Aggregate of all outstanding obligations of the City secured by and payable from ad valorem taxes as of the date of August 11, 2022. Excludes a portion of the following obligations of the City, which it has designated as self-supporting:

- a. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2012 (Waterworks & Sewer)
- b. General Obligation Refunding Bonds, Series 2013 (Waterworks & Sewer)
- c. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2013 (Waterworks & Sewer)
- d. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2014 (Waterworks & Sewer)
- e. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2015 (Waterworks & Sewer)
- f. General Obligation Refunding and Improvement Bonds, Series 2016 (Waterworks & Sewer)
- g. Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2017 (Waterworks & Sewer)
- h. General Obligation Refunding Bonds, Series 2017 (Waterworks & Sewer)
- i. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2018 (Waterworks & Sewer)
- j. Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2019 (Waterworks & Sewer)
- k. General Obligation Refunding Bonds, Taxable Series 2019 (Waterworks & Sewer)
- l. General Obligation Refunding Bonds, Taxable Series 2020 (Waterworks & Sewer)
- m. Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2021B (Local Hotel Occupancy Tax)

- n. Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2022 (Waterworks & Sewer)

Based on the information and assumptions provided in the table above, the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the City with a taxable appraised value of \$100,000 to repay the proposed bonds, if approved, is calculated based on \$8 billion taxable assessed value. That estimate assumes (i) the bonds issued under Proposition A are projected to be issued in calendar year 2023, (ii) that the bonds that may be approved under Proposition A would be sold with an annual amortization that does not exceed 20 years, (iii) annual growth of the City's taxable assessed valuation at a rate of 0% for Proposition A, and Proposition B combined and (iv) an interest rate that does not exceed 4.25%.

Reference is made to the Voter Information Documents for the City's Propositions A, which precedes this Document, for additional information pertaining to other potential new debt of the City.

PROPOSED EARLY VOTING SCHEDULE

October 24, 2022 – November 24, 2022

Joint General and Special Elections
November 8, 2022

MAIN EARLY VOTING LOCATION		
Taylor County Plaza	October 24th – October 28th (Monday – Friday)	8:00 a.m. – 5:00 p.m.
400 Oak Street, Suite 101-A	October 29th (Saturday)	7:00 a.m. – 7:00 p.m.
Abilene, TX 79602	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4 (Monday - Friday)	7:00 a.m. – 7:00 p.m.
For Jones County:		
Jones County Activity Center	October 24th – October 28th	8:00 a.m. – 5:00 p.m.
400 Oak Street, Suite 101	Monday – Friday	
Abilene, TX 79602	October 31st - November 4th	8:00 a.m. – 5:00 p.m.
	Monday – Friday	
TEMPORARY BRANCH LOCATIONS (Taylor County Only)		
Mall of Abilene	October 24th – October 28th (Monday- Friday)	10:00 a.m. – 7:00 p.m.
4310 Buffalo Gap Road	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79605	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
<i>Movie theatre corridor</i>	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
Abilene City Hall	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
555 Walnut Street	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79601	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
<i>E. Entrance, Main Lobby</i>	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
1095 N. Judge Ely Blvd	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79601	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
920 N. Willis St.	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79603	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
2160 Pine St.	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79601	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
3301 S. 14 th St.	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79605	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.

**October 11, 2022 – Last day to register to vote for the November 8, 2022 Joint General and Special Elections.*

**October 28, 2022 – Last day to RECEIVE an application for a ballot by mail for the November 8, 2022 Joint General and Special Elections.*

**October 28, 2022 – Last day to RECEIVE an FPCA for the November 8, 2022 Joint General and Special Elections.*

Taylor County Elections
400 Oak Street, Suite 101
Abilene, TX 79602
325-674-1216
www.taylorcountytexas.org

Jones County Clerk
PO Box 552
Anson, Texas 79501
325-823-7362
<https://www.co.jones.tx.us/page/jones.Elections>

PROPOSED

COUNTY WIDE VOTE CENTER LOCATIONS

Taylor County

Joint Special Elections – November 8, 2022

Elecciones Municipales - 8 de noviembre de 2022

7:00 a.m. – 7:00 p.m.

Taylor County voters may vote at **ANY ONE** of the following locations on Election Day

*Los votantes del condado de Taylor pueden votar en **CUALQUIERA** de los siguientes lugares el día de las elecciones*

Vote Center	Physical Address	Location
Abilene City Hall	555 Walnut Street, Abilene, TX 79601	East Entrance – Main Lobby
Beltway Park Church North Campus	2850 Hwy 351, Abilene, TX 79601	
Buffalo Gap Church of Christ	741 Litel Street, Buffalo Gap, TX 79508	Fellowship Hall
Cesar Chavez Recreation Center	2250 Ambler Ave., Abilene, TX 79603	Gym
Church of Christ–S. 11 th & Willis	3333 S. 11 th Street, Abilene, TX 79605	West Building, multi-purpose room
First Baptist Church – Merkel	307 Locust Street, Merkel, TX 79536	Family Life Center
First Baptist Church – Tuscola	632 Kent Street, Tuscola, TX 79562	Family Life Center
Hillcrest Church of Christ	650 E. Ambler Ave., Abilene, TX 79601	Gym
Lawn Baptist Church	518 Avenue D, Lawn, TX 79530	Family Life Center
New Beginnings United Pentecostal	5535 Buffalo Gap Road, Abilene, TX 79606	Main Foyer
Oldham Lane Church of Christ	5049 Oldham Lane, Abilene, TX 79602	Special Events Room
River of Life Church	539 Hwy 83/84, Abilene, TX 79606	Main Foyer
Southern Hills Church of Christ	3666 Buffalo Gap Road, Abilene, TX 79605	Foyer at Main Sanctuary
Taylor County Plaza	400 Oak Street, Abilene, TX 79602	Suite 101-A
Thomas Elementary School	1240 Lakeside Drive, Abilene, TX 79602	Gym
Tye Industrial Park Small Business Incubator	649 Scott St., Tye, TX 79563	Suite 215
View Baptist Church	250 Boynton Road, Abilene, TX 79606	Fellowship Hall
Westminster Presbyterian Church	4515 South 14 th Street, Abilene, TX 79605	Gym
Woodlawn Baptist Church	922 Woodlawn Drive, Abilene, TX 79603	Multi-Purpose Room
Zion Lutheran Church	2801 Antilley Road, Abilene, TX 79606	Large Fellowship Hall

Jones County
Joint Special Elections – November 8, 2022
Elecciones Municipales - 8 de noviembre de 2022
7:00 a.m. – 7:00 p.m.

Jones County voters may vote at **ANY ONE** of the following locations on Election Day
Los votantes del condado de Jones pueden votar en CUALQUIERA de los siguientes lugares el día de las elecciones

Vote Center	Physical Address	Location
Hamlin High School	650 SW 5 th Street, Hamlin, TX 79520	Gym Foyer <i>Gimnasio Vestíbulo</i>
Stamford VIP Community Center	508 East Gould, Stamford, TX 79553	
Lueders City Hall	201 East Main, Leuders, TX 79533	
Ft. Phantom Baptist Church	11343 FM 600, Abilene, TX 79601	Fellowship Hall <i>Salón de becas</i>
Hawley Church of Christ	410 4 th Street, Hawley, TX 79525	Fellowship Hall <i>Salón de becas</i>
Hodges Baptist Church	13933 CR 495, Hawley, TX 79525	Fellowship Hall <i>Salón de becas</i>
Jones County Activity Center	1108 West Court Plaza, Anson, TX 79501	

2022 Parks and Recreation Bond Presentation



Proposed Bond Opportunity: Recreation Centers



Recreation Center Overview

- March 1966 - Cesar Chavez Recreation Center (formerly known as Sears Park Recreation Center) Opened
- November 1966 – GV Daniels Recreation Center (formerly known as George Washington Carver Recreation Center) Opened
- January 2020 – Indoor Recreation Feasibility Study Public Workshop Conducted for Community Input on Recreational Priorities
- March 2020 – Recreation Feasibility Study Presentation City Council Workshop
- March 2020 – Recreation Feasibility Study Presentation Parks and Recreation Board
- February 2022 – City Council Workshop Discussion on Potential Bond
- March 2022 - Bond Update Discussion Parks and Recreation Board
- April 2022 – Revised Feasibility Project Cost Estimate to Reflect Current Market Values







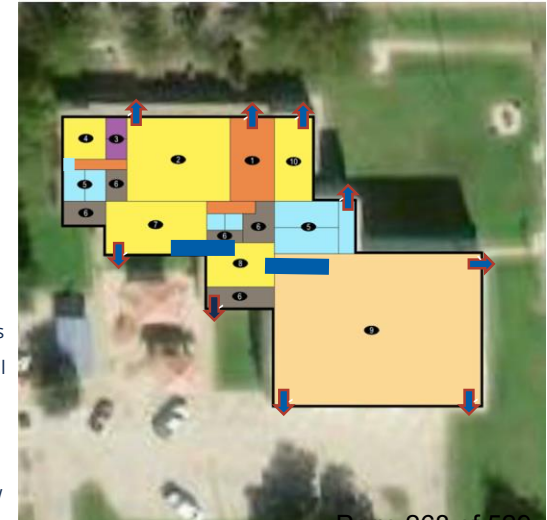


SITE & FACILITY DESIGN - EXISTING FACILITY EVALUATION

GV Daniels Recreation Center - Existing Facility Assessment

Upon visual observation of the existing facility the following items were identified.

- CODE / HEALTH & SAFETY
 - The facility does not have a single main entry. Multiple access and entry points can be a security and safety concern and hard to monitor by facility staff.
 - There is no exterior access from the senior storage area. Egress through multiple spaces is required.
 - The building has no fire suppression system. Due to the size and function of the building likely any new addition or remodel would require the addition of Fire Suppression System.
 - There is existing electrical panels accessible to the public in the gymnasium. When possible we recommend that electrical gear be away from public access.
- EXTERIOR
 - No major structural deficiencies are specifically apparent.
 - There were minor side grading drainage concerns around the gymnasium and NW corner of the building.
- ACCESSIBILITY
 - No major accessibility concern were apparent around the exterior of the building.
 - The existing restrooms in the facility adjacent to the Kitchen does not appear to be TAS compliant.
 - The showers within the new addition restroom do not appear to be TAS compliant.
- ENERGY EFFICIENCY/ MAINTENANCE ISSUES
 - The existing original restrooms are in need of repair and updates. They are very unsightly for a modern facility.
 - There were major signs of piping and mechanical visual deterioration.
 - There were minor roof leak concerns visible noticed at the original building and gymnasium ceilings. The City indicated this was an on-going concern.
 - The current facility would not meet current energy code standards. Single paneled window glazing and minimal building insulation do not contribute to an energy efficient building. Mechanical and Lighting upgrades would also be required to meet current energy codes.
- USER EXPERIENCE / LAYOUT
 - The facility has been modified and remodel a number of time without appreciation to the user experience, thus leading to a lack of curb appeal.
 - Internal columns within the senior community spaces limit the use of the room and flexibility of the space.
 - There is an abundance of fluorescent lighting and minimal natural light for many of the spaces making them less enjoyable to be in.
 - The existing basketball gymnasium appears to be sized for a high school sized court. The playing surface is not ideal for a competitive basketball game. The gymnasium space is the best condition space in the facility.
- SUMMARY
 - The GV Daniels facility has a critical value for the local neighborhood. Small additions or renovations would require the entire building to be brought up to current codes making the cost more than it was worth. With the gymnasium being the newest and highest valued space, there is a potential to save the gym and construct a new recreation center around it.









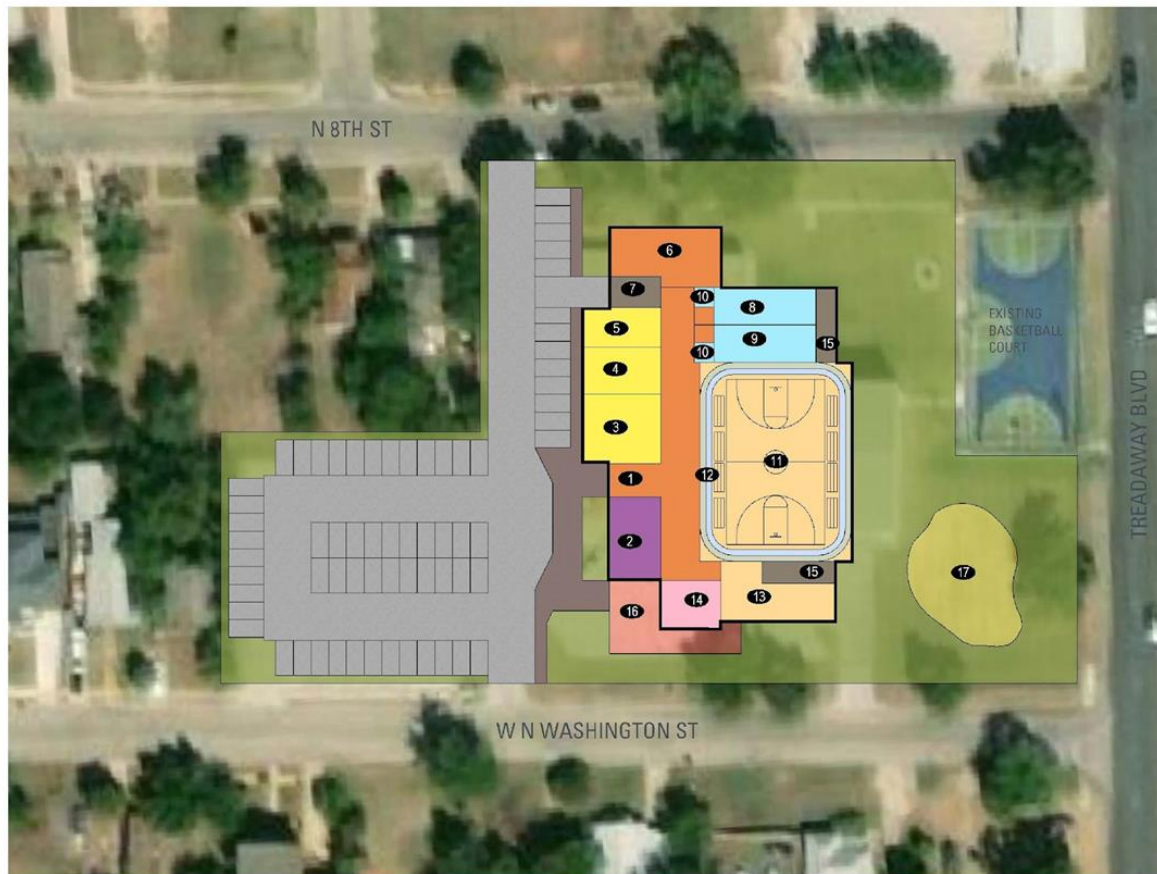
SITE & FACILITY DESIGN - EXISTING FACILITY EVALUATION

Sears Recreation Center - Existing Facility Assessment

Upon visual observation of the existing facility the following items were identified.

- **CODE / HEALTH & SAFETY**
 - There is an unoccupied clinic at the north side of the building. Non occupied spaces can be a concern from a health and safety standpoint.
 - There are potential egress concerns from the fitness and multi-use kids' room. The egress pathway to an exit is fairly lengthy and along a circuitous route.
 - The building has no fire suppression or smoke alarm system. Due to the size and function of the building likely any new addition or remodel would require the addition of Fire Suppression System.
- **EXTERIOR**
 - Evidence of spalling exterior brick can be seen at a number of locations around the perimeter of the building.
 - Moisture was apparent within the exterior brick. It was not clear if this was coming from the infiltration from weather events, or from inside the wall elsewhere.
- **ACCESSIBILITY**
 - Exterior accessibility was not verified however there are a number of site ramps that may not meet current TAS requirements. There is also no accessible egress pathway from the north side building exits. These should be added.
 - There is a small internal floor change by the gym the is not compliant with accessibility requirements.
 - The existing restroom access point is not TAS compliant. Likely the internal layout may have concerns as well.
- **ENERGY EFFICIENCY/ MAINTENANCE ISSUES**
 - The City noted moderate roof leaking concerns visible at the transition between the arching gym form and the newer flat roof north addition. Roof Drainage concerns were also apparent along the north side of the building exterior walls.
 - The current facility would not meet current energy code standards. Single paned window glazing and minimal building insulation do not contribute to an energy efficient building. Mechanical and Lighting upgrades would also be required to meet current energy codes.
- **USER EXPERIENCE / LAYOUT**
 - The small workout spaces is very dated and separated by a curtain. The Space is not conducive to an efficient and enjoyable workout..
 - The existing racquetball court appeared to be in good condition and potentially the flooring and wall paneling system could be salvaged if the facility was demolished.
 - There is an abundance of fluorescent lighting and minimal natural light for many of the spaces making them less enjoyable to be in.
 - The existing basketball gymnasium appears to be sized for a high school sized court. The playing surface is not ideal for a competitive basketball game.
- **SUMMARY**
 - The Sears recreation facility has a number of major concerns that would need to be addressed in the near future as it has reached beyond its useful life. The center plays a critical role to the residents of the neighborhood. The cost to remodel or renovate would be very high knowing that the facility would need to be brought up to current codes. With ample space on site, this facility would be a good location for a new recreation center.





LEGEND

1. ENTRY/ LOBBY / CIRCULATION/ LOUNGE	3,430 SF
2. ADMINISTRATION	1,100 SF
3. YOUTH/GAMES ROOM	1,400 SF
4. CLASSROOM/PARTY/ DRY CRAFT ROOM	950 SF
5. 25 PERSON CLASSROOM	800 SF
6. SENIOR LOUNGE	1,580 SF
7. HEALTHY COOKING/ PREP KITCHEN	415 SF
8. W/ LOCKER/ RESTROOM/ CHANGING	1,086 SF
9. M/ LOCKER/ RESTROOM/ CHANGING	1,086 SF
10. UNISEX/ FAMILY CHANGING	200 SF
11. HIGH SCHOOL GYMNASIUM	5,935 SF
12. WALK/ JOG TRACK	1,840 SF
13. FITNESS & WEIGHTS	1,380 SF
14. INDOOR PLAY	735 SF
15. BUILDING SUPPORT	790 SF

TOTAL AREA +/- 22,727 SF

16. OUTDOOR PATIO	1,535 SF
17. OUTDOOR PLAY GROUND	3,185 SF

TOTAL AREA +/- 4,720 SF

66 PARKING STALLS

SCALE: 1"=50'-0"



G.V. Daniels Recreation Center



LEGEND

1. ENTRY/ LOBBY / CIRCULATION/ LOUNGE	3,430 SF
2. ADMINISTRATION	1,100 SF
3. YOUTH/GAMES ROOM	1,400 SF
4. CLASSROOM/PARTY/ DRY CRAFT ROOM	950 SF
5. 25 PERSON CLASSROOM	800 SF
6. SENIOR LOUNGE	1,580 SF
7. HEALTHY COOKING/ PREP KITCHEN	415 SF
8. W/ LOCKER/ RESTROOM/ CHANGING	1,086 SF
9. M/ LOCKER/ RESTROOM/ CHANGING	1,086 SF
10. UNISEX/ FAMILY CHANGING	200 SF
11. HIGH SCHOOL GYMNASIUM	5,935 SF
12. WALK/ JOG TRACK	1,840 SF
13. FITNESS & WEIGHTS	1,380 SF
14. INDOOR PLAY	735 SF
15. BUILDING SUPPORT	790 SF

TOTAL AREA +/- 22,727 SF

16. OUTDOOR PATIO 1,535 SF

85 PARKING STALLS

SCALE: 1"=50'-0"



Cesar Chavez Recreation Center at Sears Park





Recreation Centers Proposed Cost



Abilene Recreation Center Study

Abilene, Texas

Feasibility Study

Total Project Budget

Date: December 11, 2019

Revised: April 15, 2022

Midpoint Constr: September 1, 2024



**BARKER
RINKER
SEACAT**
ARCHITECTURE

Cesar Chavez Rec. Center		GV Daniels Rec. Center	
Facility Area	\$ 22,722	Facility Area	\$ 22,722
Facility Budget	\$ 8,626,898	Facility Budget	\$ 8,626,898
Total Site Area	\$ 49,053	Total Site Area	\$ 49,053
Acres	\$ 1.13	Acres	\$ 1.13
Total Site Budget	\$ 419,547	Total Site Budget	\$ 486,438
Total Soft Costs	\$ 3,273,060	Total Soft Costs	\$ 3,260,338
Total Budget	\$ 12,319,506	Total Budget	\$ 12,373,674

RECREATION CENTER				Facility Area	Budget	Facility Area	Budget	Notes	
				22,722	\$8,626,898	22,722	\$8,626,898		
SITE PROGRAM ELEMENTS				Site Area	Budget	Site Area	Budget	Notes	
				44,594	\$386,191	44,594	\$386,191		
SITE CONSTRUCTION AREA				Site Area	Budget	Site Area	Budget	Notes	
				4,459	\$33,356	4,459	\$100,246		
OFF-SITE CONSTRUCTION				Site Area	Budget	Site Area	Budget	Notes	
				-	\$0	-	\$0		
SOFT COSTS			New	Unit	FFE Space Area	Budget	FFE Space Area	Budget	Notes

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Kirby Lake Trail System Proposed



Kirby Lake Trail System Proposed Cost



Innovative approaches
Proven results
Outstanding service

OPINION OF PROBABLE CONSTRUCTION COST

PROJECT NAME	Kirby Lake Trail - Option B	DATE	12/30/2021
CLIENT	City of Abilene	GROUP	1155
% SUBMITTAL	Planning Level Cost Summary	PM	Bryan Janhsen

ESTIMATED BY	QC CHECKED BY	FNI PROJECT NUMBER
Bryan Janhsen	Henry Hartshorn	

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
DEMO					
1	Construction Staking/Surveyor	1	AL	\$ 20,000.00	\$ 20,000
2	Temporary Project Signage	5	EA	\$ 250.00	\$ 1,250
3	Tree Protection Fencing (install and remove)	1	AL	\$ 85,000.00	\$ 85,000
4	Clearing and Grubbing	16,000	LF	\$ 25.00	\$ 400,000
5	Clearing	6,900	LF	\$ 7.50	\$ 51,750
9	Erosion Control Fencing (install and remove)	1	AL	\$ 225,000.00	\$ 225,000
10	Trail Excavation/Temporary Stockpile	6,375	CY	\$ 20.00	\$ 127,500
11	Misc. Demo	1	AL	\$ 25,000.00	\$ 25,000
12	Bollard line clearing (on dam)	3,700	LF	\$ 1.25	\$ 4,625
TRAIL SITEWORK					
13	12" Concrete Trail	22,900	LF	\$ 66.00	\$ 1,511,400
14	12" Primitive Trail (cleared, graded and compacted earth)	5,305	LF	\$ 10.00	\$ 53,050
15	Parking Lot Paving (Beltway St)	18,500	SF	\$ 6.50	\$ 120,250
16	Mill EX HMA Pavement (0"-2") (Seg A)	1,660	SY	\$ 18.00	\$ 29,880
17	Prepare Subgrade of Existing Service Drive (20' paving section) (Seg A)	2,365	SY	\$ 22.50	\$ 53,213
18	Prepare Subgrade of Existing Service Drive (20' paving section) (Seg B)	14,500	SY	\$ 22.50	\$ 326,250
19	Prepare Subgrade of Existing Service Drive (20' paving section) (Seg C)	4,500	SY	\$ 22.50	\$ 101,250
20	Overlay 2" HMA Pavement with Tack Coat (Seg A)	2,365	SY	\$ 20.00	\$ 47,300
21	Overlay 2" HMA Pavement with Tack Coat (Seg B)	14,500	SY	\$ 20.00	\$ 290,000
22	Overlay 2" HMA Pavement with Tack Coat (Seg C)	4,500	SY	\$ 20.00	\$ 90,000
23	Refl. Pavement Marking Type 1 (V)(4") (SOLID) (Seg A)	1,050	LF	\$ 2.50	\$ 2,625
24	Refl. Pavement Marking Type 1 (V)(4") (SOLID) (Seg B)	6,500	LF	\$ 2.50	\$ 16,250
25	Refl. Pavement Marking Type 1 (V)(4") (SOLID) (Seg C)	2,015	LF	\$ 2.50	\$ 5,038
26	Prefab Pedestrian Bridge (non-vehicular rated)(12' wide)	150	LF	\$ 1,500.00	\$ 225,000
27	Pedestrian Bridge Abutments	2	EA	\$ 20,000.00	\$ 40,000
28	Permatrak - Concrete Decking (12' wide with railing)	2,280	SF	\$ 115.00	\$ 262,200
29	Low Water Crossing (50')	1	EA	\$ 25,000.00	\$ 25,000
32	Finished Grading on Other Side of Trail	1	LS	\$ 275,000.00	\$ 275,000
33	Solid Sod (common bermuda)	114,500	SF	\$ 0.65	\$ 74,425
34	Hydroseeding (common bermuda)	1	AL	\$ 27,500.00	\$ 27,500
35	Vegetative Watering	1	AL	\$ 20,000.00	\$ 20,000
TRAIL AMENITIES					
36	Trail Head Feature	3	EA	\$ 40,000.00	\$ 120,000
37	Picnic Table and Concrete Pad	6	EA	\$ 8,500.00	\$ 51,000
38	Water Fountain/Hookup	1	EA	\$ 15,000.00	\$ 15,000
39	Pet Waste Station	20	EA	\$ 850.00	\$ 17,000
40	Trash Receptacle	20	EA	\$ 3,000.00	\$ 60,000
41	Solar Powered/Cellular Safety Beacon (incl. foundation)	10	EA	\$ 9,500.00	\$ 95,000
42	Public Work Bike Stand	2	EA	\$ 3,500.00	\$ 7,000
SUBTOTAL					\$ 4,900,755
OWNER'S CONTINGENCY (10%)					\$ 490,076
SUBTOTAL					\$ 5,390,831

Kirby Lake Trail System Proposed Cost

PROJECT NAME	Kirby Lake Trail - Option B	DATE	12/30/2021
CLIENT	City of Abilene	GROUP	1155
% SUBMITTAL	Planning Level Cost Summary	PM	Bryan Janhsen

ESTIMATED BY	QC CHECKED BY	FNI PROJECT NUMBER
Bryan Janhsen	Henry Hartshorn	

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
MOBILIZATION (5%)				\$	269,542
CONSTRUCTION TOTAL (2022 COSTS)				\$	5,880,906
BASIC AND SPECIAL PROFESSIONAL SERVICES (12%)				\$	705,709
PROJECT TOTAL (2022 COSTS)				\$	6,586,615



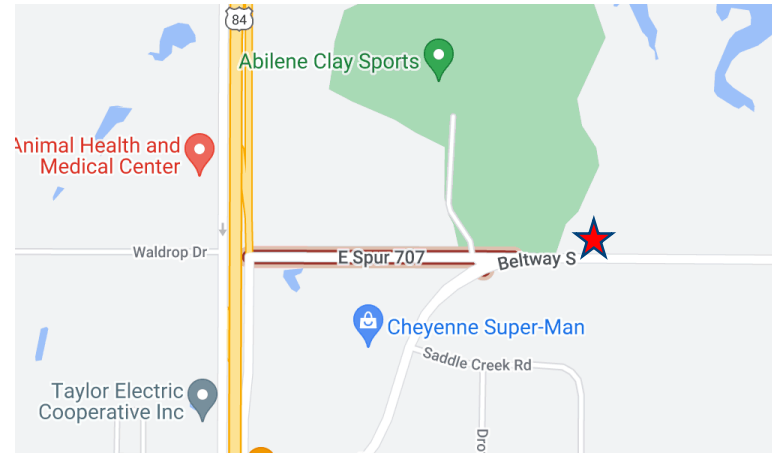
FIRE STATION #9 BOND PROJECT

2022



Fire Station #9

- Located on Hwy 707 near the Beltway and 707 Spur
 - Quick access to Hwy 83/84
 - Service area would include far south side of Abilene
 - Possible automatic aid responses with Potosi
- Single company fire station
 - (4) Full-time personnel
 - (1) Fire Engine
 - (1) Brush Truck

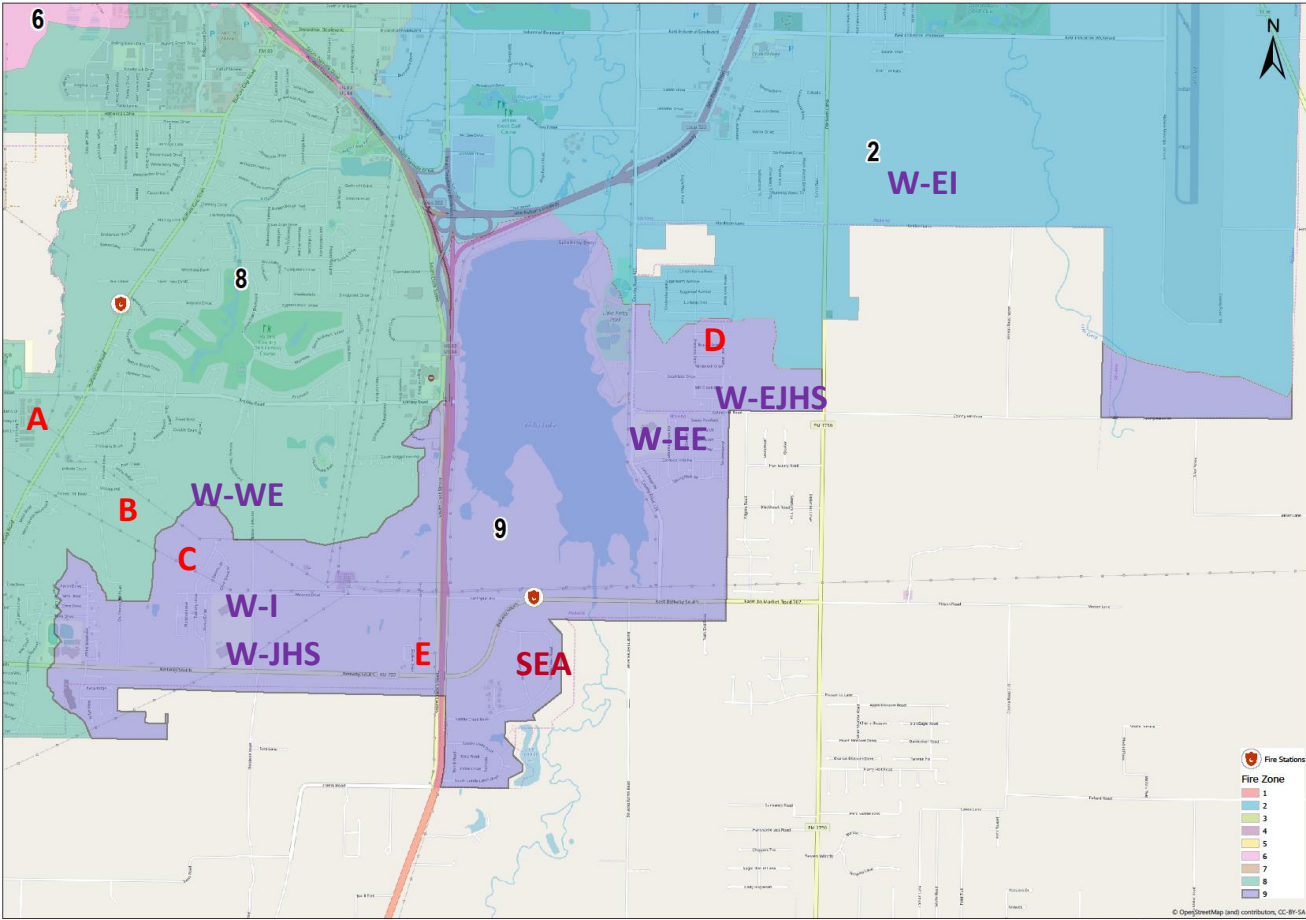


Need for Additional Fire Station

- Approximately 1066 newly constructed homes sold/built in the Wylie ISD area since late 2018/early 2019
- At least 500 additional homes discussed for the Wylie ISD area
 - Additional Southside housing developments
 - Townhomes/Duplexes
 - Apartment Complexes
- Growth of Wylie School District
- Commercial Growth Increasing in South Abilene
- Increase of over 4000+ responses in a 5-year period



City of Abilene: Station 9 Fire Zone Analysis



Coverage Area

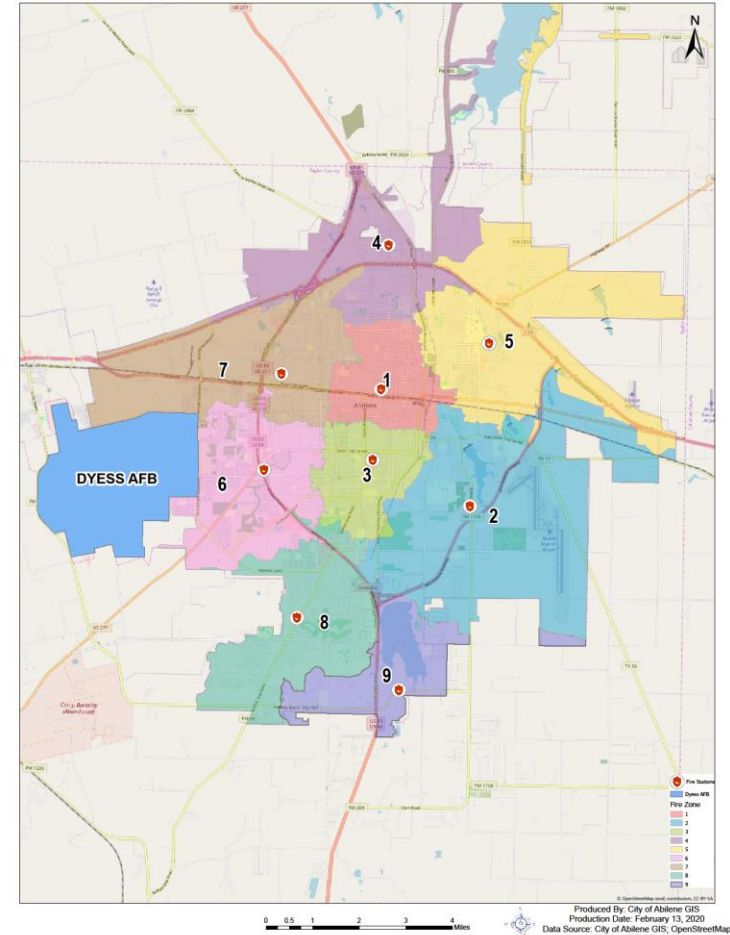
- Original Fire Districts:

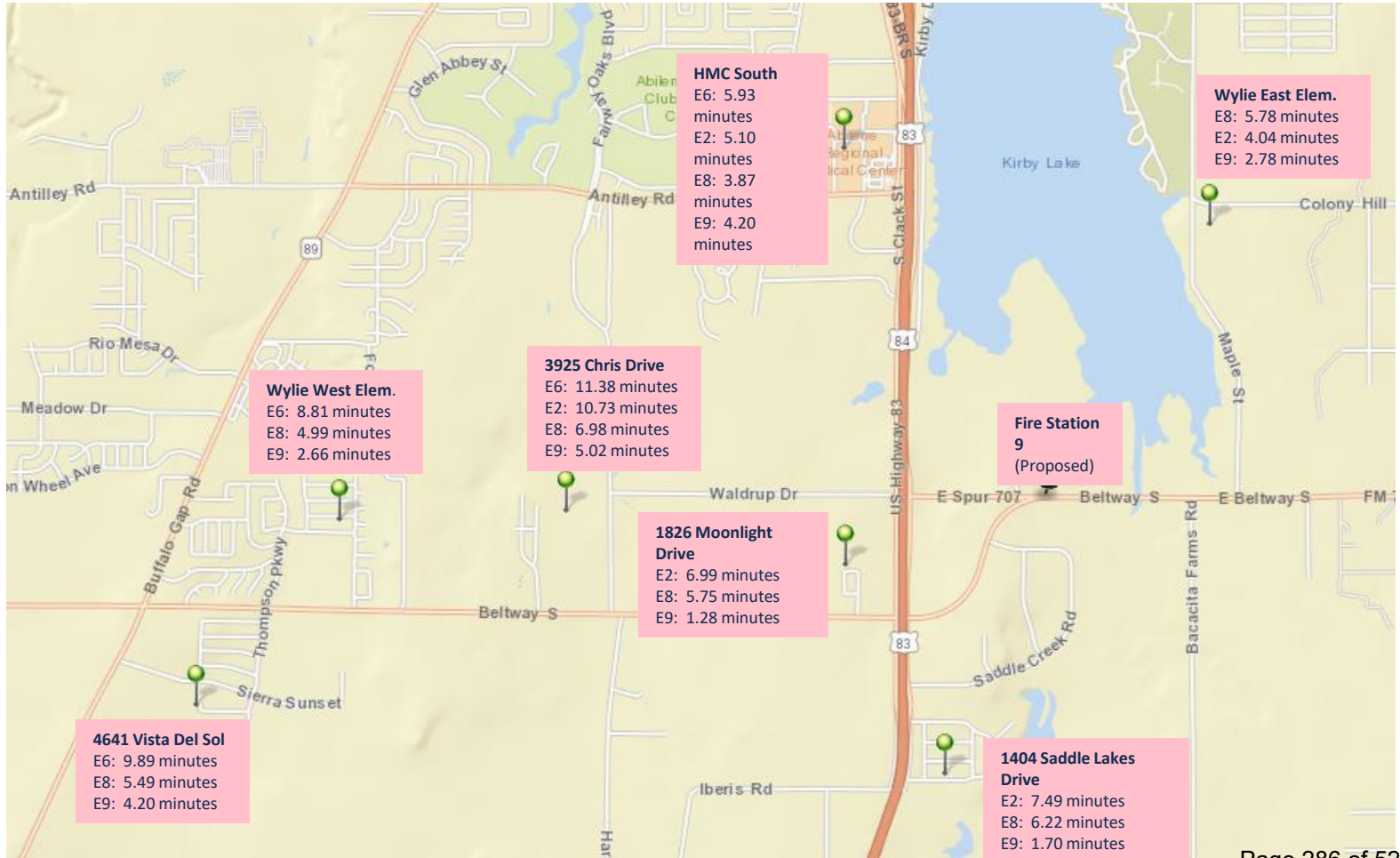
- **Fire District 1:** 4.7 Square Miles
- **Fire District 2:** 20.3 Square Miles
- **Fire District 3:** 3.8 Square Miles
- **Fire District 4:** 16.9 Square Miles
- **Fire District 5:** 25.5 Square Miles
- **Fire District 6:** 8.3 Square Miles
- **Fire District 7:** 11.7 Square Miles
- **Fire District 8:** 13.7 Square Miles

- Fire Districts with District 9:

- **Fire District 1:** 4.7 Square Miles
- **Fire District 2:** 18.7 Square Miles
- **Fire District 3:** 2.8 Square Miles
- **Fire District 4:** 16.9 Square Miles
- **Fire District 5:** 25.5 Square Miles
- **Fire District 6:** 8.3 Square Miles
- **Fire District 7:** 11.7 Square Miles
- **Fire District 8:** 9.8 Square Miles
- **Fire District 9:** 5.5 Square Miles

City of Abilene: Fire Zones Including Zone 9





Bond Project Proposal

- 12,000 – 14,000 square foot building
- (4) Double-sized apparatus bays
- (8-10) Bedrooms
 - (2) Officer bedrooms
 - (6-8) Firefighter bedrooms
- Offices
- 3 Acres (City-owned property)



Fire Station #9 Project Costs

- \$557 per square foot
- 12,000 sq. ft. X \$557 = \$6,684,000.00 Construction
- Design and Engineering (7%) = \$467,880.00
- Furniture, Fixtures and Equipment = \$232,120.00
- Contingency Fund = \$300,000.00

TOTAL PROJECT BUDGET: \$7,684,000.00



Proposition A

CITY OF ABILENE, TEXAS SPECIAL ELECTION

CITY OF ABILENE, TEXAS PROPOSITION A

THE ISSUANCE OF \$8,000,000 TAX BONDS BY THE CITY OF ABILENE, TEXAS FOR CONSTRUCTING AND EQUIPPING PUBLIC SAFETY FACILITIES FOR THE ABILENE FIRE DEPARTMENT, AND LEVYING A TAX SUFFICIENT TO MAKE THE PAYMENTS OF PRINCIPAL AND INTEREST THEREON.

FOR ()

AGAINST ()



Proposition B

CITY OF ABILENE, TEXAS SPECIAL ELECTION

CITY OF ABILENE, TEXAS PROPOSITION B

THE ISSUANCE OF \$32,000,000 TAX BONDS BY THE CITY OF ABILENE, TEXAS FOR CONSTRUCTING AND EQUIPPING PARKS AND RECREATION FACILITIES AND IMPROVEMENTS, AND LEVYING A TAX SUFFICIENT TO MAKE THE PAYMENTS OF PRINCIPAL AND INTEREST THEREON.

FOR ()

AGAINST ()



DECISION POINTS

Does the City Council desire to call a November Bond election?

Does the City Council desire to call an election for both Proposition A and Proposition B, or only for Proposition A or Proposition B?



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 18. 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, By Amending Two (2) School Zones near Bassetti Elementary and Wylie Early Childhood Center; Adding Two (2) Existing Zones on Beltway South (FM 707); and Adding a New School Zone on Oldham Ln (FM 1750) (*Max Johnson*)

GENERAL INFORMATION

Update the City of Abilene Code of Ordinance by Amending two (2) School Zones and Adding three (3) School Zones.

SPECIAL CONSIDERATIONS

TxDOT will be installing the school zone on Oldham Ln/FM1750. Afterwards, the City of Abilene will maintain the zone.

FUNDING/FISCAL IMPACT

No Fiscal Impact at this time

STAFF RECOMMENDATION

Approve

BOARD OR COMMISSION RECOMMENDATION

NA

ATTACHMENTS:

1. 2022 Ord_Amend_School_Zones Bassetti and various Wylie schools
2. Red Line and Black Line Versions Bassetti
3. Red Line and Black Line Measurement Corrections for Wylie Early Childhood Center School Zone
4. Black Line School Zone Additions for Wylie Schools (1)
5. School Zone ppt (2)

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 location and allowed speed of the school speed zone at Bassetti Elementary needs to be updated; and

WHEREAS, the location of the school speed zone at Wylie Early Childhood Center needs to be updated; and

WHEREAS, school speed zones need to be added at Wylie East Intermediate, Wylie West Intermediate, and Wylie West Junior High; 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 28th 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 7th day of August, 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 11th day of August, 2022, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 11th day of August 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Exhibit A

Adding the following school speed zones:

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

(d) 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 thirty-five (35) 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
Bassetti Elementary	US Hwy 277	525 feet south of Twilight Trail to 300 feet north of Butterfield Meadows Parkway
Wylie Early Childhood Center	Buffalo Gap Road	440 feet south of Antilley Road to 640 feet north of Antilley Road
Wylie East Intermediate	Oldham Lane/FM 1750	260 feet south of Hardison Lane to 200 feet north of Prado Verde Drive
Wylie West Intermediate	Beltway South/FM 707	150 feet west of Tuscany Dr to 245 feet east of Hardwick Road
Wylie West Junior High	Beltway South/FM707	270 feet east of Thompson Parkway to White Boulevard

School Zone Ordinance in City Code

Red Line Version

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

(e)

~~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 forty (40) 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
Bassetti Elementary	Hwy. 277 Southbound	530 feet south of Twilight Tr. to 1,970 feet south of Twilight Tr.
Bassetti Elementary	Hwy. 277 Northbound	From 1,030 feet south of Twilight Tr. to 2,370 feet south of Twilight Tr.

Black Line Version

d)

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 thirty-five (35) 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
Bassetti Elementary	US Hwy 277	525 feet south of Twilight Trail to 300 feet north of Butterfield Meadows Parkway

Measurement Corrections for Wylie Early Childhood Center School Zone

Red Line Version

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

(d)

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 thirty-five (35) 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 Elementary	Buffalo Gap Rd Southbound	710 feet north of Antilley Rd to 100 feet south of Antilley Rd.
Wylie Elementary	Buffalo Gap Rd Northbound	230 feet south of Antilley Rd to 710 feet north of Antilley Rd.

Black Line Version

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

(d)

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 thirty-five (35) 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 Early Childhood Center	Buffalo Gap Road	440 feet south of Antilley Road to 640 feet north of Antilley Road

School Zone Additions for Wylie Schools

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

(d)

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 thirty-five (35) 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 Intermediate	Oldham Lane/FM 1750	260 feet south of Hardison Lane to 200 feet north of Prado Verde Drive
Wylie West Intermediate	Beltway South/FM 707	150 feet west of Tuscan Drive to 245 feet east of Hardwick Road
Wylie West Junior High	Beltway South/FM 707	270 feet east of Thompson Parkway to White Boulevard

Agenda Item:
**Amending “Chapter 18, Article XIII,
Section 18-286, Decreased Speed
Limits – School Zones” of the Abilene
Municipal Code**
(Johnson)



School Zone Modifications and Additions

- ***Bassetti Elementary*** – Hwy 277
 - Amend code from 40 mph to 35 mph
- ***Wylie Early Childhood Center*** – Buffalo Gap Road
 - Amend code to accurately reflect distance of zone
- ***Wylie East Intermediate*** – Oldham Lane/FM 1750
 - Amend code to add new school zone
- ***Wylie West Intermediate*** – Beltway South/FM 707
 - Amend code to add new school zone
- ***Wylie West Junior High*** – Beltway South/FM 707
 - Amend code to add new school zone



Bassetti School Zone

SCHOOL

SPEED
LIMIT
35

7:15-8:30 AM
3:00-4:00 PM

CELL PHONE
USE
PROHIBITED
UP TO \$200 FINE

Hwy 277

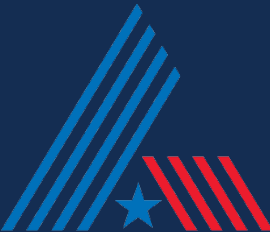
Bassetti Elementary School

SCHOOL

SPEED
LIMIT
35

7:15-8:30 AM
3:00-4:00 PM

CELL PHONE
USE
PROHIBITED
UP TO \$200 FINE



Wylie Early Childhood West School Zone

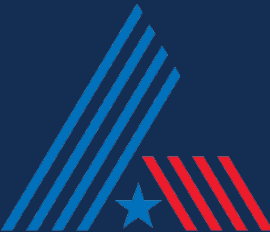
SCHOOL
SPEED
LIMIT
35
7:15-8:30 AM
3:00-4:00 PM
CELL PHONE
USE
PROHIBITED
UP TO \$200 FINE

Buffalo Gap Road/FM 89

Wylie Early Childhood
Center

Antilley Road

SCHOOL
SPEED
LIMIT
35
7:15-8:30 AM
3:00-4:00 PM
CELL PHONE
USE
PROHIBITED
UP TO \$200 FINE



Wylie East Intermediate School Zone



Wylie East Intermediate
School

Hardison Ln

SCHOOL
SPEED
LIMIT
35
7:15-8:30 AM
3:00-4:00 PM
CELL PHONE
USE
PROHIBITED
UP TO 2000 FINE

SCHOOL
SPEED
LIMIT
35
7:15-8:30 AM
3:00-4:00 PM
CELL PHONE
USE
PROHIBITED
UP TO 2000 FINE

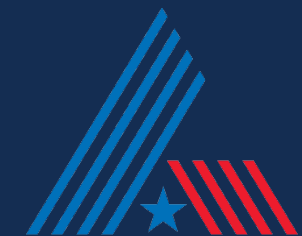
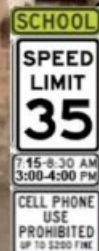
Oldham Ln

Wylie West Intermediate School Zone

Wylie West Intermediate School

Hardwick Rd

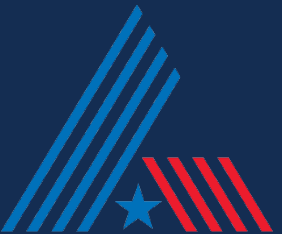
Beltway S/FM 707



Wylie West Junior High School Zone



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **19. Ordinance (Final Reading) CUP-2022-06:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Patrick Batten Represented By Rylie Batten For Approval Of A Conditional Use Permit Allowing A Group Home (A.K.A. Halfway House) On Approximately .16 Acres Of Residential Medium Density (MD) District at 1242 Orange St In North Abilene, Legal Description Being Lot 12 In Block F Of Steffens & Lowden, Abilene, Taylor County, Texas. *(Tim Littlejohn)*

GENERAL INFORMATION

Add a Conditional Use Permit (CUP) to allow for a Halfway House (Group Home) on .16 acres of land zoned Residential Medium Density (MD).

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission approved this request on July 5, 2022.

ATTACHMENTS:

1. CUP ordinance
2. CUP-2022-06 Staff Report
3. Concept Plan Waiver 2022-06
4. 1234 Orange Street
5. 1310 Orange Street
6. 1241 Beech Street
7. 1241 Orange Street
8. 1301 Orange Street
9. 1225 Orange - CUP-2022_06
10. CUP-2022-06 PZC presentation

ORDINANCE NO. _____

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 28rd 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 11th day of June 2022, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 11th day of August 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 11th day of August 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Approve a Conditional Use Permit (CUP) to allow a Halfway House (Group Home) to be located on property zoned Medium Density (MD).

Legal description being Lot 12, Block F of the Stephens & Lowden Addition, City of Abilene, Taylor County, Texas.

Located at 1242 Orange Street, Abilene, Taylor County, Texas.



END

ZONING CASE CUP-2022-06

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: July 5, 2022

City Council 1st Reading: July 28, 2022

City Council 2nd Reading: August 11, 2022

Applicant

Owner: Patrick Batten

Agent: Rylie Batten

Request

A Conditional Use Permit (CUP) to allow a Halfway House (Group Home) on 0.16 acres zoned Residential Medium Density (MD).

Location

1242 Orange Street, on Lot 12, Block F of the Steffens & Lowden Addition.

Background

The subject property was annexed in 1895 and is located in the Neighborhood Empowerment Zone.

The owner proposes a halfway house, which is permitted in the Residential Medium Density (MD) District subject to the approval of a CUP.

Zoning and Existing Land Use

The attached exhibits illustrate that all of existing zoning is MD, with residential uses and some vacant lots. The existing building appears to have two separate dwelling units.

Criteria Assessment

Staff reviewed the request based upon the factors set out in Section 1.4.3.5 of the Land Development Code, as described below

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

The Future Land Use and Development Plan Map identifies this area as Low Density Residential. The Comprehensive Plan encourages infill and redevelopment of existing development, as does the Neighborhood Empowerment Zone.

The proposed zoning map amendment will implement the goals, objectives, and policies of the Comprehensive Plan and the Future Land Use map.

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

A half-way house at this location would be consistent with the general purposes of the Residential Medium Density District.

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.**

The proposed use is appropriate at this location and should not create adverse impacts on the surrounding area. The use should have a similar intensity to the adjacent uses.

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.**

The proposed use should generate pedestrian and vehicular traffic that is comparable to the other residences in this 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.**

The proposed use will not be of an intensity that would require any traffic improvements.

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

The subject site will function as a residence and does not require any improvements to fit in with the surrounding neighborhood.

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, no variations from the standards for the zoning district are necessary to render the use compatible with adjoint development and the neighborhood.

Commission Recommendation:

Approval.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on June 23, 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, as are the responses of the owners regarding the proposed CUP.

TABLE 1**Owner/Property ID**

OWNER	PROP_ID	SITUS	RESPONSE
ABOR JEROME	45122	1301 ORANGE ST	O
BATTEN PATRICK & ERICA	48713	1242 ORANGE ST APT 1	
CANO GABINO & ELIA	46331	1342 N 12TH ST	
DALZELL DAVID E	45826	1233 ORANGE ST	
DAVILA DANIEL GUARJARDO	41548	1317 BEECH ST	
DELEON THELMA E	44588	1309 BEECH ST	
DUARTE YENI M	47586	1217 BEECH ST	
ELROD JAMES T & ELOIS E LF EST	45697	1241 ORANGE ST	O
FLORES RICKY V	44715	1442 N 13TH ST	
GIRTZ HERMAN ROBERT	47712	1209 BEECH ST	
JGN PROPERTIES LLC SERIES D1	46084	1217 ORANGE ST	
JOHNSON RON L	47469	1225 BEECH ST	
JONES RODERICK L	48437	1226 ORANGE ST	
JUAREZ JOSIE	44960	1310 ORANGE ST	O
LANDEROS ROSIE	48308	1218 ORANGE ST	
LARRAGA ANGEL ORTIZ &	48073	1202 ORANGE ST	
OKELLO BRENDA JOSIE	48586	1234 ORANGE ST	O
PEREZ MARY ANN	45954	1225 ORANGE ST	O
PISTOLE JAMES J	39877	1317 ORANGE ST	
R & P RENTAL PROPERTIES LLC	47213	1241 BEECH ST	O
REVELL TOMIE G	41675	1318 ORANGE ST	
ROBERSON CLAYTON TYLER &	48191	1210 ORANGE ST	
RODRIQUEZ MARIA ROSARIO	46465	1334 N 12TH ST	
TORRES JOSE A	47348	1233 BEECH ST	
VALENZUELA JUANITA F	44826	1302 ORANGE ST	

OWNER	PROP_ID	SITUS	RESPONSE
PISTOLE JAMES J	39877	1317 ORANGE ST	
DAVILA DANIEL GUARJARDO	41548	1317 BEECH ST	
REVELL TOMIE G	41675	1318 ORANGE ST	
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VALENZUELA JUANITA F	44826	1302 ORANGE ST	
JUAREZ JOSIE	44960	1310 ORANGE ST	O
ABOR JEROME	45122	1301 ORANGE ST	O
ELROD JAMES T & ELOIS E LF EST	45697	1241 ORANGE ST	O
DALZELL DAVID E	45826	1233 ORANGE ST	
PEREZ MARY ANN	45954	1225 ORANGE ST	<u>O</u>
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LANDEROS ROSIE	48308	1218 ORANGE ST	
JONES RODERICK L	48437	1226 ORANGE ST	
OKELLO BRENDA JOSIE	48586	1234 ORANGE ST	O
BATTEN PATRICK & ERICA	48713	1242 ORANGE ST APT 1	

ZONING MAP



LOCATION MAP



Attachments

Application

Conceptual Plan



Concept Plan Waiver

To: Grand Works LLC

07/01/2022

Re: Concept Plan Waiver

This letter is to inform you that a concept plan requirement has been waived for this project. Staff feels a concept plan is not needed in order to make a decision for the request of the conditional use permit.

Thank you,

Timothy A Littlejohn

Director of Planning and

Development Services

CASE #: CUP-2022-06

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: OKELLO BRENDA JOSIE

Parcel I.D.: 48586

Address: 1234 ORANGE ST

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: Brenda Okello

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.

JUL 21 AM 10:54

CASE #: CUP-2022-06

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: JUAREZ JOSIE
Parcel I.D.: 44960
Address: 1310 ORANGE ST

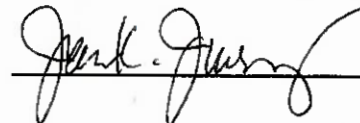
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☐

Strongly
I am opposed ☒

Additional Comments:

Signature: 

I already pick up trash & Drug Paraphernalia from my front yard weekly, give these people a better chance than this neighborhood.

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-2022-06

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: R & P RENTAL PROPERTIES LLC
Parcel I.D.: 47213
Address: 1241 BEECH ST

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: Regie Ruessly

JUL 8 AM 10:32

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-2022-06

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: ELROD JAMES T & ELOISE LF EST

Parcel I.D.: 45697

Address: 1241 ORANGE ST

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

Email: planning@abilenextx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature:

Elvis Elrod

JUN 29 AM 11:40

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-2022-06

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: ABOR JEROME

Parcel I.D.: 45122

Address: 1301 ORANGE ST

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: 

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.



Littlejohn, Tim <tim.littlejohn@abilenetx.gov>

[Planning] CUP-2022_06

1 message

Crystal Perez <perez.crystal748@gmail.com>
To: planning@abilenetx.gov

Thu, Aug 4, 2022 at 7:46 AM

MaryAnn Perez
1225 Orange
Abilene, TX 79601
Parcel-45954

I am opposed.
We are a family neighborhood with children.
1141, 1317, 1325 Orange need attention.

--

You received this message because you are subscribed to the Google Groups "Planning Services" group.
To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.
To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CANEV5NAFS4dWGGSUjtkEVQyoS30Ou%2B-3gM0-Un29nHEdidR0xw%40mail.gmail.com>.

Case:	CUP-2022-06
Owner:	Patrick Batten
Agent:	Rylie Batten
Request:	CUP to allow a Halfway House (MD District)
Location:	1242 Orange Street
Public Input:	0 in favor, 6 opposed
Planning & Zoning:	July 5, 2022
City Council Hearings:	1 st : July 28 th , 2022 2 nd : August 11 th , 2022

CUP-2022-06 LOCATION MAP



CUP-2022-06 LOCATION MAP WITH AERIAL



Location Map
(Aerial)



Legend

- CUP-2022-06
- CourierParcels

CUP-2022-06 CURRENT ZONING MAP





Legend

- CUP-2022-06
- Neighborhood Empowerment Zone

Permitted Uses in MD Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- C Dwelling – Institutional
- P Dwelling – Multiple-Family
- P Dwelling – Single-Family Detached
- C Group Home (Halfway House)**

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Homeless/Emergency Shelter
- C Rehabilitation Facility
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- C Day-Care Operation - Center-Based
- P School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

***Occupancy: Every bedroom shall contain not less than 70 sq.ft. and every bedroom occupied by more than one person shall contain not less than 50 sq.ft. of floor area for each occupant thereof.**

LEGEND

P
C
TP

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

Subject Property East View



Subject Property South View



East Neighbor



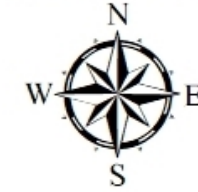
South Neighbor



CUP-2022-06 NOTIFICATION AREA MAP



Notification Map



Legend

- 200' Notification Buffer
- CUP-2022-06

0 - In Favor-

6- Opposed-

18.83% in opposition

The proposed use is:

- Consistent with the *Comprehensive Plan*;
- Compatible with the surrounding uses; and
- Satisfies the Criteria for Approval of the LDC

P&Z Recommendation: Approval.

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **20. Ordinance (Final Reading) Z-2022-14:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Weatherbee Construction Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 104 Specifically Rezone approximate 14.34 acres currently Residential Medium Density to create and add tract 6 of Planned Development District (PD- 104) and modifying PD-104 to add and allow 50' wide residential lots as a permitted use within all tracts, save and except, Lot 1, Block A (MF), Trails of Abilene Addition. *(Tim Littlejohn)*

GENERAL INFORMATION

Rezone approximately 98.63 acres from Planned Development (PD) and Medium Density to Plan Development (PD) District modifying PD-104 to add 50' wide residential lot potential to the residential mix as a use in all districts that allow residential uses.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission approved this request on July 5, 2022.

ATTACHMENTS:

1. Z-2022-14 Ordinance amending PD 104
2. PDD-104 Amnd 11-5-15
3. PDD-104 Ordinance 24-2006
4. Exhibit
5. 124 Lytle Place Drive
6. Z-2022-14 PD-104 staff report
7. Z-2022-14 PD-104 PZC Presentation

ORDINANCE NO. _____

PAGE 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE AND CONCERNING PD-104, A PLANNED DEVELOPMENT DISTRICT, AND ORDINANCE NUMBER 24-2006; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That the Land Development Code of the City of Abilene is hereby amended by changing Ordinance Numbers 24-2006; specifically, as set out in Exhibit "A" attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING this 28th 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 17th day of June, 2022, the same being more than fifteen (15) days prior to a public hearing held at the Council Chamber at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 11th day of August, 2022, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 11th day of August, 2022.

ATTEST:

Shawna Atkinson,
CITY SECRETARY

Anthony Williams,
MAYOR

APPROVED:

Stanley Smith,
CITY ATTORNEY

ORDINANCE NO. _____

Exhibit "A"

3rd Amendment to Ordinance No. 24-2006.

PART 5: Legal Description: Tract 6

ADD: BEING 14.34 acres of land and being out of the Northeast 1/4 of Section 62, Abstract 781, Blind

Asylum Lands, Taylor County, Texas, said Northeast 1/4 being part of that same tract conveyed unto the

State of Texas from the City of Abilene and recorded in Volume 14, Page 127, Deed Records, Taylor

County, Texas, said 14.34 acre tract being more particularly described as follows:

BEGINNING at a set 1/2" rebar on the WBL of said Northeast 1/4 of Section 62, from whence a 3/8"

rebar found at the Southwest corner of the Northeast 1/4 of said Section 62 and the Northeast corner of a

48.37 acre tract recorded in Volume 3010, Page 154, Official Public Records, Taylor County, Texas,

bears S0°05'23"E 836.78 feet;

THENCE N0°05'23"W 730.53 feet to the SBL of South 27 th Street;

THENCE N89°37'47"E 110.65 feet along the SBL of South 27 th Street to the beginning of a curve to the left;

THENCE along said curve to the left with a radius of 1498.53 feet and a chord bearing and distance of

N74°18'E 792.37 feet to a set 1/2" rebar at the most Northerly Northwest corner of an existing 84.29 acre

tract;

THENCE along the Westerly boundary line of said 84.29 acre tract to set 1/2" rebar as follows:

S10°59'00"W 699.0 feet,

S41°31'05"E 300.67 feet and S87°54'18"W 939.06 feet to the place of beginning and containing 14.34

acres of land.

PART 7: Specific Modifications: The following regulations shall govern the use and development of this Planned Development District:

ADD: A. Permitted Uses:

6. Tract 6:

Shall develop under the provisions of Residential Medium Density zoning district, except as modified in Part 7.B.14 of this ordinance.

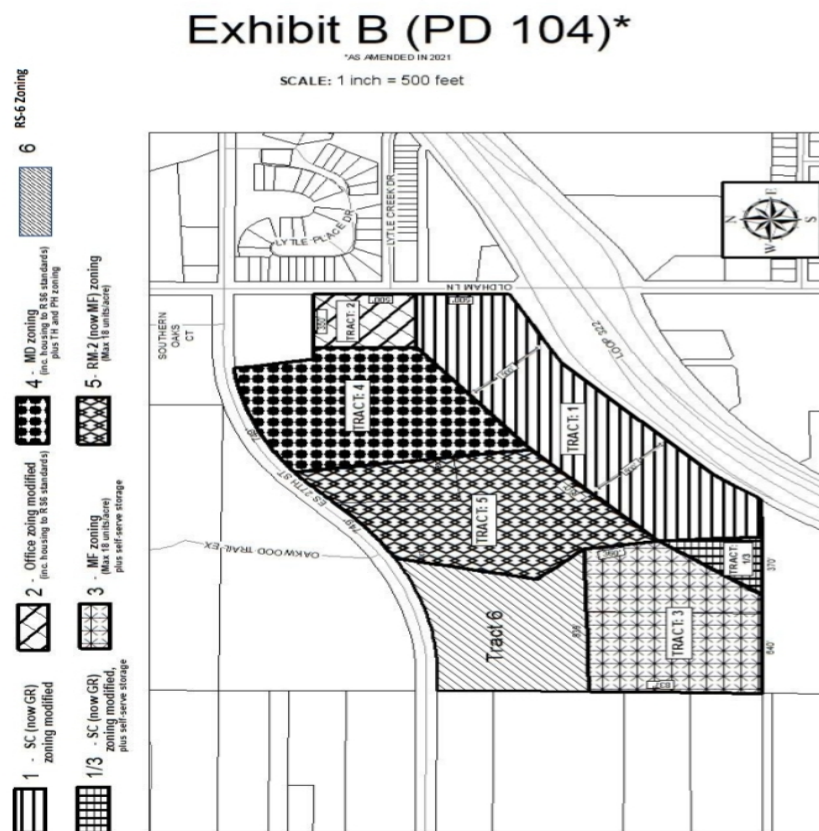
7. All Tracts Save and except lot 1, Block A, Trails of Abilene Addition:

ORDINANCE NO. _____

EXHIBIT "B"

PAGE 3

7. Minimum lot size shall be 50 feet by 100 feet.
8. 5,000 sq.ft lots shall have a minimum side yard setback of 5 feet.



END

ORDINANCE NO. 57-2015

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-104 AND ORDINANCE NO. 24-2006 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 24-2006, as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING this 22nd day of October A.D. 2015.

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 18th day of September, 2015, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 p.m., on the 5th day of November, 2015, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 5th day of November, A.D. 2015.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

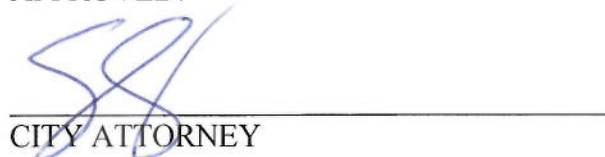

CITY ATTORNEY

Exhibit "A"

1st Amendment to Ordinance No. 24-2006

AMEND: PART 7: Specific Modifications. Sub-part (A) (3) as follows:

ADD: Add the MD (Medium Density Residential) district to define permitted uses

3. Tract 3:

- Uses permitted in the MD (Medium Density Residential) district. Development under the MD standards must meet the requirements of Part 7.B.14 of this ordinance.
- Self Storage units are permitted in Tract 3 subject to the following limitations:
 - a. Front exterior facades must be at least 75% masonry, brick, stone, stucco, EIFS, or any combination of the preceding.
 - b. Any exterior facade other than the front that is visible from any public right-of-way shall be at least 75% masonry, brick, stone, stucco, EIFS, or any combination of the preceding.
 - c. All building materials, including doors, that are visible from a public right-of-way shall be of a neutral color.
 - d. Outside storage (including RV storage) is not permitted.
 - e. Fencing requirements:
 - 1. Chain link fencing may be used on the north side and/or the west side
 - 2. No barbed or razor wire fencing may be used.
 - 3. Masonry or wrought iron fencing may be used in any area.
 - f. Sufficient refuse containers must be provided and shall be fully screened from view of the public right-of-way or any roadway.
 - g. Buildings must be on concrete foundations and all parking and maneuvering areas shall be concrete and/or asphalt.

-END-

ORDINANCE NO. 24-2006

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-104 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

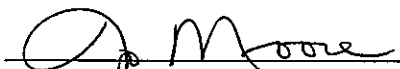
PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue,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

PASSED ON FIRST READING this 13th day of April A.D. 2006.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of March, 2006, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 27th day of April, 2006, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

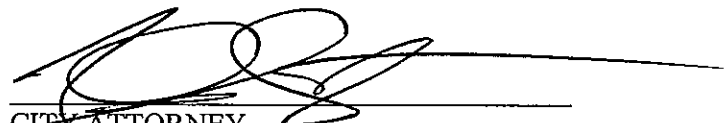
PASSED ON SECOND AND FINAL READING THIS 22nd day of June, A.D. 2006.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY
T. Daniel Santee II
First Assistant City Attorney

ORDINANCE NO. _____

Exhibit "A"

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

PART 2: Development Specifications. All development in the Planned Development District shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development District must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

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

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space to PDD (Planned Development District).

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

PART 5: Legal Description. The legal description of this PDD is as follows:

BEING 84.29 acres of land and being out of the Northeast 1/4 of Section 62, Abstract 781, Blind Asylum Lands, Taylor County, Texas, said Northeast 1/4 being part of that same tract conveyed unto the State of Texas from the City of Abilene and recorded in Volume 14, Page 127, Deed Records, Taylor County, Texas, said 84.29 acre tract being more particularly described as follows:

BEGINNING at a 3/8" rebar found at the Southwest corner of the Northeast 1/4 of said Section 62 for the Southwest corner of this tract, the Northeast corner of a 48.37 acre tract recorded in Volume 3010, Page 154, Official Public Records, Taylor County, Texas and the Northwest corner of a 13.37 acre tract surveyed by Williams Surveying Company on June 22, 2005, said point of beginning also bears S19°50'W 1756.95 feet from City of Abilene Survey Marker # 48 which has a posted position by the City of Abilene as: Texas Plane Coordinates, N. C. Zone, X = 1316698.83, Y = 278803.50.

THENCE N0°05'23"W 836.78 feet to a 1/2" rebar set;

THENCE N87°54'18"E 939.06 feet to a 1/2" rebar set;

THENCE N41°31'05"W 300.67 feet to a 1/2" rebar set;

THENCE N10°59'00"E 699.0 feet to a 1/2" rebar set in a curve to the left on the SBL of South 27th Street for the most Northerly Northwest corner of this tract;

THENCE along the SBL of South 27th Street and said curve to the left having a radius of 1498.53 feet, a length of 375.04 feet and a chord bearing and distance of N51°47'58"E 374.06 feet to a 1/2" rebar set at the end of said curve to the left;

THENCE N44°37'47"E (N45°20'E = record bearing) 253.10 feet along the SBL of said street to a 1/2" rebar set at the beginning of a curve to the right;

THENCE along the SBL of said street and said curve to the right having a radius of 1274.55 feet, a length of 854.82 feet, and a chord bearing and distance of N63°50'36"E 838.89 feet to a 1/2" rebar set for the most Northerly Northeast corner of this tract;

THENCE S9°19'31"E 383.10 feet to a 1/2" rebar set;

THENCE S89°48'14"E 426.27 feet to a 1/2" rebar set on the WBL of F. M. Highway 1750 (A.K.A. Oldham Lane) for the most Easterly Northeast corner of this tract;

THENCE S0°31'24"E (S0°30'E = record bearing) along the WBL of said highway at 215.07 feet pass an existing concrete highway monument and continue along for a total distance of 939.58 feet to an existing concrete highway monument on the Northwest boundary line of State Highway Loop 322;

THENCE S60°24'04"W (S40°40.7'W = record bearing) 513.45 feet (513.51 = record distance) along the Northwest boundary line of said Loop 322 to an existing concrete highway monument;

THENCE S44°05'09"W (S44°11.9'W = record bearing) 1079.66 feet along the Northwest boundary line of said Loop 322 to an existing concrete highway monument;

THENCE S33°34'19"W (S33°25.9'W = record bearing) 238.20 feet along the Northwest boundary line of said Loop 322 to a 1/2" rebar found at the Northeast corner of said 13.37 acre tract and the Southeast corner of this tract;

THENCE S89°13'35"W (S89°13'20"W = record bearing) 1263.47 feet (Bearing Basis Line, Bearings determined by GPS observations using Trimble 4700 receivers.) along the NBL of said 13.37 acre tract to the place of beginning and containing 84.29 acres of land.

Location:

The west side of Oldham Lane between S. 27th Street and Loop 322

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for mix of commercial and residential development: and related activities of a tract, which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. The following regulations and the attached concept plan (Exhibit B) shall govern the use and development of this Planned Development District.

A. PERMITTED USES:

1. Tract 1:

- a. Uses permitted in the Shopping Center district as modified (See Exhibit C)
- b. Education Research
- c. Catering Service
- d. Delivery Services
- e. Office equipment and business machine rental
- f. Printing (Commercial)
- g. Medical and Dental Supply Sales
- h. Newspaper, periodical and book publishing, binding and printing
- i. Pet Stores with the following provisions:
 - No external grooming or kennels
 - All related activities must occur indoors within the pet store business
- j. Hotel (including swimming pools and tennis courts) with the following provisions:
 - May only face Loop 322
 - No exterior entry to rooms
 - Rooftop mechanical items must be screened

2. Tract 2:

- a. Uses permitted in the Office District as modified (See Exhibit D).
- b. All mechanical equipment, such as HVAC and power units, and refuse containers shall be located within a fenced area that is screened from view.

3. Tract 3:

Self Storage units are permitted in Tract 3, subject to the following limitations:

- a. Front exterior facades must be at least 75% masonry, brick, stone, stucco, EIFS, or any combination of the preceding.
- b. Any exterior facade other than the front that is visible from any public right-of-way shall be at least 75% masonry, brick, stone, stucco, EIFS, or any combination of the preceding.
- c. All building materials, including doors, that are visible from a public right-of-way shall be of a neutral color.
- d. Outside storage (including RV storage) is not permitted.
- e. Fencing requirements:
 - 1. Chain link fencing may be used on the north side and/or the west side
 - 2. No barbed or razor wire fencing may be used.
 - 3. Masonry or wrought iron fencing may be used in any area.
- f. Sufficient refuse containers must be provided and shall be fully screened from view of the public right-of-way or any roadway.
- g. Buildings must be on concrete foundations and all parking and maneuvering areas

shall be concrete and/or asphalt.

4. Tract 4:

Shall develop under the provisions of the RS-8 and/or the RM-3 zoning districts, except as modified in Part 7.B.14 of this ordinance. Development under the RM-3 standards shall be limited to the following uses only:

- Townhomes
- Patio Homes
- Duplexes

5. Tract 5:

Shall develop under the provisions of the RM-2 district with the following exceptions:

- The maximum density shall be 18 units per acre
- Must meet the requirements of Part 7.B.14 of this ordinance

B. SITE DEVELOPMENT

1. Minimum Building Setbacks - Commercial Development and Residential:

- a. Along S. 27th St, Oldham Lane., Loop 322 and any future collector streets:
 - (1) 15 feet if entirely landscaped except for sidewalks and permitted driveways crossing perpendicular across the 15 feet
 - (2) 30 feet if parking is located in the front of the building
- b. Along interior streets: 20 feet
- c. All others setbacks: 10 feet

2. Maximum Structure Height: 35 feet and no more than 2 stories

3. Controlled ingress and egress:

- a. Maximum of two (2) driveways (curb cuts) off Oldham Lane
- b. Maximum of three (3) driveways (curb cuts) off Loop 322

4. Building Materials:

- a. This section does not apply to single-family residences or self-storage (see Section A.3 for self-storage requirements).
- b. A minimum of 80% of the exterior face of all structures shall be composed of brick, stone, or EIFS
- c. The remaining area of the building face shall be limited to glass, stucco, EIFS finishes, decorative block, or other similar materials.
- d. No metal panels of any kind used on exterior facade.
- e. Elevation plans shall be submitted, with the Site Plan, for review and approval by the Planning Director. Any variation from the materials listed above will be subject to review and may be permissible at the discretion of the Planning Director.
- f. Development of Tract 1 must have consistent and similar façades throughout the Tract.
- g. Development in Tract 2 must have a residential character to include the following:
 - A minimum roof pitch of 3:1
 - No metal roofing

- Overhead doors may not be visible from Oldham Lane

5. Off-street parking and Circulation:

- a. All parking areas shall comply with the provisions specified in the Zoning Ordinance.
- b. Truck loading areas shall be screened from street-side lot boundaries by an opaque wall or barrier at least 8 feet in height either of which must be constructed of solid materials compatible with the exterior face of the building. Such screening shall extend the full length of the loading areas, exclusive of maneuvering areas for trucks.
- c. Internal circulation of vehicular and pedestrian traffic shall be required between parcels within the development.

6. Driveway Access and Spacing

- a. Direct driveway access for lots developed with single-family, duplex, townhome, and patio home residential uses shall be prohibited onto any arterial street or the Loop 322 frontage road.
- b. Driveways along S. 27th St. shall be a minimum of 150' from the nearest street intersection (measured from the right-of-way line) and separated from the nearest driveway on either side of the same street by a minimum of 100 feet, unless they are located directly across from existing driveways.

7. Signage

- a. Signage within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following.
- b. Freestanding:
 - (1) Monument Signs: Each parcel that is less than one acre may have a maximum of one free-standing sign. Parcels of one or more acres may have a maximum of two free-standing signs. Such signs must be monument signs with a maximum height of 10 feet and a maximum area of 80 square feet.
 - (2) Group Pole Signs: In addition to any allowable monument signs, two group pole signs may be erected only along the Loop 322 frontage with a maximum height of 30 feet and a maximum area of 150 square feet.
- c. Wall Signs: Wall signage may not exceed 10% of the area of any wall on which the sign(s) is (are) located and cannot be attached to required screening.
- d. Banners: Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage. These shall only be allowed until permanent wall signage is installed, but in no case for more than 60 days.
- e. Prohibited Signs:
 - (1) Portable Signs
 - (2) Off-site Advertising
 - (3) Pennants, streamers, balloons, and similar devices

8. Landscaping and buffers

- a. This section does not apply to single-family residential development.
- b. Landscaping and buffering within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following.
- c. A minimum 15-foot wide landscaped area shall be provided along all street-side boundaries of the PDD. The landscaped area shall be located entirely on private property.
- d. In addition to the landscaped strip along the street-side boundaries, no less than five

- (5) percent of the remaining lot area shall be landscaped, which may include parking lot landscaping and grass areas. The remaining area shall be calculated by subtracting the area of the required landscaped strip from the total area of the PDD.
- e. Landscaping within the required 15-foot wide strip must consist of living materials and shall include at least 1 commercially balled tree and 2 shrubs per 40 linear feet of required landscaping area.
- f. Landscaping within the remaining required area must consist of living materials and shall include at least 2 commercially balled trees and 4 shrubs per 1000 square feet of landscape area.
- g. Landscaped islands within parking lots are required at a rate of 1 per 20 parking spaces in a row. At least half of these islands shall include a commercially balled tree.
- h. All parkways shall be landscaped.

9. Screening and Fencing

- a. This section does not apply to single-family residential.
- b. Any fencing on site that is for required screening must be constructed from masonry materials. Other fencing for security or other non-screening purposes may be wrought iron. Chain-link fencing shall be permitted only along the west boundaries of the PDD, but not along the Loop 322 frontage or Oldham Lane.
- c. Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be fully screened from view outside the tract in question by an opaque wall or fence constructed of materials consistent with those of the primary building(s).
- d. Barbed wire and razor wire fencing shall be prohibited.
- e. A masonry wall six feet in height shall be provided along the eastern boundary of Tract 4, separating Tract 4 from Tract 2 and the existing fire station.

10. Sidewalks

- a. Sidewalks are required along all arterials, frontage roads, and collector streets within or adjacent to the PDD and must be placed in the right-of-way at least one foot from the property line.
- b. Internal sidewalks are required to connect the public sidewalks with the primary entrances of all buildings other than single-family residences. Sidewalks and walkways should be designed to promote safe and convenient pedestrian routes within the development.
- c. All sidewalks along collector and arterial streets must be a minimum of five (5) feet wide.
- d. All internal sidewalks must be a minimum of four (4) feet wide.
- e. Internal circulation of vehicular and pedestrian traffic shall be required within the entire PDD and to adjacent tracts.
- f. All sidewalks must comply with the standards set forth in the City of Abilene Sidewalk Master Plan, as well as applicable state and federal accessibility standards.

11. Outdoor Storage and Display

- a. Outdoor display of merchandise is not permitted
- b. Outdoor storage is not permitted

12. Freight Containers are prohibited

13. Lighting: All site lighting shall comply with the performance standards governing exterior illumination in the City of Abilene Zoning Ordinance. Additionally, all lighting shall be fully shielded and directed away from residential areas.

14. Residential Specs: The following standards shall apply to all residential development:

1. No Carports in any residential area
2. All residential structures shall have at least 80% brick facades
3. All garages for residential structures shall have side or rear entries (no front-facing)
4. All streets shall be curbed
5. No industrial metal roofs
6. Fences shall be wrought iron, masonry, or wood

PART 10: Development Schedule. If a building permit is not approved within 18 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to the previous zoning designation.

- END -

1 Uses with Modifications

2 SC Uses and/ or Self Storage

3 Self Storage and Residential 18 Units/ Acre

2

Office Uses with Modifications

4

Residential RM-3 and/ or RS-8

5

Residential RM-3 18 Units/ Acre

Exhibit B

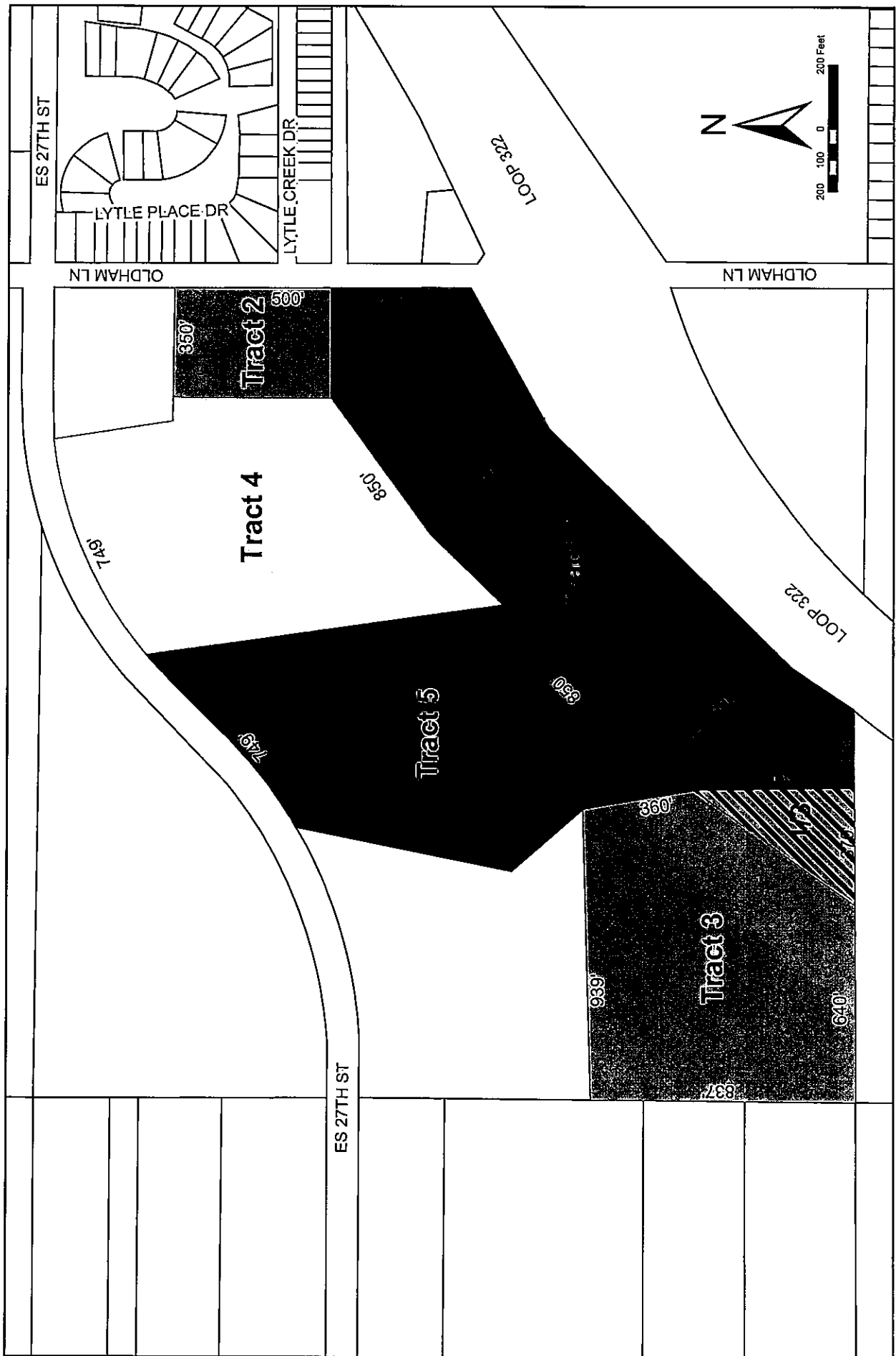


EXHIBIT C

SHOPPING CENTER USES

ACCESSORY AND INCIDENTAL USES:

Accessory Building
Fences, Walls, and Hedges
Field Office or Construction Office (temporary)
Mobile Home (temporary security residence)
Satellite Dish Antenna (maximum diameter of 24 inches)

CULTURAL AND RECREATIONAL USES

Art Galleries
Libraries
Museums
Theaters and Playhouses

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES

Fire Station
Governmental Administrative Offices
Medical and Dental Clinic or Office - *No 24/7 Minor Emergency Clinic*
Optical Shop
Post Office

EDUCATIONAL AND RELIGIOUS USES:

Church or Place of Worship

OFFICE-TYPE USES:

Accounting, Auditing, Tax and Bookkeeping Services
Adjustment and Collection Services
Advertising Services
Appraisal Services
Architectural and Planning Services
Business Associations
Consumer and Mercantile Credit Reporting
Detective Services
Engineering Services
Educational Research Offices
Government Administrative Offices
Insurance Agents, Carriers, and Brokers
Legal Services
Medical or Dental Office or Clinic - *No 24/7 Minor Emergency Clinic*
Office Space (general/unspecified)
Protective and Security Services
Real Estate Agent, Brokers, and Management
Security and Commodity Brokers, Dealers, and Exchanges
Stenographic, Duplicating and Mailing Services
Telephone Answering
Title Abstractors

SERVICE (OTHER THAN OFFICE-TYPE)

Banking Services
Banking Services (remote automatic)
Beauty and Barber Services
Blueprinting and Photocopying Services
Credit Unions
Interior Decorating Services
Key and Lock Repair
Laundry and Dry Cleaning Services, Including Pressing, Alteration, and Garment Repair (does not accept
Items from pick-up stations)
Photographic Services
Savings and Loan Associations
Tailoring (custom)
Trading Stamp Services
Travel Arranging and Ticket Services
Watch, Clock and Jewelry Repair Service

TRADE-RETAIL USES: [No Drive-Thru Windows]

Appliances (household)
Bakery Products (on premise sales)
Book and Stationery
Cameras and Photographic Supplies
China, Glassware, and Metalware
Clothing and Apparel Accessories
Coins and Stamps
Department Stores
Drug Store/Pharmacy
Floor Coverings
Furniture and Home Furnishings
Furriers and Fur Apparel
Gifts, Novelties, Souvenirs
Hardware
Hobby and Craft Supplies
Jewelry
Keys and Locks
Liquor Store Off-Premise Consumption (unrestricted)
Music Supplies and/or Records
Office Supplies and Equipment
Optical Goods
Paint, Glass, and Wallpaper
Pets and Pet Supplies [*No grooming and no outdoor kennel*]
Radios and Televisions
Restaurants, Standard
Shoes
Sporting Goods and Athletic Equipment
Variety Stores

- END -

EXHIBIT D
OFFICE USES

RESIDENTIAL USES:

Single Family Detached Dwellings - RS8 or better to be compatible with the neighborhood

ACCESSORY AND INCIDENTAL USES:

Swimming Pools, Private (accessory to residential use) - only if RS8 or larger

Tennis Courts, Private (accessory to residential use) - only if RS8 or larger

CULTURAL AND RECREATIONAL USES

Art Galleries

Libraries

Museums

EDUCATIONAL AND RELIGIOUS USES:

Church or Place of Worship

OFFICE-TYPE USES:

Accounting, Auditing, Tax and Bookkeeping Services

Adjustment and Collection Services

Advertising Services

Appraisal Services

Architectural and Planning Services

Business Associations

Customer and Mercantile Credit Reporting Services

Detective Services

Engineering Services

Educational Research Offices

Government Administrative Offices

Insurance Agents, Carriers, and Brokers

Legal Services

Medical or Dental Office or Clinic -No 24/7 Minor Emergency Clinic

Office Space (general/unspecified)

Protective and Security Services

Real Estate Agent, Brokers, and Management

Security and Commodity Brokers, Dealers, and Exchanges

Stenographic, Duplicating and Mailing Services

Telephone Answering

Title Abstractors

SERVICE (OTHER THAN OFFICE-TYPE)

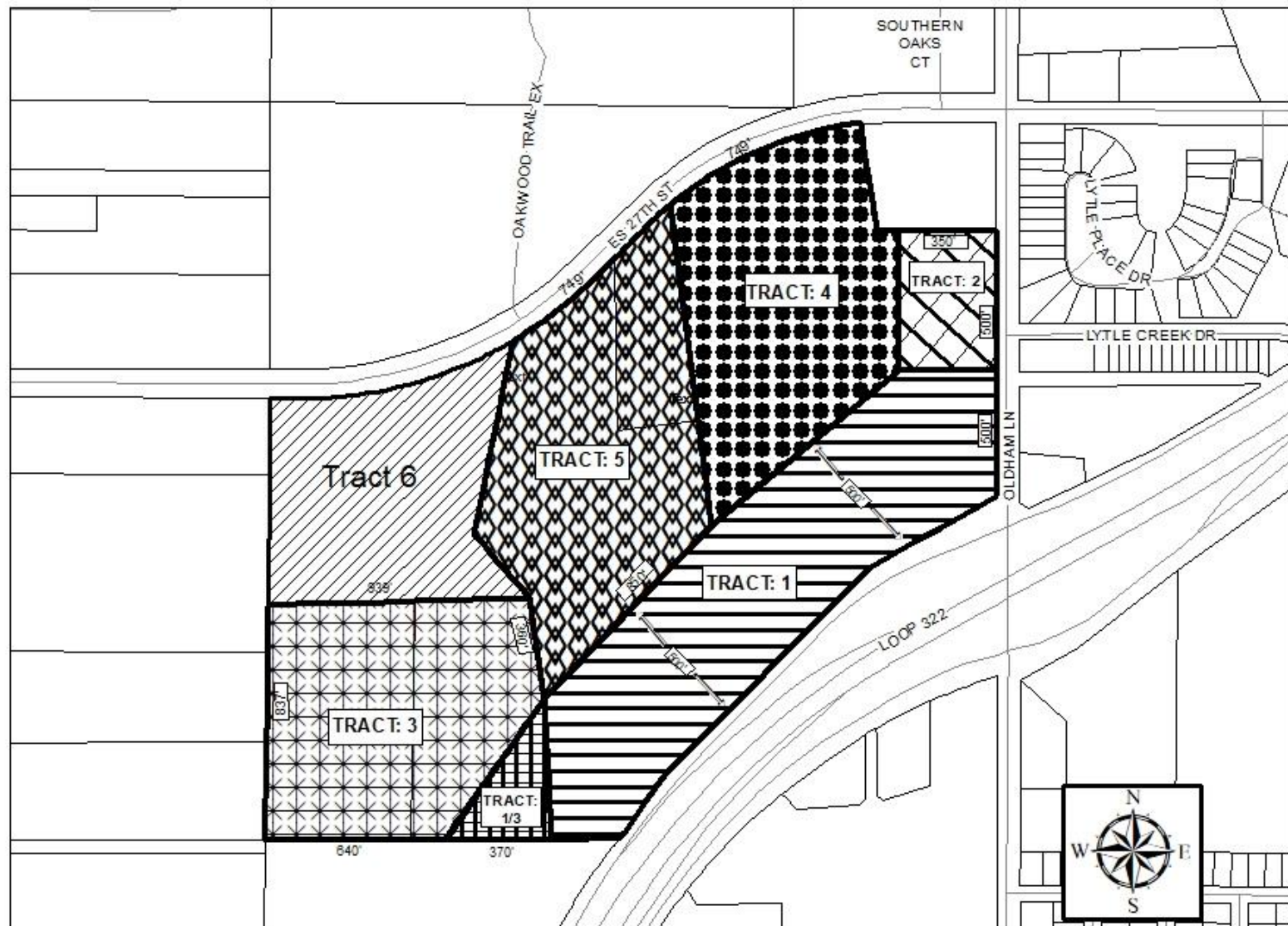
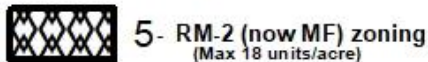
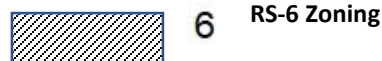
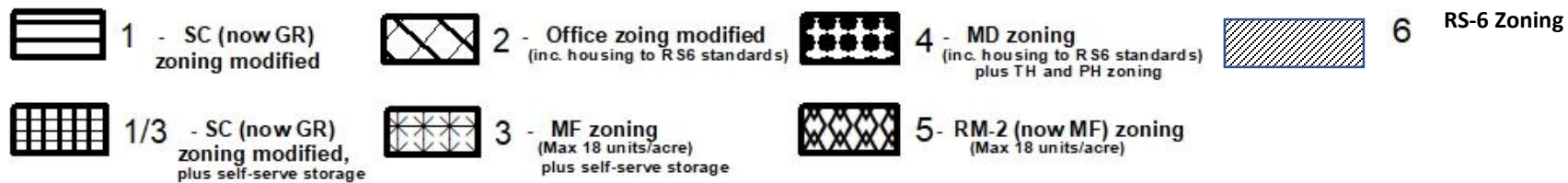
Banking Services (remote automatic)

Credit Unions

Savings and Loan Associations

Travel Arranging and Ticket Services

- END -



TRACT: 4

TRACT: 2

Tract 6

TRACT: 5

TRACT: 1

TRACT: 3

TRACT:
4/2

LOOP 322

OLDHAM LN-

W

Exhibit B (PD 104)*

*AS AMENDED IN 2021

SCALE: 1 inch = 500 feet

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2022-14

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: KNOWLES ROY D & PEGGY J

Parcel I.D.: 32305

Address: 124 LYTLE PLACE 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: Roy D. Knowles

JUN 29 PM 5:22

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.

ZONING CASE Z-2022-14 PD-104

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: July 5, 2022

City Council 1st Reading: July 28, 2022

City Council 2nd Reading: August 11, 2022

Applicant

Owner: Weatherbee Construction, Inc.

Agent: Jacob & Martin, LLC

Request

The applicant proposes to add 14.34 acres (Tract 6) currently zoned Medium Density (MD) into Planned Development-104 (PD-104) and to allow 50.0-foot widths in the areas of the PD designated for residential development. Both requests require the amendment of PD-104.

Location

This tract is located at the northwest corner of State Highway Loop 322 with Oldham Lane.

Background

This property was annexed in 1968 and is vacant. The site was rezoned to PD-104 to allow a mixed use development that will include a shopping center, self-storage, offices, and a mixture of residential uses up to 18 units per acre. East South 27th Street and Oldham Lane are major arterial streets and State Highway Loop 322 is a major TXDOT limited access highway. An 8-inch water line is adjacent to the east side of the property in Oldham Lane. A 12-inch water line exists to the north along East South 27th Street. 10-inch sewer mains exist on the north, west, and south sides of the property.

Zoning, Existing and Proposed Land Use

This request will add approximately 14.34 acres (currently a farming operation that fronts onto East South 27th Street) into the PD and will allow 50.0-foot lot widths throughout the development. The new 14.34 acres will have a base zoning of RS-6 Residential Single-Family. East South 27th Street and Oldham Lane are both Community Enhancement Corridors.

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 map recommends low density residential and shows that a portion of the site is located within the Community Enhancement Corridor.

(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.

The proposed use of the proposed 14.34 acre addition to PD-104 is consistent with the current zoning and the Comprehensive Plan recommendations. Given the existing PD zoning of the property and the intensity of the land uses that will comprise PD-104 the request use (RS-6) and the ability to plat 50.0-foot lots would be appropriate. The inclusion of additional acreage that fronts on an arterial street in a planned development is advantageous for the City.

(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.

PD-104, as it currently exists, will be adequately served by the existing streets and utilities. The addition of 14.34 acres to the PD would result in approximately 56 new homes to the PD, which is fewer than the existing MD district would allow. Therefore, all of the decisions and assumptions made with respect to roads and access or utilities for this PD will not be affected. A reduction in the lot width requirement to allow 50.0-foot lot widths will not affect the existing infrastructure.

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

No other factors are present that would substantially affect the public health, safety, morals, or general welfare.

Commission Recommendation:

Approval.

Notification

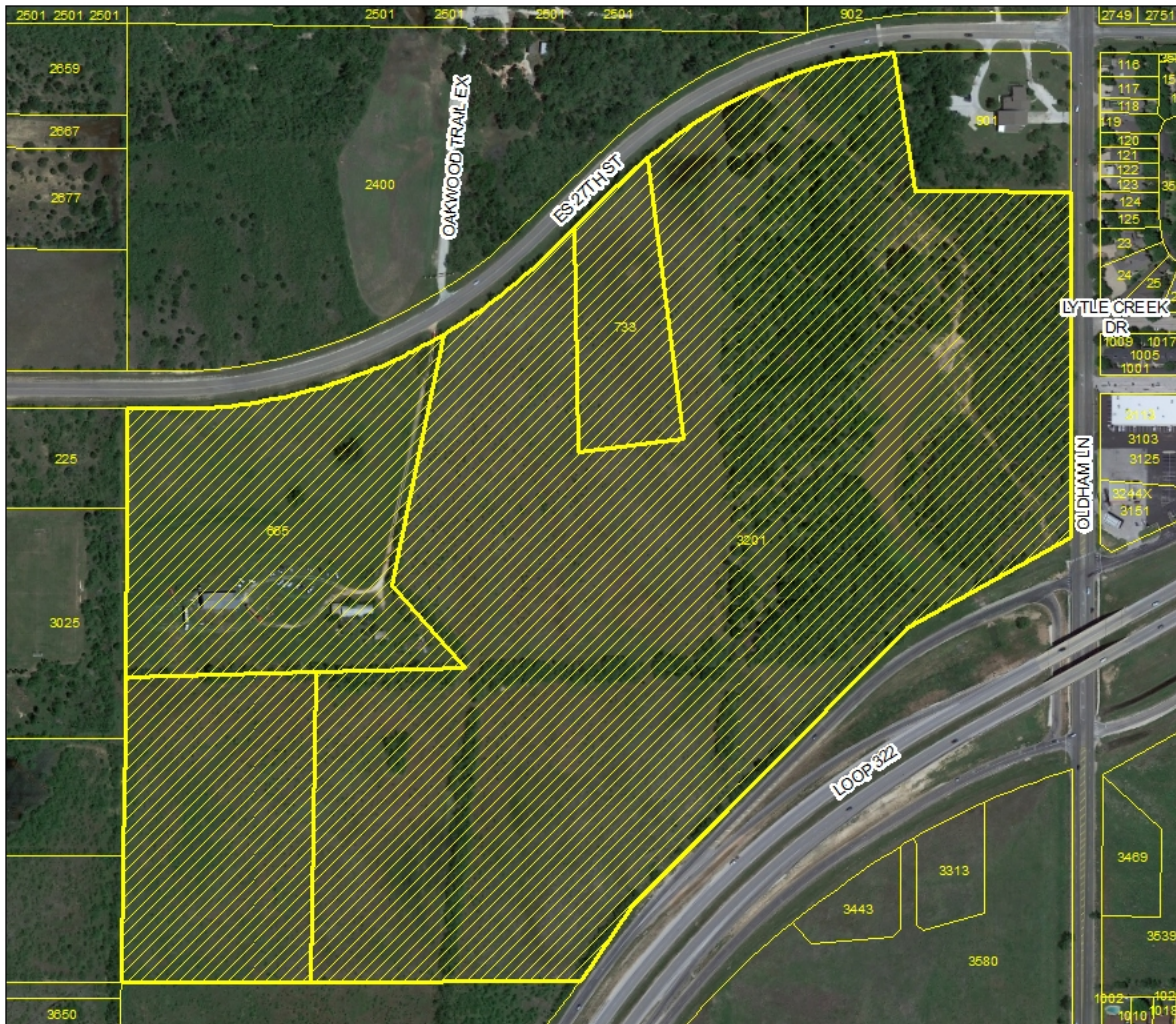
Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on June 21st, of 2022, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1
Owner/Property ID

OWNER	PROP_ID	SITUS	RESPONSE
108 REAL ESTATE LLC	115052		
108 REAL ESTATE LLC	41496		
ABILENE BIBLE CONFERENCE ASSO	40123	3125 OLDHAM LN	
ABILENE NATIONAL SOCCER	969057	3025 MAPLE ST	
ABILENE STATE SCHOOL	106963	901 ES 27TH ST	
AGUIRRE GILBERT B & DOMINIQUE R	32441	23 LYTLT PLACE DR	
ANDERSON MARTHA	31668	119 LYTLT PLACE DR	
BAUGHMAN KENNETH L &	31793	120 LYTLT PLACE DR	
CITY OF ABILENE	109802		
CUYAHOGA INVESTMENTS LLC	32182	123 LYTLT PLACE DR	
DAVIS LEONARD E & DIANA K	32437	125 LYTLT PLACE DR	
HODGE LANELLE E	31930	121 LYTLT PLACE DR	
KNOWLES ROY D & PEGGY J	32305	124 LYTLT PLACE DR	
MARTIN SCOT A & AMY	35905	1005 LYTLT CREEK DR	
MATHIS LOYD WENDELL & SHIRLEY	32448	25 LYTLT PLACE DR	
MC DANIEL JACK RUSSELL	40350		
OLDHAM OAKS LLC	983854	902 ES 27TH ST	
SKINNYS INC	39994	3151 OLDHAM LN	
SPRINGER NORMA H	32446	24 LYTLT PLACE DR	
TITAN TOWERS LP	40474	225 ES 27TH ST	
TRINITY BAPTIST CHURCH	1005693		
WEATHERBEE CONSTRUCTION INC	106962	665 ES 27TH ST	
WEATHERBEE CONSTRUCTION INC	106800	3201 OLDHAM LN	
WEATHERBEE CONSTRUCTION INC	1063832	733 ES 27TH ST	
WEST CENTRAL TEXAS COUNCIL	67052	3650 LOOP 322	
WEST CENTRAL TEXAS COUNCIL	974626		
WILLIAMS TOMMY	32056	122 LYTLT PLACE DR	

OWNER	PROP_ID	SITUS	RESPONSE
ANDERSON MARTHA	31668	119 LYTLE PLACE DR	
BAUGHMAN KENNETH L &	31793	120 LYTLE PLACE DR	
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LOCATION MAP



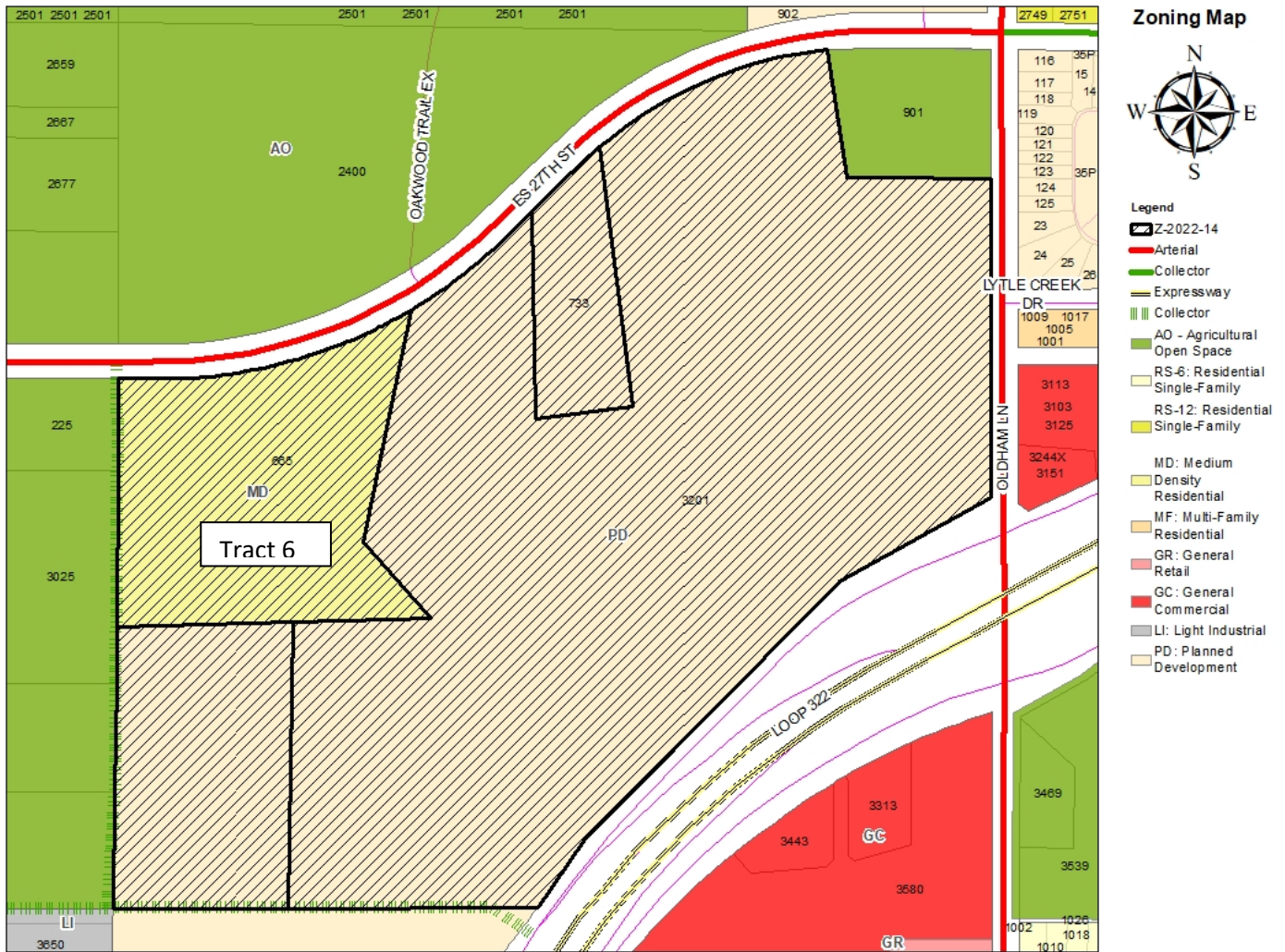
Location Map



Legend

- Z-2022-14
- Courier Parcels

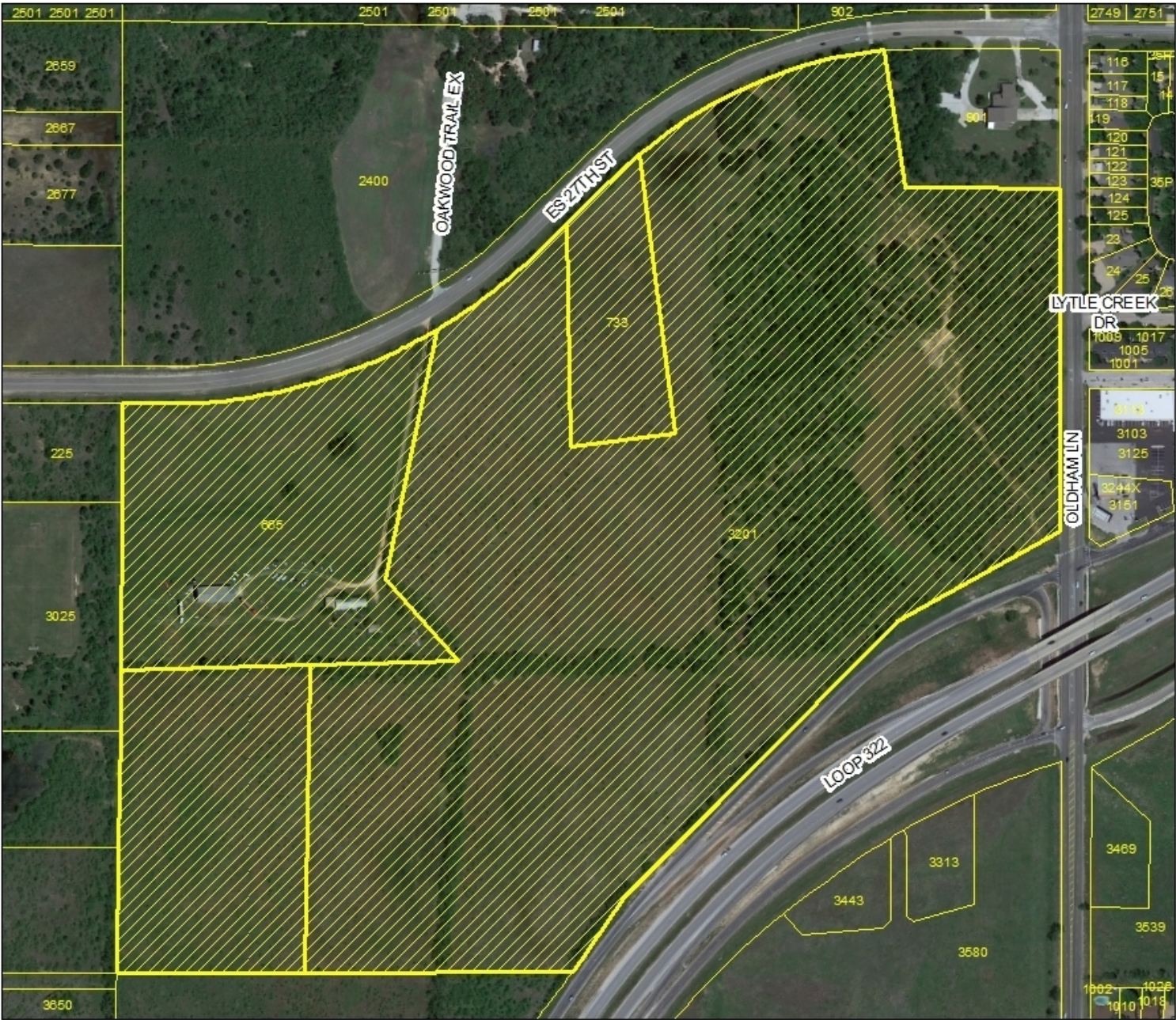
ZONING MAP



Attachments

Application
PowerPoint Presentation

Case:	Z-2022-14 PD-104
Owner:	Weatherbee Construction, Inc.
Agent:	Jacob & Martin, LLC
• Request:	Rezone approximate 14.34 acres currently Residential Medium Density to create and add tract 6 of Planned Development District (PD-104) and modifying PD-104 to add and allow 50' wide residential lots as a permitted use within all tracts, save and except, Lot 1, Block A (MF), Trails of Abilene Addition.
Location:	98.63 Acres of land northwest corner of State Highway Loop 322 and Oldham Lane.
Notification:	0 in Favor, 1 Opposed
Planning & Zoning:	July 5, 2022
City Council Hearings:	1 st : July 28th, 2022 2 nd : August 11 th , 2022



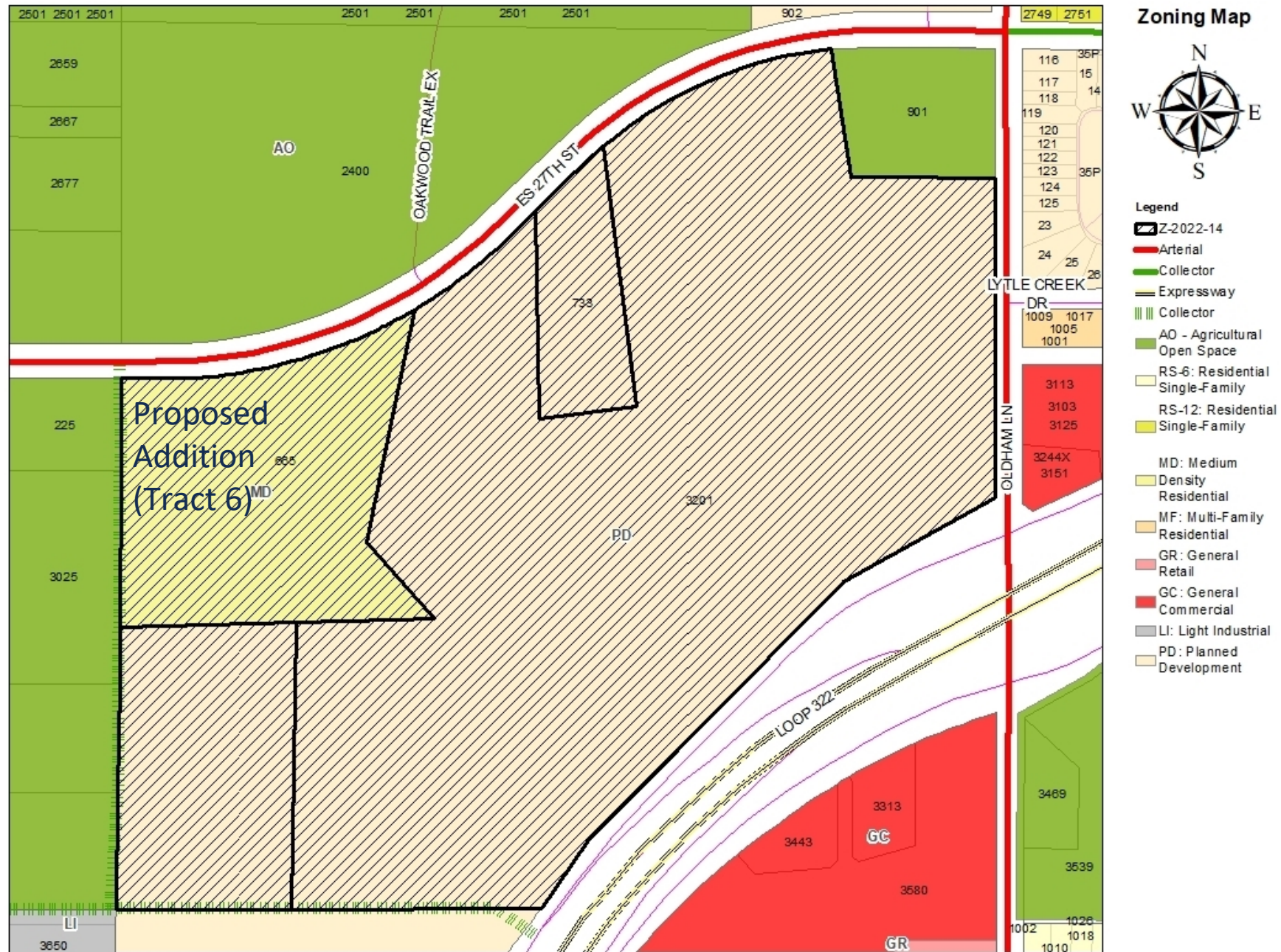
Location Map



Legend

- Z-2022-14
- CourierParcels

Z-2022-14 PD-104 ZONING MAP



Permitted Uses in MD Zoning (FORMERLY RM-3)

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Homeless/Emergency Shelter
- C Rehabilitation Facility
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- C Day-Care Operation - Center-Based
- P School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

Permitted Uses in GR Zoning (Formerly SC)

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

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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

Permitted Uses in O Zoning

RESIDENTIAL USES:

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

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
- 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)
- P Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Fire/Police Station
- C Medical/Dental Laboratory
- P Post Office

EDUCATIONAL AND RELIGIOUS USES:

- C Arts School
- P Church or Place of Worship
- C Day-Care Operation - Center-Based
- P School: Public/Private

SERVICE

- P Office (general, professional, financial)
- P Personal Services
- C Printing, Copying, Reproduction, Publishing

TRADE – RETAIL USES

- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P/C Restaurant, Fast Food
- P/C Restaurant, Standard

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION & EXTRACTION

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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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

Permitted Uses in RS Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

Permitted Uses in MF Zoning (FORMERLY RM-2)

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

South View



South View



East View

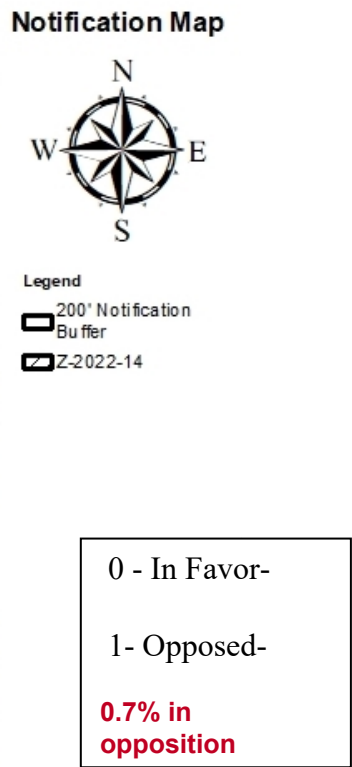


Neighboring Property (East)



Neighboring Property (North)





- 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: Approval.

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Tim Littlejohn, Director of Planning & Development Services

FROM: Adam Holland, Planner

SUBJECT: **21. Ordinance (Final Reading) Z-2022-16: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Arete Interests, LLC Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 159A Specifically To Amend The Concept Plan To Allow For More Residential Uses. Legal Description Being Lots 101-109, Block A, Parramore's Subdivision, Abilene In Taylor County, Texas. *(Tim Littlejohn)***

GENERAL INFORMATION

Modify the existing concept plan for PDD-159A to allow for more single family attached and patio home development within the district.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission approved this request on July 5, 2022.

ATTACHMENTS:

1. Z-2022-16 Ordinance
2. Concept Plan
3. Z-2022-16 PD-159A staff report
4. 726 Beech Street
5. 772 Beech
6. Z-2022-16 PD-159A PZC Presentation

ORDINANCE NO. _____

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

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

PART 1: That the Land Development Code of the City of Abilene is hereby amended by changing Ordinance Numbers 18-2018 and 05-2020 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 28th 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 11th day of June 2022, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 11th day of August 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 11th day of August, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

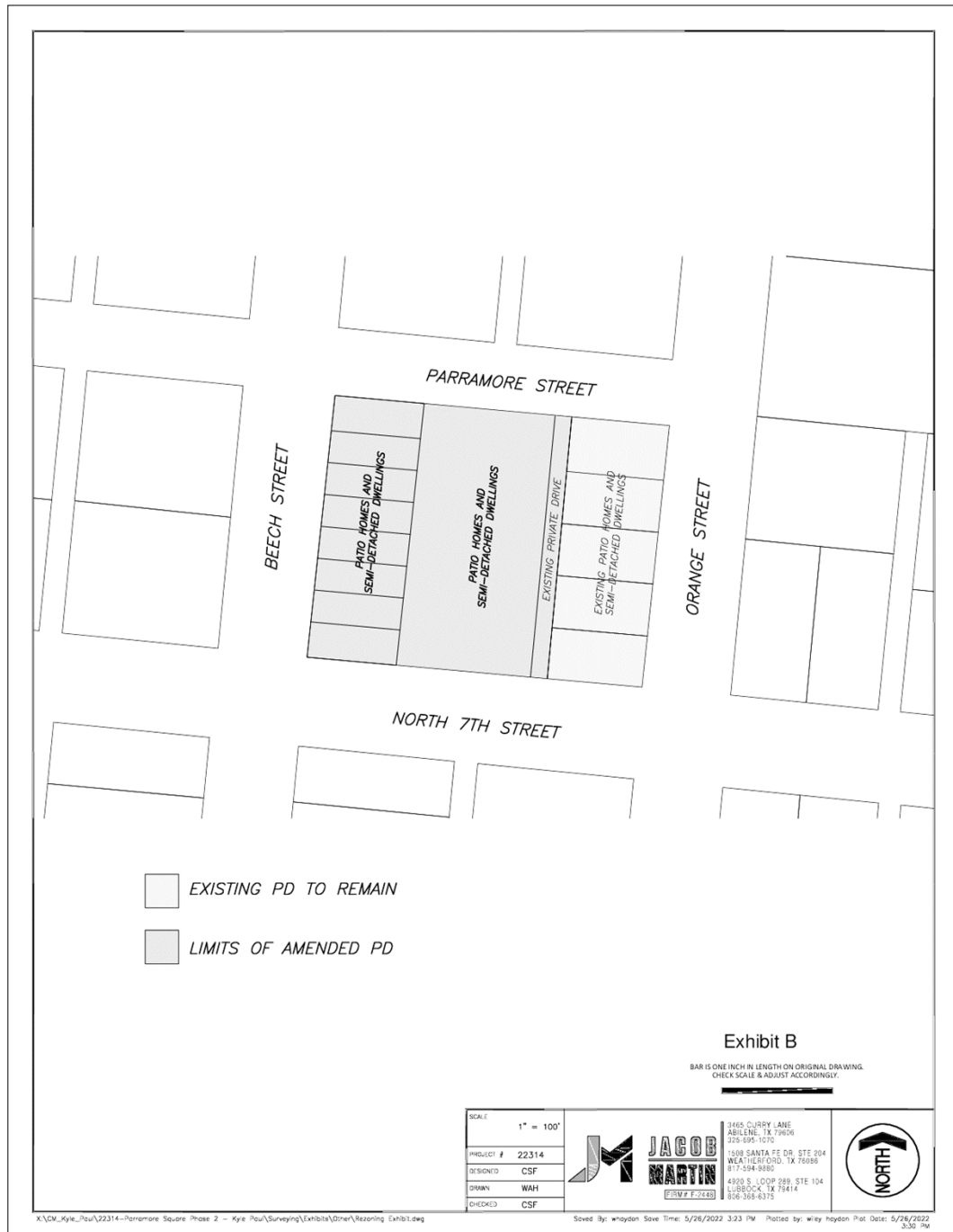
ORDINANCE NO. _____

Exhibit "A"

2nd Amendment to Ordinance No. 18-2018.

PART 7:Specific Modifications:

AMEND: Concept plan as illustrated below.



Location: Parramores Subdivision, Block A, Lots 101-109, Abilene, Texas

END



- EXISTING PD TO REMAIN
- LIMITS OF AMENDED PD

BAR IS ONE INCH IN LENGTH ON ORIGINAL DRAWING.
CHECK SCALE & ADJUST ACCORDINGLY.



SCALE	1" = 100'
PROJECT #	22314
DESIGNED	CSF
DRAWN	WAH
CHECKED	CSF



**JACOB
MARTIN**
FIRM # F-2440

3465 CURRY LANE
ABILENE, TX 79606
325-695-1070
1508 SANTA FE DR, STE 204
WEATHERFORD, TX 76086
817-594-9880
4920 S. LOOP 289, STE 104
LUBBOCK, TX 79414
806-368-6375



ZONING CASE Z-2022-16 PD-159A

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: July 5, 2022

City Council 1st Reading: July 28, 2022

City Council 2nd Reading: August 11, 2022

Applicant

Owner: Arete Interests, LLC

Agent: Jacob & Martin, LLC

Request

Modify the existing concept plan for PD-159A to allow additional single-family attached residential and patio home development.

Location

1.15 acres of vacant land bounded by Beech Street, Parramore Street, Orange Street and N 7th Street and is adjacent to the northwest corner of the Central Business District.

Background

This property was annexed in 1895 and is vacant. The property is part of an existing planned development that allows townhome, patio home, and semi-detached single-family residential uses, and a common open space. All of the streets surrounding the tract are local streets. A 6-inch water line is adjacent to the property on the north, south and west. A 6-inch sewer line is located on the west side of the property and an 8-inch line on the south side. The site is also located in the Neighborhood Empowerment Zone.

Zoning, Existing and Proposed Land Use

This request is to amend PD-159A to allow patio homes and semi-detached dwellings over the entire site, instead of limiting portions of the property to just townhomes and common open space.

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 map shows the subject site as Central Business District (CBD).

- (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.**

The proposed uses are consistent with the current zoning and the density of residential uses in this area. Since the CBD adjoins the subject site, a higher density of residential uses is appropriate and satisfies the purposes and objectives of the Neighborhood Empowerment Zone.

- (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 is well-integrated with the City's sanitary sewer and water utilities.

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

No other factors are present that would substantially affect the public health, safety, morals, or general welfare.

Commission Recommendation:

Approval.

Notification

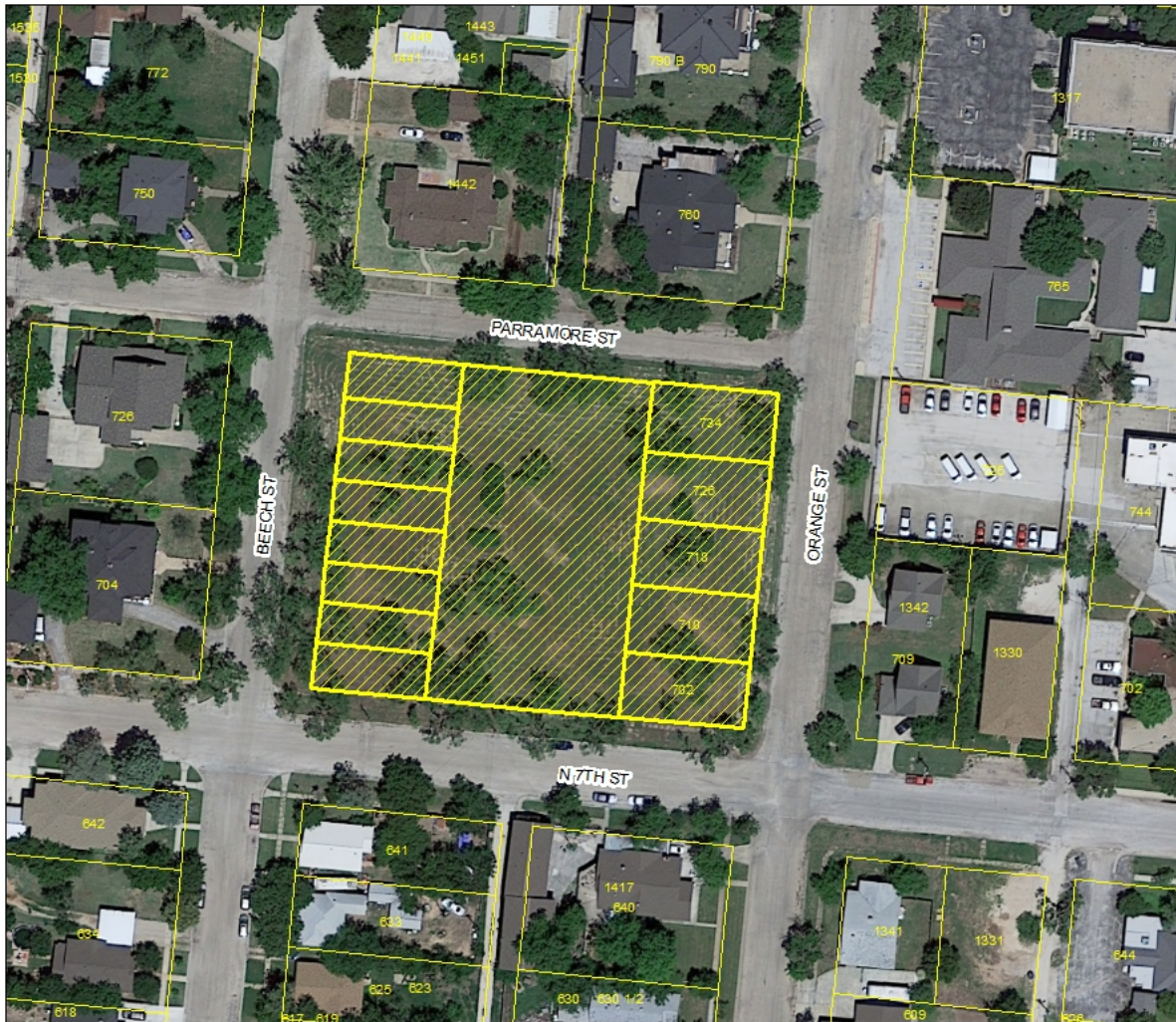
Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on June 21st, of 2022, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1
Owner/Property ID

OWNER	PROP_ID	SITUS	RESPONSE
642 BEECH STREET LLC	30058	642 BEECH ST	
ABILENE IMPACT GROUP LP	15305	1330 N 7TH ST	
ABILENE REGIONAL M H M R	14707	765 ORANGE ST	
ABILENE REGIONAL MHMR CENTER	15425	725 ORANGE ST	
ADAMS ANNIE RUTH	16388	750 BEECH ST	
ALLISON DAVID & BETTY	1017281	710 ORANGE ST	
ARETE INTERESTS LLC	1062081		
BECKHAM GUY R & AGNES	15663		
BENNETT BRAD	29711	633 BEECH ST	
BENNETT BRADLEY W & WENDY JO	29913	641 BEECH ST	
BROOKS CHRISTOPHER JAMES	1017280	702 ORANGE ST	
COOKE JONATHAN & EMILY	1017284	734 ORANGE ST	
GLOVER BARRY	30326	634 BEECH ST	
HASS KELLI L	1017283	726 ORANGE ST	
HORTON THOMAS MICHAEL	16023	760 ORANGE ST	
KENNEDY TIMOTHY P	15902	1442 PARRAMORE ST	
MAGDEFRAU HARRISON J &	1017282	718 ORANGE ST	
MARTINEZ ISAIAH ROBERT	15186	1342 N 7TH ST	
MC MILLAN MARK ET AL	15660	1441 N 8TH ST	
MYSTICAL ROSE SERVICES LLC	14706	1317 N 8TH ST	
POPE KENNETH & THERESA PATTON	16512	772 BEECH ST	○
REED CARSON E & VICKIE L	17004	704 BEECH ST	
SEGURA BALDOMERO	28622	1417 N 7TH ST	
SPENCER ROBERT FRANK	16876	726 BEECH ST	○
VALDEZ JUAN & ROSA ADRIANA	28268	609 ORANGE ST	
WALKE-MULLINS TALITHA	15783	790 ORANGE ST	
WIER DAVID & CINDY	28743	630 ORANGE ST	

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HASS KELLI L	1017283	726 ORANGE ST	
COOKE JONATHAN & EMILY	1017284	734 ORANGE ST	
ARETE INTERESTS LLC	1062081		

LOCATION MAP



Location Map



Legend

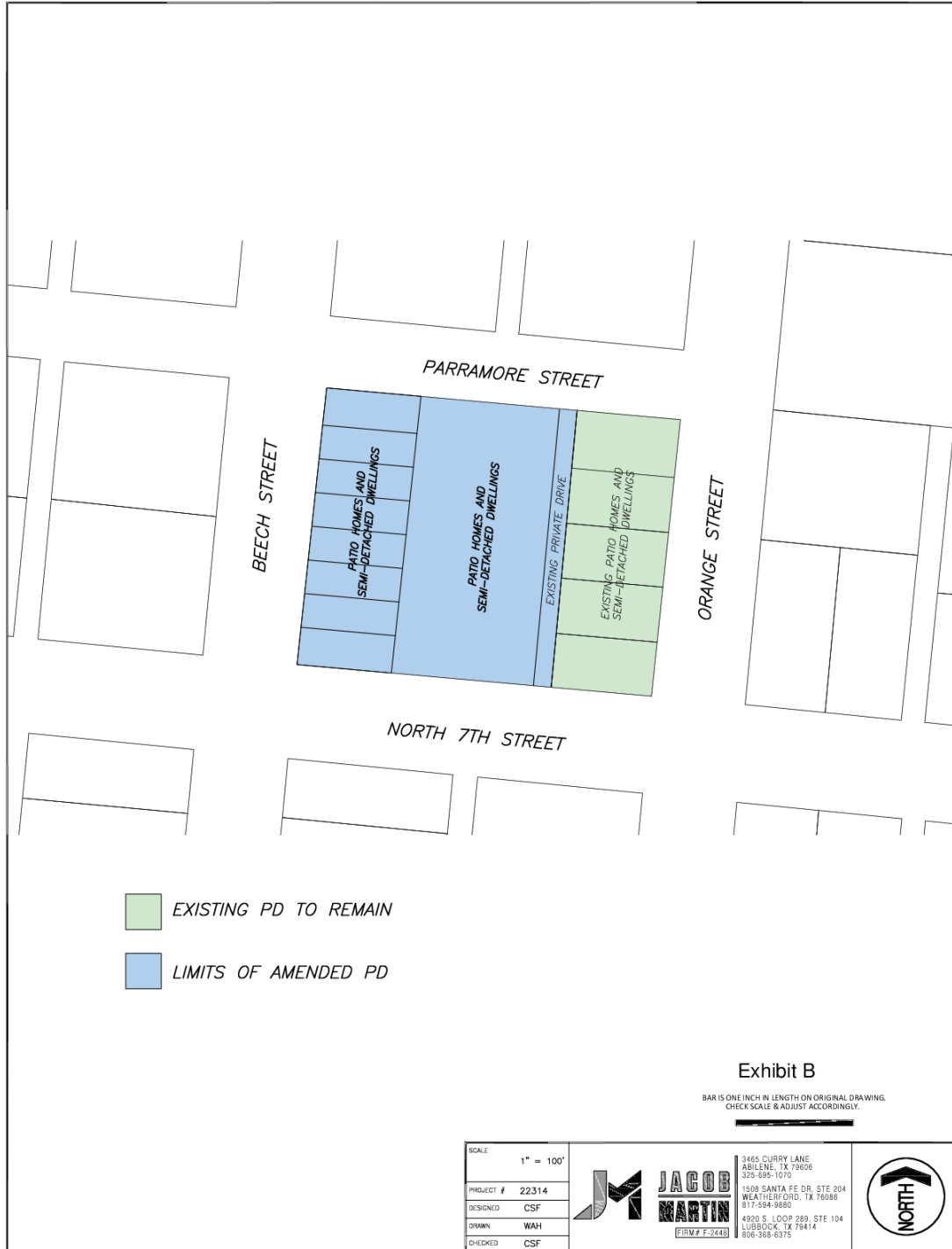
 Z-2022-16

 CourierParcels

ZONING MAP



CONCEPT PLAN DETAILED ZONING MAP





Attachments
Application
PowerPoint Presentation

Case # Z-2022-16 PD-159A
June 1, 2022



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Zoning Application Number Z-2022-16

1 message

'Robert Spencer' via Planning Services <planning@abilenetx.gov>

Mon, Jul 4, 2022 at 7:29 PM

Reply-To: Robert Spencer <robbiespencer86@icloud.com>

To: planning@abilenetx.gov

Greetings to those on The Planning and Zoning Commission:

Thank you for your recent notification of the upcoming public hearing on July 5, 2022. Since I am working and unable to attend, I wanted to submit my comments regarding the request from Arête Interests, LLC for amendment to the terms and conditions of the Concept plan to allow for more residential uses.

To my recollection, the current plan is to design and build 4 duplex homes that would face Beech St. I am not certain as to the design or blue print layout of these homes and if the duplexes have front driveways/garages or if they have a rear driveway/garage. It has also been my understanding that there would be a small park area for the residents of those complexes and the owners of the new urban homes facing Orange St. to enjoy for cookouts and recreation that would be fenced off on Paramore as it has on the North 7th side.

I wish to submit my concern for increasing the number of duplex units to greater than 8 due to the number of vehicles that would be potentially owned or used by those residents. The number of vehicles that would potentially be parked on Beech, Paramore and North 7th would add to congestion and be targets for theft not only to the vehicles but to all the homes in this historic area.

In 2017, the US Department of Transportation reported that there were 1.88 cars per US household. This number does not include those vehicles strictly driven for work purposes. According to "Governing the States and Localities" printed in 2019, Abilene, Texas had 1.71 vehicles per household in 2015 and 1.69 in 2017. This is a minimal decrease and would continue to be a concern with greater than 8 duplexes.

Thank you for allowing me to state my position in the continuing development of this historic neighbourhood as Abilene presses forward towards the renovation and restoration of the downtown area.

Robert Frank Spencer
726 Beech St
robbiespencer86@gmail.com

Sent from my iPhone

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To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.

To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/963146D3-B3D9-408E-8ABF-A337335913FD%40icloud.com>.



Holland, Adam <adam.holland@abilenetx.gov>

[Planning] Parcel I.D. 16512

Kenneth Pope <ken@popehorns.com>

Wed, Jun 29, 2022 at 2:00 PM

To: "planning@abilenetx.gov" <planning@abilenetx.gov>

My wife (Theresa) and I oppose the change in the project. The north side of town, as everyone knows, is less affluent than the south side, and packing more and more people in there in such close quarters, will only continue to highlight the differences between the North and South sides of town.

Ken Pope

[772 Beech St.](#)

Kenneth Pope

Pope Horns Inc.



617-522-0532

[80 Wenham St.](#)[Boston, MA 02130](#)<http://www.PopeHorns.com>

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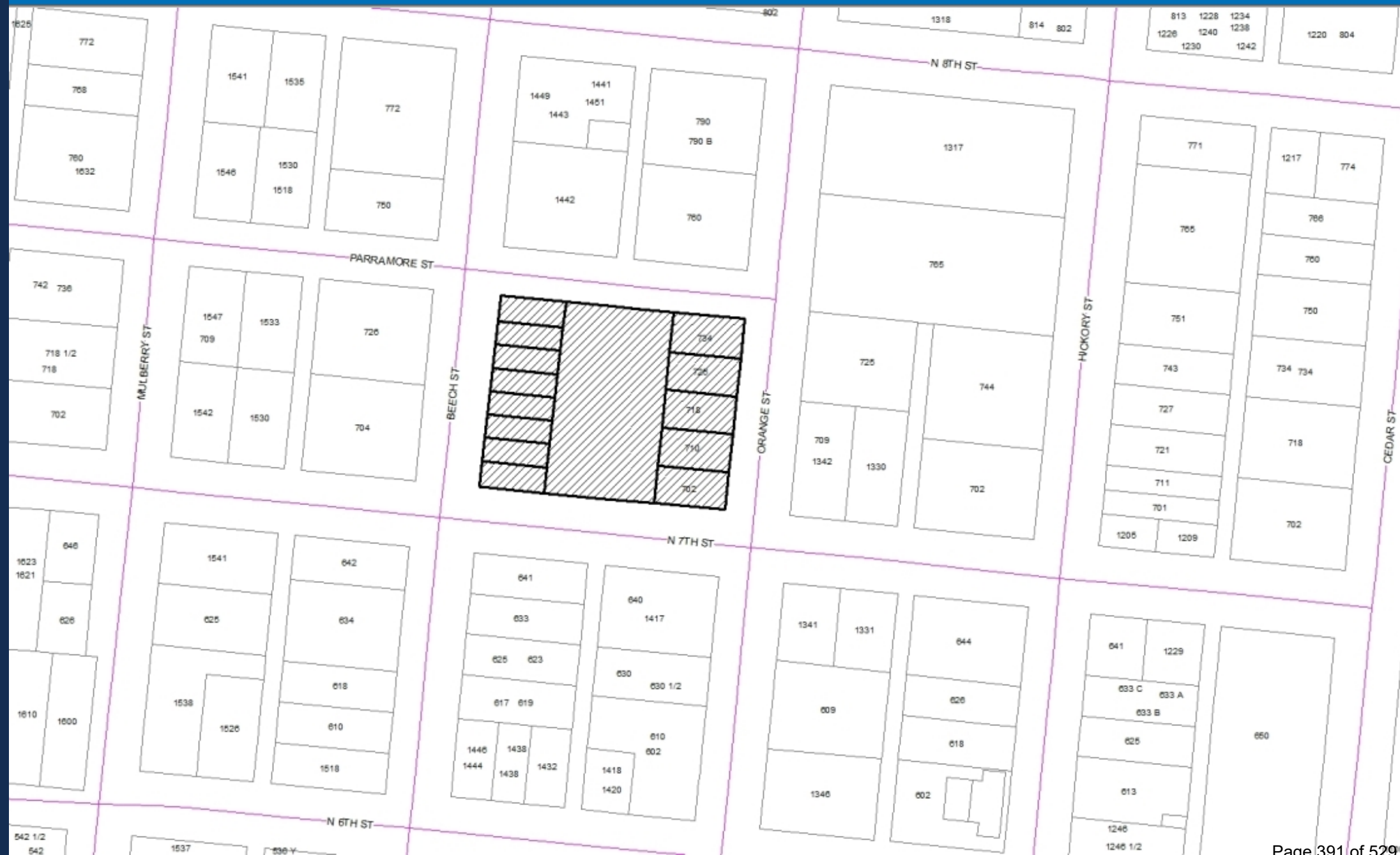
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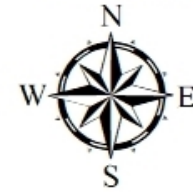
Case:	Z-2022-16 PD-159A
Owner:	Arete Interests, LLC
Agent:	Jacob & Martin, LLC
Request:	An amendment to the concept plan to allow single-family attached and patio home uses.
Location:	Between Beech, Parramore, and North 7 th Streets and west of lots adjacent to Orange St.
Public Input:	0 in favor, 2 opposed
Planning & Zoning:	July 5, 2022
City Council Hearings:	1 st : July 28th, 2022 2 nd : August 11 th , 2022

Z-2022-16 PD-159A LOCATION MAP





Location Map



Legend

- Z-2022-16
- CourierParcels





CONCEPTUAL PLAN. MUST MEET ALL DEVELOPMENT STANDARDS

Permitted Uses in TH Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- P Dwelling – Townhome

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

East View



North View



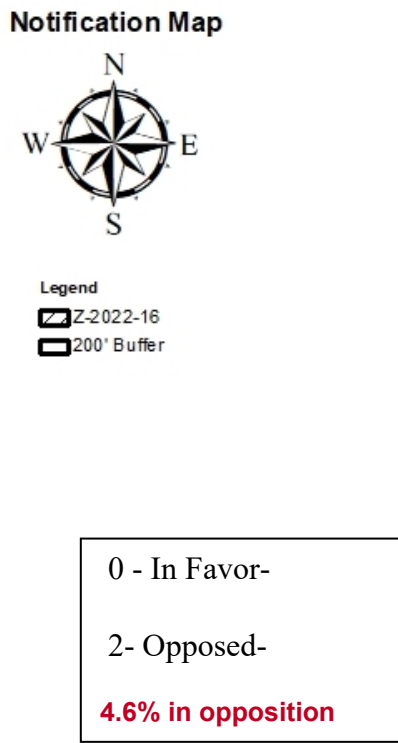
West View



Neighboring Property (West)



Neighboring Property (North)



The request is consistent with:

- The *Comprehensive Plan*;
- The surrounding zoning and land uses;
- Generally accepted urban planning principals; and
- Satisfies the Criteria for Approval of the LDC.

P&Z Recommends: Approval.

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **22. Ordinance (Final Reading) Z-2022-17:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Grace Tabernacle Church Represented By Nancy Brown And Gene Dezell To Change Zoning From Residential Single Family (RS-6) To Neighborhood Retail (NR), On Approximately .62 Acres In South Abilene, Legal Description Being Lots 5-8, Block 15, Campus Addition, Abilene, Taylor County, Texas. *(Tim Littlejohn)*

GENERAL INFORMATION

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

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission approved this request on July 5, 2022.

ATTACHMENTS:

1. Ordinance
2. Z-2022-17 staff report
3. Z-2022-17 PZC presentation

ORDINANCE NO. _____

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

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

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

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto. PASSED ON FIRST READING the 28th 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 11th day of June 2022, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 11th day of August 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 11th day of August, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning district classification of Lot 5-8, Block 15, from a Residential Single Family (RS -6) to Neighborhood Retail (NR) district.

Location: Lot 5-8,Block 15



END

ZONING CASE Z-2022-17

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: July 5, 2022

City Council 1st Reading: July 28, 2022

City Council 2nd Reading: August 11, 2022

Applicant

Owner: Grace Tabernacle Church

Agent: Nancy Brown and Gene Dezell

Request

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

Location

1434 and 1452 Marshall St.

Background

This property was annexed in 1946. The northern property has remained vacant since annexation. A church was constructed on the southern part of the property in 1981. The subject property is bounded by Marshall Street on the east and South 15th Street on the south. Rezoning is requested to allow a daycare-center.

Zoning and Existing Land Use

The current zoning and land uses of site and the surrounding area is illustrated on the maps included in this report. Properties to the north are zoned General Commercial (GC). A nonconforming single-family dwelling and daycare is located to the north. Property zoned Multi-Family Residential (MF) district west of the site is used as an apartment complex. Properties east and south of the site are zoned Residential Single-Family (RS-6). The properties to the east are vacant and used as single-family residential. The McMurry University campus is one block to the east.

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 map designates the subject property and its surroundings to be in a Community Enhancement Corridor along South 14th Street. This request is generally consistent with the land-use policies of Abilene's Comprehensive Plan and Community Enhancement Corridor.

- (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.**

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 has direct access to a 6" sanitary sewer main and a 6" water main in the alley between South 14th Street and South 15th Street. These existing utilities will continue to provide adequate service to the site.

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

No other factors are present that would substantially affect the public health, safety, morals, or general welfare.

Commission Recommendation:

Approval.

Notification

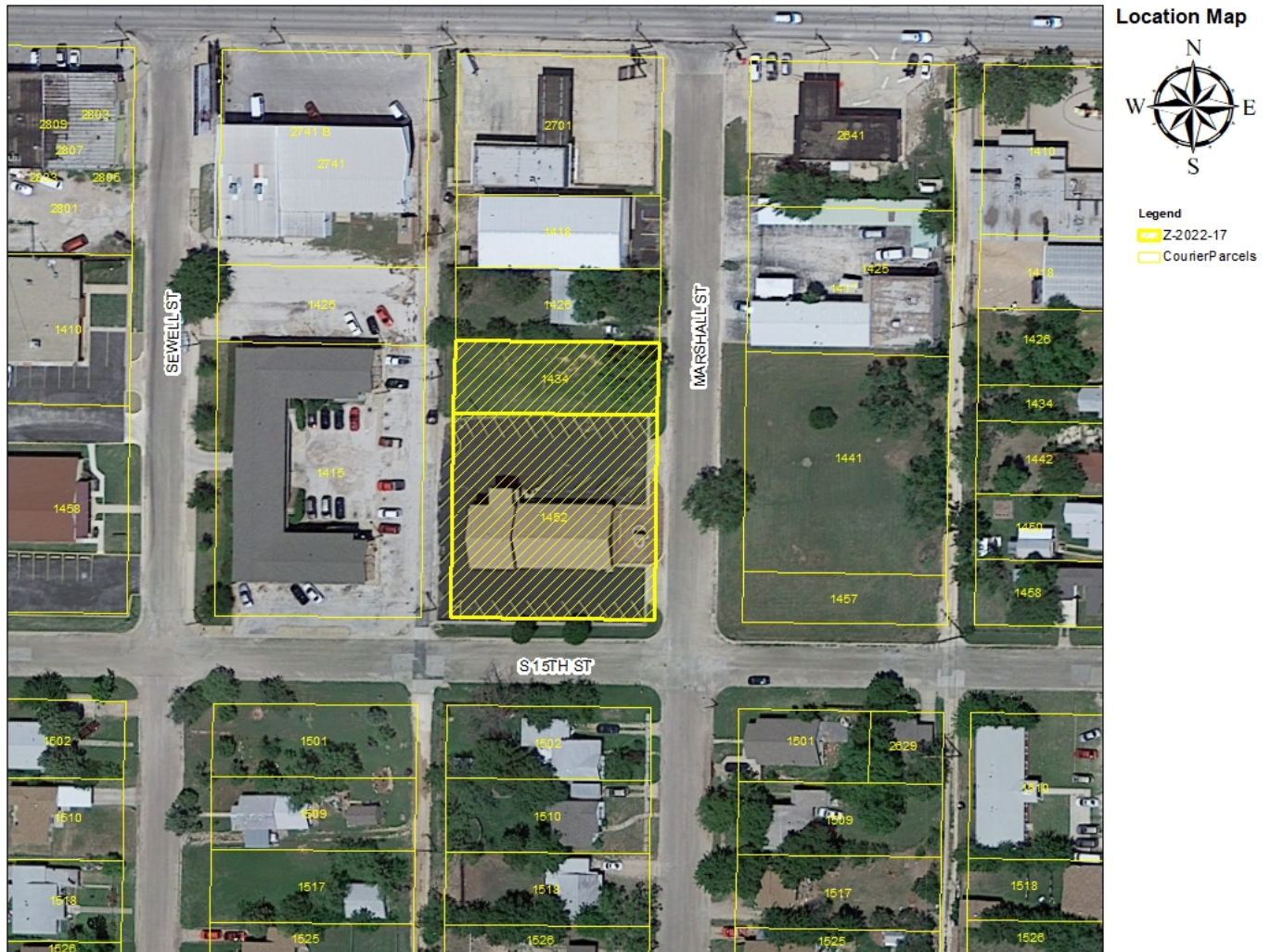
Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on June 21st, of 2022, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1
Owner/Property ID

OWNER	PROP_ID	SITUS	RESPONSE
COLLAZO MARIA G	43337	1509 SEWELL ST	
COLLAZO MARIA GUADALUPE	43451	1501 SEWELL ST	
GGTP LLC	40181	2741 B S 14TH ST	
GRACE MINISTRIES OF ABILENE	39801	1452 MARSHALL ST	
GRACE TABERNACLE CHURCH	39671	1434 MARSHALL ST	
HILL JOHN A	97032	1425 SEWELL ST	
HILL JOHN A & MOLLY	40036	1415 SEWELL ST	
JANNAHS REAL ESTATE LLC & AL WAHBAN	38976	2641 S 14TH ST	
JGN PROPERTIES LLC - SERIES F1	37243	1517 MARSHALL ST	
LAYTON MARK E & DIANA S	38720	1417 MARSHALL ST	
MADORE DAVID	39317	2701 S 14TH ST	
MAVERICK RIP LLC SERIES G	38603	1441 MARSHALL ST	
MAVERICK RIP LLC SERIES G	38472	1457 MARSHALL ST	
MC LEOD JON COLE	43218	1517 SEWELL ST	
MILNE ALAN L	37377	1509 MARSHALL ST	
OLSEN KIRSTIAN	39551	1426 MARSHALL ST	
OVERLAND CAROL	41583	1502 MARSHALL ST	
RCD HOLDINGS LLC	41826	1518 MARSHALL ST	
SONSHINE KIDS CHILD CARE CENTER LLC	39438	1418 MARSHALL ST	
SPINKS BB	41711	1510 MARSHALL ST	
STEVENS JOHN W	37493	2629 S 15TH ST	
STONEHENGE LLC	100805	1501 MARSHALL ST	

OWNER	PROP_ID	SITUS	RESPONSE
JGN PROPERTIES LLC - SERIES F1	37243	1517 MARSHALL ST	
MILNE ALAN L	37377	1509 MARSHALL ST	
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COLLAZO MARIA GUADALUPE	43451	1501 SEWELL ST	
HILL JOHN A	97032	1425 SEWELL ST	
STONEHENGE LLC	100805	1501 MARSHALL ST	

LOCATION MAP



ZONING MAP



Attachments

Application
PowerPoint Presentation
Graphic Concept Plan

Case:	Z-2022-17
Owner:	Grace Tabernacle Church
Agent:	Nancy Brown and Gene Dezell
Request:	Rezone from Residential Single-Family (RS-6) to Neighborhood Retail (NR).
Location:	1434 and 1452 Marshall Street
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	July 5, 2022
City Council Hearings:	1 st : July 28 th , 2022 2 nd : August 11 th , 2022



Z-2022-17 CURRENT ZONING MAP



Permitted Uses in NR Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

- P Arts School
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P School: Public/Private

SERVICE

- C Automobile Wash
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- C Printing, Copying, Reproduction, Publishing
- P Repair and Maintenance Services (indoor)
- C Tattoo Parlor
- P Veterinary Service (small animals)

TRADE – RETAIL USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Broadcast Studio
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

Z-2022-17 VIEWS OF SUBJECT & ADJACENT PROPERTIES

Subject Property East View



Subject Property South View



Neighboring Property West



Neighboring Property North



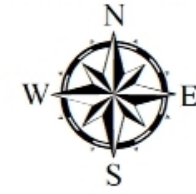
Neighboring Property West View



Z-2022-17 NOTIFICATION AREA MAP



Notification Map



Legend

- 200' Buffer
- Z-2022-17

0 - In Favor-

0- Opposed-

0% in opposition

- Consistent with the *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- P&Z Recommends: Approval
- Staff Recommendation: Staff recommends approval.

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **23. Ordinance (Final Reading) Z-2022-18:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Sugar Agua #1 Ltd Represented By Matthew Muzechenko To Change Zoning On Approximately 7.15 Acres In Southwest Abilene From Agricultural Open (AO) To General Commercial (GC). *(Tim Littlejohn)*

GENERAL INFORMATION

Rezone from Agriculture Open Space (AO) to General Commercial (GC) located at 5309 Hwy 277, Abilene.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request.

ATTACHMENTS:

1. Ordinance
2. Z-2022-18 staff report
3. Z-2022-18 PZC presentation

ORDINANCE NO. _____

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

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

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

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto. PASSED ON FIRST READING the 28th 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 11th day of June 2022, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 11th day of August 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 11th day of August, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning district classification of 5309 Hwy 277, from a Agricultural Open Space (AO) to General Commercial (GC) district.

Legal Description:

Being 7.15 acres out of the Joseph Beck Survey No. 42, Abstract No. 23, Taylor County, Texas, said

7.15 acres being the same tract of land described as 6.93 acres in Deed to FL20 Inc. dated July 17, 2020, of recorded in Instrument No. 2020-13682 Official Records of Taylor County, Texas, and said 7.15 acres being more fully described as follows:

Beginning at a found 1" pipe, on the East right of way line of U.S. Highway 277, for the Southwest corner of Lot 1, Block A, Abilene Bible Church Addition, of record in Cabinet 3, Slide 605, Plat Records, Taylor County, Texas, and the Northwest corner of this tract, from said point the Northwest corner of said Section 30 bears of record $S77^{\circ}17'W$ 953.51' and $N12^{\circ}43'W$ 2672.4';

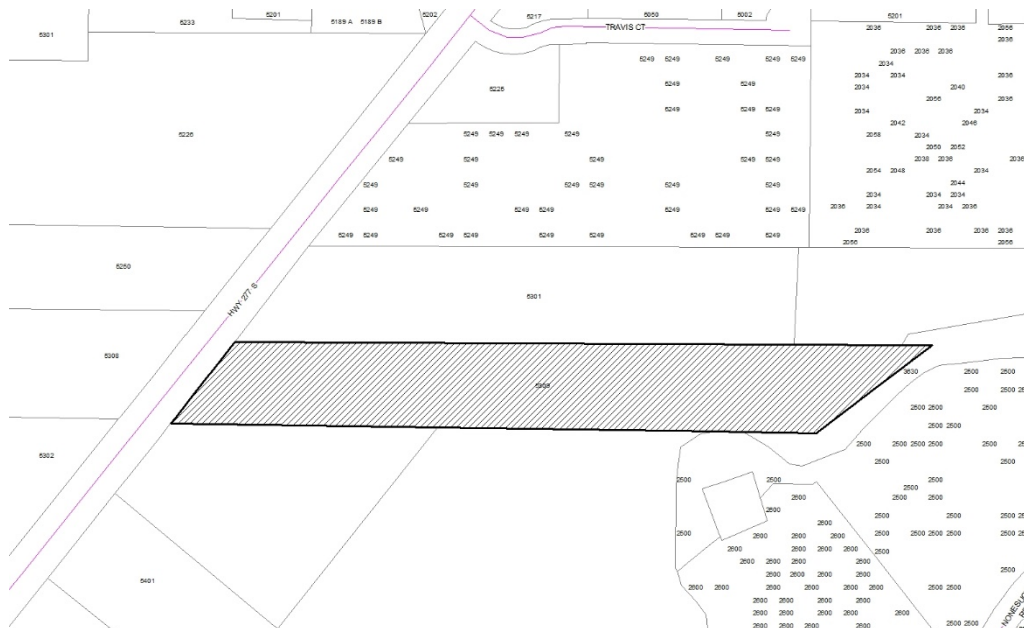
Thence $889^{\circ}41'00''E$, passing a found $\frac{1}{2}$ " rebar at 1298.2', and continuing for a total distance of 1624.74' to a point, on the center line of a creek for the Northeast corner of this tract;

Thence $S53^{\circ}01'00''W$, along the center line of a creek, a distance of 338.52' to a point for the Southeast corner of this tract;

Thence $N89^{\circ}10'14''W$, passing a found $\frac{1}{2}$ " rebar at 375.0' and a found $\frac{3}{8}$ " rebar at 876.13', and continuing for a total distance of 1503.13' to a found pipe post, on the East right of way line of said U.S. Highway 277 for the Northwest corner of Lot 101, Block A, Twelve Oaks Addition, of record in Cabinet 2, Slide 312-B, Plat Records, Taylor County, Texas, and the Southwest corner of this tract;

Thence $N37^{\circ}43'43''E$, along the East right of way line of said U.S. Highway 277, a distance of 241.33' to the point of beginning, containing 7.15 acres of land.

Location:



END

ZONING CASE Z-2022-18

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: July 5, 2022

City Council 1st Reading: July 28, 2022

City Council 2nd Reading: August 11, 2022

Applicant

Owner: SUGAR AGUA #1 LTD

Agent: Matthew Muzechenko

Request

Rezone 7.15 acres from Agriculture Open Space (AO) to General Commercial (GC).

Location

5309 Highway 277

Background

This property was annexed in 1959 and has remained vacant since annexation. The subject property is approximately 180 wide with South Highway 277 forming its western boundary. The property contains 7.15 acres of land in the Joseph Beck Survey Abstract 42.

Zoning and Existing Land Use

The property lies between two parcels zoned as General Commercial (GC). The property to the south is also zoned AO. The subject property is vacant and heavily vegetated. A significant portion of the property is located in the floodway and floodplain of Little Elm Creek and Elm Creek. A self-storage facility is located north of the subject property. A business office and vacant property are south of the site. An apartment complex is east of the site along Nonesuch Road.

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 map identifies the subject property and its surroundings to be in a Business/Industrial area. The proposed zoning request is consistent with this recommendation and the land-use policies of the 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.

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 has direct access to a 15" sanitary sewer main and an 8" water main that adjacent to Highway 277. No other utilities or public improvements required to provide adequate service to the site.

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

No other factors are present that would substantially affect the public health, safety, morals, or general welfare.

Commission Recommendation:

Approval.

Notification

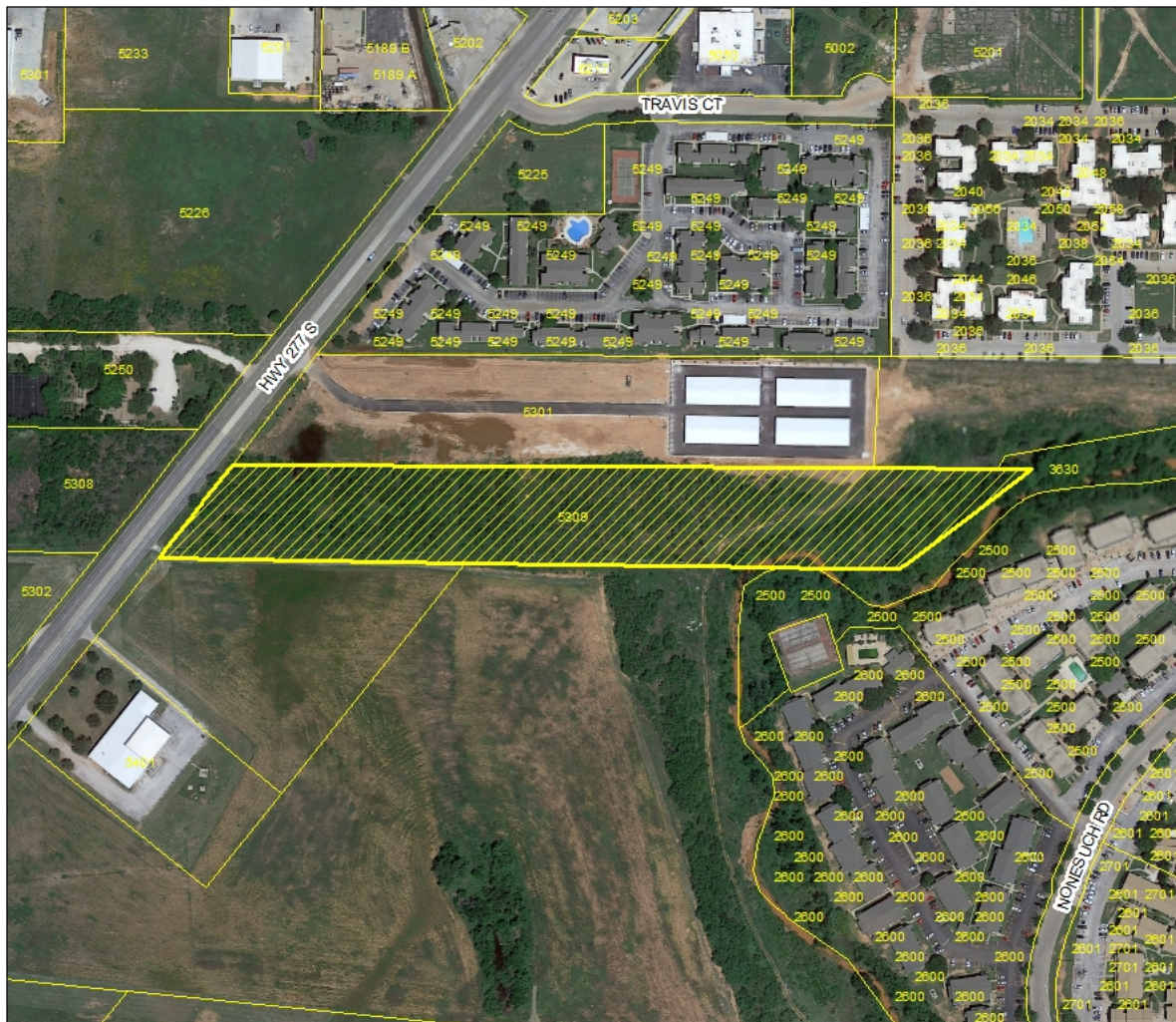
Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on June 21st, of 2022, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1
Owner/Property ID

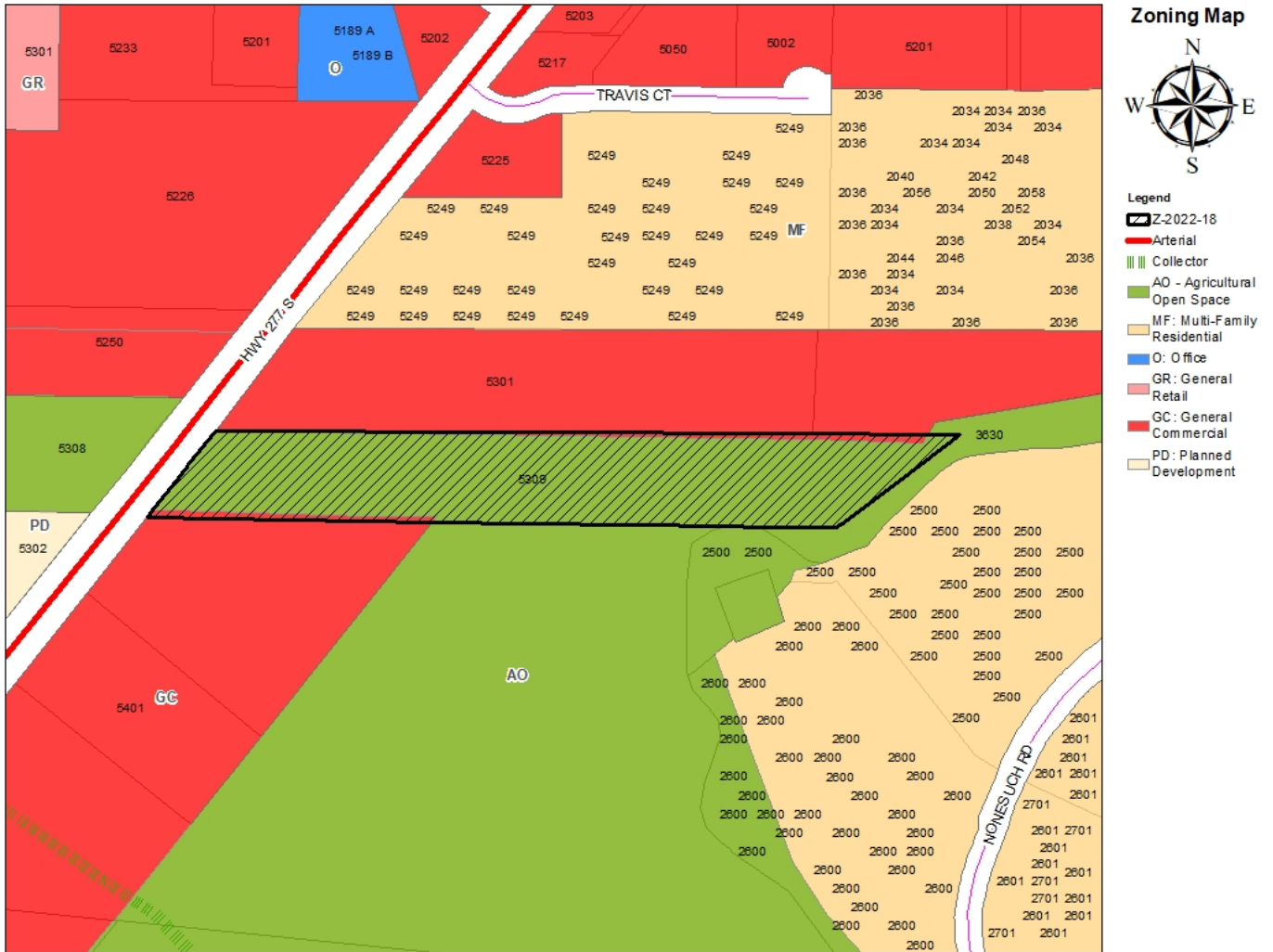
OWNER	PROP_ID	SITUS	Response
PATEL SUNIL S	76296		
B SENTER PROPERTIES LTD &	61367	5250 HWY 277 S	
CAPX VENTURES FUND I LLC	58812	2500 NONESUCH RD	
CITY OF ABILENE	59276	3630 S CLACK ST	
FL20 INC	61244	5308 HWY 277 S	
PATEL SUNIL S	109556		
SUGAR AGUA #1 LTD	58192	5309 HWY 277 S	
WHITNEY ENTERPRISE LLC	970054	5302 HEALTH CENTER DR	
WILLOWCREST APARTMENTS OF ABL	58957	2600 NONESUCH RD	

OWNER	PROP_ID	SITUS	Response
SUGAR AGUA #1 LTD	58192	5309 HWY 277 S	
CAPX VENTURES FUND I LLC	58812	2500 NONESUCH RD	
WILLOWCREST APARTMENTS OF ABL	58957	2600 NONESUCH RD	
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B SENTER PROPERTIES LTD &	61367	5250 HWY 277 S	
PATEL SUNIL S	76296		
PATEL SUNIL S	109556		
WHITNEY ENTERPRISE LLC	970054	5302 HEALTH CENTER DR	

LOCATION MAP



ZONING MAP



Attachments

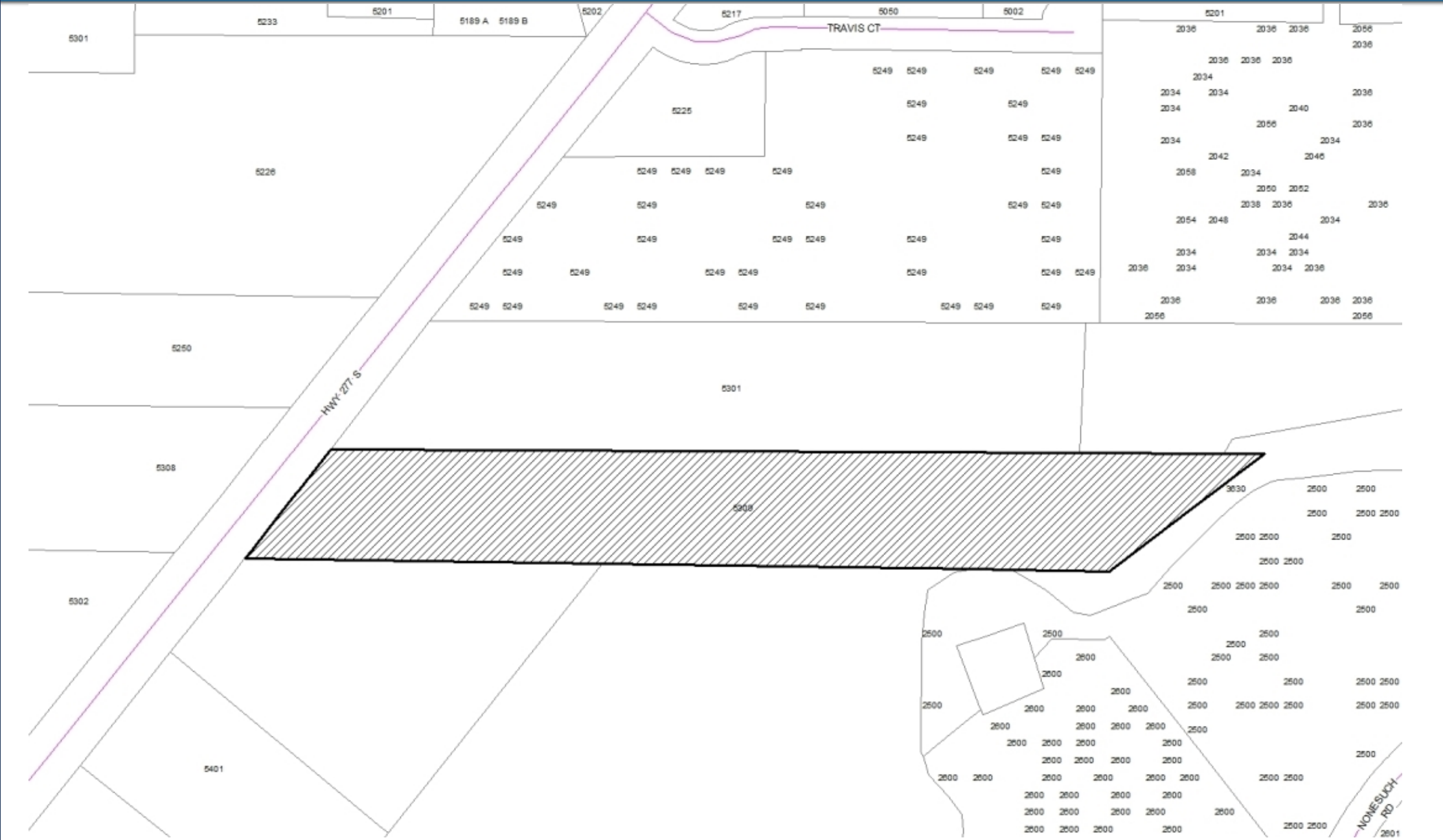
Application

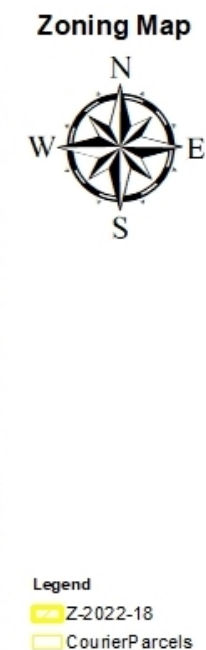
PowerPoint Presentation

Graphic Concept Plan

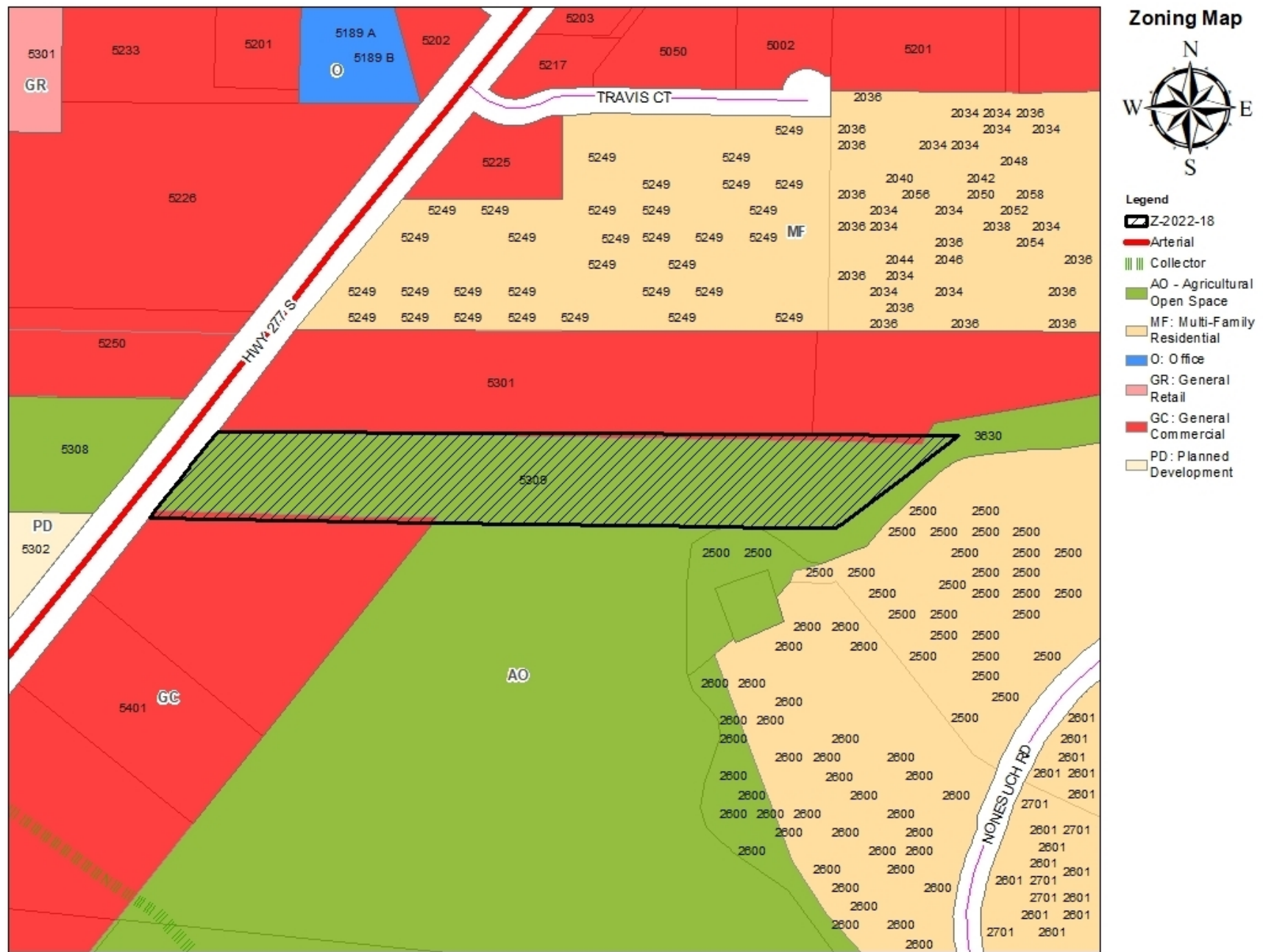
ZONING REQUEST

Case:	Z-2022-18
Owner:	SUGAR AGUA #1 LTD
Agent:	Matthew Muzechenko
Request:	Rezone from Agricultural Open Space (AO) to General Commercial (GC).
Location:	5309 Highway 277
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	July 5, 2022
City Council Hearings:	1 st : July 28 th , 2022 2 nd : August 11 th , 2022





Z-2022-18 CURRENT ZONING MAP



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-2022-18 VIEWS OF SUBJECT & ADJACENT PROPERTIES

Subject Property East View



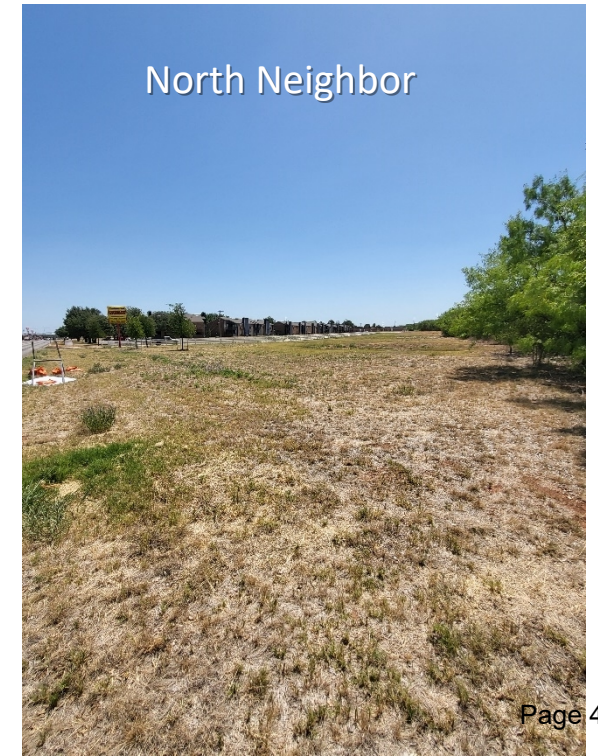
West Neighbor



South Neighbor



North Neighbor





- 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: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **24. Ordinance (Final Reading) Z-2022-15:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Cimarron Meadows Development Corp. Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 170 Specifically To Add Approximately 37 Acres Of Existing Residential Medium Density (MD) And Approximately 15 Acres Of Agricultural Open Space (AO) Zoning And Amending Them To Allow For 5,000 Square Foot Lots With 5 Foot Side Setbacks And 50 X 100 Foot Lot Dimensions. *(Tim Littlejohn)*

GENERAL INFORMATION

Rezone approximately 15.067 acres from Agricultural Open (AO), Medium Density (MD), and Planned Development (PD) to Plan Development (PD) District and adding the property to PD-170 with a Townhome base zoning. Applicant is requesting to develop 50 foot wide residential single family lots with a base zoning of RS-6 within the extension of PD 170.

SPECIAL CONSIDERATIONS

The Applicant timely appealed the denial of the zoning request.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission denied this request by a vote of 3-2 on July 5, 2022.
(Appealed to City Council on July 12, 2022)

ATTACHMENTS:

1. Z-2022-15 PD-170 Amendment Ordinance
2. Z-2022-15 PD-170 staff report
3. Appeal PD-170 July 12 2022
4. 642 Tamy Ct
5. 2066 Benz Drive
6. 702 Serrot Court
7. 649 Cynthia Court
8. 701 Serrot Court
9. 116935
10. 641 Cynthia Court
11. 641 Tamy Court
12. 2018 Benz Drive
13. Opposition
14. Z-2022-15 PD-170 PZC Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PD-170 AND ORDINANCE NO. 24-2006 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

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

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

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 28th 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 17th day of June 2022, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 11th day of August 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 11th day of August, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

PART 5: Legal Description

AMEND: Extend the boundaries of PD-170 to include the South 890 feet of Lot 102, Block A (Approximately 37 acres), Parkview Addition Section 2 and the South half of Tract 10 Lot S/2 (Approximately 15 acres), Excluding the South 360 feet, Lakeland Farm Addition thus creating tract 2 of PD 170.

PART 7: Specific Modifications.

A. Permitted Uses and Specific Regulations

1. Tract 1

a. All residential uses ordinarily permitted within Residential Town Home (TH) Zoning in addition to the following modifications:

i. DWELLING — DUPLEX

ii. DWELLING -TOWNHOME

1. The definition of DWELLING — TOWNHOME amended to be “one of a group of no less than two (2) nor more than two (2) attached dwelling units, separated by a fire-rated wall.” NOTE: Ordinarily, no less than three (3) attached dwelling units are required.

b. Site layout and Building Requirements:

i. DWELLING — TOWNHOME

1. All site layout and building requirements ordinarily applicable within Residential Townhome (TH) Districts, except as otherwise specified within this section.
2. A contiguous row of attached townhome dwellings shall have a minimum length of two (2) dwelling units and a maximum length of two (2) dwelling units. NOTE: Ordinarily, a contiguous row of attached townhome dwellings must have a minimum length of three (3) dwelling units or more.
3. Townhome developments of not more than two units shall be exempt from the requirement of major Site Plan review by Abilene’s Development Review Committee
4. Setbacks:
 - a. • Minor Street: 10-feet
 - b. • Collector Street: 20-feet
 - c. • Arterial Street: 30-feet
 - d. • Side Yard: 6-feet
 - e. • Rear Yard: 20-feet

ii. DWELLING — DUPLEX

1. All site layout and building requirements ordinarily applicable within Medium Density (MD) Districts shall apply

Except as otherwise specified in and allowed by this ordinance, the use and development of Tract 1 shall be governed by the regulations applicable to the Town Home (TH) zoning Classification.

2. Tract 2

- a. All residential uses ordinarily permitted within Residential Single-Family RS-6 zoning
- b. Site layout and Building requirements:
 - i. Lots developed for single-family homes have a minimum lot size of 50 feet by 100 feet.
 - ii. Setbacks:
 1. Minor Street: front = 15-feet
 2. Collector Street: front = 20-feet
 3. Arterial Street: front = 30-feet
 4. Side Yard: 5-feet
 5. Rear Yard: 20-feet
 6. Garage Setback: 20-feet



LEGEND

PROPOSED PD
EXISTING PD
EXISTING RS-6

JACOBS
JACOBS ENGINEERING GROUP, INC.
1000 S. GARDEN ST., SUITE 200
DALLAS, TEXAS 75210
TEL: 214.746.2000
FAX: 214.746.2001
WWW.JACOBS.COM

© 2022 Jacobs Engineering Group, Inc.

\\jc01-jacobsgroup\17173-Cherokee-Business-Reserve-2 - James-Jacobsgroup\17173-Cherokee-Business-Reserve-2 - 10-18-2022 10:18 AM
Drawn By: jacobsgroup
Date: 10/18/2022 10:18 AM
Printed By: jacobsgroup
Print Date: 10/18/2022 10:18 AM

ZONING CASE Z-2022-15 PD-170

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: July 5, 2022

City Council 1st Reading: July 28, 2022

City Council 2nd Reading: August 11, 2022

Applicant

Owner: Cimarron Meadows Development Corp

Agent: Jacob & Martin, LLC

Request:

Rezone approximately 15 acres from Agricultural Open (AO) and approximately 37 acres currently Medium Density (MD) to Plan Development District (PD-170). Additionally, create Tract 2 of this district (PD-170). The request is to allow 50-foot-wide residential single family lots with a base zoning of RS-6 within the new second tract (Tract 2) of PD-170. Tract 1 of PD-170 will remain unaffected as townhome base zoning.

Location

15.067 acres of vacant land between Maple Street and Lakeside Drive known as lot 2 tract 10.

Background

This property was annexed in 1957 and has remained vacant. Maple Street, which borders the west edge of the property, is a major arterial street. Lakeside Drive, on the east edge of the property, is a collector street. An existing 8-inch water line and 6-inch sewer line stub into the property from the north in Sweetwater Lane. A 10-inch sewer line is adjacent to the subject property in Maple Street. The property is not platted.

Zoning, Existing and Proposed Land Use

This request, if approved, would increase the area of PD-170 by 38 acres, as shown in attached graphic. The portion of PD-170 with a base zoning of RS-6 would have 50'x100' minimum lot dimensions, a minimum lot area of 5000 square feet, 5.0-foot interior side setbacks, and have the same allowable land uses as permitted in the RS-6 zoning district. The existing MD district (23 acres) allows up to 12 dwelling units per acre. The proposal would significantly decrease the overall density of residential uses in PD-170.

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 map designates the subject property as low density residential. Downzoning the property zoned MD to the RS-6 base zoning district is consistent with the Future Land Use map. The rezoning of the AO tract to TH is not consistent with the Future Land Use map, but is significantly less the maximum density permitted in the MD district. The overall density of all proposed residential uses in the PD, including 50.0-foot wide lots and lot sizes, will significantly decrease if this request is approved. If the request is denied, the applicant can develop an apartment complex on the 23 acres zoned MD, resulting in up to 276 dwelling units. The proposed layout of the different densities of residential uses is consistent with generally accepted urban planning principals.

(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.

The proposed uses are consistent with the existing zoning patterns. The property north of the subject property along Maple Street is zoned PD with the uses restricted to sporting activities such as football, baseball/softball and soccer fields; volleyball courts; batting cages, golf driving ranges; paintball ranges and uses permitted in the Agricultural Open Space district. East of the sports complex PD is an RS-6 residential development. The eastern portion of the subject property is zoned AO with undeveloped AO property to the north and south. South of the subject property is are lots within PD-170 that can be developed as a Townhome and Duplex.

(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 has water and sewer services available from Sweetwater Lane and Maple Street. The project will need to be platted and utility services extended to provide an adequate level of service.

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

No other factors are present that would substantially affect public health, safety, morals, or general welfare.

Commission Recommendation:

Denial.

Appealed to City Council on 7/14/2022.

Notification

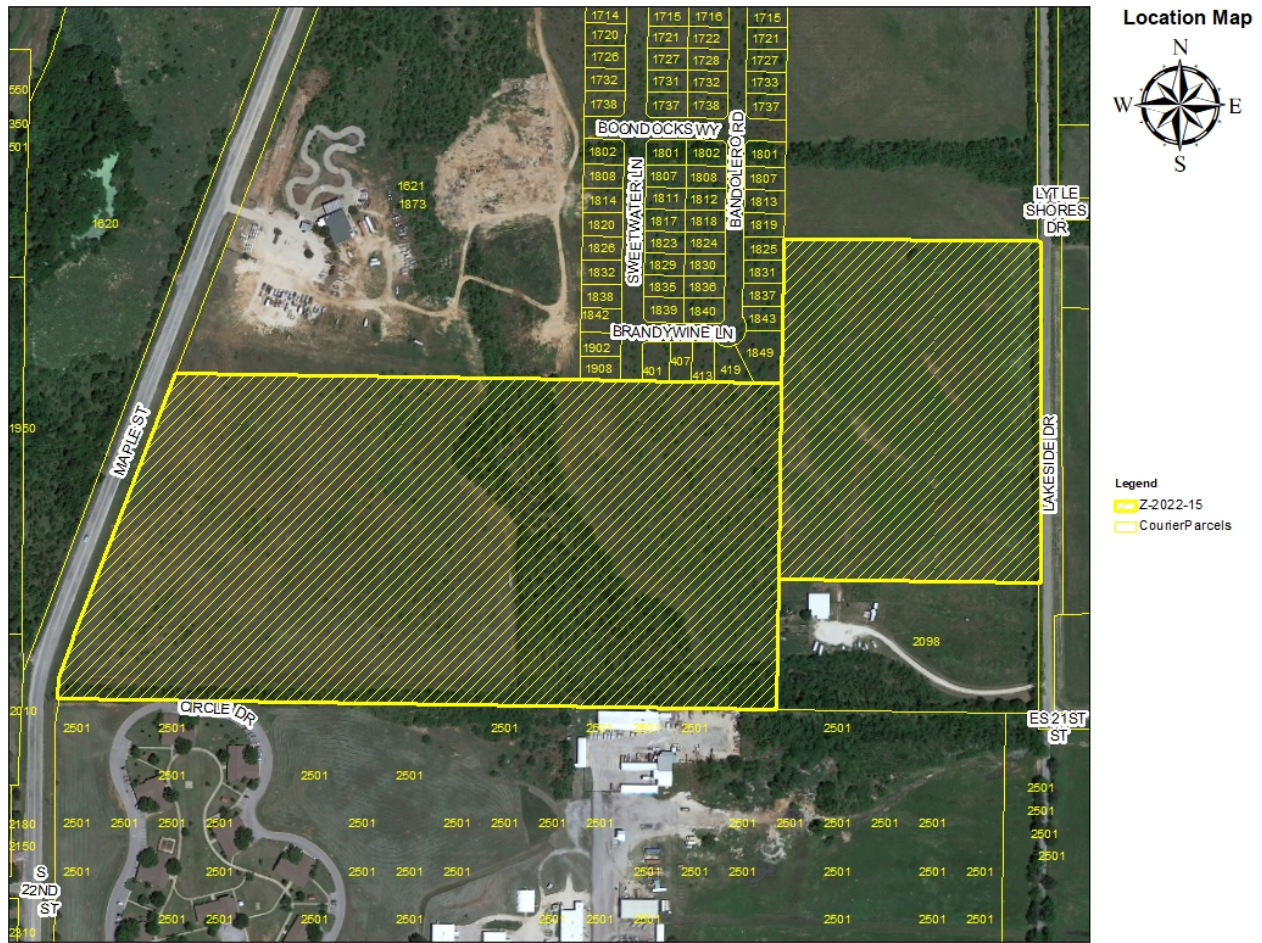
Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on June 21st, of 2022, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1**Owner/Property ID**

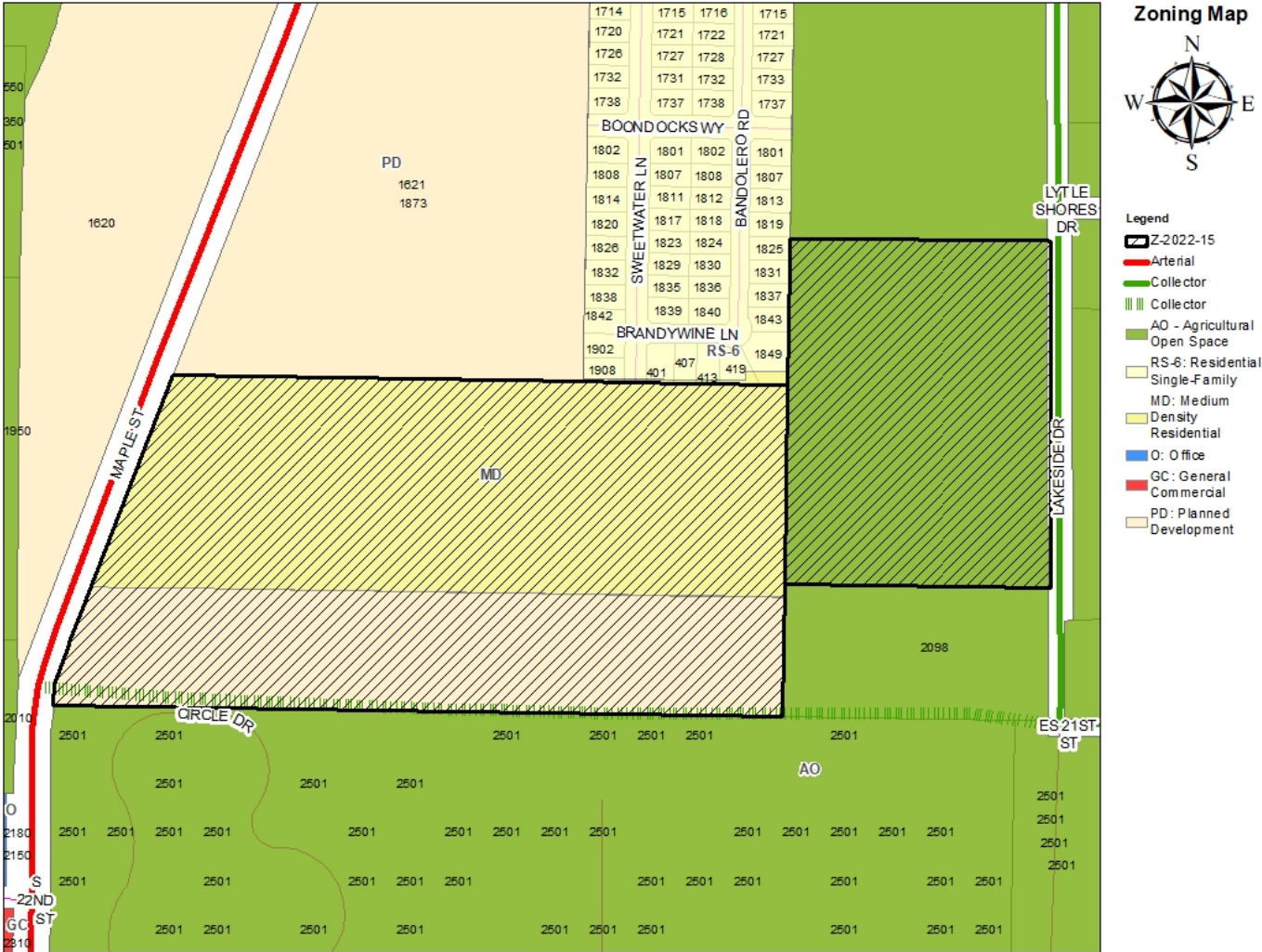
Property ID	Situs	Owner	Response
33283	1950 MAPLE ST	ABILENE IND SCHOOL DIST	
12623	2501 MAPLE ST BLDG 549	ABILENE STATE SCHOOL	
91320	642 TAMY CT	BRENNER GREGORY	O
91321	641 TAMY CT	DRISKILL CORY & MEGAN	O
975716	680 CAMRI LN	GOTTSCHALL GLENN P & KAREN E	O
74501	2098 LAKESIDE DR	LEWIS DONALD	
968710	642 CYNTHIA CT	MC COLUM ANTHONY & SHERRY	
968451	641 MATTHEW CT	MILLER MARK & JAN	
109400	690 CAMRI LN	MOORE DELORES F	
100676	641 CYNTHIA CT	ODLE MARK L & LAUREL K	O
74387		OLDHAM FORBES ESTATES	O
100678		OLDHAM FORBES ESTATES	O
205538		OLDHAM FORBES ESTATES	O
205538		OLDHAM FORBES ESTATES	O
1084380	1908 SWEETWATER LN	ROGERS RECREATION INC	
52606	1620 MAPLE ST	SCHWERTNER WESLEY KAYE TRUST	
91324	642 MATTHEW CT	STOWE JOHN & SUZANNE	
74621		TORRES QUIRICO U & CYNTHIA M	
32761	2010 MAPLE ST	TURQUOISE DOG PROPERTIES SERIES T	

Property ID	Situs	Owner	Response
12623	2501 MAPLE ST BLDG 549	ABILENE STATE SCHOOL	
32761	2010 MAPLE ST	TURQUOISE DOG PROPERTIES SERIES T	
33283	1950 MAPLE ST	ABILENE IND SCHOOL DIST	
52606	1620 MAPLE ST	SCHWERTNER WESLEY KAYE TRUST	
74387		OLDHAM FORBES ESTATES	O
74501	2098 LAKESIDE DR	LEWIS DONALD	
74621		TORRES QUIRICO U & CYNTHIA M	
91320	642 TAMY CT	BRENNER GREGORY	O
91321	641 TAMY CT	DRISKILL CORY & MEGAN	O
91324	642 MATTHEW CT	STOWE JOHN & SUZANNE	
100676	641 CYNTHIA CT	ODLE MARK L & LAUREL K	O
100678		OLDHAM FORBES ESTATES	O
109400	690 CAMRI LN	MOORE DELORES F	
205538		OLDHAM FORBES ESTATES	O
205538		OLDHAM FORBES ESTATES	O
968451	641 MATTHEW CT	MILLER MARK & JAN	
968710	642 CYNTHIA CT	MC COLUM ANTHONY & SHERRY	
975716	680 CAMRI LN	GOTTSCHALL GLENN P & KAREN E	O
1084380	1908 SWEETWATER LN	ROGERS RECREATION INC	

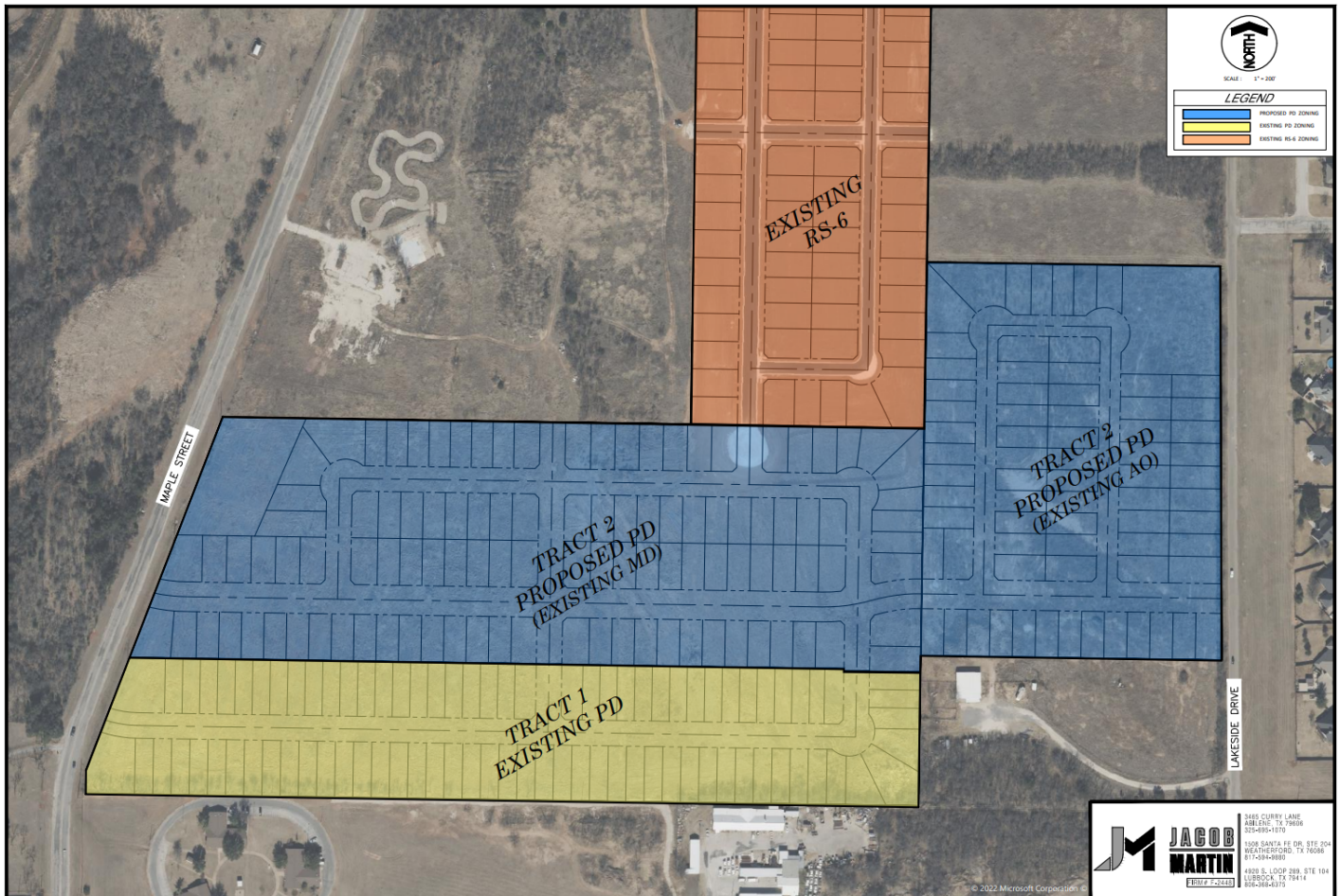
LOCATION MAP



ZONING MAP



CONCEPT PLAN



Attachments

Concept Plan

PowerPoint Presentation

From: **Clayton Farrow** <cfarrow@jacobmartin.com>
Date: Tue, Jul 12, 2022 at 8:00 AM
Subject: Request to Appeal Z-2022-15 to City Council
To: Shawna.Atkinson@abilenetx.gov <Shawna.Atkinson@abilenetx.gov>
Cc: michael.rice@abilenetx.gov <michael.rice@abilenetx.gov>, Tal Fillingim
<tal@jacobmartin.com>, Aaron Waldrop <aaron@waldrop.bz>

Shawna,

Please consider this written request on behalf of the developer, Aaron Waldrop, for City Council to hear the Planned Development Amendment for PD-170.

Thanks,

CLAYTON FARROW, P.E.

JACOB | MARTIN

3465 Curry Lane

Abilene, TX 79606

O) 325.695.1070

C) 214.500.0464

jacobmartin.com

For the PLANNING & ZONING COMMISSION

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

JUN 29 AM 11:40

CASE #: Z-2022-15

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: BRENNER GREGORY

Parcel I.D.: 91320

Address: 642 TAMY CT

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature:



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] Case #Z-2022-15

1 message

Phyllis Thompson <pthompson1202@gmail.com>
To: planning@abilenetx.gov

Wed, Jul 6, 2022 at 1:38 PM

We are opposed.

Mike and Phyllis Thompson
[2066 Benz Drive](#)
[Abilene, TX 79602](#)

--

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To view this discussion on the web visit https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CAA%3DWw%3Dd24cF_T6zO7vCaBbRmNLPsOuxR_TdwN4m10%2BzVkV_rew%40mail.gmail.com.



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Z-2022-15

1 message

Rodney Goodman <rp1lg@att.net>
To: planning@abilenetx.gov

Tue, Jul 5, 2022 at 12:17 AM

I am against this rezoning request.
Laura Goodman
702 Serrot Court

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/6330ED63-ADB4-4069-A645-776DCF6EBE4B%40att.net>.



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Zoning Change Opposition

1 message

LaDonna Hance <ladonnahance61@gmail.com>
To: planning@abilenetx.gov

Mon, Jul 4, 2022 at 12:34 PM

To whom it may concern,

My husband and I are opposed to this zoning change. These are my reasons. My property backs up to 21st. I do not want the additional flow of traffic behind my home. The noise will increase. I am afraid of crime given the easy access to backyards. The roads on 21st and Lake Side are not constructed to handle the additional traffic. There are numerous pot holes that are haphazardly repaired. People already drive too fast down these roads and with the additional traffic, I am afraid there will be many wrecks. 21st and Lake Side are walkways for many who live in my neighborhood. We are able to exercise and feel safe. With the additional traffic, these roads will not be a safe place to exercise. And of course, property values will decrease. Which is a legitimate concern even if it is not a consideration in zoning changes. Property owners should not have to lose home value because someone wants to buy land and build properties that are not in the same value as the established subdivision. The homeowners of the established subdivision should be given first consideration in matters of zoning changes.

With respect,
LaDonna Hance
Jerry Hance
649 Cynthia Ct, Abilene, TX 79602

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

CASE #: Z-2022-15

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: OLDHAM FORBES ESTATES
Parcel I.D.: 116935
Address:

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☐

Additional Comments:

Signature: _____

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--

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To view this discussion on the web visit https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CAB04nBGDtFuaPJe18p3eBNVC%2B_HE-nQ69zFNU9PiecL9XGBdbw%40mail.gmail.com.



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Oldham estates

1 message

Dee Shultz Cox <dee@shultzcox.com>

Tue, Jul 5, 2022 at 9:33 AM

To: planning@abilenetx.gov

Cc: Rodney Goodman <rp1lg@att.net>

I live at 701 serrot ct and I am not in favor of these new proposals.

Dee Shultz-cox

701 serrot ct

dee@shultzcox.com

512-689-1301

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/CC661E6B-80C9-4B9E-B4AE-DD676BE7E5D5%40shultzcox.com>.

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

CASE #: Z-2022-15

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: OLDHAM FORBES ESTATES

Parcel I.D.: 116935

Address:

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: 

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

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JUL 5 AM 10:31



PLANNING & DEVELOPMENT SERVICES

ODLE MARK L & LAUREL K
641 CYNTHIA CT
ABILENE, TX 79602-5250

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2022-15

06/21/2022

The Planning and Zoning Commission will hold a public hearing on **July 5, 2022 at 1:30 PM**, in the Council Chambers at 555 Walnut St. in Abilene, Texas, to recommend approval or denial to City Council on a request from Cimarron Meadows Development Corp. represented by Jacob & Martin to amend the terms and conditions of Planned Development district number 170 specifically to add approximately 23 acres of existing Residential Medium Density (MD) and approximately 15 acres of Agricultural Open space (AO) zoning and amending them to allow for 5,000 square foot lots with 5 foot side setbacks and 50 X 100 foot lot dimensions. Located on the South half of tract 10, Lakeland Farm, 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 **August 11, 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.

JUL 14 10:15

CASE #: Z-2022-15

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: ODLE MARK L & LAUREL K

Parcel I.D.: 100676

Address: 641 CYNTHIA CT

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: _____

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JUL 18 AM 9:55

CASE #: Z-2022-15

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: DRISKILL CORY & MEGAN

Parcel I.D.: 91321

Address: 641 TAMY CT

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

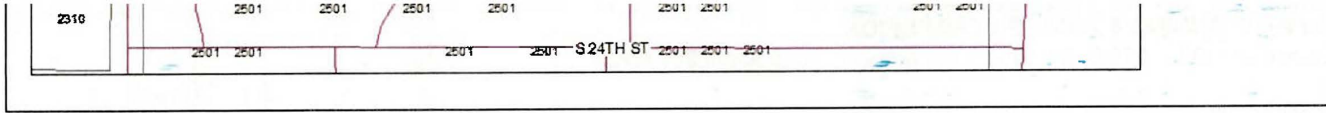
Signature:

Megan Driskill

An addition of a development with that many small houses will increase traffic + drop our homes values! With the state school using 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.

entrance, traffic + trash (littering) has increased. I would ask if this is done lot sizes are →



bigger + no entrance to the development from Lakeside. All entrances from Berry or Maple. I am worried about my kids + increased traffic + that small of houses decreasing my homes value. The average price of homes is around in Aldham homes will not be supported with the addition of 100's of tiny homes right next to our lots. We live in a quiet safe neighborhood and all are afraid how that will change.

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

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Case # Z-2022-15 please reply

1 message

'Brent And Jen' Email' via Planning Services <planning@abilenetx.gov>

Mon, Jul 4, 2022 at 10:30 PM

Reply-To: Brent And Jen' Email <jen.payne68@yahoo.com>

To: planning@abilenetx.gov

Mr. Holland,

We are residents of Oldham Forbes Estates and we just got the notice about the hearing regarding zoning for the land near our home. We unfortunately cannot attend the meeting, but we would like to let you know our position.

We OPPOSE any zoning that includes apartments, duplexes, or triplexes on Lakeside Drive or off Maple. However, we are in favor of single family homes being built.

Thank you for considering our perspective.

Brent and Jennifer Payne
2018 Benz Drive

Would you please respond so I know you got this and was able to add our position to the hearing?

Thank you!

Brent and Jennifer Payne

Sent from my iPad

--

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For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2022-15

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: GOTTSCHALL GLENN P & KAREN E
Parcel I.D.: 975716
Address: 680 CAMRI LN

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

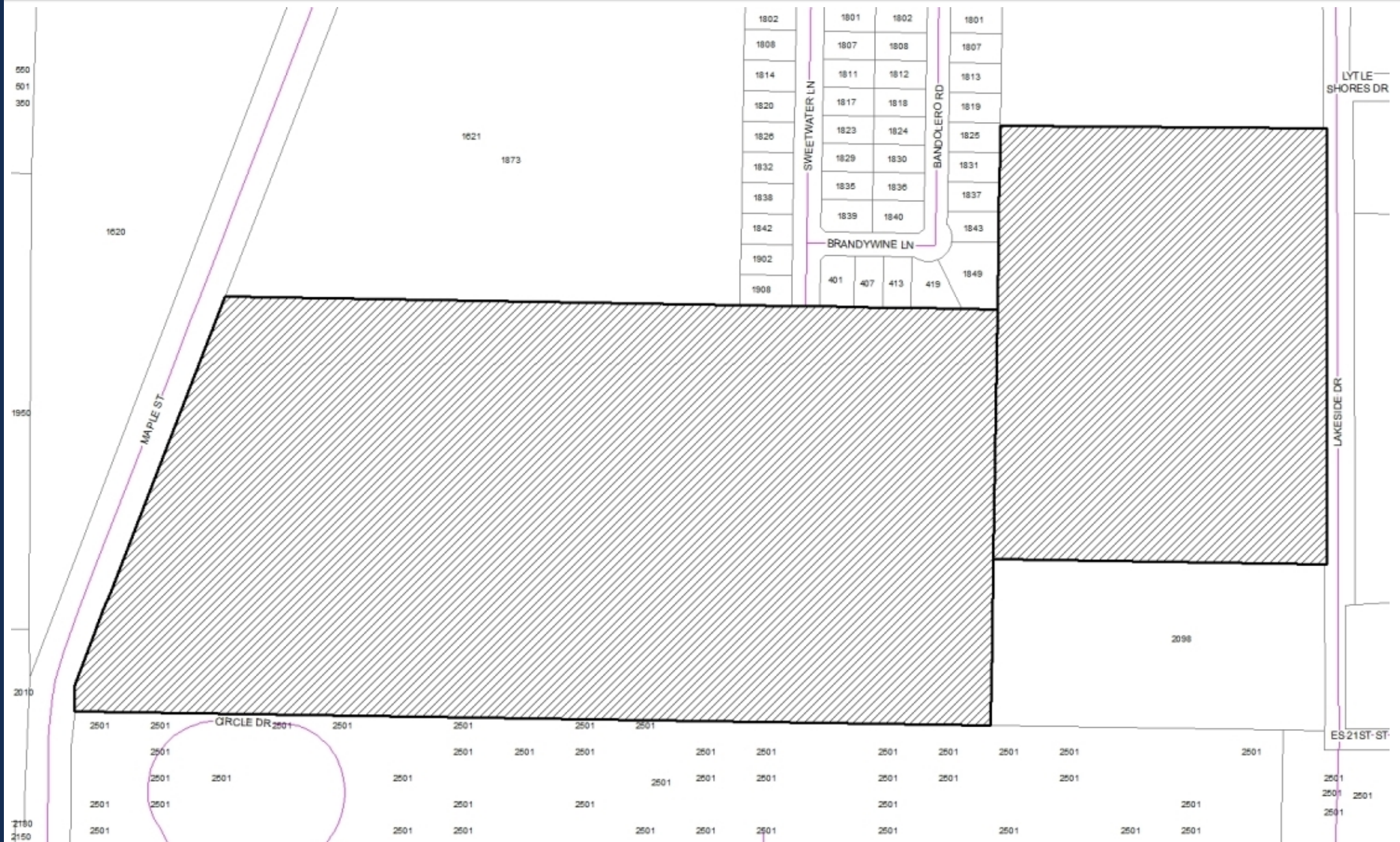
Additional Comments:

Signature: Glenn P. Gottschall

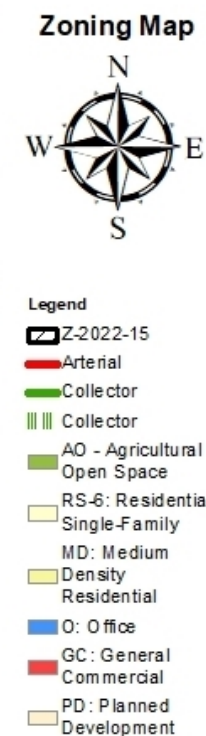
555 WALNUT STREET • P.O. BOX 60 • ABILENE, TEXAS 79604-0060

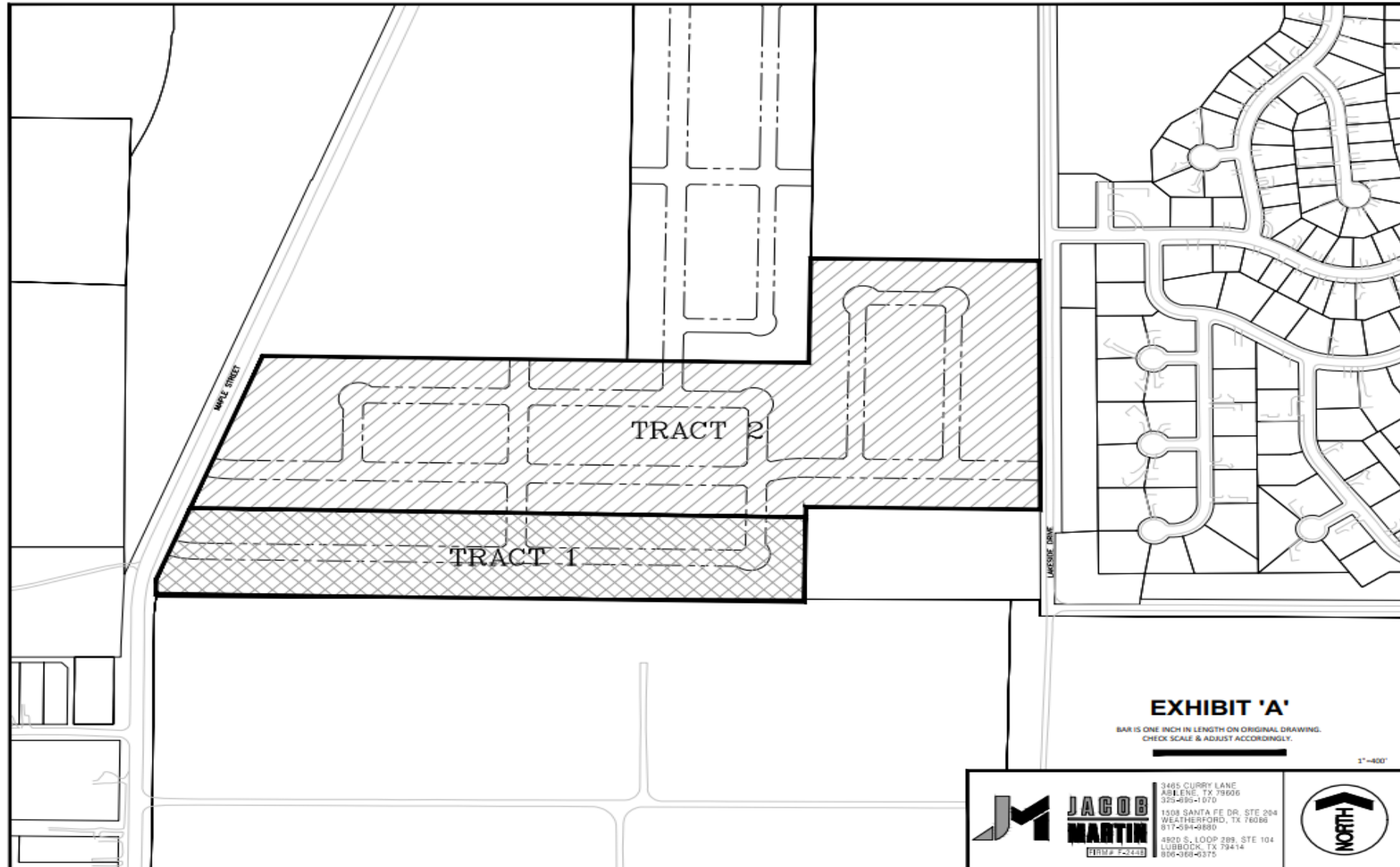
We work together to build and maintain a community of the highest quality for present and future generations.

Case:	Z-2022-15 PD-170
Owner:	Cimarron Meadows Development Corp
Agent:	Jacob & Martin, LLC
• Request:	Rezone approximately 15 acres from Agricultural Open (AO) and approximately 37 acres currently Medium Density (MD) to Plan Development District (PD-170). Additionally create Tract 2 of this district (PD-170). The request is to allow 50-foot-wide residential single family lots with a base zoning of RS-6 within the new second tract (Tract 2) of PD-170. Tract 1 of PD-170 will remain unaffected as townhome base zoning.
Location:	Between Maple Street and Lakeside Drive, south of Berry Lane at the south terminus of Sweetwater Lane.
Public Input:	0 in Favor, 8 Opposed
Planning & Zoning:	July 5, 2022
City Council Hearings:	1 st : July 28th, 2022 2 nd : August 11 th , 2022









CONCEPTUAL PLAN. MUST MEET ALL DEVELOPMENT STANDARDS

Permitted Uses in TH Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- P Dwelling – Townhome

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

East View



South View



West View

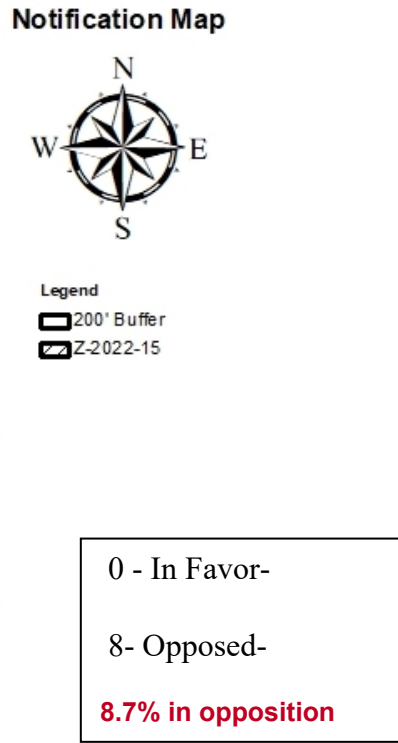


Neighboring Property (East)



North View





The request is consistent with:

- The *Comprehensive Plan*;
- The surrounding zoning and proposed land uses;
- Generally accepted urban planning principals; and
- Satisfies the Criteria for Approval of the LDC.

P&Z Recommends: Denial.

The applicant appealed to City Council on 7-14-2022.

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Mike Rains, Finance Director

SUBJECT: **25. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the 2021-2022 Revised Budget (*Mike Rains*)**

GENERAL INFORMATION

As part of the budget workshop on July 27, 2022, the City Council approved on first reading the All Funds Revised Budget of \$303,172,374 for the FY 2021-2022.

This will be the final public hearing and vote on the 2021-2022 Revised Budgets

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends the City Council hold the public hearing and approve the Revised Budget Ordinance on second and final reading.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Ordinance-Revised Budget 2022-3
2. Powerpoint - Ordinance Approving 2021-22 Revised Budgets

ORDINANCE NO. _____

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2021-2022; FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

WHEREAS, the City Manager has prepared a revision of certain figures in the 2021-2022 budget and submitted same to the City Council; and,

WHEREAS, the City Council has reviewed and considered said proposed revised budget and made revisions of same; and,

WHEREAS, said budget, as revised by the City Council, was duly set for a public hearing ordered to be called by the City Council and held on August 11th, 2022, after due notice, as required by the Charter of the City of Abilene and laws of the State of Texas; now, therefore,

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

PART 1: That the revised figures, prepared and submitted by the City Manager for the 2021-2022 budget, be, and the same are hereby, in all things, approved and appropriated, and any necessary transfers between accounts and departments are hereby authorized, approved, and appropriated.

PART 2: That the City Manager and his authorized and designated employees, at his direction, be, and are hereby, authorized to sign or release easements, permits, licenses, and change orders; to sign interlocal agreements as authorized by state law; to sign documents authorizing the payment of funds, and to expend public funds as authorized by state law unless otherwise authorized by the City Council; to settle paving assessment, weed mowing, demolition, and other disputes based on legal questions of whether the assessments are enforceable or other extenuating factual circumstances. The City Manager is authorized to adjust compensation, within Council policy guidelines, of any City employee, including appointees, when in his discretion an adjustment needs to be made to retain qualified personnel. The intent of this section is to provide the ability to conduct daily affairs of the City, which involves numerous decisions of a routine nature and to retain qualified personnel.

PART 3: That the City Council hereby approves grants and contracts that are set out by this budget and authorizes the City Manager and his authorized and designated employees, at his discretion, to sign said federal, state, and other such grant and contract documents, including interlocal agreements, on behalf of the City. The funds for said contracts, agreements, and purchases are hereby approved and appropriated. The intent of this section is to approve and simplify the grant process and approve expenditures that are exempt from the Purchasing and Contracting Authority of Municipalities, Chapter 252 of the Local Government Code.

PART 4: That upon passage of this ordinance on first reading, the City Secretary be, and is hereby authorized and directed to have published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, a notice that a public hearing will be held in the Council Chambers of the City Hall in Abilene, Texas, at 8:30 A.M., on the 11th of August, 2022, to permit the public to be heard prior to consideration of this ordinance for second and final reading, said publication to be made on the 7th of August 2022, being more than twenty-four (24) hours prior to the time designated for such public hearing in accordance with Section 18 of the City Charter. 102.0065(b) Local Government Code, Special Notice by publication for Budget – except that if another law requires the governing body to give notice, by publication, of a hearing on a budget this section does not apply.

PART 5: That any ordinance, resolution, policy or any provision or section of the code of the City of Abilene, Texas, as amended, in conflict herewith, be, and the same is hereby repealed to the extent of any conflict. It is specifically provided that Resolution 40-1997 concerning liability claims shall remain in full force and effect.

PART 6: That the number, classification, and designation of each position as provided in Texas Local Government Code Ann., Chapter 143 (Vernon 1988), Municipal Civil Service, for the Police and Fire Departments, as set out below, are hereby created, established, and adopted as the official plan for the classified service of the Police and Fire Departments of the City of Abilene for the fiscal year October 1, 2021 through September 30, 2022, or as may be amended by City Council. Any position in the classified service of the Police and Fire Departments of the City of Abilene not below listed, is hereby abolished.

<u>Police Department</u>		<u>Fire Department</u>	
Assistant Police Chief	3	Deputy Fire Chief	2
Police Lieutenant	9	Battalion Chief	4
Police Sergeant	26	Fire Marshal	1
Police Officers	<u>178</u>	Fire Captain	12
	216	Fire Lieutenant	33
		Fire Fighter	<u>146</u>
			198

PART 7: That the City's operating budgets are amended as set forth in Exhibit A attached and incorporated into as part of this Ordinance.

PASSED ON FIRST READING on the 27th day of July, A.D. 2022.

After passage on first reading, a notice of the time and place said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene. The same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the
11th day of August, A.D. 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

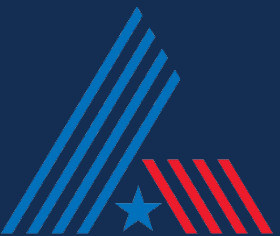
All Operating Funds	Adopted 2021-2022	Amended 2021-2022
Fund Balance Beginning	\$76,847,065	\$86,175,140
Total Revenue	286,501,069	296,420,037
Total Expenditures	292,067,670	303,142,374
Fund Balance Ending	\$71,280,464	79,422,803

Ordinance & Public Hearing – Final Vote on Revised 2021-22 Budgets

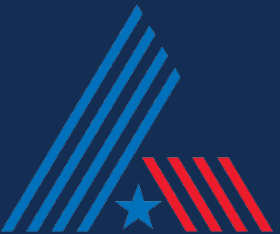


Ordinance & Public Hearing – Final Vote on Revised 2021-22 Budgets

- As part of the budget workshop on July 27, 2022, City Council approved on first reading the All Funds Revised 2021-22 Budgets of \$303,172,374.
- Public Hearing is required
- Final vote on the Revised 2021-22 Budgets



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Mike Rains, Finance Director

SUBJECT: 26. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving and Adopting the Proposed Budget for Fiscal Year 2022-2023 (Mike Rains)

GENERAL INFORMATION

As part of the budget workshop on July 27, 2022 the City Council approved on first reading the budgets as presented by the City Manager. This will be the final public hearing and vote on the proposed 2022-2023 budget.

Since the first reading, Council has approved a contract with ASM Global to manage the Convention Center. As a result, the budget approved on first reading has been changed to reflect the reduction of revenues and expenditures. The total expenditure budget for all operating funds will be \$315,562,708.

SPECIAL CONSIDERATIONS

State law requires two votes be taken for:

A) Approving and adopting the Proposed Budget for Fiscal Year 2022-2023 with a specific amount of money. (\$315,562,708 all operating funds budget)

B) Acknowledge (ratify) that the Adopted Budget will cost more than last year's budget. The following wording must be used,

"This budget will raise more total property taxes than last year's budget by an amount of \$4,809,130, which is an 8.9% increase from last year's budget. Of that amount, \$1,251,696 is tax revenue to be raised from new property added to the tax roll this year."

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends the City Council hold the public hearing and approve the Proposed Budget Ordinance on second and final reading.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Ordinance-Approved Budget 2023
2. Powerpoint - Ordinance Approving 2022-23 Proposed Budgets

ORDINANCE NO. _____

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2021-2022; FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

WHEREAS, the City Manager has prepared a revision of certain figures in the 2021-2022 budget and submitted same to the City Council; and,

WHEREAS, the City Council has reviewed and considered said proposed revised budget and made revisions of same; and,

WHEREAS, said budget, as revised by the City Council, was duly set for a public hearing ordered to be called by the City Council and held on August 11th, 2022, after due notice, as required by the Charter of the City of Abilene and laws of the State of Texas; now, therefore,

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

PART 1: That the revised figures, prepared and submitted by the City Manager for the 2021-2022 budget, be, and the same are hereby, in all things, approved and appropriated, and any necessary transfers between accounts and departments are hereby authorized, approved, and appropriated.

PART 2: That the City Manager and his authorized and designated employees, at his direction, be, and are hereby, authorized to sign or release easements, permits, licenses, and change orders; to sign interlocal agreements as authorized by state law; to sign documents authorizing the payment of funds, and to expend public funds as authorized by state law unless otherwise authorized by the City Council; to settle paving assessment, weed mowing, demolition, and other disputes based on legal questions of whether the assessments are enforceable or other extenuating factual circumstances. The City Manager is authorized to adjust compensation, within Council policy guidelines, of any City employee, including appointees, when in his discretion an adjustment needs to be made to retain qualified personnel. The intent of this section is to provide the ability to conduct daily affairs of the City, which involves numerous decisions of a routine nature and to retain qualified personnel.

PART 3: That the City Council hereby approves grants and contracts that are set out by this budget and authorizes the City Manager and his authorized and designated employees, at his discretion, to sign said federal, state, and other such grant and contract documents, including interlocal agreements, on behalf of the City. The funds for said contracts, agreements, and purchases are hereby approved and appropriated. The intent of this section is to approve and simplify the grant process and approve expenditures that are exempt from the Purchasing and Contracting Authority of Municipalities, Chapter 252 of the Local Government Code.

PART 4: That upon passage of this ordinance on first reading, the City Secretary be, and is hereby authorized and directed to have published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, a notice that a public hearing will be held in the Council Chambers of the City Hall in Abilene, Texas, at 8:30 A.M., on the 11th of August, 2022, to permit the public to be heard prior to consideration of this ordinance for second and final reading, said publication to be made on the 7th of August 2022, being more than twenty-four (24) hours prior to the time designated for such public hearing in accordance with Section 18 of the City Charter. 102.0065(b) Local Government Code, Special Notice by publication for Budget – except that if another law requires the governing body to give notice, by publication, of a hearing on a budget this section does not apply.

PART 5: That any ordinance, resolution, policy or any provision or section of the code of the City of Abilene, Texas, as amended, in conflict herewith, be, and the same is hereby repealed to the extent of any conflict. It is specifically provided that Resolution 40-1997 concerning liability claims shall remain in full force and effect.

PART 6: That the number, classification, and designation of each position as provided in Texas Local Government Code Ann., Chapter 143 (Vernon 1988), Municipal Civil Service, for the Police and Fire Departments, as set out below, are hereby created, established, and adopted as the official plan for the classified service of the Police and Fire Departments of the City of Abilene for the fiscal year October 1, 2021 through September 30, 2022, or as may be amended by City Council. Any position in the classified service of the Police and Fire Departments of the City of Abilene not below listed, is hereby abolished.

<u>Police Department</u>		<u>Fire Department</u>	
Assistant Police Chief	3	Deputy Fire Chief	2
Police Lieutenant	9	Battalion Chief	4
Police Sergeant	26	Fire Marshal	1
Police Officers	<u>178</u>	Fire Captain	12
	216	Fire Lieutenant	33
		Fire Fighter	<u>146</u>
			198

PART 7: That the City's operating budgets are amended as set forth in Exhibit A attached and incorporated into as part of this Ordinance.

PASSED ON FIRST READING on the 27th day of July, A.D. 2022.

After passage on first reading, a notice of the time and place said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene. The same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the
11th day of August, A.D. 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

All Operating Funds	Adopted 2021-2022	Amended 2021-2022
Fund Balance Beginning	\$76,847,065	\$86,175,140
Total Revenue	286,501,069	296,420,037
Total Expenditures	292,067,670	303,172,374
Fund Balance Ending	\$71,280,464	79,422,803

Ordinance & Public Hearing – Final Vote on 2022-23 Proposed Budgets



Ordinance & Public Hearing – Final Vote on 2022-23 Proposed Budgets

- As part of the budget workshop on July 27, 2022, City Council approved on first reading the 2022-23 all operating funds Proposed Budgets totalling \$316,689,216.
- Subsequent to the budget workshop the contract to manage the Convention Center was awarded to ASM Global which resulted in modifications to the budget. The following changes are recommended to the budget:

	Budget as Approved	Recommended Changes	Budget as Recommended
Fund Balance Beginning	\$79,422,803		\$79,422,803
Total Revenues	313,047,531	\$(1,126,511)	311,921,020
Total Expenditures	316,689,219	(1,126,511)	315,562,708
Fund Balance Ending	\$75,781,115		\$75,781,115



Ordinance & Public Hearing – Final Vote on 2022-23 Proposed Budgets

Two votes will be required:

Approving and adopting the budget for fiscal year 2022-23 with a specific amount of money.

All Operating Funds - \$315,562,708

Acknowledge (ratify) that the adopted budget will cost more than last year's budget using the following statement:

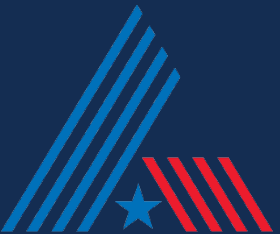
"This budget will raise more total property taxes than last year's budget by an amount of \$4,809,130 which is a 8.9% increase from last year's budget. Of that amount \$1,251,696 is tax revenue to be raised from new property added to the tax roll this year."

Public Hearing is required

Final vote on the Proposed 2022-23 Budgets



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Mike Rains, Finance Director

SUBJECT: 27. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving and Adopting the Proposed 2022-2023 Tax Rates (Mike Rains)

GENERAL INFORMATION

During the budget workshop on July 27, 2022, the City Council approved on first reading a tax rate of \$.7621 per \$100 consisting of \$.5988 for maintenance & operations (m&o) and \$.1633 for interest and sinking (i&s).

This will be the final public hearing and vote to set the tax rate for fiscal year 2022-2023.

SPECIAL CONSIDERATIONS

Motion to approve the tax rate must contain the following specific language:

"I move that the property tax rate be increased by the adoption of the tax rate of \$.7621 per \$100, which is effectively a 7.1% increase in the tax rate."

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends the Council hold the public hearing and adopt on final reading the tax rate for the fiscal year 2022-2023.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Ordinance-Tax Rate FY 23
2. Powerpoint - Ordinance Approving 2022-23 Proposed Tax Rate

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 2022, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 2022; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 26.05 of the Tax Code requires notice of a tax increase whether that increase occurs by an increase in the tax rate or a rise in property values or both; and

WHEREAS, the City of Abilene is proposing an effective tax rate increase and property values have risen in the City which trigger components of Section 26.05; and

WHEREAS, the components of Section 26.05 require Cities to post that an increase in property values even when the tax rate is held constant, is considered as an effective tax rate increase; now therefore,

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

PART 1: That the assessment roll for the year 2022, as compiled by the Chief Appraiser of the Central Appraisal District of Taylor County, and amended and approved by the Appraisal Review Board of Taylor County, on the 22nd day of July, 2022, be, and the same is hereby, in all things, approved and adopted.

PART 2: That there be, and is hereby levied, on all of the property located in the City of Abilene, Texas, on the 1st day of January, 2022, and not exempt from taxation by the Constitution and Laws of the State of Texas and the City of Abilene, an ad valorem tax in the aggregate total of --seventy-six and twenty-one-one hundredths cents (76.21¢)-- - on each one hundred dollars' (\$100.00) valuation of said property, apportioned as follows:

General Fund:

(a) Operations & Maintenance	\$.5988
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Debt Service Funds:

(a) 2007 Airport G.O. Series	\$.0008
(b) 2015 Refunding	.0085
(c) 2015 G.O. Series	.0145
(d) 2015 C.O. Series	.0019
(e) 2016 Refunding	.0270
(f) 2016 G.O. Series	.0239
(g) 2016 C.O. Series	.0022
(h) 2017 Refunding	.0014

(i)	2017 G.O. Series	.0140
(j)	2017 C.O. Series	.0080
(k)	2018 G.O. Series	.0048
(l)	2018A C.O. Series	.0099
(m)	2018B C.O. Series	.0015
(n)	2019 G.O. Series	.0073
(o)	2019 C.O. Series	.0121
(p)	2020 Refunding	.0059
(q)	2021A C.O. Series	<u>.0196</u>

Debt Rate	<u>\$.1633</u>
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TOTAL RATE FOR THE YEAR 2022	<u>\$.7621</u>
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PART 3: That there be, and are hereby authorized exemptions as follows:

- 1) Homestead exemption -- fifteen percent (15%)
- 2) Age 65 and over exemption -- \$15,000

PART 4: THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 9 PERCENT AND WILL INCREASE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$49.30.

PART 5: That notice for the public hearing on the 11th day of August, 2022, was given by publication in the Abilene Reporter-News on the 5th day of August, 2022.

PART 6: That a public hearing was held on the 11th day of August, 2022, in accordance with the City Charter.

PART 7: That any ordinance, resolution, policy or any provision or section of the Code of the City of Abilene, Texas, as amended, in conflict herewith, be, and the same is hereby repealed to the extent of any conflict.

PART 8: That this ordinance shall take effect immediately from and after its date of final passage.

PASSED ON FIRST READING on the 27th day of July, A.D. 2022.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the 11th day of August, A.D. 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Ordinance & Public Hearing – Final Vote on 2022-23 Proposed Tax Rates



Ordinance & Public Hearing – Final Vote on 2022-23 Proposed Tax Rates

- As part of the budget workshop on July 27, 2022, City Council approved on first reading the 2022-23 Proposed Tax Rate of \$.7621 per \$100 consisting of \$.5988 for maintenance & operations (m&o) and \$.1633 for interest & sinking (i&s).
- Final vote on the Proposed 2022-23 Tax Rates
- Motion to approve the tax rate must contain the following specific language: **“I move that the property tax rate be increased by the adoption of the tax rate of \$.7621 per \$100, which is effectively a 7.1% increase in the tax rate.”**
- 60% of the Council must vote yes (5 yes votes)

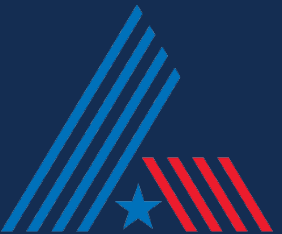


Ordinance & Public Hearing – Final Vote on 2022-23 Proposed Tax Rates

FY 2023 Property Tax Rate	Maintenance & Operations Rate (m&o)	Interest & Sinking Rate (i&s)	Total Tax Rate
FY 2023 Property Tax Rate as approved by City Council on first reading	\$.5988	\$.1633	\$.7621
FY 2022 Property Tax Rate	\$.6019	\$.1832	\$.7851
FY 2023 No-New-Revenue Tax Rate			\$.7115
FY 2023 Voter-Approval Tax Rate			\$.7349
FY 2023 Voter-Approval Tax Rate with unused increment			\$.7876



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Robert Hanna, City Manager

FROM: Mike Rains, Finance Director

SUBJECT: **28. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting Fees and Charges for Fiscal Year 2022-2023 *(Mike Rains)***

GENERAL INFORMATION

As part of the budget workshop on July 27, 2022 Council approved on first reading the Fee Ordinance. This ordinance incorporates City fees in one comprehensive document.

Since the first reading, changes have been made to increase the Airport landing fees, Airport terminal use fee and Airport parking rates.

This will be the final reading and approval of the Fee Ordinance.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends Council hold the public hearing and approve the Fee Ordinance on second and final reading.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Ordinance-Fee Budget 2023
2. Fee Schedule Exhibit FY23 Updated 8-4-2022
3. Powerpoint - Ordinance Approving 2022-23 Fee Schedule

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING FEES AND CHARGES FOR THE FISCAL YEAR OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2023, FOR THE CITY OF ABILENE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES, RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

WHEREAS, the City Manager on July 1st, 2022, filed a proposed budget with the City Secretary for the fiscal year commencing October 1st, 2022; and,

WHEREAS, the City Council has reviewed and considered said proposed fees and charges and made revisions of same; and,

WHEREAS, said proposed fee ordinance, as revised by the City Council, was duly set for a public hearing ordered to be called by the City Council and held on August 11th, 2022, after due notice, as required by the Charter of the City of Abilene and laws of the State of Texas; now, therefore,

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

PART 1: That the Schedule of Fees and Charges for the City of Abilene, Texas is revised as set out in Exhibit "A", attached and made a part of this ordinance for all purposes.

PART 2: That this Schedule of Fees and Charges for the City of Abilene, Texas shall be kept on file in the City Secretary's office.

PART 3: That the effective date of this section shall be the first billing cycle in October, A.D., 2022.

PASSED ON FIRST READING on the 27th day of July, A.D. 2022.

After passage on first reading, a notice of the time and place said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene. The same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the
11th day of August, A.D. 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Fee/Permit	Item/Cost	Current	Proposed if Changing
ACCOUNTING	Duplicate release of lien	\$15.00	
	Hotel/motel penalty (State Regulation)	Penalty 15%	
	Interest on unpaid invoices	1.5% per month on outstanding balance	
	Lien filing fee (Taylor County) For more than 2 pages contact Accounting.	\$30.00	
	Returned check payment fee per check item	\$30.00	
ALARM FEES			
Alarm Fees	Commercial/business only registration (annual fee)	\$50.00	
	Residential registration (annual fee)	\$20.00	
False Alarm Service Fees	Failure of permit holder to respond to alarm system activation	\$100.00	
	4-5 false alarm calls (per call)	\$50.00	
	6-7 false alarm calls (per call)	\$75.00	
	8 or more false alarm calls (per call)	\$100.00	
	Failure to respond	\$100.00	
ALCOHOL BEVERAGE PERMIT	(AW) Manufacturer's Agent's Warehouse Permit	\$375.00	
(State Regulated)	(BB) General distributor's License	\$150.00	
	(BC) Branch distributor's License	\$37.50	
	(BE) Retail Dealer's On-Premise License	\$75.00	
	(BF) Retail Dealer's Off Premise License	\$30.00	
	(BG) Wine & Malt Beverage Retailer's Permit	\$87.50	
	(BP) Brewpub License	\$250.00	
	(BQ) Wine & Malt Beverage Retailer's Off-Premise Permit	\$30.00	
	(BW) Brewer's License	\$750.00	
	(D) Distiller's & Rectifier's Permit	\$750.00	
	(G) Winery Permit	\$37.50	
	(J/JD) Bonded Warehouse Permit	\$75.00	
	(LP) Local Distributor's Permit	\$50.00	
	(MB) Mixed Beverage Permit (Original)	no fee	
	(MB) Mixed Beverage Permit (Years 2-3)	no fee	
	(MB) Mixed Beverage Permit (Year 4)	\$1,125.00	
	(MB) Mixed Beverage Permit (Years 5-6)	\$750.00	
	(MB) Mixed Beverage Permit (Years 7+)	\$375.00	
	(P) Package Store Permit	\$250.00	
	(PR) Promotional Permit	\$150.00	
	(Q) Wine Only Package Store Permit	\$37.50	
	(S) Nonresident Seller's Permit	\$75.00	
	(SD) Brewer's Self-Distribution License	\$300.00	
	(W) Wholesaler's Permit	\$937.50	
	(X) General Class B Wholesaler's Permit	\$150.00	
	Fee not to exceed one-half of the maximum local fees set by the TABC, in accordance with Alcoholic Beverage Code Sec. 11.38 and Sec 61.36.		
ANIMAL SERVICES	Dog and Cat Registration, Annual (\$2 goes directly to Clinic providing service)	\$8.00	
Reclaiming Animals	Dangerous Dog permit, Annual	\$50.00	
	Duplicate registration tag	\$8.00	
	DOGS & CATS		
	Redemption fee (per animal, 1st offense - 12 months)	\$20.00	
	Redemption fee (per animal, 1st offense - 12 months) - without proof of registration & without proof of rabies vaccination	\$30.00	
	Redemption fee (per animal, 2nd offense)	\$30.00	
	Redemption fee (per animal, 2nd offense) - without proof of registration & without proof of rabies vaccination	\$50.00	
	Redemption fee (per animal, 3rd offense, no spay/neuter)	\$50.00	
	Redemption fee (per animal, 3rd offense, no spay/neuter) - without proof of registration & without proof of rabies vaccination	\$70.00	
	Boarding fee, per day	\$5.00	
	Boarding fee, per day, for cruelty investigations	\$15.00	
	Microchipping fee	\$15.00	
	Rabies vaccination fee	\$15.00	
	Rabies quarantine fee (includes boarding fee, veterinarian health check, rabies vaccination, testing fees, tag, & microchip)	\$100.00	
	OTHER ANIMALS		
Adopting an Animal	Livestock capture & impoundment, per head	\$20.00	
	Livestock boarding, per head, per day	\$5.00	
	Puppies, unaltered (aged 6 months & under) - at shelter less than 14 days	\$100.00	
	Puppies, unaltered (aged 6 months & under) - at shelter 14 - 30 days	\$50.00	
	Puppies, unaltered (aged 6 months & under) - at shelter over 30 days	\$10.00	
	Kittens, unaltered (aged 6 months & under) - at shelter less than 14 days	\$50.00	
	Kittens, unaltered (aged 6 months & under) - at shelter 14 - 30 days	\$25.00	
	Kittens, unaltered (aged 6 months & under)- at shelter over 30 days	\$10.00	
	Adult Dogs, unaltered - at shelter less than 14 days	\$80.00	
	Adult Dogs, unaltered - at shelter 14 - 30 days	\$50.00	
	Adult Dogs, unaltered - at shelter over 30 days	\$10.00	
	Adult Cats, unaltered - at shelter less than 14 days	\$50.00	
	Adult Cats, unaltered - at shelter 14 - 30 days	\$25.00	
	Adult Cats, unaltered - at shelter over 30 days	\$10.00	

EXHIBIT A

<u>Fee/Permit</u>	<u>Item/Cost</u>	<u>Current</u>	<u>Proposed if Changing</u>
Spay/Neuter Voucher Program	Dogs & Cats, altered - at shelter less than 14 days	\$35.00	
	Dogs & Cats, altered - at shelter 14 days or more	\$10.00	
	Petsmart Cats	\$100.00	
	Rabbits, Guinea pigs, Ferrets, or Hamsters	\$5.00	
	Chickens or Roosters	\$5.00	
	Exotic Birds	\$25.00	
	Large Livestock	\$100.00	
	Small Livestock	\$20.00	
	Non-venomous snakes	\$15.00	
	Water Fowl	\$5.00	
	Other	\$10.00	
	Dog Neuter: 0-60 lbs.	\$40.00	
	Dog Neuter: >60 lbs.	\$60.00	
	Dog Spay: < 20 lbs.	\$50.00	
	Dog Spay: 20-40 lbs.	\$60.00	
	Dog Spay: 41-60 lbs.	\$70.00	
	Dog Spay: >60 lbs.	\$80.00	
	Cat Neuter	\$30.00	
	Cat Spay	\$40.00	
Other services	Non-resident release fee, per animal	\$50.00	
	Non-resident release fee, per litter	\$100.00	
	Resident release fee, per animal	\$25.00	
	Resident release fee, per litter	\$50.00	
	Vaccination clinic fee	\$40.00	
	Vaccination clinic fee same day registration - additional	\$20.00	
	Bordetella	\$10.00	
	Species Specific Annual Booster (canine or feline)	\$10.00	
	Heartworm Test	\$10.00	
	Feline Combo Test	\$20.00	
	Private cremation under 50 lbs.	\$95.00	
	Private cremation over 50 lbs.	\$135.00	
	Communal cremation under 50 lbs.	\$70.00	
	Communal cremation over 50 lbs.	\$110.00	
	Urn or Wooden Box for cremation remains: small	\$40.00	
	Urn or Wooden Box for cremation remains: large	\$55.00	
	Euthanasia Services	\$20.00	
	Animal pick up fee for owner released euthanasia or cremation	\$30.00	
	Animal remains delivery	\$30.00	
	Disposal of small animals for Clinics picked up by Animal Services on assigned day	\$4.00	
	Disposal of small animals for Clinics picked up by Animal Services on immediate request	\$10.00	
	Disposal of small animals for Clinics dropped of at Animal Services	No charge	
	Disposal of livestock animals	\$100.00	
	Credit Card fee per transaction	\$2.00	
<u>AVIATION</u>			
Parking	0 - 1/2 hour	No charge	
	1/2 - 1 hour	\$3.00	\$5.00
	1 - 2 hours	\$4.00	\$6.00
	2 - 4 hours	\$6.00	\$7.00
	4 - 6 hours	\$7.00	\$8.00
	6 - 24 hours	\$9.00	\$10.00
	The hourly rate is in effect for the first 24 hour period, all subsequent days are charged \$9.00 \$10.00.		
	Curbside loading and unloading of vehicles is permitted provided a driver remains with his or her vehicle. Any automobile left unattended will be towed may be ticketed and/or towed.		
Landing Fee	Airport tenant employee parking per month	\$12.00	
	Signatory	\$.45/1,000 lbs.	
Fuel Flowage Fee	Non-Signatory	\$.50/1,000 lbs.	\$1.50/1,000 lbs.
		\$.0675/gallon	
Terminal Use Fee (Charter flights)		\$50.00/ turn	\$100.00/ turn
Security Badge Fee	New badge fee	\$15.00	
	Badge renewal fee	\$12.00	
	Fingerprint background check	\$55.00	
Conference Room	Use per day	\$50.00	
<u>BUILDING INSPECTION</u>			
Building Permit Fees by Valuation	Contractors are required to register with the City before any work can commence. All current licenses, bonds, and insurance requirements shall be in place before permit is secured. The City does not charge a fee for registration.		
	Any Building Permit within the City of Abilene shall have a minimum fee of \$60.		
	Used to assess fees for new commercial, commercial add-ons and alterations.		
	Total valuation up to \$500	minimum \$60.00	

EXHIBIT A

Fee/Permit	Item/Cost	Current	Proposed if Changing
	Total valuation \$501-\$2,000	\$60.00 for the first \$500.00 plus \$1.50 for each additional \$100.00, or fraction thereof, to and including \$2,000.00	
	Total valuation \$2,001 - \$25,000	\$82.50 for the first \$2,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00	
	Total valuation \$25,001 - \$50,000	\$243.50 for the first \$25,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00	
	Total valuation \$50,001 - \$100,000	\$393.50 for the first \$50,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00	
	Total valuation \$100,001 - \$500,000	\$643.50 for the first \$100,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00	
	Total valuation \$500,001 - \$1,000,000	\$2,243.50 for the first \$500,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00	
	Total valuation \$1,000,001.00 and up	\$3,993.50 for the first \$1,000,000.00 plus \$2.50 for each additional \$1,000.00 or fraction thereof	
	Plan Review - due at time of submittal	Non-refundable - 25% of permit fee	
	Minimum fee	\$60.00	
Building Permit Fee - Commercial	New commercial construction - fee includes building, electrical, plumbing, roofing, and mechanical	See Building Permit Fees by Valuation	
	Commercial plan review (due at time of submittal)	Non-refundable 25% of Permit Fee	
	Commercial demolition: single-story structure	\$150.00	
	Commercial demolition: multiple-story structure	\$500.00	
	Certificate of occupancy	\$100.00	
	Certificate of occupancy- owner to clean and show	\$60.00	
	Temporary certificate of occupancy	\$300.00	
	Extension request for temporary certificate of occupancy - per extension	\$1,000.00	
	Commercial Roofing - per roof structure	\$100.00	
	Towers and satellite dishes	\$250.00	
Building Permit Fee - Electrical	Commercial swimming pool	\$250.00	
	Minimum permit fee	\$60.00	
	Temporary service / power pole	\$60.00	
	Motors up to and including 5 hp	\$60.00	
	Motors over 5 hp	\$75.00	
	New/Upgrade service (Re-Wire/Upgrades, etc.): up to 200 amps	\$100.00	
	New/Upgrade service (Re-Wire/Upgrades, etc.): 201-400 amps	\$150.00	
	New/Upgrade service (Re-Wire/Upgrades, etc.): 401 amps and up	\$200.00	
	Solar panel/ wind turbine installation	\$150.00	
	New outlets - up to 50 (plugs, switches, ceiling fans, etc.)	\$60.00	
Building Permit Fee - Mechanical	Minimum permit fee	\$60.00	
	Type I - Grease hood system	\$75.00	
	Type II - Hood system	\$60.00	
	Refrigerant System: up to and including 10 tons	\$65.00	
	Refrigerant System: over 10 tons	\$85.00	
	Boilers: up to and including 100,000 BTU's	\$65.00	
	Boilers: over 100,000 BTU's	\$85.00	
	Minimum permit fee	\$60.00	
	Water heater	\$60.00	
	New gas service line	\$60.00	
Building Permit Fee - Plumbing	New replacement water/ sewer service	\$60.00	
	Residential irrigation system	\$75.00	
	Commercial irrigation system	\$100.00	
	Sand trap, grease trap, interceptors new/replacement	\$75.00	
	Minimum fee	\$60.00	
	New single family construction and additions (enclosed areas) - fee includes building, electrical, plumbing, roofing, and mechanical	\$.35 per square foot	
	Plan Review - Residential	\$35.00 non-refundable	
	Single family alterations:		
	0 - 60 square feet	\$100 minimum	
	61 - 1,000 square feet	\$100.00 for first 60 square feet, \$.30 for each additional square foot up to and including 1,000	
Building Permit Fee - Residential			

EXHIBIT A

Fee/Permit	Item/Cost	Current	Proposed if Changing
	1,001 - 2,000 square feet	\$382 for first 1,000 square feet, \$.15 for each additional square foot up to and including 2,000	
	2,001 square feet and up	\$532 for first 2,000 square feet, \$.10 for each additional square foot	
	Multi-Family 4 or more units	\$.40 per square foot	
	Plan Review - Multi-Family	25% of permit fee - non refundable (due at time of submittal)	
	Residential carports and storage buildings (201 and up square feet)	\$100 flat fee	
	Residential garage enclosures	\$125.00	
	Mobile home permit	\$150.00	
	Residential demolition	\$75.00	
	Residential roofing - less than five (5) squares	no charge	
	Residential roofing - five (5) squares and above	\$65.00	
	Residential swimming pool: in-ground	\$180.00	
	Residential swimming pool: above ground	\$70.00	
Fences Inspection Fee	Over 7' high	\$3.00 per \$1,000.00 of valuation, minimum \$50.00	
	Masonry fences/walls exceeding 4' in height shall be engineered	\$3.00 per \$1,000.00 of valuation, minimum \$50.00	
Grading Permit Fees		\$250.00	
Other Inspections and Fees	Re-inspection fee	\$75.00	
	Stop work order release fee	\$200.00	
	Work without required permit	Double permit fee	
	Inspection request outside normal business hours (minimum 2 hours)	\$250.00	
	Special request inspection/ same day inspections	\$100.00	
	Board of Building Standards/ Mechanical, Plumbing, Electrical, and Swimming Pool Board of Appeals request for hearing	\$100.00	
	Address change fee	\$100.00	
	Temporary building/ sales trailer	\$75.00	
BUS SERVICE (CITYLINK)	Correct change required, drivers do not carry change.		
	Passes		
	Passes offer unlimited rides for a 7-day or 31-day and are activated the first time they are inserted into the fare box.		
	Fixed Route Service		
	Adult fare		
	One way adult fare	\$1.50	
	Day pass	\$3.00	
	7-day adult pass	\$15.00	
	31-day adult pass	\$45.00	
	Youth fare (requires valid school ID)		
	One way youth fare	\$1.00	
	7-day youth pass	\$10.00	
	31-day youth pass	\$25.00	
	Elderly/disabled fare (requires valid Medicare or Identification card)		
	One way elderly/disabled fare	\$0.65	
	7-day elderly/disabled pass	\$8.00	
	31-day elderly/disabled pass	\$20.00	
	Pre-schoolers (0-4)	No charge	
	Transfer (with paid fare)	No charge	
	ADA Paratransit Service		
	Regular service area fare	\$2.00	
	Extended service area fare	\$3.00	
	10-ride ticket book (regular service area)	\$20.00	
	10-ride ticket book (extended service area)	\$30.00	
	20-ride ticket book ADA	\$60.00	
	Evening Service		
	Work and school related trips	\$2.50	
	General trips	\$6.00	
	10-ride ticket book (CDBG/work related trips)	\$25.00	
	10-ride ticket book (general trips)	\$60.00	
	Charter Service* (subject to availability) - 2 hour minimum	\$100.00 / hour	
	*Non-profit service organizations may qualify for a \$50 per hour rate with a \$100 minimum. CityLink will determine the qualification of the requesting organization.		
	Identification Cards		
	Reduced bus fares are available for the elderly and persons with disabilities with a CityLink identification card. Identification cards may be obtained at the CityLink Station at 1189 S. 2nd Street. Elderly persons must present proof of age. Persons with disabilities must provide evidence of their disability from a licensed physician or a local social service agency representative. There is a \$2.00 charge for the ID card.		
CEMETERY			
Disinterment	Adult	\$800.00	
	Infant	\$500.00	
	Cremains	\$500.00	
Headstone Permit	Monument permit fee	\$50.00	

EXHIBIT A

<u>Fee/Permit</u>	<u>Item/Cost</u>	<u>Current</u>	<u>Proposed if Changing</u>
Interment Fee	VA Marker	No charge	
	Includes one tent set up. Second tent set-up fee is \$50.00. Interments not available on holidays.		
		Monday - Friday	
		Before 3:00 pm	
	Adult	\$750.00	
	Infant	\$350.00	
	Cremains	\$350.00	
	County	\$375.00	
	County Cremains	\$175.00	
		Monday - Friday	
		After 3:00 pm	
	Adult	\$1,000.00	
	Infant	\$475.00	
	Cremains	\$475.00	
	County	Not available	
	County Cremains	Not available	
		Saturday	
		Before 1:00 pm	
	Adult	\$1,200.00	
	Infant	\$600.00	
	Cremains	\$600.00	
	County	Not available	
	County Cremains	Not available	
	Monday through Friday services require a 24 hours' notice. If Saturday service is required, arrangements must be called into Cemetery Office no later than noon on Thursday.		
	Spaces Adult	\$750.00	
	Infant	\$300.00	
	Cremains	\$300.00	
	New space 2nd right	\$1,200.00	
	Preowned 2nd right	\$500.00	
CONVENTION CENTER	Convention Center fees may be established and adjusted, per terms of management services agreement, with the City's prior approval.		
ALL Fees	Seating capacity: 2,091 (includes 12 wheelchair spaces)		
	An additional 90 seats may be added in the orchestra pit	\$180.00	
Convention Center Auditorium	Non-Profit Rate requires lessee to provide a copy of their 501(c)(3) tax-exempt status certification before a contract is generated.		
	Prices do not include stage fees		
	Events continuing past 11:59 PM must be approved in advance by the Convention Center Manager. An hourly pro-rated charge equal to 1/4 of the regular rental will be required.		
	Early opening before 8:00 AM	\$200.00 / hour	
	Early open - no show	\$200.00 / hour	
	Events / Move Out extending past 11:59pm		\$200.00 / hour
	No charge for Foyer when used only as a means of entering or leaving the Auditorium.		
	Rates are subject to change and the charges for use of the facility will be based on the prevailing rate at the date of occupancy or use.		
	Auditorium Early opening before 8:00 AM	\$200.00 / hour	
	Early open - no show	\$200.00 / hour	
Auditorium	Events / Move Out extending past 11:59pm		\$200.00 / hour
	Event Day	STANDARD RATE	
	8:00 AM - 11:59pm	\$1,200.00	
	Second show	\$600.00	
	Holiday rate	\$1,500.00	
	Move In/Out, Rehearsal		
	8:00 AM - 11:59 PM	\$600.00	
	Event Day	NON-PROFIT RATE	
	8:00 AM - 11:59 PM	\$900.00	
	Second show	\$450.00	
Stage fees	Holiday rate	\$1,200.00	
	Move In/Out, Rehearsal		
	8:00 AM - 11:59 PM	\$450.00	
	Stage fees	Amount as incurred by the City of Abilene	
Conference Center	13,400 square feet		
	Prices do not include equipment set fees		
	Early opening before 8:00 AM	\$200.00 / hour	
	Early open - no show	\$200.00 / hour	
	Events / Move Out extending past 11:59pm		\$200.00 / hour
	Event Day	STANDARD RATE	
	8:00 AM - 11:59 PM	\$750.00	
	Holiday rate	\$950.00	
	Move In / Move Out		
	8:00 AM - 11:59 PM	\$375.00	
	Event Day	NON-PROFIT RATE	

EXHIBIT A

<u>Fee/Permit</u>	<u>Item/Cost</u>	<u>Current</u>	<u>Proposed if Changing</u>
Conference Rooms	8:00 AM - 11:59 PM	\$650.00	
	Holiday rate	\$850.00	
	Move In / Move Out		
	8:00 AM - 11:59 PM	\$325.00	
	Early opening before 8:00 AM	\$200.00 / hour	
	Early open - no show	\$200.00 / hour	
	Events / Move Out extending past 11:59pm		\$200.00 / hour
		CONFERENCE ROOM 1	
	Event Day, Move In, Move Out	(2,762 square feet)	
	8:00 AM - 11:59 PM	\$250.00	
Exhibit hall		CONFERENCE ROOM 2	
	Event Day, Move In, Move Out	(4,631 square feet)	
	8:00 AM - 11:59 PM	\$325.00	
		CONFERENCE ROOM 3	
	Event Day, Move In, Move Out	(3,087 square feet)	
	8:00 AM - 11:59 PM	\$250.00	
		CONFERENCE ROOM 4	
	Event Day, Move In, Move Out	(2,914 square feet)	
	8:00 AM - 11:59 PM	\$250.00	
		UPSTAIRS CONFERENCE ROOM	
Other rooms and areas	Event Day, Move In, Move Out	(3,500 square feet)	
	8:00 AM - 11:59 PM	\$250.00	
	20,000 square feet		
	Prices do not include equipment set fees		
	Early opening before 8:00 AM	\$200.00 / hour	
	Early open - no show	\$200.00 / hour	
	Events / Move Out extending past 11:59pm		\$200.00 / hour
	Event Day	STANDARD RATE	
	8:00 AM - 11:59 PM	\$850.00	
	Holiday rate	\$1,050.00	
Entire Building	Move In / Move Out		
	8:00 AM - 11:59 PM	\$425.00	
	Event Day	NON-PROFIT RATE	
	8:00 AM - 11:59 PM	\$700.00	
	Holiday rate	\$900.00	
	Move In / Move Out		
	8:00 AM - 11:59 PM	\$350.00	
	Foyer - no charge when used as an entry to the Exhibit Hall		
	Events continuing past 11:59 PM must be approved in advance by the Convention Center Manager. An hourly prorated charge equal to 1/4 of the regular rental will be required.		
	Exhibits and trade shows of two or more consecutive days will be allowed one (1) day free, up to 5:00 PM following program to move out.		
Other rooms and areas	Rates are subject to change and the charges for use of the facility will be based on the prevailing rate at the date of occupancy or use.		
	Early opening before 8:00 AM	\$200.00 / hour	
	Early open - no show	\$200.00 / hour	
	Events / Move Out extending past 11:59pm		\$200.00 / hour
	Event Day	FOYER	
	8:00 AM - 11:59 PM	\$600.00	
	Move In / Move Out		
	8:00 AM - 11:59 PM	\$300.00	
	Event Day	RED CARPET LOBBY	
	8:00 AM - 11:59 PM	\$400.00	
Entire Building	Move In / Move Out		
	8:00 AM - 11:59 PM	\$200.00	
		STAGE	
	8:00 AM - 11:59 PM	\$450.00	
		CONFERENCE ROOM 102	
	8:00 AM - 11:59 PM	\$100.00	
		GREEN ROOM	
	8:00 AM - 11:59 PM	\$150.00	
		VIP SUITE	
	8:00 AM - 11:59 PM	\$200.00	
Entire Building		MEETING ROOMS (PER ROOM)	
	Prices do not include equipment set fees	201/2, 203/4, 205/6, 207/8, 209/10	
	8:00 AM - 11:59 PM	\$100.00	
	Conventions and others approved by manager, not including set-up for banquets and parties		
	Early opening before 8:00 AM	\$200.00 / hour	
	Early open - no show	\$200.00 / hour	
	Events / Move Out extending past 11:59pm		\$200.00 / hour
	8:00 AM - 11:59 PM	\$3,100.00	
	Move-in, set-up other than day of event		
	8:00 AM - 11:59 PM	\$2,400.00	

EXHIBIT A

Fee/Permit	Item/Cost	Current	Proposed if Changing
Equipment rental	Events continuing past 11:59 PM must be approved in advance by the Convention Center Manager. An hourly pro-rated charge equal to 1/4 of the regular rental will be required.		
	Lessee is responsible for providing their own insurance. Lessees can purchase insurance through the Tenant Users Liability Insurance Program (TULIP). Please note the Convention Center is unable to order insurance for you.		
	Lessee utilizing a major portion of the Building may be allowed to utilize meeting rooms at no charge, subject to availability and advance approval by the Manager.		
	Insurance provided at lessee's request		
	Insurance Carrier: Scottsdale (Best rating of A+/XV)		
	Coverage		
	\$1,000,000.00 per occurrence		
	\$1,000,000.00 aggregate		
	Deductible: \$250.00 per loss		
	Rates		
	Attendance:		
	1-150		\$60.00
	151-500		\$110.00
	501-1,500		\$160.00
	1,501-5,000		\$270.00
	The following classes of events may be submitted for consideration and acceptance prior to the event: Circuses, Carnivals, Boxing, Wrestling, Hockey, Contact Karate, Aircraft or Balloons		
	Equipment fees are per item		
	LIGHTING		
	Available in Auditorium Only		
	Strobe Lights	\$25.00/day, \$100.00/week	
	Fogger	\$35.00/day, \$120.00/week	
	Dimmer Pack	\$100.00/day, \$200.00/week	
	Light Trees	\$25.00/day, \$100.00/week	
	AUDIOVISUAL		
	42" TV	\$50.00	
	DVD Player	\$25.00	
	A/V cart	\$10.00 per event day	
	Direct Input Box	\$20.00 per event day	
	Screen / Hanging Screen	\$30.00 per event day	
	Motorized screen and projector (per event/per day)	\$175.00	
	Screen, front/rear projector 14' x 16'	\$120.00	
	Spotlight (plus tech)	\$30.00	
	BOOTHES		
	Booth assembly (pipe and drape), 10' x 10', each	\$20.00	
	Bare Poles, 10' section	\$10.00 each	
	12' Pipe and Drape, 10' section	\$40.00 each	
	Sign Hooks	\$30.00 per event	
	Electrical service-110-20 amp	\$20.00 per event day	
	Water connection	\$100.00 per initial connection	
	CHAIRS		
	Padded	\$2.00	
	LABOR		
	Equipment added after 14 day set up deadline	Equipment Fee x 2	
	Final Set Ups not received 14 days prior to event result in penalty	\$250.00	
	Reset Fee	\$50.00 - \$500.00	
	Hanging Banner	\$25.00 per item	
	Excessive clean-up/damage deposit	\$50.00 - \$500.00	
	Sound monitor (during events)	\$100.00	
	MICROPHONES		
	Wireless (lapel or hand-held)	\$50.00 per event day	
	SM 57 or SM 58	\$15.00 per event day	
	827	\$15.00 per event day	
	MISCELLANEOUS		
	50 Cups of Coffee		\$14.00
	100 Cups of Coffee		\$25.00
	Coat rack	\$20.00 each	
	Stanchions, 6' section	\$10.00 each	
	Easels	\$5.00 each	
	Unapproved storage fee	\$50.00 - \$500.00	
	Extension cords (electrical)	\$20.00 per event day	
	Telephone (local calls only)	No charge	
	Phone Line (available areas limited)	\$50.00	
	2-way radios	No charge	
	Copies per page:		
	Black & White (w/paper) per page	\$0.15	
	Black & White (w/o paper) per page	\$0.20	
	Colored per page	\$0.75	
	Soft drinks, bottled water	\$1.00	

EXHIBIT A

Fee/Permit	Item/Cost	Current	Proposed if Changing
	Grand Piano		
	Non-Profit	\$50.00	
	Standard Rate	\$100.00	
	Upright Piano	\$30.00	
	Dance Floor (per 4'x4' square)	\$1.00	
	Parking	No charge	
	RV Parking	\$10.00/day	
	Genie Lift	\$100.00 per day	
	MIXERS		
	8-channel	No charge	
	12-channel	No charge	
	PODIUMS		
	Free-standing	\$15.00	
	Self-contained	\$15.00	
	RISERS		
	8"	\$20.00	
	16"	\$20.00	
	24"	\$20.00	
	Choral	\$20.00	
	STAGING		
	(24" or 32" height)		
	Per 4' x 8' section	\$20.00	
	Stage Lighting	\$500.00 - \$2,000.00	
	SOUND SYSTEMS	\$10.00	
	TABLES		
	8' x 3' long	\$5.00	
	60" round	\$5.00	
	72" round	\$5.00	
	8' x 24" seminar (2nd floor rooms only)	\$5.00	
	Cocktail Table	\$5.00	
	Tablecloth Rental	\$8.00	
	Tablecloth Replacement	\$15.00	
	Table Skirting*		
	With Table Cloth	\$22.00	
	Without table cloth	\$15.00	
	*via sub-contractor rates.		
	Subject to change without notice.		
Box Office Fees	Facility Fee (if Convention Center sells tickets)	\$2.00 / ticket	
	Merchandise	10% of gross sales	
Catering Fees	Onsite Catering Fee	14% of gross sales	
	Drop-Off / Food Truck	5% of gross sales	
	Liquor Catering	12% of gross sales	
	Concessionaire Fees	10% of gross sales	
	Concessionaire Fees (beverages served in the Auditorium)	12% of gross sales	
	Kitchen - Excessive Clean Up	\$100.00 - \$500.00	
Convention Events	Booth Assemblies Package, includes 10x10 Booth (pipe and drape), one 8' table (skirted with tablecloth), two chairs, electrical, header	\$85.00	
	Table (with tablecloth)	\$15.00	
	Table (with tablecloth and skirting)	\$30.00	
	Electrical (foyer center booths)	\$500.00 per day	
	Outsourced items	20% markup	
Stage Fees	Rigger (per hour)	\$30.00	
	Technical (per hour)	\$25.00	
	Steward (per hour)	\$20.00	
	Non-Technical (per hour)	\$18.50	
	Performance (minimum)	\$72.00	
CODE COMPLIANCE			
Daycare	Daycare inspection fee	\$100.00	
Environmental Health	Environmental Health plan review fee	\$100.00	
	Environmental Health preliminary inspection fee	\$50.00	
Food Inspection & Permit	Temporary food permit and/or inspection	\$75.00	
	Food permits 4 times a year	\$300.00	
	Food permits 3 times a year	\$225.00	
	Food permits 2 times a year (and multi-seasonal)	\$150.00	
	Food permit 1 time a year	\$75.00	
	Food permit 1 time a year (temporary, and non-profit) - ball parks	\$75.00	
	Food permit 1 time a year (seasonal) - snow cone 9-month option	\$100.00	
	Re-inspection fee for food establishment permit	\$75.00	
	Late permit fee, if paid January 16-January 31 (in addition to permit fee)	\$50.00	
	Late permit fee, if paid after January 31 - (in addition to permit fee)	\$100.00	
Abatement	Based on actual hours worked with a minimum of \$90.00		
	0 up to 3 hours	\$90.00	
	each additional full hour, not to exceed total \$500 per abatement	\$30.00	
	Administration fee	\$100.00	
Mowing	Contractor price		

EXHIBIT A

<u>Fee/Permit</u>	<u>Item/Cost</u>	<u>Current</u>	<u>Proposed if Changing</u>
	0 up to 15,000 sq. ft. lot	\$50.00	
	0 up to 15,000 sq. ft. lot with house	\$55.00	
	15,001 sq. ft. to one acre lot	\$65.00	
	15,001 sq. ft. to one acre lot with house	\$70.00	
	Over 1 acre for the first 2 acres each	\$70.00	
	After 2nd acre each	\$45.00 per acre	
	Additional fee for each mesquite laden acre or portion of	\$25.00 per acre	
	Additional fee for each acre or portion of grass/weeds over 48" in height	\$25.00 per acre	
	Administration fee	\$100.00	
Securement	Based on size of opening to be secured		
	Opening 4'x4' or less (one half sheet of material)	\$70.00	
	Opening more than 4'x4' and less than 4'x8' (full sheet of material)	\$100.00	
	Administration fee	\$100.00	
Septic Systems	Septic system permit application and/or inspection	\$210.00	
	<i>fee includes \$10 payable to TCEQ</i>		
Swimming Pool/Spa	Swimming pool/spa permit	\$150.00	
	Re-inspection fee for swimming pool/spa permit	\$50.00	
DVD COPY REQUEST	DVD (each)	\$3.00	
Channel 2 Programming State Law	Tex Admin. Code 70.10		
ENGINEERING	Drilling permit: Per permit	\$440.00	
	Driveway approach (each)	\$35.00	
	Re-inspection (per inspector)	\$35.00	
	Sidewalk, curb & gutter: 1st 100 L. F., then \$.06 for each L. F. thereafter	\$35.00	
	Floodplain development permit	\$150.00	
	Drainage plan review: Per review	\$25.00	
	Floodplain insurance determination	\$12.00	
	Maps: Copies of these will be provided for 8 1/2" x 11". In addition, any other actual materials costs will be assessed. Requests for the creation of maps or other documents not already existing will only be available based on availability of staff and will be billed at a rate of \$15.00 per hour, plus the cost of reproduction and/or materials.	\$.10 per page	
FESTIVAL GARDENS	Maximum seating is 160. A \$50.00 damage deposit is payable when the key is picked up. Admin/User Fee: \$5.00		
		Private, non-fundraising	
	Half Day (8:00AM - 3:00 PM or 4:00PM - 11:00PM)	\$120.00	
	Full Day (8:00AM - 11:00PM)	\$230.00	
		Nonprofit, fundraising	
	Half Day (8:00AM - 3:00 PM or 4:00PM - 11:00PM)	\$140.00	
	Full Day (8:00AM - 11:00PM)	\$275.00	
		Commercial, fundraising	
	Half Day (8:00AM - 3:00 PM or 4:00PM - 11:00PM)	\$200.00	
	Full Day (8:00AM - 11:00PM)	\$350.00	
FIRE INSPECTION FEES	Nursing homes, foster homes, ICF/MR homes, hospitals, daycares, etc.		
State Licensing Inspections	0 - 6,000 sq. ft.	\$30.00	
	6,001 - 12,000 sq. ft.	\$50.00	
	12,001 - 24,000 sq. ft.	\$100.00	
	Over 24,000 sq. ft.	\$200.00	
Operational Permits	Operational Permits:	\$50.00	
	Amusement building		
	Aviation facilities		
	Battery systems		
	Carnival/fair		
	Combustible dust-producing operations		
	Combustible fibers		
	Compressed gasses		
	Cryogenic fluids		
	Cutting & welding		
	Dry cleaning plants		
	Exhibits/trade shows		
	Explosives (fireworks)		
	Flammable & combustible liquids		
	Hazardous materials		
	High-piled storage		
	Industrial ovens		
	Liquid or gas fueled vehicles or equipment in assembled buildings		
	LP-gas		
	Lumber yards/woodworking plants		
	Open burning		
	Place of assembly where alcohol is consumed		
	Pyrotechnic special effects material		
	Repair garages and service stations		
	Spraying & dipping operations		
	Temporary membrane structures, tents & canopies (operate)		
	Waste handling (wrecking yards)		
Construction Permits	Permit	\$50.00	

EXHIBIT A

<u>Fee/Permit</u>	<u>Item/Cost</u>	<u>Current</u>	<u>Proposed if Changing</u>
	Automatic fire-extinguishing systems (install, remove, modify)		
	Compressed gas systems (install, remove, modify)		
	Fire alarm & detection systems (install, modify)		
	Fire pumps & related equipment (install, modify)		
	Flammable & combustible liquids (install, modify, removal of tanks, piping)		
	LP-gas (tank installation & modification)		
	Private fire hydrants (install, modify)		
	Spray room, dip tank or spray booth (install, modify)		
	Standpipe systems (install, modify, remove)		
	Temporary membrane, tents, and canopies (erect)		
	Tents - public access minimum 200 sq. ft.	\$50.00	
	Permanent structures 5,000 sq. ft. or less	\$75.00	
	Permanent structures 5,001 - 12,000 sq. ft.	\$100.00	
	Permanent structures 12,001 - 24,000 sq. ft.	\$150.00	
	Permanent structures Over 24,000 sq. ft.	\$200.00	
HEALTH SERVICES	Physicals for school /sports /employment	\$22.00	
	Birth certificate per copy (includes \$10 search fee)	\$23.00	
	<i>Full payment for copies of birth certificates are required at the time of request. If unable to locate the record, a refund will be issued for the amount paid less the \$10 search fee described below.</i>		
	Birth record search fee (regardless of whether a certified copy is issued or not)	\$10.00	
	Death certificate first copy (includes \$10 search fee)	\$21.00	
	Death certificate additional copies (if ordered with initial copy)	\$4.00	
	<i>Full payment for copies of death certificates are required at the time of request. If unable to locate the record, a refund will be issued for the amount paid less the \$10 search fee described below.</i>		
	Death record search fee (regardless of whether a certified copy is issued or not)	\$10.00	
	Chest x-ray	\$50.00	
	I-693 Medical Examination	\$140.00	
	Lab draw fee	\$8.00	
	TB skin test	\$25.00	
	HEP C	\$15.00	
Testing	Lab charges are based on cost plus 10% and are subject to change when reference lab changes their costs		
	Pregnancy (urine)	actual cost +10%	
	Pregnancy (serum)	actual cost +10%	
	Albumin	actual cost +10%	
	Alk. Phosphatase	actual cost +10%	
	ALT (SGPT)	actual cost +10%	
	AST (SGOT)	actual cost +10%	
	BMP	actual cost +10%	
	BUN	actual cost +10%	
	Calcium	actual cost +10%	
	CBC w/Diff	actual cost +10%	
	CBC w/o Diff	actual cost +10%	
	Cholesterol	actual cost +10%	
	CMP	actual cost +10%	
	Creatinine	actual cost +10%	
	Electrolyte Profile	actual cost +10%	
	Flu	actual cost +10%	
	Glucose	actual cost +10%	
	GTT 1 Hr 50g	actual cost +10%	
	GTT 2 Hr 75g (3 Draws)	actual cost +10%	
	GTT 2 Hr 75g (4 Draws)	actual cost +10%	
	GTT 3 Hr 75g (100g Gest.)	actual cost +10%	
	HDL	actual cost +10%	
	Hematocrit & Hemoglobin	actual cost +10%	
	POC Hemoglobin	actual cost +10%	
	Lipid Panel	actual cost +10%	
	Liver	actual cost +10%	
	Occult Blood	actual cost +10%	
	Potassium	actual cost +10%	
	Rabies (animal head shipment to Austin)	actual cost +10%	
	Sed Rate	actual cost +10%	
	Total Bilirubin	actual cost +10%	
	Total Protein	actual cost +10%	
	Triglyceride	actual cost +10%	
	Urinalysis (Micro)	actual cost +10%	
	1, 25 Dihydroxy Vit D	actual cost +10%	
	24 hr Urine Creat/Protein	actual cost +10%	
	25 Hydroxy Vit D	actual cost +10%	
	ABO Group & RH Type	actual cost +10%	
	AFP (Maternal serum)	actual cost +10%	
	AFP (Tumor Marker)	actual cost +10%	
	Aldolase	actual cost +10%	
	Alk Phos Isoenzyme/Fractionated	actual cost +10%	

EXHIBIT A

<u>Fee/Permit</u>	<u>Item/Cost</u>	<u>Current</u>	<u>Proposed if Changing</u>
	Amylase	actual cost +10%	
	ANA w/RFX	actual cost +10%	
	ANCA Anti Neutropil Cytoplasmic Ab	actual cost +10%	
	Antibody Ser RFX ID/Titer (Indirect Coombs Titer/Indirect Antiglobulin)	actual cost +10%	
	Bilirubin, Direct	actual cost +10%	
	Bilirubin, Total	actual cost +10%	
	BNP-B type Natriuretic Peptide	actual cost +10%	
	Cancer Antigen 125	actual cost +10%	
	Carbamazine/Tegretol-trough	actual cost +10%	
	CCP (anit cyclic citrullinated peptide)	actual cost +10%	
	CD4 Panel (lymph subset 5)	actual cost +10%	
	CEA	actual cost +10%	
	CF Carrier Screen	actual cost +10%	
	Ck/CPK, Total	actual cost +10%	
	Cold Agglutinin, Quant	actual cost +10%	
	Cortisol, Total	actual cost +10%	
	Creatinine Clearance	actual cost +10%	
	CRP	actual cost +10%	
	DHEA	actual cost +10%	
	DHEA-Sulfate	actual cost +10%	
	Digoxin	actual cost +10%	
	Dilantin/Phentoin "PTN"	actual cost +10%	
	Direct LDL	actual cost +10%	
	Drug Abuse Screen	actual cost +10%	
	EBV Panel	actual cost +10%	
	Estradiol	actual cost +10%	
	Estrogen, Total	actual cost +10%	
	Factor V "Leiden" Mutation	actual cost +10%	
	Ferritin	actual cost +10%	
	Folate, Serum	actual cost +10%	
	FSH	actual cost +10%	
	FSH & LH	actual cost +10%	
	G6PD	actual cost +10%	
	GGT	actual cost +10%	
	H. Pylori Antigen-Stool	actual cost +10%	
	H. Pylori (breath)	actual cost +10%	
	HBV DNA, PCR Quant.	actual cost +10%	
	HCG Serum QN	actual cost +10%	
	Hemoglobin A1C w/MPG	actual cost +10%	
	Hemoglobin Electrophoresis (See sickle)	actual cost +10%	
	Hep A Ab Total	actual cost +10%	
	Hep A IGM Ab	actual cost +10%	
	Hep ABC	actual cost +10%	
	Hep B AB Quant.	actual cost +10%	
	Hep B Core IGM A	actual cost +10%	
	Hep B Surface Ab (Titer)	actual cost +10%	
	Hep B Surface Ag w/Conf	actual cost +10%	
	Hep C Ab (HCV)	actual cost +10%	
	Hep C Genotype	actual cost +10%	
	Hep C RNA by PCR (Quantitative Viral Load)	actual cost +10%	
	Heterophile Monoscreen	actual cost +10%	
	HIV 1/2 Refl WB	actual cost +10%	
	Homocysteine	actual cost +10%	
	HSV 1/2	actual cost +10%	
	HSV IgM	actual cost +10%	
	Insulin Total	actual cost +10%	
	Iron	actual cost +10%	
	Iron, Total & IBC	actual cost +10%	
	Iron, Total & IBC, Ferritin	actual cost +10%	
	Lamictal (Lamotrigine)	actual cost +10%	
	LDL Direct	actual cost +10%	
	Lead	actual cost +10%	
	LH	actual cost +10%	
	Lipase	actual cost +10%	
	Lithium	actual cost +10%	
	Lupus Anticoag	actual cost +10%	
	Lyme Total AB	actual cost +10%	
	Lyme Total AB rflx IgG, Igm, by IB	actual cost +10%	
	Magnesium	actual cost +10%	
	Maternal Serum 1 AFP	actual cost +10%	
	Maternal Serum 3	actual cost +10%	
	Maternal Serum 4 Quad Seru	actual cost +10%	
	Measles Ab IGG, EIA (Rubeola)	actual cost +10%	
	Microalb/Creat Ratio	actual cost +10%	
	MMR Titer	actual cost +10%	

EXHIBIT A

<u>Fee/Permit</u>	<u>Item/Cost</u>	<u>Current</u>	<u>Proposed if Changing</u>
	Mono Spot/Heterophile Mono	actual cost +10%	
	Mumps Virus IGG, EIA	actual cost +10%	
	Myoglobin (serum)	actual cost +10%	
	OB Profile	actual cost +10%	
	Phenobarbital Level-trough	actual cost +10%	
	Phosphate as Phosphorus	actual cost +10%	
	Pro Time w/INR	actual cost +10%	
	Progesterone	actual cost +10%	
	Prolactin	actual cost +10%	
	Prostate Specific Ag (PSA)	actual cost +10%	
	Protein C Ag	actual cost +10%	
	PSA F&T	actual cost +10%	
	PTH, Intact & Calcium	actual cost +10%	
	PTT Activated	actual cost +10%	
	Quantiferon TB Gold Plus	actual cost +10%	
	Renal Funcion Panel	actual cost +10%	
	Reticulocyte Count	actual cost +10%	
	Rheumatoid Factor (RA)	actual cost +10%	
	Rubella IGG Ab	actual cost +10%	
	Sex Horm. Bind Globulin	actual cost +10%	
	Sickle Cell Screen	actual cost +10%	
	T. Pallidum total AB w/ reflex	actual cost +10%	
	T-3 Free	actual cost +10%	
	T-3 Uptake	actual cost +10%	
	T-4 (Thyroxine) Total	actual cost +10%	
	T-4 Free	actual cost +10%	
	Testosterone (Free and Total) w/ SHBG	actual cost +10%	
	Testosterone (Free and Total)	actual cost +10%	
	Testosterone Free (Female)	actual cost +10%	
	Testosterone, Total (Male)	actual cost +10%	
	TSH	actual cost +10%	
	Uric Acid	actual cost +10%	
	Urine culture	actual cost +10%	
	Varicella (VCV) IGG Ab	actual cost +10%	
	Vitamin A	actual cost +10%	
	Vitamin B1	actual cost +10%	
	Vitamin B12	actual cost +10%	
	Water (bacteriological)	actual cost +10%	
	Additional tests may be available. Contact the Abilene-Taylor County Public Health District at 325-692-5600 for more information.		
Vaccinations (Shots)	Vaccinations shall be priced at actual cost + 10% and subject to change throughout the year. Please contact the Abilene-Taylor County Public Health District at 325-692-5600 for current prices.		
		Private Pay	
	DT	actual cost +10%	
	DTAP	actual cost +10%	
	KINRIX	actual cost +10%	
	FLU	actual cost +10%	
	FLU/PNEUMONIA	actual cost +10%	
	PNEUMONIA	actual cost +10%	
	HEPATITIS A	actual cost +10%	
	HEPATITIS B	actual cost +10%	
	TWINRIX	actual cost +10%	
	GARDASIL	actual cost +10%	
	MENINGOCOCCAL	actual cost +10%	
	MENOMUNE	actual cost +10%	
	MMR	actual cost +10%	
	MMRV	actual cost +10%	
	PENTACEL	actual cost +10%	
	POLIO	actual cost +10%	
	PRE-EXPOSURE RABIES	actual cost +10%	
	PREVNAR	actual cost +10%	
	ROTATEQ	actual cost +10%	
	TD	actual cost +10%	
	TDAP	actual cost +10%	
	TYPHIM VAC	actual cost +10%	
	TYPHOID ORAL	actual cost +10%	
	VARICELLA	actual cost +10%	
	YELLOW FEVER	actual cost +10%	
	ZOSTAVAX	actual cost +10%	
	HIB	actual cost +10%	
	MISC INJECTIONS	actual cost +10%	
Vaccines for Children Program	Please contact the Abilene-Taylor County Public Health District at 325-692-5600 for eligible vaccines.	Vaccine for Children	
	Administration fee per child	\$14.00	

EXHIBIT A

Fee/Permit	Item/Cost	Current	Proposed if Changing
Adult Safety Net Program	Please contact the Abilene-Taylor County Public Health District at 325-692-5600 for eligible vaccines.	Adult Safety Net	
	Administration fee per vaccine	\$20.00	
Mercy Clinic Fees	Well Woman Exam (WWE/NP Exam)	\$88.00	\$100.00
	STD Visit	\$20.00	
	Nurse Visit	\$10.00	
	Routine Office Visit	\$33.00	
	Complex Office Visit	\$60.00	\$65.00
	UA	\$5.00	\$10.00
	Urine Pregnancy Test	\$5.00	\$10.00
	Serum Pregnancy Test	\$13.00	
	Wet Mount	\$10.00	
	Birth control pills (per pack)	\$7.00	
	Depo provera shot	\$35.00	
	IUD	actual cost +10%	
	Nexplanon	actual cost +10%	
	Nexplanon / IUD Insertion	\$108.00	
	Nexplanon / IUD Removal	\$108.00	
	Nuvaring (box of 3)	\$45.00	actual cost +10%
	Patches (box of 3)	\$82.00	actual cost +10%
	Testing:		
	Urine Culture	actual cost +10%	
	Prolactin	actual cost +10%	
	HSV 1 & 2	actual cost +10%	
	TSH	actual cost +10%	
	TSH reflex to free T4	actual cost +10%	
JUNKED VEHICLE PENALTIES	Any person, firm, or corporation who violates any provision of this Code related to junk vehicles shall be assessed a civil penalty in an amount not exceeding five hundred dollars (\$500.00) for each offense, the amount to be determined by the hearing officer in his reasonable discretion, subject to review on appeal.		
	Unless higher amounts are required by state law or a lesser amount is determined by the hearing officer or judge of the municipal court, the minimum penalties for junked vehicle violations shall be as follows:		
	1st offense of failure to abate each junked vehicle in authorized time limit	\$50.00	
	2nd offense of failure to abate each junked vehicle within a six (6) month period	\$75.00	
	3rd and all subsequent offenses of failure to abate each junked vehicle within a six (6) month period	\$100.00	
	In addition to the minimum penalty, charges for towing of the vehicle shall be added.		
LIBRARY	Replacement fee for lost or damaged card	\$1.00	
	Library card - Non-resident cards are available to Texans presently residing outside the City of Abilene per year.	\$10.00	
	Library cards are free to all City of Abilene residents and Dyess active duty & their families.		
	Lamination fee per linear foot	\$1.00	
	Lost and damaged materials. The processing fee is not refundable.	Price of the item plus a \$5.00 processing fee	
	Black and white copies per page	\$0.15	
	Color copies per page	\$0.45	
	Flash drives	\$5.00	
	Sewing machine needle replacement	\$0.50	
	3D Printing fee per gram (\$1.00 minimum charge)	\$0.15	
Rental	For-profit groups or groups from outside the City of Abilene will be charged fees. Fees are payable at the time a reservation is made and are refundable if cancelled at least one week before the scheduled event.		
	Main, Mockingbird - rental fees for the rooms are per hour or any part of an hour.	\$10.00	
	South branch meeting room first two hours - private group per event	\$50.00	
	South branch meeting room each additional hour - private group per event	\$15.00	
	Main, Mockingbird, South branch meeting room - nonprofit group per event	No Charge	
	South branch technology fee for usage of the advance technology per event*	\$25.00	
	*technology fee applies to both profit and nonprofit groups		
MAXWELL MUNICIPAL GOLF COURSE	Per lease agreement for the operation and management of the municipal golf course, the lessee has sole authority to set pricing for all fees up to a maximum of ten percent annually. Potential fee increases greater than ten percent do require approval from the City. The fees listed below were in effect at the time of the first reading of the proposed budget and subject to change. Please contact the Maxwell Golf Course at 325-692-2737 for current rates.		
Green Fees	Green fees: weekday (Times Vary)		
	Walking	\$18.15	\$20.00
	Riding	\$31.35	\$34.50
	Junior/senior walking	\$13.20	\$14.40
	Junior/senior riding	\$26.39	\$28.99
	Green fees: weekend (Times Vary)		
	Walking	\$24.80	\$26.86

EXHIBIT A

Fee/Permit		Item/Cost	Current	Proposed if Changing
10 Play Card Options	Memberships	Riding	\$38.00	\$41.35
		Junior/senior walking	\$18.15	\$20.00
		Junior/senior riding	\$31.35	\$34.50
		Twilight: weekday (Times Vary)		
		no cart	\$15.40	\$17.00
		with cart	\$24.40	\$27.00
		Super Twilight: weekday (Times Vary)		
		walking	\$11.00	
		with cart	\$20.20	\$22.00
		Twilight: weekend (Times Vary)		
		no cart	\$19.25	\$21.20
		with cart	\$28.24	\$31.20
		Super Twilight: weekend (Times Vary)		
		walking	\$11.00	
		with cart	\$22.20	\$24.40
		Additional fee applies to rates above if playing alone:		
		Single rider fee - through Twilight		\$5.00
		Single rider fee - Super Twilight		\$4.00
		Trail fee		\$10.00
		Tournament Prices: weekday		\$33.00
		Tournament Prices: weekend / holiday		\$38.50
		Senior weekday (no holidays) with cart		\$242.00
		Senior 7 day with cart		\$266.00
		Senior weekday (no holidays) with trail		\$221.00
		Senior 7 day with trail		\$245.20
		Regular 7 day with cart		\$344.85
		Regular 7 day with trail		\$323.85
Driving Range	Municipal Court	Single Annual Membership:		
		Walking	\$1,344.47	
		with Trail fee	\$2,086.41	\$2,295.15
		with Cart	\$2,166.37	\$2,383.00
		with Trail + Shed	\$2,500.40	\$2,709.14
		Couple's Annual Membership:		
		Walking	\$2,016.70	
		with Trail fee	\$2,758.64	\$3,034.52
		with Cart	\$3,204.58	\$3,525.00
		with Trail + Shed	\$3,172.63	\$3,448.51
		Junior/Senior Single Annual Membership:		
		Walking (5 days/week)	\$712.07	
		Walking (7 days/week)	\$1,008.35	
		Senior w/ cart (5 days/week)	\$1,533.39	\$1,687.08
		Senior w/ cart (7 days/week)	\$1,829.97	\$2,012.97
		Senior w/ trail (5 days/week)	\$1,263.54	\$1,389.91
		Senior w/ trail (7 days/week)	\$1,750.29	\$1,925.35
		with Trail + Shed (5 days/week)	\$1,677.53	\$1,803.90
		with Trail + Shed (7 days/week)	\$2,164.29	\$2,339.34
		Senior Couple's Annual Membership:		
		Walking (5 days/week)	\$1,068.11	
		with Trail (5 days/week)	\$1,619.58	\$1,781.54
		with Trail (7days/week)	\$2,254.47	\$2,479.94
		with Cart (5 days/week)	\$2,300.53	\$2,530.58
		with Cart (7 days/week)	\$2,744.95	\$3,019.46
		with Trail + Shed (5 days/week)	\$2,033.58	\$2,195.53
		with Trail + Shed (7 days/week)	\$2,668.46	\$2,893.93
		Additional single rider fee if playing alone		\$5.00
Teen Court Fee	Parks and Recreation	Driving range - large basket	\$12.00	
		Driving range - medium basket	\$8.00	
		Driving range - small basket	\$4.00	
		Driving range - 25% discount for junior/ senior		
		Junior Summer Pass (includes range and golf)	\$281.45	\$310.68
		Lessons	Set by the instructor	
PARKS AND RECREATION	Parks	Child Safety Fund Fee - assessed on parking violations	\$5.00	
		Local Consolidated Fee	\$14.00	
		In accordance with Local Government Code Sec. 134.103(a) . Fee is assessed on conviction of nonjailable misdemeanor offenses, including an offense related to a pedestrian or parking violations. Local Government Code Sec. 134.103(a).		
		Court Cost for Defensive Driving:		
		Regular citation	\$144.00	
		Offense in school zone	\$169.00	
		Warrant Fee - executing or processing a warrant, capias, or capias pro fine.	\$50.00	
		Filing fee for appeal of determination of hearing officer regarding parking violation	\$5.00	
		Administrative court fee	\$20.00	
		City employee staffing fee to work special events / tournaments		\$25.00 / hour per person
Parks	Parks	Athletic field line painting (football, soccer, rugby):		
		Initial setup / layout (no paint) - per field	\$150.00	

EXHIBIT A

<u>Fee/Permit</u>	<u>Item/Cost</u>	<u>Current</u>	<u>Proposed if Changing</u>
Aquatics / Adventure Cove	Line painting - per field	\$125.00	
	Ball Field Lights (for all field light usage other than official league games)	\$20.00/hour per field	
	Facility use charge:		
	Residents - per player, per season	\$20.00	
	Non-residents - per player, per season	\$25.00	
	Select Team Player - per year	\$25.00	
	Bounce House in the Park	\$25.00	
	Park Pavilions per four (4) hour time slot	\$25.00	
	Minter Park Water Curtain:		
	Pre-programmed / pre-approved name, phrase, or design	\$25.00 / hour	
	Pre-programmed / pre-approved name, phrase, or design	\$100.00 / day	
	Special event live programming by City employee	\$50.00 / hour	
	Pro/Semi pro field use per game/use	\$250.00	
	Rose Park Amphitheater per day	\$50.00	
	Trash bags if purchased from the City per case	\$35.00	\$60.00
	Vendors in the Park	\$30-\$50/event/day	
	Use of electrical outlets in parks	\$20.00 per use	
	Tournament fee: Per team / per tournament	\$25.00	
	Adventure Cove: 2 and under	No Charge	
	Adventure Cove: Child less than 48" tall	\$4.00	
	Adventure Cove: Child / adolescent 48" tall	\$6.00	
	Adventure Cove: Adult	\$7.00	
	Adventure Cove: Doggie splash day - per dog	\$3.00	
	Shallow Water Lifeguard Course - per person	\$135.00	
	Swimming lessons: 2 week session	\$45.00	
	Adventure Cove Pavilion & Facility Rentals:		
	2 hour rental	\$200.00	
	After-hours rental: 2 hours	\$700.00	
	After-hours rental: each additional hour	\$300.00	
	Adventure Cove: Lifeguard re-certification fee	\$75.00	
Recreation	Special events admission fee	up to \$50.00	
	After School Program - per student / week	\$15.00	
	Bike race/ride - individual	\$35.00	
	Bike race/ride - team	\$40.00	
	Bike race/ride - registration day of race additional	\$10.00	
	Camps winter break	\$65.00	
	Camps spring break	\$65.00	
	Youth council talent show student	\$3.00	
	Youth council talent show adult	\$5.00	
	Classes: Instructor receives 75% of fee; City of Abilene receives 25% of fee	Price set by instructor	
	Daddy daughter date night per person	\$12.00	
	Half marathon individual	\$35.00	
	Half marathon team	\$40.00	
	Half marathon day of registration - additional	\$10.00	
	Heels & wheels duathlon individual	\$35.00	
	Heels & wheels duathlon team	\$40.00	
	Heels & wheels day of registration - additional	\$10.00	
	Leagues youth girls volleyball per person per season	\$55.00	
	Leagues youth basketball per person per season	\$60.00	
	Leagues youth flag football per person per season	\$75.00	
	Leagues adult basketball per person per season	\$45.00	
	Leagues adult flag football per team per season	\$350.00	
	Leagues adult kickball per person per season	\$20.00	
	Leagues adult volleyball per person per season	\$45.00	
	Leagues pickleball per person per season	\$10.00	
	Leagues spikeball per person per season	\$10.00	
	Annual Race 1k: 12 and under	\$10.00	
	Annual Race 5k	\$25.00	
	Annual Race 10k	\$35.00	
	Annual Race day of registration - additional	\$10.00	
	Mother/Son date night per person	\$12.00	
	Recreation Activity Buildings: Maximum capacity Rose Park Recreation Center = 75 Cobb Recreation Center = 63. A \$100.00 damage deposit is required.		
	Admin/user fee \$5.00		
		Private Non fundraising	
	9:00 AM - 4:00 PM or 5:00 PM - 12:00 AM per activity	\$140.00	
	9:00 AM - 12:00 AM per activity	\$180.00	
		Non Profit fundraising	
	9:00 AM - 4:00 PM or 5:00 PM - 12:00 AM per activity	\$155.00	
	9:00 AM - 12:00 AM per activity	\$255.00	
		Commercial fundraising	
	9:00 AM - 4:00 PM or 5:00 PM - 12:00 AM per activity	\$180.00	
	9:00 AM - 12:00 AM per activity	\$305.00	
	Recreation Center: Rates are hourly. A \$100.00 damage deposit is payable at the time the reservation is made. Admin/ User Fee: \$5.00		
	Private, non-fundraising per hour	\$35.00	
	Non-profit, fundraising per hour	\$45.00	
	Commercial, fundraising per hour	\$60.00	

EXHIBIT A

Fee/Permit		Item/Cost	Current	Proposed if Changing
Tennis	Senior Services	Summer playground program:		
		1 Week Session / per child / per program	\$50.00	
		2 Week Session / per child / per program	\$85.00	
		TAAF Flag Football: Per team	\$350.00	
		TAAF Track Meet admission fee: per person	\$5.00	
		Wellness Jamboree: Vendor booth fee for first come/first serve area	\$50.00	
		Wellness Jamboree: Vendor booth fee for premium booth locations	\$100.00	
		Wellness Jamboree: Admission fee	No Charge	
		Tennis center: juniors membership fee annual	\$75.00	
		Tennis center: adults membership fee annual	\$100.00	
		Tennis center: family membership fee annual	\$150.00	
		Tennis center court fee	No Charge	
		Membership benefits include 3 day advance reservation on courts and ball machine and price break on lesson		
		Tennis center court fee non-member	\$2.50/person	\$3.00/person
		Tennis center ball machine hourly rate non member	\$10.00-\$15.00	
		Tennis center ball machine rental rate and privileges - Hourly rate (members)	\$10.00	
		Tennis center ball machine rental rate and privileges - Hourly rate (non-members)	\$15.00	
		Tennis center ball machine - Yearly registration	\$100.00	
		Tennis tournament fee	\$15-\$50	
		Senior Services activity rental: a \$100.00 damage deposit will be required for the rental of these facilities		
Planning	Planning Infill Development Incentive	Grand Ball Room (includes the use of 140 stack chairs)		
		Full-day rental 9:00 AM - 11:00 PM	\$425.00	
		Half-day rental 9:00 AM - 4:00 PM or 4:00 PM-11:00 PM	\$300.00	
		Dining Room (includes use of 40-3'x3' tables and 180 stack chairs and patio)		
		Full-day rental 9:00 AM - 11:00 PM	\$425.00	
		Half-day rental 9:00 AM - 4:00 PM or 4:00 PM-11:00 PM	\$300.00	
		Senior meal fee: age 60 and over	\$2.00	
		Senior lunch fee: under the age of 60	\$3.50	
		Senior dances admission fee	\$6.00	
		Senior special events admission fee	up to \$45.00	
		Senior talent show admission fee	\$5.00	
		Senior Thursday night weekly dance	\$5.00	
		Special events may be added upon approval of the City Manager or his designee		
		PLANNING Board of Adjustment Filing/Application Fees	\$400.00	
		Projects located within the designated "infill area" are eligible for a fee reduction of 50% in accordance with the City's Infill Development Strategy. This does not apply to any portion of a fee that is based on actual costs to the City, such as filing plats, photocopies, notifications, etc.		
		Reports, plans, ordinances, maps and other documents are often available on the city's web site (www.abilenetx.gov) at no charge. In addition, any other actual materials costs will be assessed.	\$.10 per page	
		Requests for the creation of maps or other documents not already existing will only be available based on availability of staff	\$15.00 per hour, plus the cost of reproduction and/or materials.	
		Subdivision Preliminary development plan	No Charge	
		Plat, preliminary (applicant will also be responsible for actual filing costs)	\$500.00*	
		Plat, final (applicant will also be responsible for actual filing costs)	\$500.00*	
		Plat, minor (applicant will also be responsible for actual filing costs)	\$500.00*	
		Plat, replat (applicant will also be responsible for actual filing costs)	\$500.00*	
		Easement release	\$400.00	
		Thoroughfare abandonment (based on land value)	\$1,500.00**	
		*Plat fees are \$500.00 for the first 4 lots, plus \$20.00 per lot thereafter (maximum review fee of \$2,500)		
		** Thoroughfare abandonment fee is 10% of the calculated land value of the ROW area to be abandoned, based on average square footage value of adjacent properties, per the most recent official Appraisal District valuation. Minimum fee is \$1,500.00. Any portion over the minimum fee is refundable if the abandonment is not approved.		
Signs	Other	Street name change (applicant also responsible for notification costs)	\$800.00	
		Proportionality appeal	\$500.00	
		Sidewalk waiver or deviation (plat)	\$250.00	
		Sidewalk deferral agreement	\$100.00	
		Miscellaneous permit fee is for new permits/processes/applications established by ordinance to be applied until such time that a specific fee is established.	\$100.00	
		If a case is withdrawn or delayed at the request of the applicant after notifications have been sent and/or public notice has been posted, the applicant will be responsible for the cost of notifications and re-posting of notice.		
		Sign permit - billboard (based on sign value)	\$ 500.00*	
		Sign permit - non-billboard (based on sign value)	\$ 200.00*	
		Sign permit - portable	\$50.00	
		*Sign permit fee, other than for portable signs, is 2% of the sign value OR the minimum fee noted above, whichever is greater		
POLICE		Itinerant business permit	\$100.00	
		Misc. other permit/application	\$100.00	

EXHIBIT A

Fee/Permit	Item/Cost	Current	Proposed if Changing
Other	Fingerprinting services	\$10.00	
	Accident reports	\$6.00	
	Trailer inspection fee	\$40.00	
Records	Admin fee to gather info (if more than 50 pages) per hour	\$15.00	
	Arrest report per page	\$0.10	
	Certified report	\$1.00	
	CD case	\$0.50	
	Clearance letter per letter	\$5.00	
	DVD	\$3.00	
	Non-rewriteable CD (CD-R)	\$1.00	
	Overhead charge	20% of labor charge	
	Police reports per page	\$0.10	
	Daily storage fee	\$20.00	
Vehicle Impoundment Fees	Daily tax	\$1.65	
	(Set by State Law Occupations Code) Towing charge	Varies by vehicle	
PUBLIC INFORMATION REQUEST	Pursuant to the Public Information Act, Tex. Gov't Code Chapter 522.2615, if a request for a copy of public information will result in the imposition of a charge that exceeds \$40.00, or a request to inspect a paper record will result in the imposition of a charge under 552.271 that exceeds \$40.00, the governmental body shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact the governmental body regarding the alternative method.		
(State Regulated)	The basic charge for copies of public information is currently \$.10 per page, \$3.00 per DVD, and \$1.00 per CD. Voluminous requests may also result in personnel costs, currently a flat rate of \$15.00 per hour, and overhead, charged at 20% of the total personnel costs for the request. The Office of the Attorney General has published a handbook interpreting the Texas Public Information Act.		
PUBLIC RIGHT-OF-WAYS			
Franchise Fees	Cable Television:		
	Initial franchise application and review fee	\$5,000.00	
	Franchise renewal application and review fee	\$1,000.00	
	Cable Television Franchise Fee	5% of grantee's gross revenues	
	Electric	.001116¢ per kilowatt-hour of services delivered	
	Gas	5% of grantee's gross revenues	
	Non-Emergency Ambulance Transfer Service:		
	Franchise fee for non-emergency ambulance transfer service is 3.5% of the total amount billed for ambulance services fees and other income derived from operations within the City.	3.5% of billings for services fees & other income	
	Note: only collected if city is requested to financially subsidize the operation of ambulance service within the city.		
	Telecommunications	set by the Public Utility Commission of Texas	
	Underground Encroachments:		
	Franchise fee for subsurface structure under public property	\$.02 per cubic foot / annual	
	Sidewalk elevator or lift	\$100 / annual	
	Permits for use of public right-of-way:		
Wireless Communication Network Nodes (State Regulated)	Application fee - \$500 deposit per application covering up to 5 network nodes, \$250 deposit for each additional network node, and \$1,000 deposit per pole.	Actual cost to process	
	*A \$500 deposit is required at the time of application. The actual application fee will vary and is based on the actual direct costs incurred by the City to process the application, not to exceed the amounts stated in Local Government Code Sec. 284.156.		
	Public Right-of-Way rates:		
	Use of public right-of-way (per installed network node)	\$250 / annual	
	Transport facilities charge (monthly rate per connected network node)*	\$28 / month	
	*charge is in addition to the annual use of public right-of-way charge		
	Collocation of network nodes on service poles (per service pole)	\$20 / annual	
RECYCLING	Amounts shown include \$.0825 sales tax		
Mulch	Mulch self loaded by resident	No Charge	
	Loaded by City staff (per yard)	\$4.00	
	30 yards (per yd.)	\$4.00	
	Delivery charge	\$210.00	\$220.00
Regrind Mulch	Amounts shown include \$.0825 sales tax		
	Prices are per yard.		
	Mulch self loaded by resident 1 yard or less	No Charge	
	30 yds.		
	Premium \$6.00 /yd		
	Delivery charge	\$210.00	\$220.00
Cardboard Collection Services	Sales tax is extra on services		
	Cardboard recycling 8 yard container:		
	One a week collection per month	\$65.00	
	Two a week collection per month	\$100.00	

EXHIBIT A

Fee/Permit	Item/Cost	Current	Proposed if Changing
Freon Units/Other Appliances	Three a week collection per month	\$135.00	
	Each additional collection at same site	\$35.00	
	Recycle 40 yard Cardboard monthly	\$910.00	\$953.33
	Each additional collection at same site	\$210.00	\$220.00
	No tax		
	Residential Freon unit - 1st unit	No Charge	
	Residential Freon unit - 2nd unit	\$5.00	
	Commercial Freon unit	\$5.00	
	Commercial other appliances	\$2.50	
	Tires		
	No sales tax		
	Rim size		
Tires	13" - 14" (no rims accepted)	\$1.00	
	15" - 20" (no rims accepted)	\$2.00	
	Truck (no rims accepted)	\$5.00	
	Farm (no rims accepted)	\$10.00	
	Other		
Other	Per Delivery to Recycler	\$210.00	\$220.00
	Brush Center Commercial Fee	\$30.00 per load	
ROAD HUMPS	Application fee Those requesting road humps are responsible for the installation cost of the road humps, notifications costs, and associated signs and markings. Cost per hump varies. Call Traffic Engineering for an estimate.	\$100.00	
SCOOTER & BICYCLE SHARING	Scooter & Bicycle Sharing Permit:		
	Initial permit (24 months)	\$1,500.00	
	Renewal permit fee (12 months)	\$750.00	
SOLICITATION PERMIT	Application permit fee (30 days)	\$50.00	
	For each additional solicitor/worker	\$30.00	
	Yearly application fee (local business only)	\$100.00	
	Yearly fee for each additional solicitor/worker	\$30.00	
SOLID WASTE	Sales tax is extra on services		
	Environmental charge per month all accounts	\$1.80	
Residential			
	Regular collection services monthly charge	\$20.00	
	Carry-Out Service (no new customers accepted)		
	10-50 feet	\$27.45	
	50-100 feet	\$48.25	
	100-150 feet	\$69.05	
Commercial	Minimum charge of \$17.00 per month for Commercial accounts		
Commercial Sideloaders	90 gallon	\$27.50	
(emptied 2 times per week)	300 gallon	\$60.00	
	300 gallon shared by 2 com. Each	\$30.00	
Frontloader Services	Two times per week collection:		
	2 yard container per month	\$59.83	
	3 yard container per month	\$78.52	
	4 yard container per month	\$98.23	
	6 yard container per month	\$123.87	
	8 yard container per month	\$158.19	
	2 yard compactor per month	\$89.79	
	8 yard compactor per month	\$204.17	
	4 times per week collection:		
	2 yard container per month	\$111.86	
	3 yard container per month	\$151.41	
	4 yard container per month	\$189.38	
	6 yard container per month	\$258.02	
	8 yard container per month	\$329.00	
	Environmental charge per month	\$1.80	
Extra Collections	2, 3 or 4 yard container	\$40.00	
	6 or 8 yard container	\$50.00	
	Frontload compactor subject to per cubic yard rate of \$2.95 per cubic yard		
Stationary Compactor Service			
	Privately-Owned		
	20 yd.	30 Yd.	40 Yd.
Collections per week 1	\$1079.30 \$1122.63	\$1346.18 \$1389.51	\$1610.48 \$1653.81
Collections per week 2	2158.60 2245.26	2692.36 2779.02	3220.96 3307.62
Collections per week 3	3237.90 3367.89	4038.54 4168.53	4831.44 4961.43
Collections per week 4	4139.38 4317.20	5206.90 5558.04	6270.10 6615.24
Other Monthly	30 Yd. Compactor with Turn Charge - 1 collection per week	\$1,570.36	\$1,657.02
	34 Yd. Compactor with Turn Charge - 1 collection per week	\$1,836.61	\$1,923.28
Extra Collections / On Call Service			
	20 yard compactor	\$278.52	\$288.52
	30 yard compactor	\$346.50	\$356.50
	40 yard compactor	\$415.61	\$425.61
Compactors for Recycle Only	Privately-Owned Unit		
	Per Delivery to Recycler	\$210.00	\$220.00
Turning Charge	Per Collection	\$55.32	\$65.32
Roll-Off Open Scheduled	Per Week 20 yd.	30yd	40 yd.
	1 \$1031.25 1074.58	\$1291.84 1335.17	\$1550.37 1593.70
	2 \$2050.95 2149.16	\$2572.13 2670.34	\$3088.77 3187.40
	3 \$3070.00 3223.74	\$3852.43 4005.51	\$4627.39 4781.10

EXHIBIT A

Fee/Permit	Item/Cost	Current	Proposed if Changing
Roll-Off Open Non Scheduled			
	Container Size	Per Collection	
	20 yard	\$275.12	\$285.12
	30 yard	\$341.97	\$351.97
	40 yard	\$408.82	\$418.82
Roll-Off Non-Scheduled (short term)	Size Charge Daily Rental Per Collection Charge		
	20/30/40 yard \$56.45 \$66.45 \$3.47 \$210.00 \$220 haul+\$30.05 \$30.65 per ton		
Open Top Containers	Permanent per month	\$174.89	
Brush and Bulky	Knuckle boom truck - city crew loading service per hour	\$76.27	
	Rear loader truck - city crew loading per hour	\$46.45	
Container Exchange/Refurbishment	100 or 300 gallon	\$33.99	
	2 yard	\$50.98	
	3 yard	\$62.31	
	4 yard	\$81.58	
	6 yard	\$99.70	
	8 yard	\$118.96	
	90 gallon per cart per dump	\$2.72	
Special Event Service	300 gallon per container per dump	\$6.19	
	4 cubic yard per container per dump	\$33.51	\$40.00
	8 cubic yard per container per dump	\$41.60	\$50.00
	20 cubic yard per container per dump	\$268.52	\$278.52
	30 cubic yard per container per dump	\$336.50	\$346.50
	40 cubic yard per container per dump	\$405.61	\$415.61
	Flatbed truck per load	\$75.91	\$76.27
Other	Wash container	\$67.98	
<u>SPECIAL EVENT AND STREET USE</u> <u>LICENSE</u>	Category A : no control over the street; pre-approved route; not in Downtown Area	\$25.00	
	Category B: less than 24 hours in duration; requiring control of local/minor streets; in Downtown Area	\$50.00	
	Category C: multiple day event or major impact; requiring control streets; in Downtown Area	\$100.00	
	Parades: closed streets, approved route in the Downtown Area	\$200.00	
	Street Use License: any other private use upon any public street, alley, sidewalk, or public way	\$300.00	
	Pipeline Payment Street Use License: pipelines, gas, oil, or other hydrocarbons	Per rod price as negotiated	
<u>STORMWATER SERVICES</u>	Stormwater utility rates are included on users monthly water bill and are shown on this schedule under Water Bill Commercial or Water Bill Residential, as appropriate.		
	<u>RESIDENTIAL</u>		
	Tier 1 <= 1,280 square feet	\$2.66	\$2.79
	Tier 2 1,281 to 2,880 square feet	\$3.50	\$3.68
	Tier 3 2,881 - 3,500	\$4.21	\$4.42
	Tier 4 > 3,500 square feet	\$5.12	\$5.38
	<u>COMMERCIAL</u>		
	minimum rate	\$6.48	\$6.80
	per square foot	\$0.00071	\$0.00075
	maximum rate	\$64.84	\$68.08
	Environmental Charge - Stormwater	\$1.10	\$1.16
<u>STREETS</u>	Estimate fee	\$25.00	
	Items listed below are invoiced at the actual cost of materials and labor in effect at the time of service. Please contact the Street Services division at 676-6045 for current prices.		
	Hot mix asphalt (ton)	actual cost	
	Base (cu. yd.)	actual cost	
	Grade #6	actual cost	
	CBS-1 (gallon)	actual cost	
	Clean up (ton)	actual cost	
	Saw blade	actual cost	
	Items listed below are invoiced at the actual cost of materials and labor in effect at the time of service. Please contact the Street Services division at 676-6045 for current prices.		
		Base Cost	
	#1 Base repair in alley - plumber's ditch up to 12 cu. yds./ditch (plumber backfill & cleanup)	actual cost	
	#2 Base repair in alley - plumbers ditch up to 12 cu. yds./ditch (City backfill & cleanup)	actual cost	
Street or Alley Excavations	#3 Base & asphalt repair to street or alley - plumber's ditch up to 12 cu. yds./ditch. Hot mix asphalt, includes saw blade charge (plumber's backfill & cleanup)	actual cost	
	#4 Base & asphalt repair to street or alley - plumber's ditch up to 12 cu. yds./ditch. Hot mix asphalt, includes saw blade charge (City backfill & cleanup)	actual cost	
Street Maintenance Fee	Residential - monthly charge		
			\$8.75 per non-irrigation meter
	R1 Single Family Residence	\$6.75 per non-irrigation meter	meter
	MF Multifamily	\$6.00 per dwelling unit	\$8.00 per dwelling unit
	LM1 Low-Moderate Income	\$1.75 per non-irrigation meter	

EXHIBIT A

Fee/Permit	Item/Cost	Current	Proposed if Changing
	<i>Persons who make 50% or less of the median family income as defined by the City's Office of Neighborhood Services are eligible to pay the reduced Low-to-Moderate-Income (LM1) rate. Applications for LM1 rate reduction are available at www.abilenetx.gov or call 325-437-4576.</i>		
	Commercial - monthly charge		
	C1 Base Trip Rate 0.00 to 4.99	\$25.00	\$45.00
	C2 Base Trip Rate 5.00 to 14.99	\$35.00	\$55.00
	C3 Base Trip Rate 15.00 to 49.99	\$45.00	\$65.00
	C4 Base Trip Rate 50.00 to 199.99	\$55.00	\$75.00
	C5 Base Trip Rate 200.00 to 999.99	\$65.00	\$85.00
	C6 Base Trip Rate 1,000 or greater	\$75.00	\$95.00
	See City of Abilene Ordinance No. 35-2018, Exhibit A available at www.abilenetx.gov for how base trip rate is determined.		
TAXI/LIMO LICENSE PERMIT	Owner License Fee (Yearly)	\$100.00	
	Vehicle permit (Per Vehicle)	\$25.00	
	Driver permit (Per Driver)	\$25.00	
	Replacement Fee	\$5.00	
TRAFFIC & TRANSPORTATION	City Ordinance Parking violations:		
Parking	*Amounts listed below are the minimum fines, unless a lesser amount is determined by the hearing officer or municipal court clerk or so designated deputy. Parking citations listed below do not include \$14 Local Consolidated Fee and \$5 Child Safety Fund fee (see Municipal Court section). Amounts also exclude State portion of fines and fees. Fees subject to change in accordance with state law.		
	Exceeding posted time limit, first offense within 30-day period	\$6.00	
	Exceeding posted time limit, second offense within 30-day period	\$26.00	
	Exceeding posted time limit, third offense within 30-day period	\$51.00	
	Exceeding posted time limit, fourth and all subsequent offenses within 30-day period	\$101.00	
	Parking in a school zone, first offense	\$26.00	
	Parking in a school zone, second offense	\$51.00	
	Parking in a school zone, third offense	\$76.00	
	Parking in a red zone	\$144.00	
	All other parking violations	\$21.00	
	<i>Note: Parking citations unanswered for more 10 days are considered delinquent and become twice the amounts specified above. Fines are not to exceed \$500.00 for each offense.</i>		
	Boot fee	\$25.00	
	Construction parking permit: Per vehicle per day (Monday-Friday)	\$3.00	
Resident Only Parking Program	Parking lot lease: Each space, per month varies by lot	\$10.00 to \$20.00	
	Application fee	\$50.00	
	Installation of Resident Parking Only sign, each	\$200.00	
	Resident Only Parking Permit, each	\$5.00	
	Guest pass, each	\$5.00	
	Replacement Parking Permit	\$5.00	
Tree Trimming	Administrative fee	\$250.00	
Housing Moving Permit	House moving permit	\$200.00	
	If passing under a traffic control device per permit	add \$50.00	
	If a traffic control device must be moved	add \$150.00	
	After hours and Saturdays	add \$160.00	
	Rescheduling Fee	\$100.00	
	Failure to procure permit	\$500.00	
	No moving permits granted for Sundays		
WATER	Service to all domestic housing of three units or less.		Water/Sewer rate changes effective 11/1/2022
Residential (service to all domestic housing of three units or less)	Customer Service Charge	Based on Meter Size*	
Water	5/8 or 3/4	\$16.25 min. per month	\$17.30 min. per month
	1 inch	\$24.75	\$26.00
	1 1/2 inch	\$46.00	\$48.50
	2 inch	\$76.50	\$81.00
	3 inch	\$144.00	\$152.00
	4 inch	\$216.00	\$229.00
	6 inch	\$402.00	\$425.00
	8 inch	\$655.00	\$690.00
	10 inch	\$880.00	\$930.00
	First 6,000 gallons per thousand gallons	\$3.30	\$3.55
	7,000 - 15,000 gallons per thousand gallons	\$5.60	\$6.05
	Over 15,000 gallons per thousand gallons	\$7.85	\$8.50
	Outside of City limits, double above rates for water consumption		
Sewer			
	Customer Service Charge	\$14.00 minimum	\$15.00 minimum
	First 10,000 gallons per thousand gallons	\$2.15	\$2.50
	Over 10,000 gallons	No Charge	
Environmental	All Accounts per account	\$2.90	\$2.96
	This fee supports the Stormwater Services and the Solid Waste Environmental Program (\$1.10 \$1.16 to Stormwater Services and \$1.80 to Solid Waste)		

EXHIBIT A

Fee/Permit	Item/Cost	Current	Proposed if Changing
Commercial (business operations and residential housing with four units or more)			
	Customer Service Charge	Based on Meter Size*	
	5/8 or 3/4	\$16.25 min. per month	\$17.30 min. per month
	1 inch	\$24.75	\$26.00
	1 1/2 inch	\$46.00	\$48.50
	2 inch	\$76.50	\$81.00
	3 inch	\$144.00	\$152.00
	4 inch	\$216.00	\$229.00
	6 inch	\$402.00	\$425.00
	8 inch	\$655.00	\$690.00
	10 inch	\$880.00	\$930.00
	All consumption per thousand gallons	\$5.60	\$6.05
	Outside of City limits, double above rates for water consumption		
	Sewer Customer Service Charge	\$14.00 minimum	\$15.00 minimum
	All use per thousand gallons	\$2.15	\$2.50
Environmental	All Accounts per account	\$2.90	\$2.96
Industrial, Manufacturing and Institutions	This fee supports the Stormwater Services and the Solid Waste Environmental Program (\$1.10 \$1.16 to Stormwater Services and \$1.80 to Solid Waste)		
	Customer Service Charge	Based on Meter Size*	
	5/8 or 3/4	\$16.25 min. per month	\$17.30
	1 inch	\$24.75	\$26.00
	1 1/2 inch	\$46.00	\$48.50
	2 inch	\$76.50	\$81.00
	3 inch	\$144.00	\$152.00
	4 inch	\$216.00	\$229.00
	6 inch	\$402.00	\$425.00
	8 inch	\$655.00	\$690.00
	10 inch	\$880.00	\$930.00
	All consumption per thousand gallons	\$4.60	\$5.00
	Outside of City limits, double above rates for water consumption		
	Sewer Customer Service Charge	\$14.00 minimum	\$15.00 minimum
	All use per thousand gallons	\$2.15	\$2.50
Surcharge Rate:	B.O.D. per pound	\$0.091	
	T.S.S. per pound	\$0.067	
	F.O.G. per pound	\$0.091	
Wholesale Water (Contract)	All consumption per thousand gallons	\$6.80	\$7.20
Environmental	All Accounts per account	\$2.90	\$2.96
Multiple Housing Units	This fee supports the Stormwater Services and the Solid Waste Environmental Program (\$1.10 \$1.16 to Stormwater Services and \$1.80 to Solid Waste)		
	Multiple Housing Units: When more than two living or business units are supplied through one meter, each additional living or business unit will be charged two dollars and ninety cents (\$2.90). No credit shall be allowed for vacant or unoccupied units if the utility account remains active.		
Fire Line Sprinkler System	\$2.00 per inch in diameter of service connection		
Water Bill	Set up fee \$60.00		
Construction Water	Construction Water all use per thousand gallons	\$6.80	\$7.40
	Outside of City limits, double above rates for water consumption.		
Yard Meter	Yard meters all use per thousand gallons	\$6.80	\$7.40
	Outside of City limits, double above rates for water consumption.		
Raw Water	Retail raw water per thousand gallons		\$0.79
	Outside of City limits, double above rate for water consumption.		
	Additional rates may apply for Enhanced System (\$0.56) and/or Alternate Supplies (\$2.96)		
Reuse Water (Type 1 Reclaimed Effluent)	Retail reuse water per thousand gallons		\$0.52
	Outside of City limits, double above rate for water consumption.		
Pro Rata Charge for Water and Sewer Line Connection			
Sewer	Installed prior to June 30, 1981 per frontage foot	\$2.25	
	Installed after June 30, 1981 per frontage foot	\$4.00	
Water	Installed prior to June 30, 1981 per frontage foot	\$3.25	
	Installed after June 30, 1981 per frontage foot	\$5.00	
	The basis for determining footage amounts is described in Chapter 32 of the Municipal Code		
Water Bill	Note: A plumbing permit must be issued by Building Inspection prior to payment of the tap fee.		
Tap Fees	New taps:		
	3/4 inch	\$500.00	
	1 inch	\$550.00	
	1-1/2 inch	\$775.00	
	2 inch and larger	Actual cost of installation	
	Replacement tap credit:		
	3/4 inch	\$20.00	
	1 inch	\$40.00	
	1-1/2 inch	\$100.00	

EXHIBIT A

<u>Fee/Permit</u>	<u>Item/Cost</u>	<u>Current</u>	<u>Proposed if Changing</u>
Service Charges	New service	\$25.00	\$50.00
	Transfer service	\$17.50	\$50.00
	Temporary service	\$10.00	\$50.00
	Delinquent on	\$25.00	\$50.00
	Illegal consumption	\$50.00	\$100.00
	Re-read meter	\$10.00	\$50.00
	Return cheek payment charge (per account)	\$30.00	
Deposits	Meter test	\$25.00	\$50.00
	Deposits may be required based on payment history and/or credit worthiness		
Meter Tampering / Damage Fee	Required for a construction meter loaned to account holder (credited upon return)	\$250.00	
	First offense, within 2-year period		warning, no charge
	Second offense, within 2-year period		\$200.00
Water Analysis Fees	Third offense, within 2-year period		\$400.00
	Total by titration Alk(T)	\$10.00	\$12.00
	Carbonate/bicarbonate by titration Alk (C)	\$10.00	\$12.00
	Nitrogen (NH ₃ -N) (by ISE)	\$12.00	\$14.00
	Nitrogen (NH ₃ -N) (Distilled)	\$37.00	\$44.00
	Anion Scan by EPA 300.0A, Includes:		
	Fluoride (F-), Chloride (Cl-), Nitrite (NO ₂ -N),	\$75.00	\$90.00
	Nitrite (NO ₃ -N), Bromide (Br-),		
	Ortho-Phosphate (PO ₄ -P)(O), and Sulfate (SO ₄ ²⁻)		
	E Coli	\$25.00	\$30.00
	Enterococci (Enteros)	\$50.00	\$42.00
	Fecal Coliform (FC)	\$15.00	\$18.00
	Fecal Sludge	\$50.00	\$60.00
	Fecal Strep(FS)	\$25.00	\$30.00
	Heterotrophic Plate Count (HPC)	\$15.00	\$18.00
	Legionella pneumophila by Legiolert		\$75.00
	Micro Exam	\$75.00	\$90.00
	Total Coliform (TC)	\$15.00	\$20.00
	Total Coliform/E Coli by SM9223B	\$20.00	\$24.00
	Bromate	\$60.00	\$70.00
	Biochemical Oxygen Demand (BOD)	\$30.00	\$32.00
	Bromide (Br-)	\$25.00	\$30.00
	Carbonaceous Biochemical Oxygen Demand (CBOD)	\$30.00	\$32.00
	Calcium Carbonate Saturation Index (CCPP)	\$80.00	
	Caustic (Sodium Hydroxide) %	\$15.00	\$18.00
	Chloral Hydrate by EPA 551.1 (CH)	\$100.00	
	Chlorine Demand (demand)	\$100.00	\$120.00
	Chlorate	\$50.00	\$55.00
	Chlorine Residual by Titration (Cl ₂)	\$15.00	\$18.00
	by Amperometric Titration (Cl ₂)	\$15.00	\$18.00
	Chloride (Cl-) by Titration	\$15.00	\$18.00
	Chloride(Cl-) by Ion Chromatograph	\$25.00	\$30.00
	Chlorite	\$50.00	\$55.00
	Chemical Oxygen Demand (COD)	\$30.00	\$35.00
	Conductivity (Cond)	\$10.00	\$12.00
	Color		
	TRUE	\$50.00	
	Cyanide (Total and Amenable) (CN-)	\$50.00	\$60.00
	Dissolved organic carbon (DOC)	\$55.00	
	Dissolved Oxygen (DO) by ISE or Winkler	\$15.00	\$18.00
	Fluoride (F-) by ISE	\$15.00	\$18.00
	Free oil and grease - no soils - by EPA 1664 (HEM) (ask about bottle and sample size)	\$50.00	\$60.00
	pH, Alkalinity (Alk-T), Hardness, Conductivity,	\$55.00	\$65.00
	Chloride (Cl-), Sulfate (SO ₄ ²⁻), Nitrate (NO ₃ -N)		
	Halooacetic Nitriles by EPA 551.1 (HANs)	\$100.00	
	Hardness by titration	\$12.00	\$14.00
	Hardness by calculation	\$54.00	\$65.00
	Inorganic Disinfection by-products	\$125.00	\$100.00
	Iodide	\$10.00	
	Langier Saturation Index (LSI)	\$80.00	\$96.00
	Mercury (Cold Vapor by AAS) EPA 245.1 (Hg)	\$50.00	\$60.00
	Mercury by EPA 245.7	\$75.00	\$85.00
	Metals (Total) Digested (each)	\$25.00	\$28.00
	Five or more (each)	\$12.00	\$14.00
	Dissolved) Soluble (each)	\$20.00	\$23.00
	Five or more (each)	\$12.00	\$14.00
	Metal Scan - Dissolved	\$100.00	\$120.00
	Metal Scan - Total	\$125.00	\$130.00
	Nitrate by SM 4500-NO ₃ F	\$20.00	\$23.00
	Nitrite by SM 4500-NO ₃ F	\$20.00	\$23.00

EXHIBIT A

Fee/Permit	Item/Cost	Current	Proposed if Changing
	Nitrate and Nitrite by SM 4500-NO ₃ F (NAP only)	\$30.00	\$32.00
	Nitrate and Nitrite by SM 4500-NO ₃ F (non-NAP)	\$35.00	\$40.00
	NOx by SM 4500-NO ₃ F	\$30.00	\$32.00
	Nitrate and Nitrite by EPA 300.0 A (NAP only)	\$30.00	\$32.00
	NOx by EPA 300.0 A	\$30.00	\$32.00
	Nitrate by Ion Chromatograph	\$25.00	\$30.00
	Nitrite by Ion Chromatograph	\$25.00	\$30.00
	pH	\$10.00	\$12.00
	Percent Geometric Mean (% Geometric Mean)	No charge	
	No charge when run with TS and FC analysis		
	Phosphorus, Total (P) ((PO ₄ -P)(T)))	\$25.00	\$30.00
	Ortho-phosphate (PO ₄ -P(O))	\$20.00	\$23.00
	Phosphorus, Total (P) ((PO ₄ -P)(T))) by SM 4500-P F	\$25.00	\$30.00
	Ortho-phosphate (PO ₄ -P(O)) by SM 4500-P F	\$20.00	\$23.00
	Settleable Solids (SS)	\$5.00	\$6.00
	Sodium Adsorption Ratio (SAR)	\$80.00	\$96.00
	Sulfate (SO ₄ ²⁻)	\$20.00	\$25.00
	Sulfate by Ion Chromatograph	\$25.00	\$30.00
	Sulfide (S ²⁻)	\$20.00	\$25.00
	Special sample preparations	\$25.00	
	Applies to soils and samples that must be pre-treated before the normal analysis can begin)		
	Specific gravity by Spindle Hydrometer (SPGR)	\$15.00	
	Specific ultraviolet absorption (SUVA)	\$75.00	
	Thermometer Calibration (3 Calibration Points)	\$25.00	\$30.00
	Total dissolved solids gravimetric - dried (TDS)	\$15.00	\$18.00
	by calculation (TDS)	\$10.00	\$12.00
	Total Kjeldahl Nitrogen (TKN)	\$50.00	\$60.00
	Total Organic Carbon (TOC)	\$55.00	
	Total oxidants	\$15.00	\$18.00
	Total petroleum hydrocarbon - no soils (TPH)	\$60.00	\$65.00
	(ask about bottle & sample size)		
	Total solids (TS)	\$15.00	\$18.00
	Total suspended solids (TSS)	\$15.00	\$18.00
	Total Trihalomethanes (TTHMS)	\$100.00	\$90.00
	(THM) formation potential	\$125.00	\$150.00
	Total volatile solids (TVS)	\$15.00	\$18.00
	Total volatile suspended solids (TVSS)	\$15.00	\$18.00
	Turbidity	\$10.00	\$12.00
	UV-absorbing organic constituents (UV-254)	\$15.00	\$18.00
	Water Testing Supplies		
	E-Coli Plates	\$1.00	
	Phosphate Buffer	\$5.00	
	Alkalinity Titrant	\$10.00	
	FAS	\$10.00	
	DPD	\$5.00	
	Glycine for Chlorite 25 mls		\$2.00
	KI for Chlorite (I) 25 mls		\$2.00
	HCl for Chlorite (II) 25 mls		\$2.00
Water Restriction Penalties	Year-Round Water Use Management/Stage 1 Water Alert:		
Water Conservation Plan	First Offense: Minimum	\$50.00	
	Second Offense: Minimum	\$75.00	
	Subsequent Offenses: Minimum	\$250.00	
	Stage 2 Water Warning:		
	First Offense: Minimum	\$100.00	
	Second Offense: Minimum	\$150.00	
	Subsequent Offenses: Minimum	\$500.00	
	Stage 3 Water Emergency:		
	First Offense: Minimum	\$250.00	
	Second Offense: Minimum	\$500.00	
	Subsequent Offenses: Minimum	\$1,000.00	
	Surcharges for non-compliance with water use reduction (Commercial & Industrial):		
	First 5,000 gallons over allowed amount - 1st occurrence	\$5.00 per 1,000 gallons	
	First 5,000 gallons over allowed amount - 2nd occurrence	\$10.00 per 1,000 gallons	
	Next 5,000 gallons - 1st occurrence	\$10.00 per 1,000 gallons	
	Next 5,000 gallons - 2nd occurrence	\$20.00 per 1,000 gallons	
	For higher usage, per 1,000 gallons - 1st occurrence	\$20.00 per 1,000 gallons	
	For higher usage, per 1,000 gallons - 2nd occurrence	\$30.00 per 1,000 gallons	
	Reconnect fee if water turned off for above non-compliance	\$250.00	
	Reconnect fee for failure to pay the surcharge	\$250.00	
	Stage 4 Water Crisis:		
	First Offense: Minimum	\$250.00	
	Second Offense: Minimum	\$500.00	
	Subsequent Offenses: Minimum	\$1,000.00	
	Surcharges for non-compliance with water use reduction (Commercial & Industrial):		

EXHIBIT A

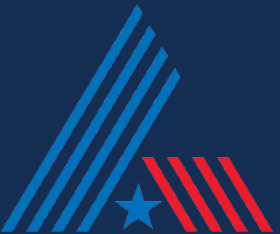
<u>Fee/Permit</u>	<u>Item/Cost</u>	<u>Current</u>	<u>Proposed if Changing</u>
	First 5,000 gallons over allowed amount - 1st occurrence	\$10.00 per 1,000 gallons	
	First 5,000 gallons over allowed amount - 2nd occurrence	\$20.00 per 1,000 gallons	
	Next 5,000 gallons - 1st occurrence	\$20.00 per 1,000 gallons	
	Next 5,000 gallons - 2nd occurrence	\$40.00 per 1,000 gallons	
	For higher usage, per 1,000 gallons - 1st occurrence	\$30.00 per 1,000 gallons	
	For higher usage, per 1,000 gallons - 2nd occurrence	\$60.00 per 1,000 gallons	
	Reconnect fee if water turned off for above non-compliance	\$500.00	
	Reconnect fee for failure to pay the surcharge	\$250.00	
	Year-Round Use and All Stages:		
	Failure to pay penalty: which can be applied to water bill	\$250.00	
	Reconnect fee for repeated violations of the plan	\$500.00	
	Fraudulent misrepresentation of well water use:	\$500.00	
	Filing fee for administrative appeal of determination by hearing officer	\$10.00	
	Report misuse by calling the Water Office at 676-6000.		
<u>ZONING</u>	Zone change request	\$1,500.00	
	Planned Development District	\$2,000.00	
	Planned Development District, amendment	\$1,000.00	
	Historic Overlay Request	\$50.00	
	Site plan	\$500.00	
	Minor site plan	\$250.00	
	Zoning determination/verification letter	\$100.00	
	Voluntary annexation	\$600.00	
	Landmarks Commission application	\$50.00	
	Appeal to City Council	\$250.00	
	Airport zoning development permit	No charge	
	Sidewalk waiver or deviation (site plan)	\$250.00	
	Misc. Zoning-related application	\$100.00	
<u>ZOO</u>	Admission:		
	Adults (ages 13 - 59)	\$10.00	
	Seniors (age 60+)	\$9.00	
	Military	\$9.00	
	Children (ages 3 - 12)	\$7.00	
	Children under 3	Free	
	Group Rates: (groups of 10 or more)		
	Children (ages 3 - 12)	\$6.50	
	Adults (ages 13 - 59)	\$8.00	
	Seniors (ages 60+)	\$7.50	

Ordinance & Public Hearing – Final Vote on 2022-23 Proposed Fee Schedule

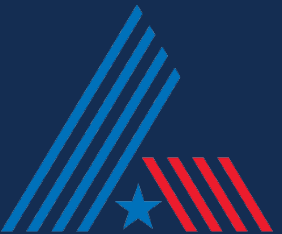


Ordinance & Public Hearing – Final Vote on 2022-23 Proposed Fee Schedule

- As part of the budget workshop on July 27, 2022, City Council approved on first reading the 2022-23 Proposed Fee Schedule.
- Since the first reading changes were made to increase Airport landing fees, terminal use fee and Airport parking rates.
- Final vote on the Proposed 2022-23 Proposed Fee Schedule



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/11/2022

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 29. 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

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