



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 December 1, 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. Deputy Mayor Pro-tem Donna Albus

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. **Service Awards:**

- Nicholas Reagan - 20 Years - Water Utilities

3. **Proclamations:**

- Law Enforcement Records and Evidence Personnel Day

CONSENT AGENDA AND PUBLIC COMMENTS

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

After the Council Members have requested any item on the consent Agenda be considered separately, the public comment period will be held. The public comment section of the consent agenda allows members of the public to present any ideas or information to the City Council and staff, and also allows for public comment on the consent agenda items not otherwise pulled for separate consideration. Neither the City Council nor staff will engage in discussion with the public during the public comments unless the item is listed on the Council agenda.

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

4. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on November 17, 2022, and the Special Meeting Held on November 21, 2022 **(Shawna Atkinson)**
5. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter **(Shawna Atkinson)**
 - Board of Adjustments
 - Board of Building Standards
 - Citizens Advisory Board for People with Disabilities
 - Neighborhood Services Advisory Board
 - Senior Citizens Advisory Board
 - Visual Arts Jury
6. **Resolution:** Receive a Report, Hold a Discussion and Take Action on the Purchase of Axon Taser 7 Conducted Energy Weapons, Holsters, Batteries, Training, and Cartridges from Axon Enterprises, Inc. **(Marcus Dudley, Jr.)**
7. **Resolution:** Receive a Report, Hold a Discussion and Take Action on the Purchase of a Mobile Command Center from LDV Custom Specialty Vehicles. **(Marcus Dudley, Jr.)**
8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding a Contract to MCS of Tampa for Dyess Single-Mode Fiber Expansion Project **(Max Johnson)**
9. **Resolution:** Receive a Report, Hold a Discussion and Take Action on a gift to Dyess Air Force Base for the Single-Mode Fiber Expansion Project **(Max Johnson)**
10. **Resolution** Receive a Report, Hold a Discussion and Take Action on the Purchase and Implementation of Samsara Telematics Software, Hardware and Integration Services from Samsara Inc Through Sourcewell Cooperative Contract Number 020221-SAM **(Don Green)**
11. **Resolution:** Receive a Report, Hold a Discussion, and Take Action to Authorize an Agreement with Sedgwick Claims Management Services, Inc. to provide a Family and Medical Leave Act (FMLA) and Leave of Absence (LOA) System **(Pamela Williams)**
12. **Resolution:** Receive a Report, Hold a Discussion and Take Action on adopting a resolution in support of the West Central Texas Municipal Water District's intention to

seek legislative relief for broadening the criteria for board residency requirements ***(Robert Hanna)***.

13. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Take Action on approving an Ordinance establishing the 2023 Standards of Care and Setting a Public Hearing for December 15, 2022 ***(Lesli Andrews)***
14. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Take Action on Certifying the Charter Amendments Approved by Voters on November 8, 2022 and Incorporating the Amendments into a Single Form ***(Stanley Smith)***
15. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Take Action on Amending Chapter 5, "Ambulance Services," Article I, "In General," Abilene Code of Ordinances. ***(Cande Flores)***

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

16. **Ordinance (Final Reading) Z-2022-24** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Leticia Leija, Represented By Matthew Muzechenko, To Change The Zoning Of Approximately 5 Acres From Agricultural Open (AO) To Heavy Commercial (HC) ***(Tim Littlejohn)***
17. **Ordinance (Final Reading) Z-2022-25** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Mike And Buffi Awtry, Represented By Matthew Muzechenko, To Change The Zoning Of Approximately 5.27 Acres From Agricultural Open (AO) To Heavy Commercial (HC) ***(Tim Littlejohn)***
18. **Ordinance (Final Reading) Z-2022-26** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From West Texas Land Guys, Represented By Sean Hanfeld, To Change The Zoning Of Approximately 187 Acres From Agricultural Open (AO) To Planned Development District 177 (PDD-177) To Allow For Single Family Residential Uses, Multi-Family Uses, And Commercial Uses ***(Tim Littlejohn)***
19. **Ordinance (Final Reading) Z-2022-27** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From John Felder To Change The Zoning Of Approximately 3.02 Acres From Heavy Commercial (HC) To General Retail (GR) ***(Tim Littlejohn)***
20. **Ordinance (Final Reading) CUP-2022-09** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From John Felder, To Apply A Conditional Use Permit To Approximately 3.02 Acres To Allow Multi-Family Uses In General Commercial ***(Tim Littlejohn)***
21. **Ordinance (Final Reading) TC-2022-03** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the City of Abilene, Applicant, to Abandon Simmons Avenue Between Ambler Avenue and University Boulevard ***(Tim Littlejohn)***

EXECUTIVE SESSION

22. **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. 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
 10. 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
 11. Regulation of library collection and programs.

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

23. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Enter into a Chapter 380 Economic Development Agreement with Rainy Creek Abilene LP, a Texas Limited Partnership **(Robert Hanna)**

ADJOURNMENT

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

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 23rd day of November, 2022, at 1:45 p.m.

Kaitlin Richardson, TRMC
Deputy City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on November 17, 2022, and the Special Meeting Held on November 21, 2022 (*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular meeting held on November 17, 2022, and the Special Meeting Held on November 21, 2022

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 11-17-2022 Minutes - Regular - Morning
2. 11-21-2022 Minutes - Special - Canvass

CITY COUNCIL MEETING
November 17, 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 November 17, 2022, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Pro-tem Weldon Hurt was present and presiding, along with Deputy Mayor Pro-tem Donna Albus, and Councilmembers Shane Price, Lynn Beard, Kyle McAlister, and Travis Craver. Mayor Anthony Williams was absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Mayor Pro-tem Hurt delivered the invocation.

Ayden Mumford, Hannah Dizes and Gabriel Amador, third and fourth graders from Dyess Elementary, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 2-11. No items were pulled for individual consideration.

PUBLIC COMMENTS

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

- David Swart – spoke about the work on the right-of-way of HWY 83 and questioned why it doesn't appropriately say Business 83 in the backup. Mr. Swart also spoke about the election results and the Houston Astros victory.
- Corey Dulin – spoke on item 8, on behalf of the applicant, and availed himself to council for questions.
- Tammy Fogle – spoke about her experiences with learning the process of Council meetings.
- Cynthia Alvidrez – spoke in opposition to item 12.
- Ryan Goodwin – spoke about the Library Advisory Board and stated he was very impressed with how the last meeting went.

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

CONSENT AGENDA

Councilmember Beard moved to approve the consent agenda consisting of items 2-11. Deputy Mayor Pro-tem Albus seconded the motion. Motion carried.

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

NAYS (0): None

ABSENT (1): Mayor Williams

The following councilmembers had conflicts of interest on the items as follows: Mayor Pro-tem Hurt: item 9 and item 10; Councilmember Craver: item 11; Councilmember Price and McAlister: item 7. Each abstained from voting on those items alone. Conflict of Interest Affidavits were filled out before the meeting and filed with the City Secretary's office. The vote for item 7 was:

AYES (4): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, Councilmembers Beard and Craver
NAYS (0): None
ABSTAIN (2): Councilmembers Price and McAlister
ABSENT (1): Mayor Williams

The vote for items 9 and 10 was:

AYES (5): Deputy Mayor Pro-tem Albus, Councilmembers Price, Beard, McAlister and Craver
NAYS (0): None
ABSTAIN (1): Mayor Pro-tem Hurt
ABSENT (1): Mayor Williams

The vote for item 11 was:

AYES (5): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, Councilmembers Price, Beard and McAlister
NAYS (0): None
ABSTAIN (1): Councilmember Craver
ABSENT (1): Mayor Williams

2. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on November 3, 2022
3. Resolution Receive a Report, Hold a Discussion and Take Action on the Purchase of KeyValet Motorpool Software, Hardware and Installation Services from AssetWorks through the United States General Services Administration Contract GS-35F-317GA
[ASSIGNED RESOLUTION NO. 203-2022]
4. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid #2310 Honey Bee And Honey Bee Circle Road Construction to Bontke Brothers, Inc.
[ASSIGNED RESOLUTION NO. 204-2022]
5. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving an Agreement to Contribute Right of Way Funds for Improvements on US Highway 83
[ASSIGNED RESOLUTION NO. 205-2022]
6. Ordinance (First Reading) Z-2022-24: Receive a Report, Hold a Discussion and Take Action on A Request From Leticia Leija, Represented By Matthew Muzechenko, To Change The Zoning Of Approximately 5 Acres From Agricultural Open (AO) To Heavy Commercial (HC)
7. Ordinance (First Reading) Z-2022-25: Receive a Report, Hold a Discussion and Take Action on A Request From Mike And Buffi Awtry, Represented By Matthew Muzechenko, To Change The Zoning Of Approximately 5.27 Acres From Agricultural Open (AO) To Heavy Commercial (HC)
8. Ordinance (First Reading) Z-2022-26: Receive a Report, Hold a Discussion and Take Action on A Request From West Texas Land Guys, Represented By Sean Hanfeld, To Change The Zoning Of Approximately 187 Acres From Agricultural Open (AO) To Planned Development District 177 (PDD-177) To Allow For Single Family Residential Uses, Multi-Family Uses, And Commercial Uses

9. Ordinance (First Reading) Z-2022-27: Receive a Report, Hold a Discussion and Take Action on A Request From John Felder To Change The Zoning Of Approximately 3.02 Acres From Heavy Commercial (HC) To General Retail (GR)
10. Ordinance (First Reading) CUP-2022-09: Receive a Report, Hold a Discussion and Take Action on A Request From John Felder, To Apply A Conditional Use Permit To Approximately 3.02 Acres To Allow Multi-Family Uses In General Commercial
11. Ordinance (First Reading) TC-2022-03: Receive a Report, Hold a Discussion and Take Action on a Request from the City of Abilene, Applicant, to Abandon Simmons Avenue Between Ambler Avenue and University Boulevard

REGULAR AGENDA

12. Ordinance (Final Reading) Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving Tax Increment Reinvestment Zone (TIRZ) #3
[ASSIGNED ORDINANCE NO. 58-2022]

Robert Hanna, City Manager, introduced the item. Adoption of the item would approve the creation of Tax Increment Reinvestment Zone (TIRZ) number three, for a single family residential development that is expected to create \$436 million in incremental taxable value, and the addition of 911 single family homes to Abilene's north side. Mr. Hanna introduced Natalie Moore and David Pettit with David Pettit Economic Development Group, who went over process for creating a TIRZ, what a TIRZ is, what they can pay for, and specifics on this proposed TIRZ.

Mayor Pro-tem Hurt opened the public hearing. The following addressed the council:

- Robin Walls – stated he owns lots in the Pasadena Heights area and is requesting council to expand the boundary of this TIRZ to include this neighborhood. He is concerned that his taxes will go up if Pasadena Heights is not included in this.
- Ryan Goodwin – questioned how the conversation on this project got started.
- Cynthia Alvidrez – spoke in opposition of this item.
- David Swart – spoke in favor of this item, but questioned why a developer would do this now with the cost of inflation.

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

Councilmember Price and McAlister had conflicts of interest for this item and abstained from voting. Councilmember McAlister left the room for this item. Conflict of Interest Affidavits were filled out before the meeting and filed with the City Secretary's office.

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

AYES (4): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Beard and Craver
NAYS (0): None
ABSTAIN (2): Councilmember Price and McAlister
ABSENT (1): Mayor Williams

EXECUTIVE SESSION

Mr. Hanna stated there were no items to discuss during Executive Session, therefore it was not held.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:17 a.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____

CITY COUNCIL MEETING
November 21, 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 Special Session on November 21, 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.

Mayor Anthony Williams delivered the invocation.

Mayor Pro-tem Weldon Hurt led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 8:31 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:

- D. 551.071 (Consultation with Attorney)
 - 1. Sanctuary City for the Unborn Ordinance

The Executive Session ended at 8:48 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

PUBLIC COMMENTS

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

- David Swart – spoke about freedom and the right everyone has to vote. Mr. Swart also spoke about the military and wanted to remind everyone to be thankful for freedom and family.

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

REGULAR AGENDA

2. Resolution: Receive a Report, Hold a Discussion, and Take Action on Canvassing the Returns and Declaring the Results of the Sanctuary City for the Unborn Ordinance Special Election and the Charter Amendment Special Election Held in the City of Abilene on November 8, 2022
[ASSIGNED RESOLUTION NO. 206-2022]

Shawna Atkinson, City Secretary, presented the item. The election results reported the following:

- Proposition B (Sanctuary City for the Unborn Ordinance) – Passed
- Proposition C (Changing Gender Language in the Charter) – Passed
- Proposition D (Replacing Councilmen with Councilmember in the Charter) – Passed
- Proposition E (Parks Board Responsibilities in the Charter) – Failed
- Proposition F (Parks Board Director in the Charter) – Passed

- Proposition G (Planning & Zoning Duties in the Charter) – Passed
- Proposition H (Civil Service Political Activity in the Charter) – Passed

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

3. Resolution: Receive a Report, Hold a Discussion, and Take Action on Canvassing the Returns and Declaring the Results of Bond Election Held in the City of Abilene on November 8, 2022
[ASSIGNED RESOLUTION NO. 207-2022]

Shawna Atkinson, City Secretary, presented the item. The election results reported that the bond election for Fire Station Number 9 passed.

Councilmember Beard moved to adopt the resolution by the City Council of the City of Abilene, Texas, canvassing returns and declaring results of the bond election, and containing provisions necessary and incidental thereto. 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

ADJOURNMENT

There being no further business, the meeting adjourned at 8:58 a.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 5.

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

- Board of Adjustments
- Board of Building Standards
- Citizens Advisory Board for People with Disabilities
- Neighborhood Services Advisory Board
- Senior Citizens Advisory Board
- Visual Arts Jury

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 1st day of December, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____
EXHIBIT "A"

Board	Term End Date
<i>Board of Adjustment</i>	
Scott Hay [Regular] [Reappointment]	Nov-24
Bob Thomas [Alternate] [Reappointment]	Nov-24
<i>Board of Building Standards</i>	
Will Dugger [Regular] [New]	Nov-24
Gary Webb [Regular] [Reappointment]	Nov-24
<i>Citizen's Advisory Board for People with Disabilities</i>	
Michele Daniels [Reappointment]	Oct-24
<i>Neighborhood Services Advisory Board</i>	
Darla Mayes [Reappointment]	Nov-24
Terry Cagle [Reappointment]	Nov-24
<i>Visual Arts Jury</i>	
Robert Green [New] [ACU Rep]	



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

- Board of Adjustments
- Board of Building Standards
- Citizens Advisory Board for People with Disabilities
- Neighborhood Services Advisory Board
- Senior Citizens Advisory Board
- Visual Arts Jury





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Robert Hanna, City Manager

FROM: Marcus Dudley, Chief of Police

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Take Action on the Purchase of Axon Taser 7 Conducted Energy Weapons, Holsters, Batteries, Training, and Cartridges from Axon Enterprises, Inc. (*Marcus Dudley, Jr.*)

GENERAL INFORMATION

Our current Taser X2's life expectancy and warranty expired in September 2021. Due to the replacement and repair costs of our current Tasers, the Police Department is seeking to upgrade to the Axon Taser 7 platform. The Police Department hereby requests Council approve the purchase of 220 Axon Taser 7 platforms through Axon Enterprise, Inc.

Officers of the Abilene Police Department have been issued Tasers since 2006. This less lethal device is a conducted energy weapon that allows officers to immobilize combative subjects so that they may be safely taken into custody without the need for the use of deadly force.

SPECIAL CONSIDERATIONS

The procurement of the Axon Taser 7 is a procurement necessary to preserve or protect the public health or safety of the city's residents, and is therefore exempt from the competitive bidding requirements.

FUNDING/FISCAL IMPACT

This purchase will be made using the Police Apparatus Fund and the total cost over 5 years is \$747,098.00. The payments are split annually in the amount of \$148,869.60.

STAFF RECOMMENDATION

Staff requests the approval of the purchase.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2022 RESOLUTION Axon Taser 7
2. Q-396126-44859.843JG (1)
3. TASER 7 Agreement (online)_
4. Taser 7 PPT

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH
AXON ENTERPRISE, INC. FOR THE PURCHASE OF TASER 7 CONDUCTED
ENERGY WEAPONS**

WHEREAS, the current platform used by the Abilene Police Department has been in use for over 5 years; and

WHEREAS, the current platform warranty has expired, and the current life expectancy has been reached; and

WHEREAS, the product provided by Axon Enterprises, Inc. offers significant improvements to our current platform; and

WHEREAS, the Abilene Police Department desires to purchase 220 new Taser 7 conducted energy weapons, with holsters, batteries, cartridges, and includes training; and

WHEREAS, the total cost of the purchase will be \$747,098.00, paid over a 5-year period; and

WHEREAS, the purchase of the Axon Taser 7 is necessary to preserve or protect the public health or safety of the residents of the city of Abilene.

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

PART 1. That the City Manager is authorized to execute all necessary documents with Axon Enterprises, Inc. to purchase 220 Axon Taser 7 conducted energy weapons, with holsters, batteries, cartridges, and training, for a total cost of \$747,098.00.

PART 2. That this purchase is necessary to preserve or protect the public health or safety of the residents of the city of Abilene.

PART 3. That this Resolution is effective upon adoption.

ADOPTED this 1st day of December 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

City Attorney



Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-396126-44859.844JG

Issued: 10/25/2022

Quote Expiration: 12/31/2022

EST Contract Start Date: 01/01/2023

Account Number: 172093

Payment Terms: N30

Delivery Method: Fedex - Ground

SHIP TO	BILL TO
Business;Delivery;Invoice-4565 S 1st St 4565 S 1st St Abilene, TX 79605-1427 USA	Abilene Police Dept. - TX 555 Walnut St Abilene, TX 79601-5254 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Joe Gauthier Phone: 5046214917 Email: jgauthier@axon.com Fax:	Kevin Ohnheiser Phone: (325) 518-3714 Email: kevin.ohnheiser@abilenetx.gov Fax:

Program Length	60 Months
TOTAL COST	\$747,098.00
ESTIMATED TOTAL W/ TAX	\$747,098.00

Bundle Savings	\$156,884.93
Additional Savings	\$47,652.99
TOTAL SAVINGS	\$204,537.92

PAYMENT PLAN		
PLAN NAME	INVOICE DATE	AMOUNT DUE
Year 1	Jan, 2023	\$148,869.60
Year 2	Jan, 2024	\$148,869.60
Year 3	Jan, 2025	\$148,869.60
Year 4	Jan, 2026	\$148,869.60
Year 5	Jan, 2027	\$148,869.60

BILLED ON FULFILLMENT

PLAN NAME	INVOICE DATE	AMOUNT DUE
None	As Fulfilled	\$2,750.00

Quote Details

Bundle Summary

Item	Description	QTY
T7Cert	2021 Taser 7 Certification Bundle	220
DynamicBundle	Dynamic Bundle	1

Bundle: 2021 Taser 7 Certification Bundle Quantity: 220 Start: 1/1/2023 End: 12/31/2027 Total: 744348 USD

Category	Item	Description	QTY
Bundle Scaler	999999	BUNDLE SCALER	1
Holsters	20160	TASER 7 HOLSTER - SAFARILAND, RH+CART CARRIER	200
Holsters	20161	TASER 7 HOLSTER - SAFARILAND, LH+CART CARRIER	20
HALT Suit	20050	HOOK-AND-LOOP TRAINING (HALT) SUIT	4
Live Cartridges	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	660
Live Cartridges	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	660
Handles	20008	TASER 7 HANDLE, YLW, HIGH VISIBILITY (GREEN LASER), CLASS 3R	220
Handle License	20248	TASER 7 EVIDENCE.COM LICENSE	220
Taser 7 Target	80087	TASER 7 TARGET, CONDUCTIVE, PROFESSIONAL (RUGGEDIZED)	3
Admin License	20248	TASER 7 EVIDENCE.COM LICENSE	2
Spare Handles	20008	TASER 7 HANDLE, YLW, HIGH VISIBILITY (GREEN LASER), CLASS 3R	7
Inert Cartridges	22179	TASER 7 INERT CARTRIDGE, STANDOFF (3.5-DEGREE) NS	50
Inert Cartridges	22181	TASER 7 INERT CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	50
Taser 7 Target Frame	80090	TARGET FRAME, PROFESSIONAL, 27.5 IN. X 75 IN., TASER 7	3
Training Live Cartridges	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440
Training Live Cartridges	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440
Training Live Cartridges	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440
Training Live Cartridges	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440
Training Live Cartridges	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440
Training Live Cartridges	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440

Training Live Cartridges	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440
Training Live Cartridges	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440
Training Live Cartridges	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440
Training Live Cartridges	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440
Master Instructor Course Vouchers	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
Master Instructor Course Vouchers	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
Master Instructor Course Vouchers	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
Master Instructor Course Vouchers	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
Master Instructor Course Vouchers	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
Training Halt Cartridges	22177	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, STANDOFF NS	440
Training Halt Cartridges	22177	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, STANDOFF NS	440
Training Halt Cartridges	22178	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, CLOSE QUART NS	440
Training Halt Cartridges	22178	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, CLOSE QUART NS	440
Batteries	20018	TASER 7 BATTERY PACK, TACTICAL	264
Instructor Course Vouchers	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2
Instructor Course Vouchers	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2
Instructor Course Vouchers	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2
Instructor Course Vouchers	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2
Instructor Course Vouchers	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2
Docks	74200	TASER 7 6-BAY DOCK AND CORE	3
Dock Mount	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	3
Dock Power Cord	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	3
Duty Cartridge Replenishment Program	20246	TASER 7 DUTY CARTRIDGE REPLACEMENT LICENSE	220
Other	80395	EXT WARRANTY, TASER 7 HANDLE	220
Other	80395	EXT WARRANTY, TASER 7 HANDLE	7
Other	80374	EXT WARRANTY, TASER 7 BATTERY PACK	264
Other	80396	EXT WARRANTY, TASER 7 SIX BAY DOCK	3

Bundle: Dynamic Bundle Quantity: 1 Start: 1/1/2023 End: 12/31/2027 Total: 2750 USD			
Category	Item	Description	QTY
Other	85147	CEW STARTER	1

Item	Description	QTY	Delivery/ Start	End Date	List Price	Tax	Net Price	Total(USD)
T7Cert	2021 Taser 7 Certification Bundle	220	12/01/2022	12/31/2027	\$0.00	\$0.00	\$0.00	\$0.00
DynamicBundl e	Dynamic Bundle	1	12/01/2022	12/31/2027	\$0.00	\$0.00	\$0.00	\$0.00
999999	BUNDLE SCALER	1	01/01/2023	12/31/2027	\$0.00	\$0.00	\$0.00	\$32.01

20160	TASER 7 HOLSTER - SAFARILAND, RH+CART CARRIER	200	12/01/2022	12/31/2027	\$84.24	\$0.00	\$70.31	\$14,062.00
20161	TASER 7 HOLSTER - SAFARILAND, LH+CART CARRIER	20	12/01/2022	12/31/2027	\$84.24	\$0.00	\$70.31	\$1,406.20
20050	HOOK-AND-LOOP TRAINING (HALT) SUIT	4	12/01/2022	12/31/2027	\$789.75	\$0.00	\$659.18	\$2,636.72
22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	660	12/01/2022	12/31/2027	\$38.95	\$0.00	\$32.51	\$21,456.60
22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	660	12/01/2022	12/31/2027	\$38.95	\$0.00	\$32.51	\$21,456.60
20008	TASER 7 HANDLE, YLW, HIGH VISIBILITY (GREEN LASER), CLASS 3R	220	12/01/2022	12/31/2027	\$1,810.00	\$0.00	\$1,293.99	\$284,677.80
20248	TASER 7 EVIDENCE.COM LICENSE	220	01/01/2023	12/31/2027	\$5.00	\$0.00	\$4.17	\$55,088.00
80087	TASER 7 TARGET, CONDUCTIVE, PROFESSIONAL (RUGGEDIZED)	3	12/01/2022	12/31/2027	\$157.95	\$0.00	\$131.84	\$395.52
20248	TASER 7 EVIDENCE.COM LICENSE	2	01/01/2023	12/31/2027	\$5.00	\$0.00	\$4.17	\$500.80
20008	TASER 7 HANDLE, YLW, HIGH VISIBILITY (GREEN LASER), CLASS 3R	7	12/01/2022	12/31/2027	\$1,810.00	\$0.00	\$1,510.74	\$10,575.18
22179	TASER 7 INERT CARTRIDGE, STANDOFF (3.5-DEGREE) NS	50	12/01/2022	12/31/2027	\$50.23	\$0.00	\$41.93	\$2,096.50
22181	TASER 7 INERT CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	50	12/01/2022	12/31/2027	\$50.23	\$0.00	\$41.93	\$2,096.50
80090	TARGET FRAME, PROFESSIONAL, 27.5 IN. X 75 IN., TASER 7	3	12/01/2022	12/31/2027	\$78.98	\$0.00	\$65.92	\$197.76
22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440	12/01/2022	12/31/2027	\$38.95	\$0.00	\$32.51	\$14,304.40
22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440	12/01/2024	12/31/2027	\$38.95	\$0.00	\$32.51	\$14,304.40
22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440	12/01/2025	12/31/2027	\$38.95	\$0.00	\$32.51	\$14,304.40
22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440	12/01/2026	12/31/2027	\$38.95	\$0.00	\$32.51	\$14,304.40
22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440	12/01/2023	12/31/2027	\$38.95	\$0.00	\$32.51	\$14,304.40
22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440	12/01/2022	12/31/2027	\$38.95	\$0.00	\$32.51	\$14,304.40
22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440	12/01/2024	12/31/2027	\$38.95	\$0.00	\$32.51	\$14,304.40

22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440	12/01/2025	12/31/2027	\$38.95	\$0.00	\$32.51	\$14,304.40
22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440	12/01/2026	12/31/2027	\$38.95	\$0.00	\$32.51	\$14,304.40
22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440	12/01/2023	12/31/2027	\$38.95	\$0.00	\$32.51	\$14,304.40
20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1	01/01/2023	12/31/2027	\$1,495.00	\$0.00	\$1,247.82	\$1,247.82
20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1	12/01/2022	12/31/2027	\$1,495.00	\$0.00	\$1,247.82	\$1,247.82
20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1	12/01/2022	12/31/2027	\$1,495.00	\$0.00	\$1,247.82	\$1,247.82
20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1	12/01/2022	12/31/2027	\$1,495.00	\$0.00	\$1,247.82	\$1,247.82
20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1	12/01/2022	12/31/2027	\$1,495.00	\$0.00	\$1,247.82	\$1,247.82
22177	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, STANDOFF NS	440	12/01/2022	12/31/2027	\$38.95	\$0.00	\$32.51	\$14,304.40
22177	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, STANDOFF NS	440	12/01/2024	12/31/2027	\$38.95	\$0.00	\$32.51	\$14,304.40
22178	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, CLOSE QUART NS	440	12/01/2022	12/31/2027	\$38.95	\$0.00	\$32.51	\$14,304.40
22178	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, CLOSE QUART NS	440	12/01/2024	12/31/2027	\$38.95	\$0.00	\$32.51	\$14,304.40
20018	TASER 7 BATTERY PACK, TACTICAL	264	12/01/2022	12/31/2027	\$90.56	\$0.00	\$75.59	\$19,955.76
20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2	01/01/2023	12/31/2027	\$375.00	\$0.00	\$313.00	\$626.00
20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2	12/01/2022	12/31/2027	\$375.00	\$0.00	\$313.00	\$626.00
20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2	12/01/2022	12/31/2027	\$375.00	\$0.00	\$313.00	\$626.00
20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2	12/01/2022	12/31/2027	\$375.00	\$0.00	\$313.00	\$626.00
20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2	12/01/2022	12/31/2027	\$375.00	\$0.00	\$313.00	\$626.00
74200	TASER 7 6-BAY DOCK AND CORE	3	12/01/2022	12/31/2027	\$1,500.00	\$0.00	\$1,251.99	\$3,755.97
70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	3	12/01/2022	12/31/2027	\$43.90	\$0.00	\$36.64	\$109.92

71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	3	12/01/2022	12/31/2027	\$10.45	\$0.00	\$8.72	\$26.16
20246	TASER 7 DUTY CARTRIDGE REPLACEMENT LICENSE	220	12/01/2022	12/31/2027	\$2.50	\$0.00	\$2.09	\$27,544.00
85147	CEW STARTER	1	01/01/2023	12/31/2027	\$2,750.00	\$0.00	\$2,750.00	\$2,750.00
80395	EXT WARRANTY, TASER 7 HANDLE	220	12/01/2022	12/31/2027	\$6.58	\$0.00	\$5.49	\$59,204.20
80395	EXT WARRANTY, TASER 7 HANDLE	7	12/01/2022	12/31/2027	\$6.58	\$0.00	\$5.49	\$1,883.77
80374	EXT WARRANTY, TASER 7 BATTERY PACK	264	12/01/2022	12/31/2027	\$0.44	\$0.00	\$0.37	\$4,752.00
80396	EXT WARRANTY, TASER 7 SIX BAY DOCK	3	12/01/2022	12/31/2027	\$6.58	\$0.00	\$5.49	\$807.33
Total								\$747,098.00

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

10/25/2022



Axon Enterprise, Inc.'s TASER 7 Agreement (Online)

This TASER 7 Agreement (“**Agreement**”) applies to Agency’s TASER 7 purchase from Axon Enterprise, Inc. (“**Axon**”). Agency will receive TASER 7 Conducted Energy Weapon (“**CEW**”) hardware, accessories, warranty, and services documented in the attached Quote Appendix (“**Quote**”).

- 1 **Term.** The start date is based on the initial shipment of TASER 7 hardware (“**Start Date**”). If shipped in the first half of the month, the Start Date is the 1st of the following month. If shipped in the last half of the month, the Start Date is the 15th of the following month. The TASER 7 term will end upon completion of the associated TASER 7 subscription in the Quote (“**Term**”). If the Quote has multiple TASER 7 ship dates, each shipment will have a 60-month term, starting on the shipment of TASER 7 as described above.
- 2 **Unlimited Duty Cartridge Plan.** If the Quote includes “**Unlimited Duty Cartridge Plan**”, this section applies. Agency must purchase an Unlimited Duty Cartridge Plan for each CEW user. A CEW user includes officers that use a CEW in the line of duty and ones that only use a CEW for training. Agency may not resell cartridges received under any TASER 7 plan. Axon will only replace cartridges used in the line of duty.
- 3 **Training.** If the Quote includes a training voucher, Agency must use the voucher within 1 year of issuance, or the voucher will be void. During the Term, Axon will issue Agency a voucher annually beginning on the Start Date. The voucher has no cash value. Agency cannot exchange it for another product or service. If the Quote includes Axon Online Training or Virtual Reality Content (collectively, “**Training Content**”), Agency may access Training Content during the Term. Axon will deliver all Training Content electronically. Unless stated in the Quote, the voucher does not include travel expenses and will be Agency’s responsibility.
- 4 **Payment.** Unless specified in the Quote, Axon will invoice Agency on the Start Date and then on the Start Date anniversary during the Term, if annual payments are elected. Payment is due net 30 days from the invoice. Payment obligations are non-cancelable. Agency will pay invoices without setoff, deduction, or withholding. Unless Agency provides Axon a valid and correct tax exemption certificate applicable to the purchase and ship-to location, Agency is responsible for all taxes associated with the order.
- 5 **Shipping.** Axon may make partial shipments and ship from multiple locations. All shipments are FOB shipping point via common carrier. Title and risk of loss pass to Agency upon Axon’s delivery to the common carrier. Agency is responsible for any shipping charges in the Quote. If the Quote includes future deliveries of hardware, Axon will ship hardware to Agency’s address on the Quote.
- 6 **Returns.** All sales are final. Axon does not allow refunds or exchanges, except warranty returns or as provided by state or federal law.
- 7 **Hardware Limited Warranty.** Axon warrants that Axon-manufactured hardware is free from defects in workmanship and materials for 1 year from the date of Agency’s receipt. Axon warrants its Axon-manufactured accessories for 90-days from the date of Agency’s receipt. Used CEW cartridges are deemed to have operated properly. Non-Axon manufactured Devices are not covered by Axon’s warranty. Agency should contact the manufacturer for support of non-Axon manufactured hardware.

If Axon receives a valid warranty claim for Axon manufactured hardware during the warranty term, Axon’s sole responsibility is to repair or replace the hardware with the same or like hardware, at Axon’s option. Replacement hardware will be new or like new. Axon will warrant the replacement hardware for the longer of (a) the remaining warranty of the original hardware or (b) 90-days from the date of repair or replacement.

If the Quote includes an extended warranty, the extended warranty coverage begins on the Start



Axon Enterprise, Inc.'s TASER 7 Agreement (Online)

Date and continues for the Term for the hardware covered by the extended warranty on the Quote.

If Agency exchanges hardware or a part, the replacement item becomes Agency's property, and the replaced item becomes Axon's property. Before delivering hardware for service, Agency must upload hardware data to Axon Evidence or download it and retain a copy. Axon is not responsible for any loss of software, data, or other information contained in storage media or any part of the hardware sent to Axon for service.

- 8 **Warranty Limitations.** Axon's warranty obligations exclude damage related to (a) failure to follow instructions on product's use; (b) products used with products not manufactured or recommended by Axon; (c) abuse, misuse, intentional, or deliberate damage to the product; (d) force majeure; (e) products repaired or modified by persons other than Axon without the written permission of Axon; or (f) products with a defaced or removed serial number.

To the extent permitted by law, the warranties and remedies set forth above are exclusive and Axon disclaims all other warranties, remedies, and conditions, whether oral or written, statutory, or implied, as permitted by applicable law. If statutory or implied warranties cannot be lawfully disclaimed, then all such warranties are limited to the duration of the express warranty described above and limited by the other provisions contained in this Agreement. Axon's cumulative liability to any party for any loss or damage resulting from any claims, demands, or actions arising out of or relating to any Axon product will not exceed the purchase price paid to Axon for the product or if for services, the amount paid for such services over the prior 12 months preceding the claim. In no event will either party be liable for any direct, special, indirect, incidental, exemplary, punitive, or consequential damages, however caused, whether for breach of warranty, breach of contract, negligence, strict liability, tort or under any other legal theory.

- 9 **Spare Products.** For qualified purchases, Axon may provide agency a predetermined number of spare TASER 7 hardware as detailed in the Quote ("**Spare Axon Devices**"). Spare Axon Devices are intended to replace broken or non-functioning units while Agency submits the broken or non-functioning units through Axon's warranty return process. Axon will repair or replace the unit with a replacement Axon Device. Title and risk of loss for all Spare Axon Devices shall pass to agency in accordance with the shipping terms under Section 5. Axon assumes no liability or obligation in the event Agency does not utilize Spare Axon Devices for the intended purpose.
- 10 **Trade-In.** If a trade-in discount is on the Quote, Agency must return used hardware and accessories associated with the discount ("**Trade-In Units**") to Axon. Agency must ship batteries via ground shipping. Axon will pay the shipping costs of the return. If Axon does not receive Trade-In Units within the timeframe below, Axon will invoice Agency the value of the trade-in discount. Agency may not destroy Trade-In Units and receive a trade-in discount.

Agency Size	Days to Return from Start Date
Less than 100 officers	30 days
100 to 499 officers	90 days
500+ officers	180 days

- 11 **Product Warnings.** See www.axon.com/legal for the most current Axon product warnings.
- 12 **Design Changes.** Axon may make changes in the design of any of Axon's products and services without notifying Agency or making the same change to products and services previously purchased. Axon may replace end of life products with the next generation of that product without notifying Agency.



Axon Enterprise, Inc.'s TASER 7 Agreement (Online)

- 13 **Termination.** If payment for TASER 7 is more than 30 days past due, Axon may terminate Agency's TASER 7 plan by notifying Agency. Upon termination for any reason, then as of the date of termination:
- 13.1. TASER 7 extended warranties and access to Training Content will terminate. No refunds will be given.
 - 13.2. Axon will invoice Agency the remaining MSRP for TASER 7 products received before termination. If terminating for non-appropriations, Axon will not invoice Agency if Agency returns the CEW, battery, holster, dock, core, training suits, and unused cartridges to Axon within 30 days of the date of termination.
 - 13.3. Agency will be responsible for payment of any missed payments due to the termination before being allowed to purchase any future TASER 7 plan.
- 14 **Delays.** Axon will use reasonable efforts to deliver products and services as soon as practicable. If delivery is interrupted due to causes beyond Axon's control, Axon may delay or terminate delivery with notice.
- 15 **Proprietary Information.** Agency agrees Axon has and claims various proprietary rights in the hardware, firmware, software, and the integration of ancillary materials, knowledge, and designs that constitute Axon products and services. Agency will not directly or indirectly cause any proprietary rights to be violated.
- 16 **Export Compliance.** Each party will comply with all import and export control laws and regulations.
- 17 **Assignment.** Agency may not assign or transfer this Agreement without Axon's prior written approval.
- 18 **Governing Law; Venue.** The laws of the state where Agency is physically located, without reference to conflict of law rules, govern this Agreement and any dispute that might arise between the parties. The United Nations Convention for the International Sale of Goods does not apply to this Agreement.
- 19 **Entire Agreement.** This Agreement, including the appendices, represents the entire agreement between the Parties. This Agreement supersedes all prior agreements or understandings, whether written or verbal, regarding the subject matter of this Agreement. This Agreement may only be modified or amended in a writing signed by the Parties. If a court of competent jurisdiction holds any portion of this Agreement invalid or unenforceable, the remaining portions of this Agreement will remain in effect.

Each representative identified below declares they have been expressly authorized to execute this Agreement as of the date of signature.

Axon Enterprise, Inc.

Agency

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



Axon Enterprise, Inc.'s TASER 7 Agreement (Online)

TASER 7 Axon Evidence Terms of Use Appendix

1 **Definitions.**

"Agency Content" is data uploaded into, ingested by, or created in Axon Evidence within Agency's tenant, including media or multimedia uploaded into Axon Evidence by Agency. Agency Content includes Evidence but excludes Non-Content Data.

"Evidence" is media or multimedia uploaded into Axon Evidence as 'evidence' by an Agency. Evidence is a subset of Agency Content.

"Non-Content Data" is data, configuration, and usage information about Agency's Axon Evidence tenant, Axon Devices and client software, and users that is transmitted or generated when using Axon Devices. Non-Content Data includes data about users captured during account management and customer support activities. Non-Content Data does not include Agency Content.

2 **Subscription Term.** The TASER 7 Axon Evidence Subscription Term begins on the Start Date.

3 **Access Rights.** Upon Axon granting Agency a TASER 7 Axon Evidence subscription, Agency may access and use Axon Evidence for the storage and management of data from TASER 7 CEW devices during the TASER 7 Axon Evidence Subscription Term. Agency may not upload any non-TASER 7 data or any other files to Axon Evidence. Agency may not exceed the number of end-users than the Quote specifies.

4 **Agency Owns Agency Content.** Agency controls and owns all right, title, and interest in Agency Content. Except as outlined herein, Axon obtains no interest in Agency Content, and Agency Content is not Axon's business records. Agency is solely responsible for uploading, sharing, managing, and deleting Agency Content. Axon will only have access to Agency Content for the limited purposes set forth herein. Agency agrees to allow Axon access to Agency Content to (a) perform troubleshooting, maintenance, or diagnostic screenings; and (b) enforce this Agreement or policies governing use of the Axon products.

5 **Security.** Axon will implement commercially reasonable and appropriate measures to secure Agency Content against accidental or unlawful loss, access, or disclosure. Axon will maintain a comprehensive information security program to protect Axon Evidence and Agency Content including logical, physical access, vulnerability, risk, and configuration management; incident monitoring and response; encryption of uploaded digital evidence; security education; and data protection. Axon agrees to the Federal Bureau of Investigation Criminal Justice Information Services Security Addendum.

6 **Agency Responsibilities.** Agency is responsible for (a) ensuring Agency users comply with this Agreement; (b) ensuring Agency owns Agency Content and no Agency Content or Agency end user's use of Agency Content or Axon Evidence violates this Agreement or applicable laws; and (c) maintaining necessary computer equipment and Internet connections for use of Axon Evidence. If Agency becomes aware of any violation of this Agreement by an end-user, Agency will immediately terminate that end user's access to Axon Evidence.

Agency is also responsible for maintaining the security of end-user names and passwords and taking steps to maintain appropriate security and access by end-users to Agency Content. Login credentials are for Agency internal use only and Agency may not sell, transfer, or sublicense them to any other entity or person. Agency may download the audit log at any time. Agency shall contact Axon immediately if an unauthorized third party may be using Agency's account or Agency Content or if account information is lost or stolen.

7 **Privacy.** Your use of Axon Cloud Services is subject to the Axon Cloud Services Privacy Policy, a



Axon Enterprise, Inc.'s TASER 7 Agreement (Online)

current version of which is available at <https://www.axon.com/legal/cloud-services-privacy-policy>. Agency agrees to allow Axon access to Non-Content Data from Agency to (a) perform troubleshooting, maintenance, or diagnostic screenings; (b) provide, develop, improve, and support current and future Axon products and related services; and (c) enforce this Agreement or policies governing the use of Axon products.

- 8 **Storage.** Axon may place Agency Content that Agency has not viewed or accessed for 6 months into archival storage. Agency Content in archival storage will not have immediate availability and may take up to 24 hours to access.
- 9 **Location of Data Storage.** Axon may transfer Agency Content to third party subcontractors for storage. Axon will determine the locations of data centers where Agency Content will be stored. For United States agencies, Axon will ensure all Agency Content stored in Axon Evidence remains within the United States. Ownership of Agency Content remains with Agency.
- 10 **Suspension.** Axon may suspend Agency access or any end-user's right to access or use any portion or of Axon Evidence immediately upon notice, if:
- 10.1. The Termination provisions of the TASER 7 Terms and Conditions apply;
 - 10.2. Agency or an end-user's use of or registration for Axon Evidence (i) poses a security risk to Axon Evidence or any third party, (ii) may adversely impact Axon Evidence or the systems or content of any other customer, (iii) may subject Axon, Axon's affiliates, or any third party to liability, or (iv) may be fraudulent;
- Agency remains responsible for all fees incurred through the date of suspension without any credits for any period of suspension. Axon will not delete any of Agency Content on Axon Evidence due to suspension, except as specified elsewhere in this Agreement.
- 11 **Axon Evidence Warranty.** Axon warrants that Axon Evidence will not infringe or misappropriate any patent, copyright, trademark, or trade secret rights of any third party. Axon disclaims any warranties or responsibility for data corruption or errors before the data is uploaded to Axon Evidence.
- 12 **Axon Evidence Restrictions.** All Axon Evidence subscriptions will immediately terminate if Agency does not comply with any term of this Agreement. Agency and Agency end-users (including employees, contractors, agents, officers, volunteers, and directors), may not, or may not attempt to:
- 12.1. copy, modify, tamper with, repair, or create derivative works of any part of Axon Evidence;
 - 12.2. reverse engineer, disassemble, or decompile Axon Evidence or apply any other process to derive any source code included in Axon Evidence, or allow any others to do the same;
 - 12.3. access or use Axon Evidence with the intent to gain unauthorized access, avoid incurring fees or exceeding usage limits or quotas;
 - 12.4. use trade secret information contained in Axon Evidence, except as expressly permitted in this Agreement;
 - 12.5. access Axon Evidence to build a competitive product or service or copy any features, functions, or graphics of Axon Evidence;
 - 12.6. remove, alter, or obscure any confidentiality or proprietary rights notices (including copyright and trademark notices) of Axon's or Axon's licensors on or within Axon Evidence; or
 - 12.7. use Axon Evidence to store or transmit infringing, libelous, or otherwise unlawful or tortious material, to store or transmit material in violation of third-party privacy rights, or to store or transmit malicious code.
- 13 **After Termination.** Axon will not delete Agency Content for 90 days following termination. During these 90 days, Agency may retrieve Agency Content only if all amounts due have been paid. There



Axon Enterprise, Inc.'s TASER 7 Agreement (Online)

will be no application functionality of Axon Evidence during these 90 days other than the ability to retrieve Agency Content. Agency will not incur any additional fees if Agency Content is downloaded from Axon Evidence during these 90 days. Axon has no obligation to maintain or provide any Agency Content after these 90 days and will thereafter, unless legally prohibited delete all of Agency Content stored in Axon Evidence. Upon request, Axon will provide written proof that all Agency Content has been successfully deleted and fully removed from Axon Evidence.

- 14 **Post-Termination Assistance.** Axon will provide Agency with the same post-termination data retrieval assistance that Axon generally makes available to all customers. Requests for Axon to provide additional assistance in downloading or transferring Agency Content, including requests for Axon's Data Egress Services, will result in additional fees and Axon will not warrant or guarantee data integrity or readability in the external system.
- 15 **U.S. Government Rights.** If Agency is a U.S. Federal department or using Axon Evidence on behalf of U.S. Federal department, Axon Evidence is provided as a "commercial item," "commercial computer software," "commercial computer software documentation," and "technical data," as defined in the Federal Acquisition Regulation and Defense Federal Acquisition Regulation Supplement. If Agency is using Axon Evidence on behalf of the U.S. Government and these terms fail to meet the U.S. Government's needs or are inconsistent in any respect with federal law, Agency will immediately discontinue the use of Axon Evidence.
- 16 **Survival.** Upon any termination of this Agreement, the following sections will survive: Agency Owns Agency Content, Storage, Axon Evidence Warranty, and Axon Evidence Restrictions.



Axon Enterprise, Inc.'s TASER 7 Agreement (Online)

Professional Services Appendix (only applies if Agency purchases CEW Professional Services)

1 **Utilization of Services.** Agency must use pre-paid professional services as outlined in the Quote and this Appendix within 6 months of the Effective Date.

2 **CEW Services Packages.** CEW Services Packages are detailed below:

System set up and configuration • Configure Axon Evidence categories & custom roles based on Agency need. • Troubleshoot IT issues with Axon Evidence. • Register users and assign roles in Axon Evidence. • For the CEW Full Service Package: On-site assistance included • For the CEW Starter Package: Virtual assistance included
Dedicated Project Manager Assignment of specific Axon representative for all aspects of planning the rollout (Project Manager). Ideally, Project Manager will be assigned to Agency 4–6 weeks before rollout
Best practice implementation planning session to: • Provide considerations for the establishment of CEW policy and system operations best practices based on Axon's observations with other agencies • Discuss the importance of entering metadata and best practices for digital data management • Provide referrals to other agencies using TASER CEWs and Axon Evidence • For the CEW Full Service Package: On-site assistance included • For the CEW Starter Package: Virtual assistance included
System Admin and troubleshooting training sessions On-site sessions providing a step-by-step explanation and assistance for Agency's configuration of security, roles & permissions, categories & retention, and other specific settings for Axon Evidence
Axon Evidence Instructor training • Provide training on the Axon Evidence to educate instructors who can support Agency's subsequent Axon Evidence training needs. • For the CEW Full Service Package: Training for up to 3 individuals at Agency • For the CEW Starter Package: Training for up to 1 individual at Agency
TASER CEW inspection and device assignment Axon's on-site professional services team will perform functions check on all new TASER CEW Smart weapons and assign them to a user on Axon Evidence.
Post go-live review For the CEW Full Service Package: On-site assistance included. For the CEW Starter Package: Virtual assistance included.

3 **Smart Weapon Transition Service.** The Smart Weapon Transition Service includes:

Archival of CEW Firing Logs Axon's on-site professional services team will upload CEW firing logs to Axon Evidence from all TASER CEW Smart Weapons that Agency is replacing with newer Smart Weapon models.
Return of Old Weapons Axon's on-site professional service team will ship all old weapons back to Axon's headquarters. Axon will provide Agency with a Certificate of Destruction

*Note: CEW Full Service packages for TASER 7 include Smart Weapon Transition Service instead of 1-Day Device Specific Instructor Course.

4 **Out of Scope Services.** Axon is only responsible to perform the professional services described in the Quote and this Appendix. Any additional professional services are out of scope. The Parties must document scope changes in a written and signed change order. Changes may require an equitable adjustment in the charges or schedule.



Axon Enterprise, Inc.'s TASER 7 Agreement (Online)

- 5 **Delivery of Services.** Axon personnel will work Monday through Friday, 8:30 a.m. to 5:30 p.m., except holidays. Axon will perform all on-site tasks over a consecutive timeframe. Axon will not charge Agency travel time by Axon personnel to Agency premises as work hours.
- 6 **Access Computer Systems to Perform Services.** Agency authorizes Axon to access relevant Agency computers and networks, solely for performing the Services. Axon will work to identify as soon as reasonably practicable resources and information Axon expects to use and will provide an initial itemized list to Agency. Agency is responsible for and assumes the risk of any problems, delays, losses, claims, or expenses resulting from the content, accuracy, completeness, and consistency of all data, materials, and information supplied by Agency.
- 7 **Site Preparation.** Axon will provide a hardcopy or digital copy of current user documentation for the Devices ("**User Documentation**"). User Documentation will include all required environmental specifications for the professional Services and Devices to operate per the Device User Documentation. Before installation of Devices (whether performed by Agency or Axon), Agency must prepare the location(s) where Devices are to be installed ("**Installation Site**") per the environmental specifications in the Device User Documentation. Following installation, Agency must maintain the Installation Site per the environmental specifications. If Axon modifies Device User Documentation for any Devices under this Agreement, Axon will provide the update to Agency when Axon generally releases it.
- 8 **Acceptance.** When Axon completes professional Services, Axon will present an acceptance form ("**Acceptance Form**") to Agency. Agency will sign the Acceptance Form acknowledging completion. If Agency reasonably believes Axon did not complete the professional Services in substantial conformance with this Agreement, Agency must notify Axon in writing of the specific reasons for rejection within 7 calendar days from delivery of the Acceptance Form. Axon will address the issues and re-present the Acceptance Form for signature. If Axon does not receive the signed Acceptance Form or written notification of reasons for rejection within 7 calendar days of delivery of the Acceptance Form, Axon will deem Agency to have accepted the professional Services.
- 9 **Agency Network.** For work performed by Axon transiting or making use of Agency's network, Agency is solely responsible for maintenance and functionality of the network. In no event will Axon be liable for loss, damage, or corruption of Agency's network from any cause.

City Council Meeting

12/1/2022





Axon Taser 7 Platforms

- The Taser X2 is no longer under warranty and has reached its life expectancy.
- Axon Tasers to outfit Police and City Marshals.
- We will primarily purchase:
 - 220 Axon Taser handles
 - 220 Holsters
 - 264 Battery packs
 - 3 Docking stations





Axon Taser 7 Platforms

- Total cost is \$747,098.00
- Payment split evenly over 5 years from Police Apparatus Funds at \$148,869.60 per year.
- A one-time professional services (transition assistance) fee of \$2,750.00.

(Appartus Fund established as a funding source for high dollar critical equipment needs. It receives contributions annually. Projected at \$1.1 million yearly.)





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Robert Hanna, City Manager

FROM: Marcus Dudley, Chief of Police

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Take Action on the Purchase of a Mobile Command Center from LDV Custom Specialty Vehicles. (Marcus Dudley, Jr.)

GENERAL INFORMATION

In keeping with the Police Department's goals, we are constantly looking for ways to improve the service we provide the community through the use of equipment and advancements in technology. A key component that is missing is a Mobile Command Center that is capable of providing a workspace for adverse weather; access to computers while on-site; restroom facilities; and has mobility. It would be used for critical incident and crime scene management; providing oversight for locating missing persons; and special events. The Police Department does not currently have a Mobile Command Center.

SPECIAL CONSIDERATIONS

The procurement of a Mobile Command Center is made through HGAC contract AM10-20.

FUNDING/FISCAL IMPACT

Funding for the purchase will be from Minor Improvement (MIP) funds and the total is \$615,879.00. The full payment is due Net 30 upon completion and delivery. The estimated time frame for manufacturing is 18 months.

STAFF RECOMMENDATION

Staff requests the approval of the purchase.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2022 Resolution Moblie Command Center
2. Abilene PD LDV QuoteSpecs
3. Abilene PD LDV
4. Command vehicle PPT

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH
LDV CUSTOM SPECIALTY VEHICLES FOR THE PURCHASE OF A MOBILE
COMMAND VEHICLE.**

WHEREAS, the Abilene Police Department does not have a Command Vehicle; and

WHEREAS, the Department strives to improve the quality of service through advancements in technology; and

WHEREAS, the added complexities of modern day policing add to the overall mission; and

WHEREAS, the Department would benefit from having a multi-purpose Command Vehicle for critical incident and crime scene management; providing oversight for locating missing persons; and special events; and

WHEREAS, the vehicle provided by LDV Custom Specialty Vehicles offers significant improvements to our response capability.

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

PART 1. That the City Manager is authorized to execute all necessary documents to enter into a agreement with LDV Custom Specialty Vehicles for the purchase of a Mobile Command Vehicle through HGAC contract AM10-20.

PART 2. That this Resolution is effective upon adoption.

ADOPTED this 1st day of December 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

City Attorney



180 Industrial Drive
Burlington, WI 53105 USA
Phone: 800-558-5986
Fax: (262) 767-2529
Direct: +1 (262) 763-0147
www.ldvusa.com

**PRELIMINARY
SPECIFICATIONS FOR:**

**ABILENE PD (TX)
MOBILE COMMAND CENTER**

LDV PROPOSAL # S36MCC-35337-22
HGAC MODEL # AM20MC09 W/ ADD-DELETE

DATE

~~JUNE 27, 2022~~

~~AUGUST 29, 2022 REV1~~

NOVEMBER 22, 2022 REV2



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PRICING PAGE: (HGAC contract AM10-20)

ABILENE HGAC# 94-502

Total price per unit as specified, FOB Origin	\$657,799.00
Discount amount	-\$47,362.00
HGAC discounted price for 1 unit as specified	\$610,437.00

Contract Administration Fee - HGAC	\$1,000.00
HGAC discounted price for 1 unit as specified with Contract Admin Fees	\$611,437.00
Delivery charge to Abilene, TX	\$4,442.00

Total price per unit	\$615,879.00
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Delivery terms: Ask your Sales Representative

Payment Terms: Net 30

Quote is firm for 30 days from specification date.

Quoted price does not include any applicable FET, federal, state or local tax unless specified.

Item	Qty	
1.00		<u>CHASSIS/BODY DIMENSIONS:</u> 26' walk-in van • Wheelbase of chassis: 250" • Overall length of apparatus: 425" • Overall apparatus width, rub rail to rub rail: 99" • Overall height of apparatus (loaded): 134" • Interior walkway height raw body: 83" • Interior walkway height finished: 81.5" • Interior walkway length: 312" • Interior raw body width: 96" • Interior finished body width: 87" Final measurements are dependent on body builder, chassis components, axles, tires, frame, suspension, and roof-mounted equipment.
2.00		<u>CHASSIS:</u>
2.01	1	Freightliner MT-55 forward control chassis. 26,000-lb GVWR with hydraulic brakes and air suspension <u>ENGINE:</u> Cummins B6.7 260 HP @ 2400 RPM, 2600 GOV, 680 LB/FT @ 1600 RPM 2008 CARB emission certification - clean idle 12V 200 amp 28-SI Quadramount pad alternator (2) model 1131, group 31, 12 volt maintenance free 1900 CCA threaded stud batteries 18.7 CFM air compressor with internal safety valve GVG, Fire and emergency service vehicles engine warning Exhaust brake integral with variable geometry turbo with On/Off dash switch Engine aftertreatment device, automatic over the road active regeneration and dash mounted single regeneration request/inhibit switch 10 gallon DEF tank RH frame mtd LH horizontal tailpipe, exit forward of rear tires Antifreeze to -34F, OAT (nitrite & silicate free) extended life coolant Gates Blue Stripe coolant hoses or equivalent 1000 watt/115 volt block heater <u>TRANSMISSION:</u> Allison 2200 EVS automatic transmission with park pawl and PTO provision Synthetic transmission fluid (TES-295 compliant) <u>FRONT AXLE AND EQUIPMENT:</u> 10,000# single front axle Front oil seals Synthetic 75W-90 front axle lube TRW TAS-65 power steering <u>FRONT SUSPENSION:</u> 10,000# taperleaf front suspension Front stabilizer bar Front shock absorbers

Item	Qty	
		<u>REAR AXLE AND EQUIPMENT:</u> 17,500# single rear axle 5.57 rear axle ratio Synthetic 75W-90 rear axle lube <u>REAR SUSPENSION:</u> 18,000# Airliner rear suspension Manual dump valve for air suspension w/indicator light, w/o gauge Dual instant response rear suspension leveling valves Rear swaybar Rear shock absorbers <u>BRAKE SYSTEM:</u> Hydraulic brake package w/optional air supply 4S/4M ABS without traction control <u>FRAME:</u> 5/16" x 2.81" x 9-1/8" steel frame, 80ksi <u>FUEL TANKS:</u> 60 gal. rectangular steel fuel tank - between rails <u>TIRES:</u> Michelin XZE 255/70R22.5 16 ply radial front tires Michelin XD2 255/70R22.5 16 ply radial rear tires <u>WHEELS:</u> Maxion Wheels 90262 22.5X8.25 10-HP 5-hand steel disc front wheels Maxion Wheels 22.5X8.25 10-HP 5-hand steel disc front wheels <u>CAB EXTERIOR:</u> Dual electric horns Daytime running lights <u>CAB INTERIOR:</u> Compact air conditioner compressor Auto self-reset circuit breakers and fuses Tilt / telescopic steering column with foot actuated pedal <u>INSTRUMENTS & CONTROLS:</u> Green gauge backlighting Driver message center W/LCD display, 24 warning lamps, data linked, AMI Electronic MPH speedometer with secondary KPH scale, without odometer Electronic 3500 RPM tachometer Electric engine oil pressure gauge w/warning lamp and alarm Electric engine coolant Temp gauge w/warning lamp and alarm Digital voltage display integral with driver display Elec fuel gauge & low fuel indicator lamp Automatic transmission oil temp gauge w/warning lamp Engine hour meter, integral to message center LCD Intake mounted air restriction indicator with graduations 97 dB backup alarm Cruise control switches

Item	Qty	
		Programmable RPM ctrl w/low voltage auto high idle & RPM ctrl switches Wagner 7212 turn signal flasher Note: chassis specifications are from freightliner custom chassis and are subject to change without notice.
2.02		<u>CHASSIS WARRANTY:</u> • Three (3)-year/50,000 mile Freightliner MT-55 chassis warranty. • Three (3)-year/unlimited miles Cummins engine warranty. • Five (5)-year/unlimited miles Allison EVS transmission warranty.
2.03	1	Federal Signal Back-up alarm model 210331.
2.04	1	Block heater shall be controlled through the Intel-I-Touch™ multiplex control screen.
2.05	1	US DOT triangle reflector kit with three (3) triangles, for compliance with FMCSA regulations. Includes plastic storage case. Kit will be shipped loose in the vehicle.
2.06	1	Stainless steel wheel liners with braided stainless steel valve stem extenders.
3.00		<u>BODY:</u>
3.01	1	• Load space area shall be 83" high x 96" wide x 26' long all aluminum step van body. • Driver sedan door with slider window, door skin shall be chemically bonded to door frame structure reducing the amount of rivets required. Door shall have continuous stainless steel piano hinge • Passenger sedan door with slider window, door skin shall be chemically bonded to door frame structure reducing the amount of rivets required. Door shall have continuous stainless steel piano hinge • Sedan doors shall have a 0.125" aluminum tread plate step well for 18" skirt depth. • Sedan doors shall have black non-skid tape on all door entry sills. • Sedan doors shall have polished aluminum TriMark flush mounted locking hardware with self-aligning rotary latch and matching key locks. Outside door handles not to exceed 50" from ground. • Aluminum alloy double H wall beam, 6005-T5 alloy, 3" x 3" wide at the base, 1.5" wide at the top, 0.125 wall thickness. Studs feature machined wire pass-throughs, and raised adhesive control features on base. • I-beams shall be chemically bonded to sidewalls eliminating the need for additional rivets. Buck-rivets will be used to fasten the top, bottom and rub rail. Use of two-sided tape is not acceptable. • Body shall have 0.125" strain-hardened aluminum alloy 5052-H36 side panels. The upper panels shall be free of rivets allowing for smooth graphics application. • Skirt supports, 1.5 x 1.5 x 0.125 angle to reinforce skirt edge and hold bottom edge in a straight line. 0.188 x 1.00" flat braces placed at 4' intervals and riveted to lower wall angle and floor to maintain sidewall skirt rigidity. • NFPA 1901 embossed 0.125" aluminum tread plate roof attached to 3" x 1 1/2" x 0.125" extruded aluminum roof bows on 16" centers. Bows are 2" skip welded every 12". Tread plate seams shall be continuous welded. Perimeter of roof shall be chemically sealed. • Lift-up molded fiberglass hood with chrome grill insert. Hood shall have integrated headlamps and turn signal indicators and dual assist gas charged lift shocks. The use of mechanical assist springs is not acceptable.

Item	Qty	
		• Extruded aluminum floor with interlocking planks, 1.88" high x various widths, 0.125" top surface. 6005-T5 alloy and temper. Heavy-duty thick-wall extruded planks fore and aft of all floor cutouts and every 5th plank in all other areas. Planks made of 6005-t5 alloy and temper, 0.250" thick top surface. • Bright polished front bumper. • Tinted safety plate glass windshield with driver and passenger sun visors. • Full width 12" deep heavy-duty aluminum rear bumper with center step, painted to match the body. • Integral cab air conditioning and heating system with dash controls. • Velvac heated remote control rear view mirrors with dash controls. Upper mirror has 62-sq.in. of flat surface and lower mirror has 30-sq.in. of convex surface. Mirror has a fold-away arm. • Driver seat shall be Seats Inc. Magnum 200 mechanical suspension seat on fixed pedestal. Seat shall be covered in black cloth and have arm rests, lumbar support, tilt back and 3-point seat belt. • Passenger seat shall be a black jump seat with 2-point seat belt. • Intermittent windshield wiper/washer with single heavy-duty windshield wiper motor. • Custom front wheel cutouts for tires. • Aluminum engine box cover with acoustical and thermal insulation. Black molded ABS composite engine box overlay. • Acoustical and thermal insulation with heat shield on exterior fire-wall. • Full length skirting. Skirt shall extend 18" down from the bottom of floor extrusions. • Dash shall be vacuum formed ABS composite with integrated control pod located left of dash. • All clearance and side marker lights to be LED. • Standard structural warranty of 5 years or 50,000 miles and standard component warranty of 12 months or 12,000 miles. • The vehicle shall be fully sanded on all exterior surfaces with no more than 150 grit to assure removal of imperfections in metal surface. All aluminum shall be chemically etched and primed prior to painting. Base body color shall be oven baked and painted to commercial truck standards. Note: Specifications are from body manufacturer and are subject to change without notice.
3.02	1	32" wide x 82" high 0.125" aluminum sedan door with 21.5" wide x 25.5" high fixed window. Door shall have continuous stainless steel piano hinge, two (2) nylon door straps and an aluminum drip rail. NOTE: Interior window covering will be a mini blind.
3.03	3	Exterior heavy-duty knurled aluminum grab handle with chrome plated stanchions, installed at entry door.
3.04	1	Interior heavy-duty knurled aluminum grab handle with chrome plated stanchions, installed at entry door.
3.05	3	Automatic LED courtesy light at entry door.
3.06	1	Courtesy light defeat in Intel-I-Touch™ multiplex control screen. Each entry door courtesy light will be automatically deactivated where the corresponding room has the overhead lighting set to night mode.

Item	Qty	
3.07	1	Lippert Treadlite 24" wide - single - automatic electric steel entry step mounted under entry door. Product features: • Automatic LED ground light • Hold/Cycle switch that allows step to remain extended unless ignition is turned on. NOTE: Step light will be tied into courtesy light defeat.
3.08	1	Lippert Treadlite 30" wide - single - automatic electric steel entry step mounted under entry door. Product features: • Automatic LED ground light • Hold/Cycle switch that allows step to remain extended unless ignition is turned on. NOTE: Step light will be tied into courtesy light defeat.
3.09	1	Whelen Stop/Turn/Tail/Backup light set. Includes two of each of the following: • Whelen M6FCV4 polished chrome vertical housings for four M6 series lightheads. The fourth light head will be an emergency flasher as specified in the DC Emergency Lighting section. • Whelen M6 series LED arrow shaped amber turn signal, model number M62T. • Whelen M6 series LED brake/tail light heads, model number M62BTT. • Whelen M6 series LED back-up light heads, model number M62BU.
3.10	1	Cast Products LP0004-1-B aluminum license plate mounting frame with LED light.
3.11	1	Entire underside shall be undercoated. Includes chassis, floor extrusions, step wells and aluminum compartments.
3.12	1	LDV rear mud flaps. Includes anti-sail brackets when required.
3.13	1	Flat floor slide-out room extension fabricated with a structurally rigid welded aluminum tube design with a fully bonded aluminum shell. During deployment an electronic control system automatically expands the room extension and lowers the floor to flush position. Features: • Electric over hydraulic control system programmed to lower the slide out to floor height after full extension. • Awning that automatically extends and retracts over the top of the room to protect from weather and debris. • Full perimeter double rubber bulb seal with an additional seal in the fully extended and fully retracted positions. • No track or hardware shall be attached to the ceiling of the body. NOTE: Slide out up to 98" length x 30" deep (full extension of 26").
3.14		Ignition Interlock to prevent vehicle from starting when any of the external extension devices are deployed.
3.15	2	Flashing warning light for slide out. NOTE: Amber LED color.
4.00		<u>PAINT / GRAPHICS:</u>
4.01		Body base color shall be white.

Item	Qty	
5.00		<u>INDEPENDENCE ONYX INTERIOR:</u> • Wall Covering Front/Rear rooms: Chrome carpet • Wall Covering Middle room: Wilsonart laminate Satin Stainless 483 • Bulkheads - Wilsonart laminate Satin Stainless 483 • Control console cabinet – Black laminate • Ceiling: ◦ Center (ductwork) #HAT2-C0111 Charcoal Gray Texture Powder Coated ◦ Outside Silver Mist carpet ◦ Trim: #HAT2-C0111 Charcoal Gray Texture Powder Coated • Floor Covering: #150 Onyx PVC Flooring • Office Chairs: Black • Cabinets: #HAT2-C0111 Charcoal Gray Texture Powder Coated Aluminum with anodized trim. • Powdercoat color for slideout valance and interior door panel ◦ #HAT2-C0111 Charcoal Gray Texture Powder Coated • Vinyl/fabric coverings: ◦ Seat bottom to be stock Black Vinyl. ◦ Seat back to be Ultraleather Dwell 570-5635 Basalt back • Counters and Tables: #4879-38 Steel Mesh Laminate with GRAY T-molding Note: Manufacturer reserves the right to substitute equivalent materials.
6.00		<u>DRIVER / PASSENGER CAB AREA:</u>
6.01	1	Walk-in van custom cab area finishing. • Cover cab doors with aluminum panels powder coated black. • Heavy-duty rubber grab handle on each door. • Panels covered with vinyl or fabric above driver and passenger doors. • Vehicle height sign on dash. • Insulated black rubber mat in driver and passenger toe plate area. • Insulate walls in kick plate area and install black carpeted panels. • Vehicle shall have a Final Stage Vehicle Certification and Altered Vehicle Certification as required by Federal Motor Vehicle Safety Standards (FMVSS) 49 CFR Part 567.5 and 567.7 • Payload sticker in cab area with vehicle axle load ratings and available axle payload as built.
6.02	1	Work area on passenger side covered with laminate to match rear countertops and trimmed with vinyl T-molding.
6.03	1	Custom fabricated console to house Intel-I-Touch™ Control electrical distribution components and control panels. Console shall be located in the overhead console above the windshield. The entire console shall be constructed of 3/4" plywood. The face shall be finished with laminate the bottom shall be covered with vinyl.
6.04	1	Red/Clear LED dome light with 3-position switch, red/off/white.
6.05	1	Color back up camera system with 7" LCD monitor and day/night camera. Camera includes a microphone for audio commands from a spotter to the driver during backing operations.
6.06	1	AM/FM stereo with Bluetooth and one (1) pair of 6" x 9" speakers.

Item	Qty	
7.00		<u>WALLS, CEILING AND FLOOR:</u>
7.01		Insulate walls with a minimum of 2-1/2" of fiberglass insulation. Cover interior body side posts with 1/2" plywood sub wall.
7.02		Cover sub wall with smooth finish Kemplite 0.075" fiberglass reinforced plastic (FRP) lining. Wall covering shall be a continuous piece front to back, no seams acceptable. NOTE: Galley
7.03		Cover sub wall with ribbed loop pile carpet. NOTE: Front/Rear rooms
7.04		Insulate ceiling with a minimum of 2-1/2" of fiberglass with an R-11 rating. • Cover interior roof beams with 1/2" plywood. • Modular panel design allows for manageable future additions and repairs. • Plywood Panels covered in acoustical fabric.
7.05		Floor underlayment to be 5/8" exterior grade tongue and groove structural plywood, 6 ply, face veneer plugged and sanded.
7.06		Lonseal Loncoin II Flecks non-skid commercial grade PVC flooring. The flooring shall be continuous, one piece full length, full width, no seams.
7.07		Vinyl cove molding (mop board) at base of wall, 2-1/2" high. Installed where required.
7.08	1	Flush pocket door covered in laminate, installed on heavy-duty aluminum c-channel track with two (2) three-wheel roller trucks and soft open/close feature. Pocket door shall have recessed handle and magnetic closure to keep the door open/closed.
7.09		All bulkheads shall be covered with Wilsonart laminate. Trim exposed edges of bulkheads with rounded anodized aluminum trim where applicable.
7.10	1	Cover load space door with powder coated aluminum panel with heavy-duty rubber grab handle. NOTE: Interior window covering will be a mini blind.
7.11	1	Hehr street side mounted 30" wide x 19" high flush mount deep-tint horizontal sliding egress window with screen. NOTE: Interior window covering will be a mini blind.
8.00		<u>GALLEY / LAVATORY:</u>
8.01	1	Microwave oven. Sharp 1.1 cu.ft. 1000-watt Model SMC1131CB.
8.02	1	Keurig Coffee maker.
8.03	1	Norcold NR751B AC and DC powered refrigerator with the following features: • 2.7 cu. ft. capacity. • Freezer shelf for ice cube tray. • Door bin holds 2-liter containers. • Integrated door latch. • 120/230Vac 50/60 Hz and 12/24 Vdc

Item	Qty	
8.04	1	Pressurized Lavatory Water System. Includes: • Thetford Foot Pedal Flush model 31661 (or current model) low-profile toilet in lavatory. • Fresh water/waste tank level monitor in lavatory. • 10" round stainless steel lavatory sink with chrome plated sink hardware. • One (1) chrome plated paper towel holder and one (1) chrome plated toilet paper holder in lavatory. • Aqua Jet model #5503-AV15-B636 (or current model) 5.3 GPM water pump with accumulator tank. • One (1) 15 gallon fresh water supply and one (1) 20 gallon waste tank. • Plumbing pressure pipes shall be PEX tubing. • Underbody fresh water and grey water tanks are to be heated and all plumbing insulated and wrapped with heat tape. • Sewage hose and dump valve shall be provided for holding tank. • Winterizing valve mounted in line on the input side of the water pump. Valve allows antifreeze to be pumped throughout the system to winterize plumbing.
8.05	1	Permanently mounted holding tank rinsing system.
9.00		<u>SEATING:</u>
9.01	7	Space Air Grid office chair 5560 black with armrests, five caster spider base, and adjustable height. NOTE: One (1) per workstation and three (3) in front conference room.
9.02		Fabricate and install fixed bench seating with removable cushions as shown on drawing. Bench seat cushions shall be covered in heavy-duty vinyl.
9.03		Fabricate and install flip-down bench seating as shown on drawing. Bench seat cushions shall be covered in heavy-duty vinyl. Bottom seat cushion will be installed on Zico Quic-Seat® fold down spring loaded seat brackets.
9.04		<u>BENCH SEAT REQUIREMENTS:</u> • Foam for seat backs and bottoms shall be firm density. • All bench seating material must meet Federal Motor Vehicle Safety Standards part 571.302 Flammability of Interior Materials. • Material corners shall be squared or angled to fit precise cut of foam. • Foam shall be bonded to plywood backer with industrial grade adhesive. • Attachment of fabric/vinyl to backer shall utilize industrial grade upholstery staples.
10.00		<u>CABINETS:</u>
10.01		Custom fabricated aluminum cabinets located as shown on drawing. Cabinet specifications: • Base cabinets constructed of 0.080" powder coated aluminum with anodized aluminum frames. • Base cabinet doors are double shell, formed from a single sheet of 0.080" aluminum, with a 0.040" aluminum door back attached. • Overhead cabinets constructed of 0.064" powder coated aluminum with anodized aluminum frames. • Overhead cabinet doors are double shell, formed from a single sheet of 0.064" aluminum, with a 0.040" aluminum door back attached. • Overhead cabinet doors swing up and gas spring lift supports.

Item	Qty	
10.02	6	Dry erase writing surface on overhead cabinet door.
10.03	5	LED light with on/off switch, mounted under overhead cabinet. NOTE: One (1) per workstation One (1) galley
10.04	3	Magnetic dry erase board framed in aluminum. Includes aluminum clip frame for easy board replacement, sized as required.
10.05		Countertops shall be covered in 0.040" Wilsonart laminate. All exposed edges shall be covered with heavy duty flexible PVC T-molding.
10.06		Conference table covered in 0.040" Wilsonart laminate. All exposed edges shall be covered with heavy duty flexible PVC T-molding.
10.07	1	Powder coated 0.125" aluminum conference table base.
10.08	1	Folding leaf for conference table.
11.00		<u>HVAC SYSTEM:</u>
11.01	2	Fan-tastic Vent model 1450 3-speed reversible 12" power roof ventilator.
11.02	3	Ducted low profile rooftop air conditioner with wall mounted thermostat. Includes: • 13,500 nominal Btu/hr air conditioner with condensate pump. • Chill Grille Assembly with 6,000 Btu/hr heat strip • Louvered Ceiling Vents, as required
11.03	2	Broan model 174 wall mount 5,120 Btu/hr electric heater.
12.00		<u>AC ELECTRICAL SYSTEM:</u>
12.01	1	Power Tech 20-kW 120/240Vac liquid-cooled diesel generator with air bag mounts installed in a custom fabricated compartment. Generator features: • Tier 4F Emissions • USTC Certified Manufacturer • Warranty: 2 years from date of purchase, or 3000 hours whichever comes first, or 36 months from the date of manufacture. • Four point air bag mounting system • Four-cycle water cooled diesel engine • Radiator cooled, direct mounted • High-coolant temp and low oil pressure shutdown sensors • Spin-on fuel and oil filter • Single side service • Typical Gallon Per Hour fuel consumption: 25% load = 0.45, 50% load = 0.90, 100% load = 1.80 Compartment shall be constructed to the following specifications: • 0.187" aluminum with all welded seams. • 2" deep 0.125" aluminum box pan doors and 0.125" aluminum frames. • Door frames riveted to the body and welded to the compartments. • Stainless steel door hinges attached with stainless steel machine screws. • Flush mounted door handles with slam latches. • 0.100" aluminum treadplate panels on interior door surfaces.

Item	Qty	
		• Gas charged lift/support cylinders to hold doors open at 90°. • Industrial grade neoprene gasket door seals. NOTE: Generator exhaust shall be routed to the street side of the vehicle.
12.02	1	ACData surge suppressor for protection of entire AC power system. Product features: • UL listed: UL1449 3rd Edition • LED visual verification of status
12.03	1	LDV exclusive Intel-I-Touch™ vehicle automation control system. A multiplexed vehicle automation system must be incorporated into a common touch screen(s) that is custom programmed to monitor and control onboard systems as described throughout the specifications. The automation system software must allow simultaneous distribution of information to multiple onboard control/monitoring stations and the software must be updateable and configurable as required. This system is mandatory as it simplifies start up procedures, contains fewer operating components, reduces operational start-up time, reduces the total amount of wiring in the vehicle and includes error detection protocols and troubleshooting features. Features include: • One (1) 10" LCD touch screen with custom graphics for control and monitoring systems • AC power distribution control and monitoring for the generator with power management • DC power distribution control and monitoring • Manual or automatic generator control • HVAC and temperature control. • Interior and exterior lighting control • Automatic power transfer switches • Automated startup and shutdown procedures • Seamless control of generators, lighting, awnings and additional devices • Mast control • Safety interlocks • Battery saver feature • Generator Service Alerts The system must be completely upgradeable with power modules located throughout vehicle. Additional components may be added to system with a simple software modification System capability is not to be achieved with use of multiple monitoring systems designed for specific use i.e. water monitors, battery monitors etc.
12.04	1	3" Touch panel for dedicated local control and monitoring of specific vehicle automation system features. Includes control layout and indicators where applicable. NOTE: Exterior TV compartment

Item	Qty	
12.05	1	3" Touch panel with numeric display for dedicated local control and monitoring of specific vehicle automation system features including room HVAC. Display shows current room temperature and HVAC setpoint when adjusted. Includes control layout and indicators where applicable. NOTE: Rear room
12.06		Night Time (Red) Lighting Mode turns the ceiling lighting in each room from white to red lights.
12.07		Reduced Lighting Mode is white ceiling lighting in each room have the option of All-On or Half-On.
12.08		Leveling Control Intel-I-Touch Auto Leveling feature. Includes touchscreen indication of vehicle level and control of leveling jacks automatically, individually or in pairs. Jacks are automatically retracted as part of the Auto Shutdown process.
12.09	1	Kussmaul Auto Eject 20, 20A-120Vac shore power inlet with 25-ft. 20A-120Vac shore power cord. #091-20WP-120RD.
12.10	1	Marinco 50A-125/250Vac shore power package including: • Waterproof shore power inlet with cap • 50-ft. 50A-125/250Vac shore power cord • 6-ft. 50A-125/250Vac pigtail
12.11	2	20A-125Vac duplex receptacle. Receptacle is not dedicated to any installed equipment. NOTE: Two (2) Electronics rack
12.12	7	20A-125Vac duplex receptacle with dual USB charging ports. Receptacle is not dedicated to any installed equipment. NOTE: One (1) Per workstation [qty.4] Two (2) Conference table base One (1) Front passenger workstation
12.13	3	20A-125Vac GFCI duplex receptacle. These receptacles are not dedicated to any installed equipment. NOTE: Two (2) Exterior TV Comp One (1) Galley
12.14	1	30A-120 Vac receptacle in electronics rack for future installed UPS.
12.15	2	20A-125Vac exterior GFCI duplex receptacle. NOTE: Receptacle will be installed with a weatherproof cover.
12.16		Wire chase wire management raceway system located as shown on drawing. Product features: • Satin anodized finish. The finish resists rust, corrosion and fading. Material extruded from 6063-T5 aluminum alloy.

Item	Qty	
		• Removable dual cover. Makes wiring easy and accessible and provides maximum flexibility for adding or relocating outlets and circuits. The cover retention is 45 lbs. straight pull for one minute. • UL Listed multioutlet assemblies. File E68073 Guide PVGT, Fittings: File E121188 Guide RJPR. Meets Article 380 of NEC and meets Section 12-3032 of CEC. • UL and cUL Listed component raceways. File E73943 Guide RJBT, Fittings: File E74343 Guide RJPR. Meets Article 386 of NEC and meets Section 12-600 of CEC. • UL5 and ADA compliant. Raceway and fittings meet UL5 specifications and can be installed in conformance with ADA requirements
12.17	2	Whelen telescoping tripod LED light pole. Includes: • Pioneer PFP2AC (or current model) light fixture. LED, 120 VAC, 1.25 amps, Dual panel • Aluminum tripod with brite dip anodized finish. • Light fixture shall have a locking swivel joint with a 3/4" diameter NPT threaded base to allow the light to be manually tilted up/down and locked in position by the operator. • Integrated power switch. • NEMA 5-15 Plug on end of cord to plug light into any exterior outlet NOTE: 15A plug to utilize standard exterior outlet
12.18	2	20A-125Vac exterior GFCI duplex receptacle. NOTE: Locate near tripod light. Receptacle will be installed with a weatherproof cover.
12.19		<u>AC WIRING REQUIREMENTS:</u> • All AC main wiring shall be stranded THHN wire and run in non-metallic Carlon Carflex liquid tight conduit. • All AC branch circuit wiring shall be stranded THHN wire (AWG 12 minimum) and run in non-metallic Carlon Carflex liquid tight and Carlon Flex-Plus blue ENT conduit. • All electrical circuits and appliances shall conform to applicable national electrical codes.
13.00		<u>DC ELECTRICAL SYSTEM:</u>
13.01	1	• Six (6) Lead acid deep-cycle 6Vdc batteries. Batteries shall be installed underbody in slide out weather resistant compartment. Four (4) batteries will be separated for auxiliary equipment and two (2) batteries will be for communications equipment. • Three (3) electronic converter/chargers, 80 amp minimum output each installed underbody in weather resistant climate controlled. Compartment to draw ambient air from interior of truck and will have thermostatically controlled exhaust fan to circulate warm air to exterior (no exceptions). Converter/charger features: • Charges three banks of batteries at the same time. • UL listed for safety. • Manual reset circuit breaker. • Reverse battery protection. • Electronic current limiting. • High voltage protection. • All DC electrical and metering switched and monitored through the multiplex system.

Item	Qty	
13.02	18	Light, Orion 6" LED, neutral white with polished bezel.
13.03	8	Light, Orion 6" LED, neutral white / red with polished bezel.
13.04	6	Whelen M6ZC Gradient LED Scene Light with clear outer lens and M6FC chrome flange. NOTE: Two (2) per side and two (2) rear
13.05	2	12VDC dual USB power port. NOTE: Two (2) Exterior TV Comp
13.06		<u>12VDC WIRING REQUIREMENTS:</u> • 2-gauge minimum copper stranded battery cable shall be used for 12Vdc main supply lines. All cable runs shall be full length, no splices. All cable terminals shall be staked and soldered. All cable shall be enclosed in convoluted polyethylene tubing and the ends of the cable shall be sealed with color-coded shrink-wrap identifying the function of the cable. • All added electrical branch circuits shall be protected from over-current by resettable circuit breakers appropriately rated for the load. Only circuit breakers shall be used in the installation of added electrical branch circuit wiring (plug type fuses are unacceptable). • Circuit breaker functions shall be identified by engraved or printed labels. • All added wiring for load runs of AWG 10, 12, 14, and 18, shall conform to MIL-W-16878/2 and/or UL1007/1569" • All added wiring for load runs of AWG 8, shall conform to MIL-W-16878/3 and/or UL1028 • Wire terminals for added circuits must conform to MIL-T-7928. Terminals shall be insulated, insulation grip, TYPE II, CLASS 2 and shall be crimped with tooling recommended by the terminal manufacturer. • All wiring shall be numbered or lettered on 6" centers minimum. • Wiring shall be protected from chafing and abrasion with convoluted polyethylene tubing (wire loom) as required. • Where wire passes through sheet metal, bulkheads and structural supports, plastic grommets shall be used to protect both wiring and wire looms. • All wire bundles shall be tied with trimmed nylon ties. • Extreme care shall be exercised to provide for easy serviceability of the system in future years. • Extreme care must be taken in the installation to avoid the engine manifold, engine exhaust, and muffler, which could expose the wiring to severe overheating during long periods of operation. Proper insulation and heat deflection panels must be installed in such areas. • A high-current 12Vdc system wiring schematic shall be provided. • These are the minimum acceptable 12Vdc wiring requirements.
14.00		<u>EMERGENCY LIGHTING / SIRENS:</u>
14.01	1	Whelen 295SLSA6 siren with 9 low current lighting control switches. California Title 13 compliant. NOTE: Slide Bar Positions Control: 1. Rear (Upper and Lower) 2. Rear (Upper and Lower), All Upper, Front Wall or "Light bar" 3. All

Item	Qty	
14.02	1	Whelen SA315P high performance speaker, with bracket.
14.03	2	Whelen TLIR ION-T- Series™ Linear Super-LED® Red with clear outer lens & TIONFC chrome flange.
14.04	2	Whelen TLIB ION-T- Series™ Linear Super-LED® Blue with clear outer lens & TIONFC chrome flange.
14.05	7	Whelen M6 series, M6RC (or current model), Linear Super-LED lighthouse with internal flasher, RED LED's with CLEAR outer lens. Includes M6FC chrome flange.
14.06	7	Whelen M6 series, M6BC (or current model), Linear Super-LED lighthouse with internal flasher, BLUE LED's with CLEAR outer lens. Includes M6FC chrome flange.
14.07	1	Custom fabricated bracket to mount emergency lights above windshield, painted to match body.
15.00		<u>AUDIO / VIDEO:</u>
15.01	6	LG 24" Black 720P LED HDTV - 24LM530S-PU Features: • 720P resolution • (2) HDMI inputs • (2) Speakers NOTE: (2) per workstation on rear wall (1) per workstation forward facing
15.02	1	Samsung - 43" QLED TV QN43Q60AAFXZA with wall mount bracket. Product features: • Resolution 4K • (3) HDMI, (2) USB • (2) Speakers • DTV Tuner/ATSC / Clear QAM • Dimensions: 38"(W) x 22"(H) x 1"(D) Weight 18.5lbs NOTE: Exterior TV.
15.03	2	Samsung 50" LED TV (UN50TU7000FXZA) or current model) with wall mount bracket. Product features: • Resolution 4K Ultra HD • (2) HDMI, (1) USB • Sound Output (2) Speakers 20W • DTV Tuner/ATSC / Clear QAM • Wi-Fi Ready, Smart TV • Dimensions: 44" x 25.4" x 2.4" (W x H x D), weight 25.1 lbs NOTE: Front conference room

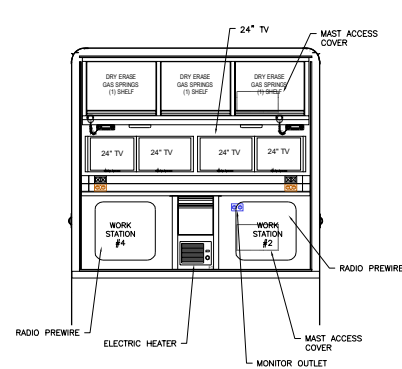
Item	Qty	
15.04	1	Weatherproof single door exterior work station and TV/monitor compartment. Constructed from 0.125" aluminum with all welded seams and hinged at the top. Includes: • Internal flip down work surface • LED strip light (illuminates when door is opened) • Gas charged lift support and locking latch NOTE: Surface mount, curbside Other located in compartment: (1) 43" TV (1) Radio (customer supplied) (2) CAT6 network jacks (1) multiplex small control pad (2) 110v duplex receptacles (2) USB dual charging ports
15.05	1	Sony BDPS3700 Streaming Blu-Ray Disc Player with Wi-Fi (Black).
15.06	1	Prewire and make installation provisions for customer installed DSS/Satellite Broadband system. Includes: • Roof mounted weather proof junction box with two (2) 3/4" Carlon Carflex ENT conduit runs terminated in equipment rack/cabinet. • Additional roof support structure as required.
15.07	1	JACK® model OA8500 Digital HDTV Antenna + Mount with SureLock™ DTV Signal Meter. No crank up, built in Amplifier and 360° rotation for improved reception.
15.08	1	Kramer VS-88H2 8X8 HDMI Matrix Switcher. 4K HDR HDCP 2.2 NOTE: Inputs: • Blu-ray player • Input at conference table Outputs: • (2) Front Conference room • (1) WS #1 • (1) WS #2 • (1) WS #3 • (2) WS #4 • (1) Exterior TV NOTE: Currently (1) TV at WS #4 is not listed as connected to the HDMI matrix switcher. (8) outputs and (9) TV's (outputs). Can be changed at PCM
15.09	1	HDMI input jack, wall plate and cable. NOTE: HDMI input jack at front conference room table leg to matrix switcher.
15.10		HDMI connection cables, as required.

Item	Qty	
15.11		All RF cable for DSS antenna systems (when specified) shall be Belden #9116 series 6 broadband coaxial cable. All other video cabling shall be Belden #1505A RG-6/U precision video cable.
16.00		<u>MAST AND MAST MOUNTED EQUIPMENT:</u>
16.01	1	Prewire and make installation provisions for customer installed mast on rear of vehicle. Includes: • Internal support structure for future mast install on rear of truck • Carlon Carflex ENT conduit routed from mast location to equipment rack cabinet for camera wiring (camera not included). • Receptacle for mast compressor on dedicated circuit (compressor not included).
17.00		<u>RADIOS:</u>
17.01		Primary 12Vdc power leads for communications radios shall be minimum 2-gauge copper stranded wire with soldered crimp-on end connectors (gauge based on radio requirements). Cables shall be enclosed in convoluted tubing and function identified with colored shrink-wrap. Power to radios shall be controlled by a continuous-duty switch actuated by the auxiliary battery disconnect switch.
17.02	5	Prewire and make installation provisions for communications radio. Installation includes: • NMO-style base on the roof or antenna raceway, as applicable. • LMR195 antenna cable routed to radio transceiver location in Carlon Carflex ENT conduit. • 12Vdc power routed to radio transceiver location. NOTE: (1) driver position (1) front conference room area (1) workstation TBD (1) workstation TBD (1) exterior workstation
17.03		3"H x 3"W square aluminum tube antenna raceway on the roof of the apparatus. Antenna raceway will penetrate the roof at one location, to be determined. Includes the following: • 3" high x 3" long aluminum access cover at each antenna base location on the side of the tubing for access to antenna base and coax cable. • Access covers with watertight gasket and attached with four (4) stainless steel machine screws. Raceway tube to have nut-serts installed for access cover attachment. • Carlon Carflex ENT conduit routed from antenna raceway penetration location to radio transceiver locations. NOTE: "L" shape up to 74" and up to 182"
18.00		<u>COMPUTER NETWORK AND EQUIPMENT:</u>
18.01	16	RJ-45 Cat6 computer network jack with Cat6 cable routed through Carlon Flex-Plus ENT conduit or raceway (as applicable). NOTE: Two (2) per workstation [qty. 8] Four (4) conference table base Two (2) exterior TV compartment Two (2) passenger front workstation

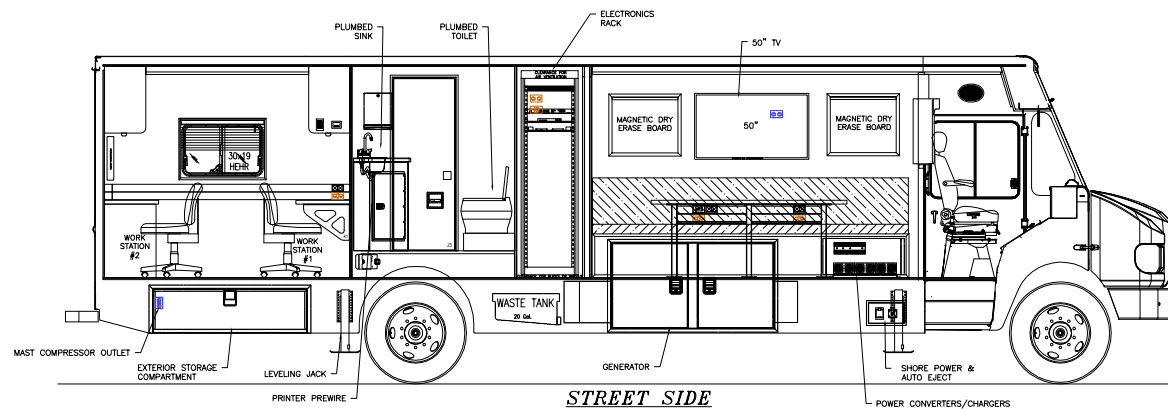
Item	Qty	
18.02	1	Leviton 69270-U24 24-port Cat6 rack mount patch panel.
18.03	1	Cable Certification Report confirming that network wiring complies with Cat6 specifications.
18.04	1	Allied Telesis AT-GS950/24-10 24-port 10/100/1000T Unmanaged Gigabit Switch. Product features: • Wirespeed performance • Auto-negotiation Gigabit ports • Auto MDI/MDIX on TX ports • Transparent to VLAN packets • Full duplex flow control
18.05	1	Make installation provisions for customer installed Satellite broadband system. Includes: • Roof mounted weather proof junction box with interior access for future cable run to rack/cabinet. • Additional roof support structure as required.
18.06	1	Cradlepoint E3000 cellular router with WiFi (5G Modem) and 1-year NetCloud Enterprise Branch Essentials Plus Advanced Plan.
18.07	1	Cradlepoint LTE Advanced Pro 1200M-B MC400 Modem For E300/E3000 Enterprise Branch Routers With Doors & 4 Gray Antennas.
18.08	1	Cellular modem antenna with GNSS. Airgain CENTURION Next 9 IN 1 High Performance External IP67 Antenna for LTE and 5G. 4x Cellular (600 MHz-6 GHz), 4x WIFI and GNSS, Threaded-Bolt Mount, 15 FT Cabling With SMA Connectors for Cell/GNSS, and RP-SMA for WIFI, Black.
18.09	1	Cellular modem antenna with GNSS. Airgain CENTURION Next High Performance External IP67 Antenna for LTE and 5G. 4x Cellular (600 MHz-6 GHz), Threaded-Bolt Mount, 15 FT Cabling With SMA Connectors for Cell, Black.
19.00		<u>MISCELLANEOUS ELECTRONICS:</u>
19.01	1	Middle Atlantic Products, Inc. MRK-4026 forty-space 19" wide x 26.5" depth (24" useable depth) open framed electronics equipment rack with caster base. Rack can easily slide out from its fixed position to allow side access to rack equipment.
19.02	1	Middle Atlantic VFD-40 Vented front door with Thumb Latch (No Key Lock). NOTE: Door is secured closed with thumb lock (key lock option for future).
19.03	1	Middle Atlantic MW-4FT top fan panel, with two (2) 50 cfm ventilation fans, QFAN.
19.04	1	Middle Atlantic PD-815SC-NS 15 amp power strip with eight (8) outlets. Includes PB-XS rack mounting bracket.
19.05	1	Cast Products EB00013-1 (or current model) cast aluminum box with key lock. The rear of the box will be removed to allow cables to be passed into the vehicle.
19.06	1	Shroud with weatherproof pass-through hatch installed in the door of the input box.
20.00		<u>EXTERIOR STORAGE COMPARTMENTS:</u>
20.01	1	Single door underbody storage compartment with approximate interior dimensions 11" high x up to 24" wide x 25" deep constructed from 0.125" aluminum with all welded seams. NOTE: Slide out pump

Item	Qty	
20.02	1	Single door underbody storage compartment with approximate interior dimensions of 15" high x up to 60" wide x 25" deep constructed from 0.125" aluminum with all welded seams.
20.03		Compartments listed above will be constructed to the following specifications: • Sweep out type bottoms with 1/2" drain holes. • 2" box pan doors and door frames fabricated from 0.125" aluminum. • Door frames shall be riveted to the body and welded to the compartments. • Compartments shall have an LED light that illuminates when the door is opened. Compartment doors will be constructed to the following specifications: • Stainless steel hinges attached with stainless machine screws. • Slam latches and flush mounted handles. • 0.100" bright polished aluminum diamond plate on interior surfaces fastened with stainless hardware. • All doors shall be sealed with industrial grade neoprene gasket.
21.00		<u>MISCELLANEOUS OTHER:</u>
21.01	1	Dometic 9500E lateral arm 12V power awning (up to 15ft) with the following features: • 5- to 15-degree pitch adjustment • Durable 4-ply vinyl fabric resists fading, scratching and staining • Case's brush seal cleans and seals the fabric for storage and long life NOTE: Case color White and Vinyl color Onyx
21.02	1	15" wide roof access ladder mounted on rear. Ladder features: • All welded construction for maximum strength • 1" diameter X 0.083" brush finished tubular aluminum rails • Aluminum grip-strut rungs
21.03	1	Heavy-duty Quadra Mfg. Bigfoot® four point leveling system. Includes: • Four (4) QEII-24 jacks with 17,000-lb. capacity each, 24" long with 18" stroke • Safety interlock when jacks are deployed
21.04	1	Set of four (4) Super Dolly Pads high density polypropylene, injection molded yellow colored for use with leveling system jacks. Pads measure 15" x 17" x 1" thick with a grab strap on one side.
21.05	2	5 pound dry chemical fire extinguisher.
21.06	2	Battery powered combination Carbon Monoxide and Smoke alarm.
21.07	1	Complete manual set, including the following (as applicable): • As-built specifications with interior and exterior drawings as used for production of the vehicle. • Chassis and body owner's manuals. • 12Vdc and 120Vac legends showing wire gauge, color, number and function. • 12Vdc high current wiring diagram illustrating the battery system, isolators, power converters, alternator, disconnect switches and control panels. • Roof top antenna placement drawing and legend identifying antenna placements and termination points. • Audio/Video cabling diagram. • Chassis and generator maintenance and service logs. • Battery maintenance information. • All individual component manuals and warranty registration cards as provided by component

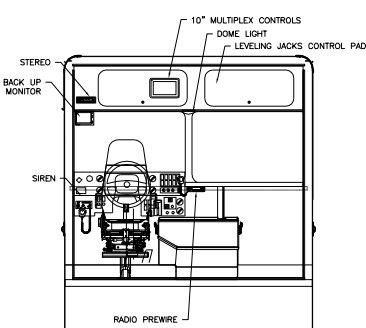
Item	Qty	
		manufacturers. Customer is responsible for completing warranty cards and mailing them to manufacturers.
21.08	1	TRAINING. An LDV representative will provide up to eight (8) hours of orientation on LDV provided systems, as applicable: • Generator start up and shut down procedure • Leveling system operation • AC and DC electrical systems operation • HVAC systems operation • Audio/Video system operation, does not include programming DVR's, TV's, etc. • Awning operation
21.09		LDV warranty of one (1) year/12,000 miles, whichever comes first, for manufacturer's defects in materials and workmanship. Refer to LDV warranty statement for details of warranty coverage.
21.10		Note: Project scope does not include certain tasks or costs that are the responsibility of the customer unless clearly specified as LDV supplied. These items include, but are not limited to: • Radio and telephone system programming. • Activation and service fees for cellular telephones, satellite telephones, satellite TV, satellite internet access. • Loading and configuring computer software. In the event of a discrepancy between the drawing and specification, the specification will supersede. LDV reserves the right to make substitutions of equal quality and specifications of those listed in this document. Some component models change frequently. In the event that a specified component model becomes unavailable at the time LDV attempts to source it, LDV will provide a replacement model with equivalent or better features, as agreed upon with the customer.



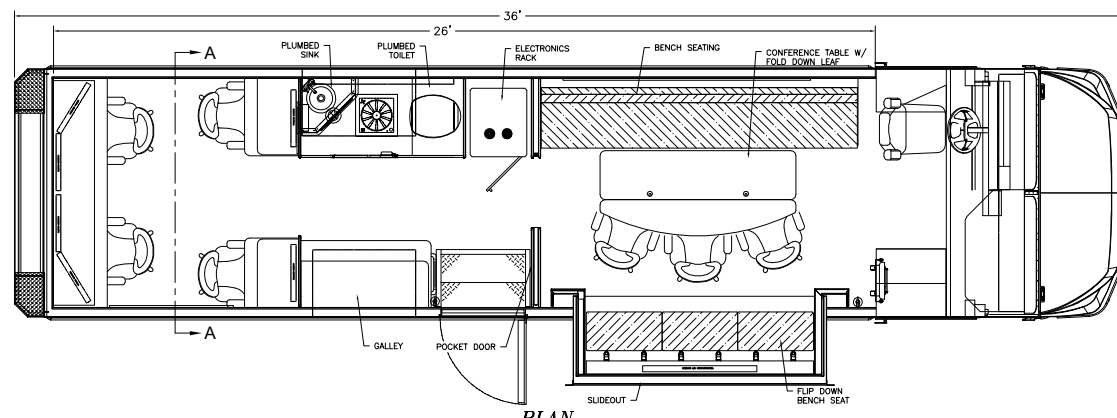
REAR



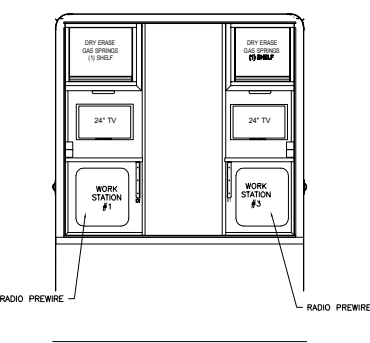
STREET SIDE



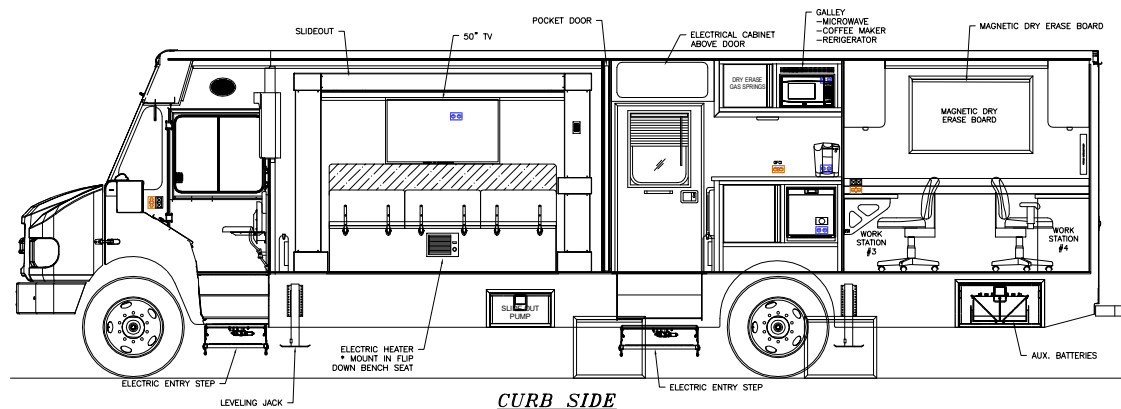
FRONT



PLAN



A-A



CURB SIDE

- LED CEILING LIGHT (WHITE)
- LED CEILING LIGHT (WHITE, RED OR BLUE)
- OR ON DURING REDUCED MODE
- 120 VAC
- 120 VAC WITH DUAL USB PORTS
- 120 VAC G.F.I.
- INVERTER
- 12 VDC
- OUTLET IDENTIFICATION COLOR
- 120 VAC (ELECTRONICS/DEDICATED)
- 120 VAC (NON-DEDICATED)
- 120 VAC (HOT/AUTO EJECT/SHORE)
- HDMI
- 10-45 NETWORK JACK
- RU-11 TELEPHONE JACK
- TV ANTENNA
- SPARE PLATE
- SPEAKER VOLUME
- SWITCH
- MICROPHONE
- TPD INTERIOR INTEL-I-TOUCH PAD
- TPS EXTERIOR INTEL-I-TOUCH PAD
- SURVEILLANCE CAMERA
- EXTERIOR 120 VAC G.F.I.
- AC THERMOSTAT
- ESPAR FURNACE THERMOSTAT
- ALARM SYSTEM CONTROL
- WATER/WASTE TANK LEVEL MONITOR
- CO/SMOKE DETECTOR
- SPEAKER
- BACK-UP CAMERA
- PERIMETER CAMERA

SOME ITEMS SHOWN MAY BE CUSTOMER SUPPLIED OR OPTIONAL. REFER TO SPECIFICATIONS FOR DETAILS.

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REVISIONS			
NO.	DESCRIPTION	DATE	BY
1	CHANGES	11.21.22	JMR
2			
3			
4			
5			
6			
7			

LDV

ABILENE PD (TX)

S36MCC-35337-22

DESIGNED BY: J. RYHNER
PROJECT MAN: DATE
DRAWING SALES: DATE

DATE: 08.28.2022

SCALE: 1/2" = 1'-0"

APPV:

City Council Meeting

12/1/2022





LDV Mobile Command Center

- With the added complexities of modern day policing and keeping with our Department goals, we are constantly looking for ways to improve the service we provide through the use of equipment and advancements in technology.
- A component that is missing is a Mobile Command Center that is capable of providing a mobile workspace for adverse weather; access to computers while on-site; restroom facilities; and has mobility.
- It would be used for critical incident and crime scene management; providing oversight for locating missing persons; and special events.





LDV Mobile Command Center

- LDV Custom Specialty Vehicles are members of the HGAC (Houston Galveston Area Co-Op) which provides discounted pricing at governmental rates.
- Custom built.
- Total purchase price is \$615,879.00.
- Full payment is due Net 30-days, upon completion and delivery.





LDV Mobile Command Center

- Questions?

www.ldvusa.com





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 8. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding a Contract to MCS of Tampa for Dyess Single-Mode Fiber Expansion Project (Max Johnson)

GENERAL INFORMATION

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

The Abilene City Council accepted the award of the DEAAG grant on June 9, 2022.

In response to the award and acceptance of the DEAAG Grant, the City of Abilene has worked directly with Dyess Air Force Base to complete the design of a project to increase the network resource resiliency for base networks, and the project will enhance or enable more redundancy for non-critical areas on the base.

The project was advertised on Oct. 2 and Oct. 9, and bids were opened on Nov. 15th. One bid was received from MCS of Tampa (Mission Critical Solutions) in the total amount of \$455,855.27 for bid Option 3.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Funding for this project is available from the DEAAG Grant funds, the Development Corporation of Abilene, and the Military Affairs Committee.

STAFF RECOMMENDATION

Staff recommends award of the Option 3 contract to MCS of Tampa in the amount of \$455,885.27.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution 5G Infrastructure Project 11-22-2022
2. Bid Tab - CB2303
3. RESOLUTION 095-2022 - Accepting DEAAG Funds for Dyess Air Force Infrastructure Project
4. Presentation-Resolution of Dyess 5G Project

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AWARDING BID TO MISSION CRITICAL SOLUTIONS (MCS) OF TAMPA,
FLORIDA.**

WHEREAS, the City of Abilene advertised and gave such notice, as required by law, for bids for 5G infrastructure work on Dyess Air Force Base; and

WHEREAS, the award of bid enables the City of Abilene to contract 5G infrastructure installation through the Defense Economic Adjustment Assistance Grant (DEAAG) program; and

WHEREAS, the following qualified bid for Option 3 was received and opened on November 15, 2022:

Mission Critical Solutions (MCS) of Tampa, Florida for \$455,885.27

WHEREAS, MCS submitted the successful low bid in the amount of \$455,885.27 for Option 3 with their bid meeting specifications.

Staff recommends awarding the bid to MCS or Tampa, Florida.

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

PART 1:	That the City Council approves Option 3 of bid in the amount of \$455,885.27.
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PART 2:	That this Resolution shall take effect immediately from and after passage.
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ADOPTED this 1st day of December 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:
BID NO.: RFP CB-2303
TIME OF OPENING: 2:00 P.M.
DATE OF OPENING: NOVEMBER 15, 2022

MCS OF TAMPA (MISSION
CRITICAL SOLUTIONS)
TAMPA, FL

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	DYESS SGINLE-MODE FIBER EXPANSION PROJECT														
	TOTAL AMOUNT OF OPTION 1				406,162.98										
	TOTAL AMOUNT OF OPTION 2				439,878.61										
	TOTAL AMOUNT OF OPTION 3				455,885.27										
BASE BID															
DISCOUNT															
TOTAL BID															

*NOTES: INDICATES RECOMMENDED AWARD

RESOLUTION NO. 95-2022

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

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

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

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

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

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

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

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

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

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

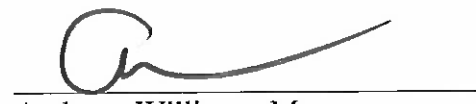
Part 3: That the City Council finds that the use of the DEAGG funds for the reimbursement to Dyess Air Force Base of actual and allowable allocable costs paid for the construction of the Improved and Expanded Fiber and 5-G Infrastructure will serve a predominately public purpose, and the city will retain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

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

ADOPTED this 9th day of June, 2022.

ATTEST:


Shawna Atkinson, City Secretary


Anthony Williams, Mayor

APPROVED:


Stanley Smith, City Attorney



Resolution: Award of Contract to MCS of Tampa for Dyess Single- Mode Fiber Expansion Project Bid #RFP CB-2303

Max Johnson





Resolution: Award of Contract to MCS of Tampa

- On January 27, 2022, the City of Abilene was awarded a Defense Economic Adjustment Assistance Grant (DEAAG)
- The Abilene City Council accepted the award of the DEAAG grant on June 9, 2022
- The City of Abilene has worked directly with Dyess Air Force Base to complete the design of a project to increase the network resource resiliency for base networks
- The project was advertised on Oct. 2 and Oct. 9, and bids were opened on Nov. 15th.
- One bid was received from MCS of Tampa (Mission Critical Solutions) in the total amount of \$455,855.27 for bid Option 3.
- Staff recommends award of the Option 3 contract to MCS of Tampa in the amount of \$455,885.27.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 9. Resolution: Receive a Report, Hold a Discussion and Take Action on a gift to Dyess Air Force Base for the Single-Mode Fiber Expansion Project (Max Johnson)

GENERAL INFORMATION

Dyess Air Force Base has requested a Gift Letter from the City of Abilene for the proposed project to build a Single-Mode Fiber Expansion within Dyess Air Force Base. The Chamber of Commerce, Military Affairs, requested the Gift Letter from the City of Abilene on the behalf of Dyess AFB, and added that the letter was needed in November 2022.

This project is a DEAAG Grant funded project, with funding coming from the State of Texas, the Development Corporation of Abilene, and the Military Affairs Committee. The estimated date of completion of the project is Fall 2023.

SPECIAL CONSIDERATIONS

The Gift Letter is contingent upon the Award of the project to Mission Critical Solution of Tampa, Florida

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2022 Resolution Fiber Infrastructure donation DAFB
2. Donation Letter
3. Presentation-Resolution of Gift Award

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING DONATION OF THE IMPROVED AND EXPANDED FIBER AND 5-G
INFRASTRUCTURE PROJECT TO DYESS AIR FORCE BASE, AND AUTHORIZING
THE CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY**

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

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

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

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

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

WHEREAS, Staff requests approval of a Resolution by City Council to authorize a donation to Dyess Air Force Base of the completed project, and to authorize the City Manager to execute any necessary documents or agreements with Dyess Air Force Base for the purposes of donation of the infrastructure project.

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

Part 1: That the City Council of the City of Abilene approves the donation to Dyess Air Force Base of the Improved and Expanded Fiber and 5-G Infrastructure project.

Part 2: That the City Manager is authorized to execute any necessary documents or agreements for the donation to Dyess Air Force Base.

Part 3: That the City Council finds that the donation of the Improved and Expanded Fiber and 5-G Infrastructure will serve a predominately public purpose, and the city will retain sufficient control to ensure the public purpose is carried out, and the city will receive a benefit.

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

ADOPTED this 1st day of December, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



OFFER OF GIFT PURSUANT TO 10 U.S.C. 2601

KNOW ALL MEN BY THESE PRESENTS,

That the City of Abilene hereby offers the gift described below, free and clear of all encumbrances, to the Secretary of the Air Force, acting on behalf of the United States of America, to have and to hold the same forever, hereby relinquishing upon such gift and conveyance for itself, its successors and assigns, all ownership rights, title, interest, and possession therein to the DONEE absolutely: construction materials and associated labor and services required for the expansion and improvement of the fiber upgrade at Dyess Air Force Base, Texas, and as further described in the architectural drawings and plans coordinated with and on file at Dyess Air Force Base, Texas.

The estimated date of completion for the improvements is expected to be Fall 2023. The total value of this gift of labor and materials is approximately \$455,855.17 for installation of fiber optic cabling.

The gift and conveyance offered herein does not entail the granting by the DONEE of special concessions or privileges to the Donor.

The gift and conveyance of said labor and materials for the fiber optic cable improvements offered herein is made for the benefit of, and in connection with the operation and maintenance of the 7th Bomb Wing, United States Air Force, Dyess AFB, Texas, in conformance with 10 U.S.C. 2601.

In WITNESS WHEREOF, the Abilene City Council has caused this instrument to be executed by Robert Hanna, City Manager, for and on behalf of the City of Abilene, Texas, on the _____ day of November, 2022.

By _____
Robert Hanna, City Manager

WITNESS

State of Texas
County of Taylor

This instrument was acknowledged before me the _____ day of November, 2022, by Robert Hanna, personally known by me.

City Manager's Office
555 Walnut Street, Suite 203
Abilene, Texas 79601
325.676.6206
ABILENETX.GOV

Resolution: Award of Gift to Dyess AFB for Single-Mode Fiber Expansion Project

Max Johnson





Resolution: Award of Gift to Dyess AFB

- On January 27, 2022, the City of Abilene was awarded a Defense Economic Adjustment Assistance Grant (DEAAG)
- The Abilene City Council accepted the award of the DEAAG grant on June 9, 2022
- The City of Abilene worked directly with Dyess Air Force Base to complete the design of a project to increase the network resource resiliency for base networks
- One bid was received on Nov. 15th from MCS of Tampa (Mission Critical Solutions) in the total amount of \$455,855.27 for bid Option 3.
- Staff recommends award of a Gift from the City of Abilene to Dyess AFB for the Single-Mode Fiber Expansion Project





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 10. Resolution Receive a Report, Hold a Discussion and Take Action on the Purchase and Implementation of Samsara Telematics Software, Hardware and Integration Services from Samsara Inc Through Sourcewell Cooperative Contract Number 020221-SAM (Don Green)

GENERAL INFORMATION

Fleet Services seeks to purchase GPS telematics software, hardware, and integration services from Samsara Inc., to facilitate the retrieval of accurate information with regard to mileage, location, idle, and routes. This purchase will also provide critical information about vehicle diagnostic codes to the maintenance shop, as well as event-based video playback on demand.

The current GPS modules are not compatible with our data carrier's (Verizon) move to 5G. The Samsara modules and cameras are compatible.

SPECIAL CONSIDERATIONS

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

FUNDING/FISCAL IMPACT

Funds for the purchase are to be provided by the Fleet Services Operating Budget and total \$176,643.00. Funding for this program has been budgeted annually in the amount of \$94,752.22. Expansion of this program to the entire fleet, and the addition of cameras for select vehicles, has increased costs and will cause an overage. The purchase will be \$81,890.78 over the initial budget and will be corrected in our revised budget.

STAFF RECOMMENDATION

Staff recommends the purchase of the Samsara telematics system.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Co-Op Samsara GPS Resolution
2. CO-OP GPS Samsara Pricing Worksheet
3. CO-OP Samsara Presentation PiP

RESOLUTION NO _____

**A RESOLUTION OF THE CITY OF ABILENE, TEXAS
TO PURCHASE SAMSARA TELEMATICS SOFTWARE, HARDWARE, AND INTEGRATION THROUGH
SOURCEWELL COOPERATIVE CONTRACT #020221-SAM ORDER # Q-09729**

WHEREAS, City of Abilene's Fleet Services Division has a need for upgraded GPS telematics software, hardware and integration services for our fleet of vehicles to be compatible with 5G data services; and

WHEREAS, City of Abilene budgeted this purchase for Fiscal Year 2023; and

WHEREAS, City of Abilene received pricing to purchase GPS telematics software, hardware and integration services using Co-Op Contract #020221-SAM Order # Q-09729 for the software, hardware and integration services; and

WHEREAS, The GPS software, hardware and integration services are to be Samsara; and

WHEREAS, AssetWorks is the Sourcewell approved vendor for Samsara Telematics.

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

PART 1: That the City Council approves this purchase from AssetWorks in the amount of One Hundred Seventy Six Thousand Six Hundred and Forty Three Dollars and Zero Cents (\$176,643.00) for Samsara GPS Software through AssetWorks, using Co-Op Contract #020221-SAM Order # Q-09729.

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

ADOPTED this 1st day December, 2022

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



ORDER FORM

AssetWorks LLC

998 Old Eagle School Road, Suite 1215
Wayne, PA 19087

Order #: Q-09729-2

Date: 11/10/2022

Expires: 12/31/2022

Ship To

Tim Cass
City of Abilene
Fleet Maintenance
555 Walnut Street
Abilene, Texas 79604

Bill To

City of Abilene
Fleet Maintenance
555 Walnut Street
Abilene, Texas 79604
United States

This Order Schedule for Samsara hardware and services is issued pursuant to Sourcewell Contract #020221-SAM. Parties agree to be bound by those terms and conditions.

Telematics Hardware

Description	QTY	UNIT PRICE	Line Total
Samsara Vehicle IoT Gateway, model VG54 HW-VG54-NA - with installation cabling	389	USD 0.00	USD 0.00
Samsara Dual-facing dash-camera, series 3. HW-CM32 - with installation cabling	50	USD 0.00	USD 0.00
Samsara Vehicle IoT Gateway, model VG54, for Heavy Duty Vehicles HW-VG54-NAH - with installation cabling	121	USD 0.00	USD 0.00
Telematics Hardware Total:			USD 0.00

Software as a Service (SaaS)

Description	QTY	Monthly Fee/Unit	Line Monthly Total	Annual Fee
Samsara License For Vehicle Gateways (Public sector only, no WiFi, no ELD)	510	USD 19.55	USD 9,97.50	USD 119,646.00
Telematics Cloud Service - Includes Telematics Module (AW Client)	510	USD 1.25	USD 637.50	USD 7,650.00
Samsara License for Dual-Facing Camera (LIC-CM2-ENT)	50	USD 46.75	USD 2,337.50	USD 28,050.00
Samsara License for Camera Connector License (LIC-CM-ANLG)	50	USD 21.25	USD 1,062.50	USD 12,750.00
Software as a Service (SaaS) Total:			USD 168,096.00	

Professional Services (AssetWorks)

Description	Line Total
Configure and Test Telematics Cloud interface adaptor	USD 7,040.00
Professional Services Total:	USD 7,040.00

Hardware

Description	QTY	UNIT PRICE	Line Total
Hardware Shipping Fee	1	USD 1,507.00	USD 1,507.00
Hardware Total:			USD 1,507.00

Grand Total: USD 176,643.00

Unless Customer has a separate written and signed agreement with AssetWorks, this Order Form is subject to the terms of the AssetWorks Online Master Agreement located at <https://www.assetworks.com/tc-fleet/> which are hereby incorporated into this Order Form. Parties agree to be bound by those terms and conditions. The Samsara Terms of Service are hereby incorporated into this Order Form located at <https://www.samsara.com/terms-of-service>.

AssetWorks Telematics Cloud Integration Scope and Assumptions

- AssetWorks will provide professional services to install and configure the AssetWorks Telematics Cloud integration to FleetFocus for a single provider on the approved list of GPS/AVL providers integrating to FleetFocus. The module and integration assume usage of all FleetFocus settings out of the box and utilizes functionality built within supported versions, as noted in AssetWorks product documentation.
- Data is limited to meters, diagnostics and faults, and GPS data.
- Assumes fleet assets are setup in FleetFocus and ready for configuration to support AssetWorks Telematics Cloud functionality.
- After training and configuration sessions are complete, the customer will finalize the setup in FleetFocus and is responsible for loading all data required for project success.
- Testing will be done after the setup is finalized to ensure the data is flowing in and displaying where expected in FleetFocus.
- Once go live is determined, the interface will be activated, and the customer will be responsible for the ongoing monitoring of the interface schedule and all error management.
- AssetWorks is responsible to assist in setting up the interface(s) for testing and validation that they connect and run successfully, however AssetWorks is not responsible for analyzing the results of the transactions.
- AssetWorks is not responsible for the data management of any legacy telematics data transactions prior to interface activation.
- AssetWorks is not responsible for providing, maintaining, or advising on any AssetWorks Telematics Cloud partner specific terms, conditions and/or functionality, login access, etc.
- Customer must have a valid agreement with an approved AssetWorks Telematics Cloud partner, contact account management for more details.
- Hardware installation is not included, unless otherwise noted on the order form.
- All services will be performed remotely using web teleconferencing, unless otherwise noted.
- Training is delivered as “train the trainer” for system administrators; end user training is not included. Where applicable, standard training materials will be utilized. Quote does not include customized training materials unless otherwise noted.
- Requires an installed MAXQueue Module in a non-production and production environment prior to project commencement. Additional costs apply if customer requires assistance for installation of MAXQueue.
- Customer must be on current supported version of FleetFocus. Customer may be required to upgrade if new features and/or fixes are available for the module that are considered necessary for the project success however upgrade services for FleetFocus are not included, unless otherwise noted on the order form.
- Current supported version of FleetFocus is required and adheres to the minimum versions as documented in AssetWorks Product Documentation located on the Customer Care site.
- Customer will be responsible for working with AssetWorks’ Professional Services to move the module into a production environment.
- Customer will make appropriate technical resources available to AssetWorks’ consultants and provide necessary and appropriate personnel at meetings to define project requirements.
- Customer will appoint a single point of contact for project duration that will have project management responsibilities and decision-making authority. This person will be the focal point of contact for the AssetWorks’ Professional Services and Customer Care teams.
- AssetWorks will assign a Project Manager 4 weeks after a fully executed and processed order. The Project Manager will engage with the customer to kick-off the project and begin scheduling services. The delivery schedule of the project requirements will be set during the project planning phase. All implementers, consultants and/or trainers for professional services will be secured by the Project Manager within a 2–4-week lead time once the project is kicked off.
- All costs are quoted in USD and do not include applicable taxes.
- All software licenses and first-year maintenance fees will be invoiced upon contract execution.
- If additional scope is added or required, a change order will be requested of the customer.
- If this order is abandoned, paused, or cancelled by the customer for any reason mid-effort, the customer will be billed for all AssetWorks time incurred at the current contracted labor rate.
- Costs are for a fixed fee project and do not include applicable taxes. Milestone(s) are to be billed as noted below in the milestone names, with the amounts noted below:

- Milestone - Installation of Telematics Cloud Integration in Production Environment: \$7,040 USD

Notes & Assumptions

- Samsara Subscription Fees are paid annually and due net 30 upon equipment shipment.
- Pricing is based on a 3-year term.
- Telematics Cloud Fees will be billed annually
- Professional Services cost are on a fixed fee basis and will be invoiced in full upon installation
- City of Abilene will provide written proof of tax-exempt status

Samsara Terms

Payment Terms

This order form includes a license fee for the Samsara Software associated with the Hardware to be paid annually and, if applicable, a one-time Hardware cost to be paid annually (Net-30). The annual fees are payable by recurring transfer. All transfers are subject to a 3% processing fee, unless the transfer is done via ACH (credit or debit), check, or wire, in which case the 3% processing fee will be waived. Late payments are subject to 1.5% per month late fee. If license payments are delinquent by 60 days, Samsara may suspend the Service until late payments are remitted.

License Term

The license term for the Samsara Software licenses purchased under this Order Form begins on the day Samsara activates the applicable Samsara Software license by providing you a claim number and access to the Hosted Software ("License Start Date"). If Hardware associated with a then-unactivated Samsara Software license will be shipped to you under this Order Form, such Samsara Software license will be activated on the day the Samsara Hardware ships. Notwithstanding the foregoing, if you are renewing the license term for a previously-activated Samsara Software license under this Order Form, the License Start Date for the renewal license term shall be the day that Samsara extends your access to the Hosted Software for the renewal license term. Samsara Hardware requires a valid license to function.

Samsara may ship Hardware under this Order Form subject to a schedule as mutually agreed between the Parties or as determined by Samsara. To the extent such Hardware is associated with then-unactivated Samsara Software licenses, the Samsara Software license term for each such Hardware device will start on the day that device ships regardless of the shipment schedule for the other such Hardware devices. If all such Hardware is shipped in one shipment, the license term for all such Hardware will be the full license term under this Order Form. If such Hardware is shipped in multiple shipments, only the license term of such Hardware in the initial shipment will be such full license term. The license term of the remaining such Hardware shipped after the initial shipment will be set to match the then-remaining license term of the initial shipment, so that the license term for all such Hardware under this Order Form expires on the same date. The total cost of the licenses for such Hardware shipped after the initial shipment will be pro-rated based on their actual license term, rounded up to the nearest month, as compared to the full license term under this Order Form. Certain payment amounts under this Order Form assume that the entire order is fulfilled at the same time and are subject to potential reduction based on the actual schedule of order fulfillment.

Support and Warranty

Samsara stands behind its Products. Hardware Products that require a valid license to function come with a warranty that lasts as long as you maintain a valid license for such Hardware. All other Hardware Products, such as accessories, come with a one-year warranty, unless otherwise specified on the relevant Samsara data sheet. During the warranty period, Hardware exhibiting material defects will be replaced pursuant to our Hardware Warranty & RMA policy at www.samsara.com/support/hardware-warranty. Additional support information can be found at www.samsara.com/support

Terms

Unless otherwise set forth herein, your use and access of the Hardware, Products, and Services specified herein are governed by Samsara's terms of service found at <https://www.samsara.com/terms-of-service>, unless the Parties have entered into a separate terms of service agreement and/or a separate terms of service agreement is attached to this Order Form, in which case such separate terms of service agreement shall govern (the "Terms of Service"). You agree to be bound by the Terms of Service, and any capitalized terms not defined herein shall have the meaning set forth in the Terms of Service. You further agree that any other Order Forms you enter into for the purchase of Products shall also be governed by the Terms of Service unless otherwise set forth in the applicable Order Form. For clarity, unless otherwise agreed by the Parties or approved by Samsara, the pricing and payment terms under this Order Form shall not apply to any such other Order Forms.

The continuation of this Order Form one (1) year after the license start date and annually thereafter is contingent upon the appropriation of sufficient funds by Customer. If sufficient funds fail to be appropriated by Customer to provide for the continuation of the Order Form

for Customer’s then-subsequent fiscal year, Customer may terminate this Order Form with prior written notice effective as of the later of the date of the beginning of such subsequent fiscal year and the end of the then-current annual license period. If Customer so terminates this Order Form, Samsara shall be entitled to payment of and for: all amounts due as of the date of termination; deliverables in progress; liabilities, fees, or costs caused by such termination including for obligations that extend beyond the date of termination; and reasonable Order Form close-out costs.

In the event Customer’s business practices require that Customer issue a purchase order number prior to payment of any AssetWorks invoices issued under this Agreement, then such purchase order number must be entered below. Customer’s execution of the Order Form without designating a purchase order number shall be deemed Customer’s acknowledgement that no purchase order number is required for payment of invoices hereunder.

Purchase Order Number: _____

Accepted by Customer:		Accepted by AssetWorks:	
Signature:	_____	Signature:	_____
Name (Print):	_____	Name (Print):	_____
Title:	_____	Title:	_____
Date:	_____	Date:	_____

Please sign and email to Mike Koebel at mike.koebel@assetworks.com.

THANK YOU FOR YOUR BUSINESS!

City Council Meeting

12/1/2022





Samsara Telematics Software, Vehicle Hardware and Dual Facing Cameras.

- Our current provider, Verizon NetworkFleet will sunset 3G devices on Dec 31, 2022. The devices will no longer work and transition to 5G hardware is required.
- Fleet Services received full demonstration of multiple telematics providers that will integrate with our AssetWorks Fleet Management Program.





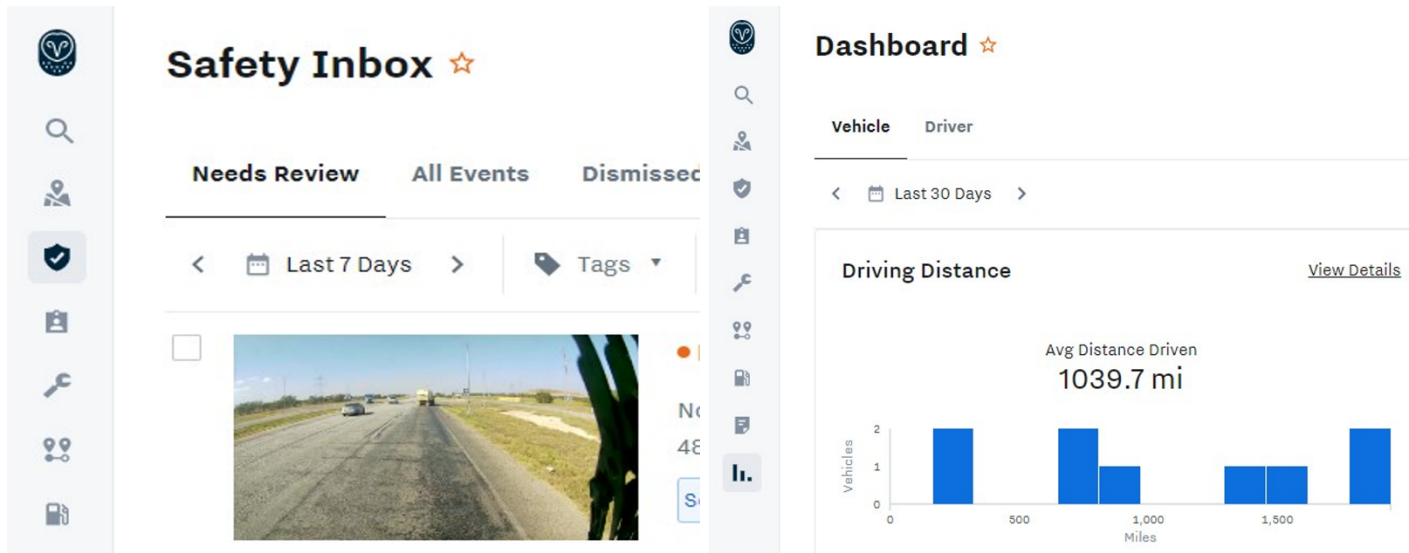
Samsara Telematics Software, Vehicle Hardware and Dual Facing Cameras.

- Samsara software integration into AssetWorks Fleet Management Software is included in the purchase.
- Fleet Services will utilize Sourcewell contract #020221-SAM to purchase Samsara Telematics from AssetWorks.
- Advanced capabilities over the expiring system: Real-time data (was 60 second delay), no charge for base hardware (was \$110.23 per 3G device), compatibility with Ford/GM and other OEM cameras and telematics (none previously).

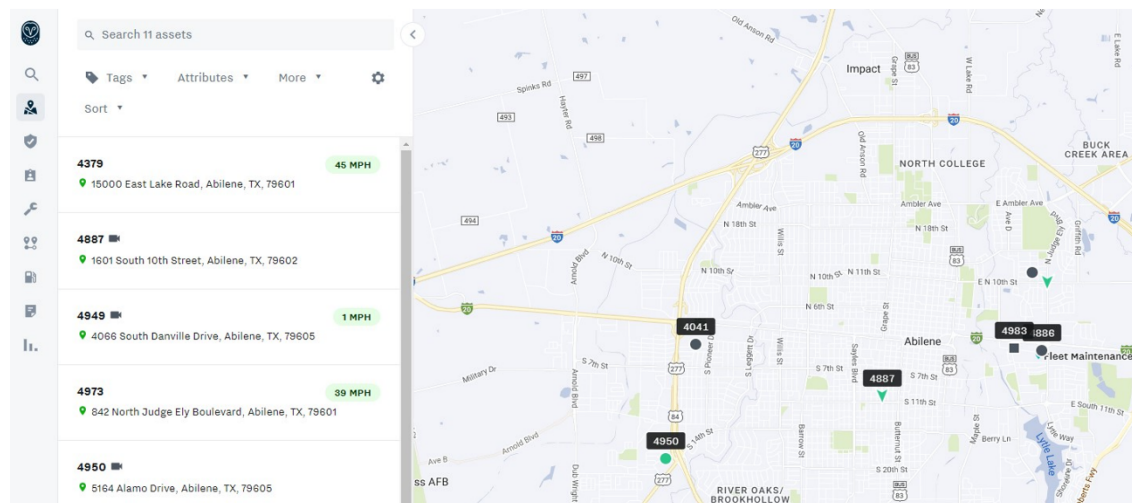




Samsara Telematics Software, Vehicle Hardware and Dual Facing Cameras.



[Samsara Telematics Link](#)



CITY OF
ABILENE
TEXAS



**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Robert Hanna, City Manager

FROM: Pamela Williams, Director

SUBJECT: 11. Resolution: Receive a Report, Hold a Discussion, and Take Action to Authorize an Agreement with Sedgwick Claims Management Services, Inc. to provide a Family and Medical Leave Act (FMLA) and Leave of Absence (LOA) System (*Pamela Williams*)

GENERAL INFORMATION

The City's Human Resources department currently utilizes the Employee Benefits team (consisting of two members) to manage and facilitate all Family Medical Leave Act (FMLA) and Leave of Absence (LOA) for all city employees.

By partnering with a third-party vendor (TPA) to administer and manage the City's FMLA and LOA we will be able to significantly reduce the amount of time our benefits team utilizes to maintain accurate records and compliance as governed by federal regulations.

The minimum timeline needed to implement a replacement system is 109 days. We plan to launch the implementation of the new FMLA and LOA system in January 2023, with an anticipated go-live start date of May 2023.

The attributes specified in the new system were:

- We wanted them to have at least five (5) continuous years of experience implementing and administering a comprehensive solution for Family Medical Leave Act (FMLA).
- High Standards for both structure and functionality
- They were also required to have experience administering FMLA and Other Related Leave Management with large business employers and/or governmental entities.
- Our partner must have experience integrating their system solution with Ceridian. The system must be compatible with Ceridian or easily integrated, as determined by the City of Abilene IT Services Department.
- As a public entity, financial continuity is of the utmost importance. Our goal was to find a partner that can assist with driving better outcomes, enhancing transparency and

accountability which transforms the city's data into actionable information while ensuring compliance and preventing fraud and abuse.

- It was important to us that we had a SAAS (Software as a Service) model.
- Cloud hosted
- Accessed by subscription

SPECIAL CONSIDERATIONS

The Human Resources department has gone out twice in the past, in 2018 and 2020, for an FMLA Third Party Administrator. However, no bid awards occurred. Since April of 2022, HR and IT have partnered together and begun collaborating on the City's needs from an HR perspective but also from a technical perspective.

IT has played a significant role since our RFP went out ensuring their data security measures were met. Sedgwick has provided their SOC 2 report. IT has thoroughly reviewed security and technical measures.

Notices were published for RFP #CB-2252 on July 3rd and July 10th with proposals due July 22, 2022. Two responded to the RFP, one after the deadline, and were evaluated by the City's HR staff.

The proposal rating criteria consisted of the following:

Experience in the Industry and in serving government entities	15%
Rates/Pricing	50%
Quality and design of features and transformational/operational processes.	10%
Service(s) rendered and support offered	20%
Integration with Ceridian and ongoing technical support	5%
Total	100%

The beauty behind Sedgwick Claims Management Services, Inc. (Sedgwick) is the comprehensive solutions that focus on mitigating and reducing risks and losses to help keep our employees and organizations healthy and productive. Sedgwick's product provides the specified features and functionality at a competitive cost.

FUNDING/FISCAL IMPACT

The Sedgwick system will be funded using the self-insurance fund.

Anticipated Cost

Set-Up Fee	\$0.00
Renewal Fee	\$0.00
Monthly Administration	\$3.69 PEPM
Current Participant Takeover	\$25 per open leave claim
Cost	
Estimated Annual Costs	\$74,385.92

STAFF RECOMMENDATION

It is the staff's recommendation that the City accept the proposal from Sedgwick to administer and provide an FMLA and LOA system and authorize the City Manager to execute the final contract.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution
2. FMLA & LOA System Presentation

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING AN AGREEMENT WITH SEDGWICK TO PROVIDE A FAMILY AND
MEDICAL LEAVE ACT (FMLA) AND LEAVE OF ABSENCE (LOA) SYSTEM**

WHEREAS, The City's Human Resources department currently utilizes the Employee Benefits team to manage and facilitate all Family Medical Leave Act (FMLA) and Leave of Absence (LOA) for all city employees, and

WHEREAS, By partnering with a third-party vendor to administer and manage the City's FMLA and LOA we will be able to significantly reduce the amount of time the benefits team utilizes to maintain accurate records and compliance as governed by the federal regulations.

WHEREAS, It is the staff's recommendation that the City accept the proposal from Sedgwick Claims Management Services, Inc. to administer and provide an FMLA and LOA system and authorize the City Manager to execute the final contract.

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

PART 1: The City Manager is authorized to negotiate and execute an agreement with Sedgwick Claims Management Services, Inc. to provide a Family and Medical Leave Act (FMLA) and Leave of Absence (LOA) system as set-forth above.

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

PASSED this 1st day of December, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Family and Medical Leave (FMLA) - Sedgwick

November 17, 2022





Background

- Currently, the Employee Benefits team (consisting of two members) manages and facilitates all FMLA and Leave of Absences (LOA) for city employees.
- We average 292.75 cases per year
 - 2019 - 289
 - 2020 - 380
 - 2021 - 286
 - 2022 - 216
- We are wanting to partner with a vendor to provide external FMLA Administration Services and other related Leave of Absences Services.





Due Diligence

- The Human Resource department has pursued bids for an FMLA Third Party Administrator (TPA) twice in the past with no bids awarded.
- Starting in April 2022, the Human Resource department partnered with the Information Technology department to begin researching and identifying the needs of an FMLA TPA.





Systems Structure and Functionality

- System Structure
 - Five (5) continuous years' experience implementing and administering a comprehensive solution for FMLA and Disabilities Act Administration Services.
 - Experience administering FMLA and other related LOA services with other large (500 employee) business employers and/or government entities.
 - Ability to integrate with Ceridian Dayforce (HRIS)
 - 24-hour access through the employer portal (CaseWorks)
 - ADA Compliance service embedded within the leave administration services.
- HR Staff Functionality
 - Assigned team lead and account manager
 - Sedgwick will provide a communication plan to ensure that employees understand the process and have access to uninterrupted benefits.
 - Sedgwick will provide HR with a training guide for staff
 - Real-time updates within CaseWorks





Selection Process

- Notices were published for RFP #CB-2252 on July 3, 2022 and July 10, 2022
- Two (2) companies responded to the RFP
- The rating criteria consisted of the following:
 - Experience in the industry and in servicing government entities (15%)
 - Rates/Pricing (20%)
 - Quality and design of features and transformational/operational processes (15%)
 - Service(s) rendered and support offered (30%)
 - Integration with Ceridian and ongoing technical support (20%)



Rating

	Max Points	Sedgwick Rating
1) Experience in the industry and in servicing government entities.	15	14.5
2) Rates/Pricing	20	15.5
3) Quality and design of features and transformational/operational processes.	15	14
4) Service(s) rendered and support offered.	30	23.5
5) Integration with Ceridian and ongoing technical support.	20	15
Total	100	82.5





Vendor Client History

- 421 public entity clients; 6,800 individual public entities nationwide
- Over 50 years of claim administration services
- Similar projects and/or services include: City of Cleveland, Dallas County, City of Gainesville, etc.





Recommendation

Three-Year Service Price Agreement effective 1/1/2023





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Honorable Mayor Williams and Members of the City Council

FROM: Robert Hanna, City Manager

SUBJECT: 12. Resolution: Receive a Report, Hold a Discussion and Take Action on adopting a resolution in support of the West Central Texas Municipal Water District's intention to seek legislative relief for broadening the criteria for board residency requirements (*Robert Hanna*).

GENERAL INFORMATION

The West Central Texas Municipal Water District has requested that the City of Abilene support their efforts to seek legislative relief on board residency requirements. In brief, the District would like to amend its enabling act by broadening the eligibility qualifications for Directors to include individuals who receive water service from the District facilities and own property within the County in which the Member City that appoints the Director is located.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

There is no financial impact by approving this item.

STAFF RECOMMENDATION

Staff recommends passing the resolution as requested.

BOARD OR COMMISSION RECOMMENDATION

The WCTMWD Board of Directors has adopted a similar resolution.

ATTACHMENTS:

1. Resolution Supporting Leg. - Abilene
2. Signed ORDER
3. Presentation

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
SUPPORTING LEGISLATION EXPANDING THE ELIGIBILITY QUALIFICATIONS
TO SERVE ON THE BOARD OF DIRECTORS FOR THE WEST CENTRAL TEXAS
MUNICIPAL WATER DISTRICT**

WHEREAS, the West Central Texas Municipal Water District (the “District”) has brought to the City of Abilene’s (the “City”) attention that the District desires to amend its enabling act, which created the District in 1955, by requesting the passage of a bill during the Regular Session of the 88th Texas Legislature to expand the eligibility qualifications to serve on the District’s Board of Directors;

WHEREAS, the City recognizes the importance of the District’s role in providing a source of water supply for municipal, domestic, and industrial uses to the City which the District does under the authority of Article XVI, Section 59 of the Texas Constitution, and pursuant to its enabling act and other applicable law;

WHEREAS, the City supports the District’s interest in amending its enabling act as broadening the eligibility qualifications to serve on the District’s Board of Directors will benefit the City by expanding the pool of eligible candidates that may be appointed by the City to serve as Directors ensuring interested and qualified Directors are making decisions in the City’s best interest;

WHEREAS, the City believes it would be helpful to the District if the Texas Legislature passed legislation broadening the eligibility qualifications for Directors to include individuals who receive water service from the District facilities and own property within the County in which the Member City that appoints him or her is located;

THEREFORE, IT IS RESOLVED that the City Council hereby agrees with the need for the legislation desired by the District to amend its enabling act by expanding the eligibility qualifications for Directors, and hereby voices its support of such legislation to the elected state legislators who represent the City – State Representative Stan Lambert and State Senator Charles Perry – at the State Legislature.

ADOPTED AND APPROVED this 1st day of December, 2022.

Stanley Smith, City Attorney

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

ORDER NO. _____

**AN ORDER OF THE BOARD OF DIRECTORS
OF THE WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT
REQUESTING FILING OF AND SUPPORT FOR LEGISLATION AMENDING
DISTRICT ENABLING ACT**

WHEREAS, the West Central Texas Municipal Water District (the "District") is a conservation and reclamation district pursuant to Chapters 49 and 51 of the Texas Water Code and created by the 54th Texas Legislature in 1955; and

WHEREAS, the District is a political subdivision of the state created pursuant to Article XVI, Section 59 of Texas Constitution for the purpose of providing a source of water supply for municipal, domestic, industrial, and mining uses to its Member Cities – Abilene, Albany, Anson, and Breckenridge; and

WHEREAS, the District's Member Cities are finding it increasingly difficult to locate qualified individuals who live and own property within their respective City Limits to appoint to the District's Board of Directors; and

WHEREAS, expanding the pool of potential Directors available to each of the District's Member Cities will increase the number of possible candidates that may be appointed by a Member City to serve on the District's Board of Directors; and

WHEREAS, the District would like to amend its enabling act by broadening the eligibility qualifications for Directors to include individuals who receive water service from the District facilities and own property within the County in which the Member City that appoints him or her is located; and

WHEREAS, State Representative Stan Lambert, State Representative David Spiller, State Representative Glenn Rogers, State Senator Charles Perry, and State Senator Phil King represent the District at the Texas Legislature.

NOW THEREFORE, it is ordered by the Board of Directors of the West Central Texas Municipal Water District as follows:

Section 1: The above recitals are true and correct and are incorporated into this Order for all purposes.

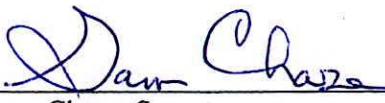
Section 2: The District's Board of Directors hereby respectfully requests the state legislators who represent the District at the Texas Legislature file and support legislation during the Regular Session of the Texas Legislature held in 2023 to amend the District's enabling act to expand the eligibility qualifications for the District's Board of Directors.

Section 3: The District's General Manager and General Counsel are authorized to work with the state legislators and take all necessary action to enable the Texas Legislature to enact legislation to help the District amend its enabling act and to carry out the purposes of this Order.

PASSED, ADOPTED, AND APPROVED this 9th/st day of November, 2022.


Norm Archibald, President

ATTEST:


Sam Chase, Secretary

**Adopting a Resolution in support of the
West Central Texas Municipal Water
District's intention to seek legislative relief
for broadening the criteria for board
residency requirements**





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director

SUBJECT: 13. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on approving an Ordinance establishing the 2023 Standards of Care and Setting a Public Hearing for December 15, 2022 (*Lesli Andrews*)

GENERAL INFORMATION

In August of 1997 the 74th Legislature enacted 42.041(14) of the Texas Human Resources Code, which exempts youth programs operated by a municipality from state child-care licensing requirements. The Texas Human Resources Code provides that in order for a municipality to be exempt from the state's licensing requirements, the governing body of the municipality must annually adopt standards of care by ordinance after a public hearing. The major difference in the City's standards is that we have established standards for 6-13 years of age, whereas the state's standard is for 0-6 years of age, a population we mostly do not serve.

SPECIAL CONSIDERATIONS

The standards of care require three levels of inspection. Review levels are performed each year to ensure compliance. The first level is performed by the Recreation Coordinator to confirm adherence to the standards themselves. The second is a visual inspection of the facilities to be conducted by the division manager with the assistance of a Parks and Recreation professional not associated with the City of Abilene. The visual inspection was conducted on November 8, 2022. The Parks and Recreation Professional who assisted was Travis Pence, Parks and Recreation Athletics Coordinator from Wichita Falls, Texas. The third level is an annual inspection by both the Fire Department and Environmental Health. All of these inspections and reviews were satisfactorily completed and the program is in compliance. A copy of the 2023 Standards of Care will be online for additional access.

The only change in the 2023 Standard of Cares was the year and the logo.

FUNDING/FISCAL IMPACT

No funding or fiscal impact.

STAFF RECOMMENDATION

Staff recommends adopting the 2023 Standards of Care.

BOARD OR COMMISSION RECOMMENDATION

The 2023 Standards of Care were approved at the November 15, 2022 Parks and Recreation board meeting.

ATTACHMENTS:

1. 2023_Ordinance_Standards_of_Care
2. Standards of Care 2023
3. Standards of Care Letter and Inspection Documentation 2023
4. Presentation Standards of Care 2023

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; AND CALLING A PUBLIC HEARING.

WHEREAS, the City of Abilene, through the Division of Recreation, provides youth programs that contribute to the overall wellbeing of youth and families of the City of Abilene; and

WHEREAS, these youth programs are presently held at the Recreation Centers; and

WHEREAS, the 74th Legislature enacted Section 42.041(14) of the Texas Human Resources Code, which would exempt youth programs operated by a municipality from child-care state licensing requirements provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing; and

WHEREAS, The City of Abilene has had Standards of Care in place for twenty two years which have functioned well; and

WHEREAS, Abilene Parks and Recreation Board the Administrator of Recreation for the City of Abilene recommends the Standards of Care as set forth in Exhibit "A" be adopted by the City of Abilene:

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

- Section 1.** That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this ordinance.
- Section 2.** That the Youth Programs' Standards of Care for the City of Abilene, as detailed in Exhibit "A" attached hereto and incorporated herein for all purposes, are hereby approved and adopted.
- Section 3.** That all ordinances or parts of ordinances in conflict with the provisions of the ordinance are hereby repealed.
- Section 4.** That, if any provision of this ordinance will be held to be invalid or unconstitutional, the remainder of such ordinance will continue in full force and effect, the same as if such invalid or unconstitutional provision had never been a part hereof.
- Section 5.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

PASSED ON FIRST READING this 1st day of December, 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 December 2022, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON SECOND AND FINAL READING this 15th day of December 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

City of Abilene Recreation Division



Standards of Care for Youth Programs 2023

Parks and Recreation
633 Walnut Street
Abilene, TX 79601
(325) 676-6217

www.abilenetx.gov/parksandrec
parksandrec@abilenetx.gov

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ABILENE YOUTH PROGRAMS

STANDARDS OF CARE

General Administration

1. Organization

- A. The governing body of the City of Abilene Youth Programs is the Abilene City Council.
- B. Implementation of the Youth Program's Standards of Care is the responsibility of the Recreation Administrator and departmental employees.
- C. Youth Programs ("Program") to which these Standards apply are the programs held at the City Recreation Centers currently operated by the City of Abilene. Other programs may be subsequently designated by the City of Abilene.
- D. Each of the City of Abilene Youth Program sites will have a current copy of the Standards of Care available for public and staff review.
- E. Parents of participants will be provided a current copy of the Standards of Care during the registration process or the Standards of Care can be accessed on the City of Abilene website at www.abilenetx.gov/camps. Parents of participants will be informed that the City of Abilene Youth Programs is not licensed by the State.
- F. Criminal background checks will be conducted on prospective Youth Program employees. If results of the criminal checks indicate that an applicant has been convicted for any of the following offenses, he or she may not be considered for employment:
 - (1) A felony or a misdemeanor classified as an offense against a person or family;
 - (2) A felony or misdemeanor classified as public indecency;
 - (3) A felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance or any violation of the City Policy;
 - (4) Any offense involving moral turpitude;
 - (5) Any offense that would potentially put the City of Abilene or participants of the Program at risk.
 - (6) In addition, a nationwide check of databases for the Sex Offender Registration Program will be conducted on prospective Program Staff. If results of the check indicate that an applicant is a registered sex offender, he or she will not be considered for employment.

2. Definitions

- A. City: City of Abilene.
- B. City Council: City Council of the City of Abilene.
- C. Department: Parks and Recreation Department of the City of Abilene.
- D. Director: City of Abilene Director of Parks and Recreation Department or designee.
- E. Division: Recreation Services Division of the City of Abilene.
- F. Employee: Someone who has been employed by the City of Abilene and has been assigned responsibility for managing, administering, or implementing some portion of the City of Abilene Youth Programs.
- G. Parent(s): A parent or guardian who has legal custody and authority to enroll a child in the City of Abilene Youth Programs.
- H. Participant: A youth whose parent has completed all required registration procedures and who has been determined to be eligible for the City of Abilene Youth Programs.
- I. Program Manual: A notebook of policies, procedures, required forms, and organizational and programming information relevant to City of Abilene's Youth Programs.
- J. Program Site: Any area or facility where the City of Abilene Youth Programs is held.
- K. Recreation Coordinator: City of Abilene Recreation Division full-time Programmer who has been assigned administrative responsibility for the City of Abilene Youth Programs.
- L. Recreation Specialist or Recreation Leader: Any City of Abilene Recreation Division employee (full-time or part-time) who has been assigned responsibility to implement the City of Abilene Youth Programs.
- M. Playground Supervisor or Playground Aide: Any City of Abilene Recreation Division temporary employee who has been assigned responsibility to implement the City of Abilene Youth Programs.
- N. Administrator: City of Abilene Administrator of Recreation Services or his or her designee.
- O. Youth Program(s) or Program: City of Abilene Youth Programs held at the City's Recreation Centers are currently operated by the City of Abilene. Other programs may be subsequently designated by the City of Abilene. These programs are not child-care facilities.

3. Objective of Youth Programs

- A. To provide Youth with the opportunity of recreational activities which may include sports, games, arts and crafts, education, dance, drama, special events, field trips, etc...
- B. To provide an encouraging atmosphere by emphasizing the positive development of physical skills, emotional development, and growth of self-confidence.
- C. To provide a safe environment by promoting good health and welfare for all participants.
- D. To teach Youth how to spend leisure time wisely in an effort to meet the emotional, physical, and social needs of Youth.

4. Inspections/Monitoring/Enforcement

- A. An annual facility inspection report will be initiated by the Recreation Coordinator of each Program to confirm adherence to the Standards of Care. This report will be submitted in March.
 - (1) Inspection reports will be sent to the Administrator for review and kept on record for at least two years.
 - (2) The Administrator will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Administrator will make visual inspections of the facilities, based on the following schedule. A Parks and Recreation Professional that is not associated with the City of Abilene will assist on one of the following inspections.
 - (1) A pre-summer check in April of each year; and
 - (2) A fall check in October of each year.
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Recreation Coordinator. The Recreation Coordinator will be responsible for taking the necessary steps to resolve the problems. Complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Recreation Coordinator and forwarded to the Administrator, the complaint and the resolution will be noted.
- D. The Administrator will provide an annual report to the Parks and Recreation Board on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

5. Enrollment

- A. Before a child may be enrolled, a parent/guardian must sign registration forms that contain:
- (1) Name, address, and telephone number of the child;
 - (2) Name and address of parents/guardian and telephone numbers during program hours;
 - (3) The names and telephone numbers of people to whom the child may be released;
 - (4) A statement of the child's special needs; and
 - (5) A signed liability waiver which also includes permission for field trips and emergency medical authorization.
 - (6) Signed acknowledgement of program code of conduct.

6. Suspected Abuse

Program employees will report suspected child abuse in accordance with the Texas Family Code. In a situation where an Employee is involved in an incident with a child that could be considered child abuse, the incident shall immediately be reported to the Recreation Division Manager. The Recreation Division Manager will immediately notify the Police Department and any other agency, as may be appropriate.

Staffing – Responsibilities and Training

1. Recreation Center Coordinators

- A. Qualifications
1. Recreation Coordinators will be full-time, professional employees of the City of Abilene Recreation Division
 2. Recreation Coordinators must meet the minimum education/experience requirements for employment with the City of Abilene to plan and implement recreation activities.
 3. Recreation Coordinators must be able to pass a background investigation, including testing for illegal substances.
 4. Coordinators must have a current certification in First Aid and Cardiopulmonary Resuscitation (CPR)– Adult and Child. These certifications must be from a nationally recognized certifying organization, i.e., American Heart Association or American Red Cross.
 5. Recreation Coordinators must complete City of Abilene mandatory training.

B. Job Functions

1. Recreation Coordinators are responsible for administering the Youth Programs daily operations in compliance with the Adopted Standards of Care.
2. Recreation Coordinators are responsible for hiring, supervising, and evaluating Recreation Specialist/Leaders.
3. Recreation Coordinators are responsible for planning, implementing, and evaluating programs.
4. Recreation Coordinators maintain supplies, equipment and all necessary documentation for the operation of the Youth Programs.
5. Recreation Coordinators must communicate with Parent(s) as necessary.
6. Recreation Coordinators know and follow all City of Abilene, Division, and Program Manual standards, policies and procedures that apply to Youth Programs.
7. Recreation Coordinators ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

2. Recreation Specialist/Recreation Leader

A. Qualifications

1. Recreation Specialists/Leaders may be full-time, part-time, or temporary employees of the City of Abilene Recreation Division.
2. Recreation Specialists/Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.
3. Recreation Specialists/Leaders must relate to children with courtesy, respect, tolerance, and patience.
4. Recreation Specialists must have a current certification in First Aid and Cardiopulmonary Resuscitation (CPR)– Adult and Child. These certifications must be from a nationally recognized certifying organization, i.e., American Heart Association or American Red Cross.
5. Recreation Specialists/Leaders must pass a background investigation, including testing for illegal substances.
6. Recreation Specialist/Leaders will be responsible for understanding and following all City of Abilene, Departmental, Division, and Program standards, policies, and procedures that apply to the City of Abilene Youth Programs.

B. Job Functions

1. Recreation Specialist/Leaders will be responsible for providing participants with an environment in which they can feel safe, enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
2. Recreation Specialist/Leaders will directly lead activities using a method that will provide opportunities for involvement of all participants on an equal basis.
3. Recreation Specialist/Leaders must exhibit enthusiasm for the activity to impart a feeling of excitement in the participants.
4. Recreation Specialist/Leaders will promote a non-competitive, positive, image-enhancing environment for each participant through the direction of fun, varied, and well-organized activities.
5. Recreation Specialist/Leader must be with participants at all times while they are participating in the Program.
6. Recreation Specialist/Leaders ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

3. Playground Supervisor and/or Playground Aide

A. Qualifications

1. Playground Supervisor/Aides will be temporary employees of the City of Abilene Recreation Division.
2. Playground Supervisor/Aides should be able to consistently exhibit competency, good judgment, and self-control when working with children.
3. Playground Supervisor/Aides must relate to children with courtesy, respect, tolerance, and patience.
4. Playground Supervisor/Aides must pass a background investigation, including testing for illegal substances.
5. Playground Supervisor/Aides will be responsible for understanding and following all City of Abilene, Departmental, Division, and Program standards, policies, and procedures that apply to the City of Abilene Youth Programs.

B. Job Functions

1. Playground Supervisor/Aides will assist in leading activities using a method that will provide opportunities for involvement of all participants on an equal basis.
2. Playground Supervisor/Aides must exhibit enthusiasm for the activity to impart a feeling of excitement in the participants.
3. Playground Supervisor/Aides will promote a non-competitive, positive, image-enhancing environment for each participant through the direction of fun, varied, and well-organized activities.
4. Playground Supervisor/Aides will be responsible for picking up the areas used by their group after each activity.
5. Playground Supervisor/Aides must be with participants at all times while they are participating in the Program.
6. Playground Supervisor/Aides ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

4. Training/Orientation

- A. The Division is responsible for providing training and orientation to Program employees in working with children and for specific job responsibilities.
- B. Program employees must be competent with the Standards of Care for Youth Program operation as adopted.
- C. Program employees must be competent with the Program's policies, including discipline, guidance, and release of participants as outlined in the Summer Playground Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, Division and Program policies and procedures; provision of recreation activities; safety issues; and organization.
- F. Program employees will be electronically tested annually over program manuals and Standards of Care.

Operations

1. Staff-Participant Ratio

- A. The City of Abilene Youth Programs, the minimum employee to participant ratio will be 1 to 20 for participants from ages 6-13.
- B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special needs as identified by the participant's parent during the registration process.

2. Notification

- A. Parents must be notified immediately when Program employees are aware of the following:
 - (1) Participant is injured; or
 - (2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, and/or illness).
- B. All parents must be notified if there is an outbreak of any communicable disease. The disease will be reported to the Abilene Taylor County Public Health District.

3. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner, based on the best interests of Program participants.
- B. There will be no cruel or harsh punishment or treatment. Examples include, but not limited to:
 - 1. Using physical punishment or any action administered to the body such as, but not limited to rough handling, or forcing child(ren) to assume an uncomfortable position.
 - 2. Restraining movement by tying, enclosing in a confined space, shaking, or using exercise as punishment.
 - 3. Being verbally abusive, including, but not limited to, threats, belittling remarks, humiliation, embarrassment, or frightening a child.
 - 4. Giving any child the authority to punish another child.
 - 5. Placing a child out of visual/hearing range, in the dark, or in an unventilated area.
 - 6. Punishing a child for a toileting accident.
 - 7. Taunting a child by mocking or any other form of jeering.
 - 8. Giving preferential attention to any child over another child.

- C. Program employees may use brief, supervised separation from the activity if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parents of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident.
 - 1. A sufficient number and/or severe nature of discipline report(s), as detailed by the Disciplinary Policy in the Program and Operations Manuals, may result in a Participant being suspended from the Youth Program immediately. If a Participant is suspended from the program, an Authorized Person must pick up the Participant.
 - 2. Participants will be removed from the Program Site as soon as possible in instances of danger to other Participants or Program Staff. This includes, but is not limited to, continuous disruption of the Youth Program, inappropriate sexual behavior, bullying, hitting or biting other Participants or Program Staff and damage to any City property.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program manual may result in a participant being suspended and/or expelled from the Program.
- F. In instances where there is a danger to other participants or staff, offending participants will be removed from the Program site as soon as possible.
- G. Any person(s) creating a nuisance, causing a disturbance, or creating an unsafe environment at any Program Site will be subject to ejection from the site and possible arrest and legal action.

4. Programming

- A. Program employees will provide activities for each group according to the participants' ages, interests, and abilities. The activities will be appropriate to participants' health, safety, and well-being. The activities also will be flexible and designed to promote the participants' emotional, social, and mental growth.
- B. Program employees will provide indoor and outdoor time periods to include:
 - (1) Alternating active and passive activities;
 - (2) Opportunity for individual and group activities; and
 - (3) Outdoor time each day that weather permits.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program. Participants must be counted before leaving the Program Site and before boarding the transportation to return to the Program Site.

- (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
- (2) Program employees will have transportation cards of the participants in the group and must check the roll frequently.
- (3) Program employees should have First-Aid supplies and a guide to First-Aid and emergency care available on field trips.
- (4) Notice of any field trips will be displayed at a prominent location at each Program site.

5. Communication

- A. Each Program site will have access to a telephone for use in contacting the Recreation Center or making emergency calls.
- B. The Recreation Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:
 - (1) Ambulance or emergency medical services.
 - (2) City of Abilene Police Department.
 - (3) City of Abilene Fire Department.
 - (4) Poison control.
 - (5) The telephone number for the site itself.

6. Transportation

- A. First-Aid supplies and a First-Aid emergency care guide will be available in all Program vehicles that transport children.
- B. All Program vehicles used for transporting participants must have available a portable fire extinguisher located in the passenger compartment of the vehicle which will be accessible to the adult occupants.

Facility Standards

1. Safety

- A. Program employees will inspect Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants.
- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies should be safe for the participants' use.

- D. Program employees should have First-Aid supplies available at each site, during transportation and for the duration of any off-site activity.
- E. Program employees should have first-aid supplies readily available to staff in a designated location. Program employees should have an immediately accessible guide to First-Aid and emergency care.
- F. Program air conditioners, electric fans, and heaters should be mounted out of participants reach or have safeguards that keep participants from being injured.

2. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employee's first priority is to evacuate the participants to a designated safe area.
- B. The Program site will have an annual fire inspection by the City of Abilene Fire Department, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Administrator who will review and establish deadlines and criteria for compliance.
- C. Each Program site must have at least one (1) fire extinguisher approved by the Fire Marshall readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Recreation Center Coordinator. All of the City of Abilene Youth Program employees will be trained in the proper use of fire extinguishers.

3. Health

- A. **Illness or Injury**
 - (1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the Program.
 - (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees. Emergency responders will be notified in the event of an injury that cannot be remedied through basic first aid. An accident report shall be completed and forwarded to the Recreation Supervisor.
 - (3) An ill Youth will not be allowed to attend or participate if the Youth is suspected of having a temperature and/or accompanied by behavior changes or other signs or symptoms until a medical evaluation indicating that the Youth can return to the Youth Program.
 - (4) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual.

- (5) Program employees will follow the recommendation of the Texas Department of State Health Services concerning the admission or readmission of any participant after a communicable disease.

C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and Program employees can supervise as needed.
- (2) There must be at least one flush toilet for every thirty (30) children. Urinals may be counted in the ratio of toilets to children but must not exceed fifty percent (50%) of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water, meeting the standards of the Texas Department of State Health Services for drinking water, and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from Program sites daily.
- (4). The Program site will have an annual health inspection by the City of Abilene Health Department, and the resulting report will detail any health concerns observed. The report will be kept on file at the center. Information from this report will be included in the Director's annual report to the City Council.

4. Participants

- A. All participants must wear tennis shoes daily, unless the Youth is in the swimming pool or participating in an activity that requires no shoes to be worn.
- B. Youth must respect the Employees, Program Site, and each other.



Standards of Care Review

**City of Wichita Falls
Parks & Recreation Department
600 11th Street
Wichita Falls, Texas
76301
940-761-7497**

November 8, 2022

Ann Hall
Division Manager
City of Abilene Parks & Recreation 633
Walnut St.
Abilene, TX 79601

On Tuesday, November 8, 2022, I came to visit your recreation centers: Daniels, Cobb, Chavez, and Rose. I am happy to report that all of the centers not only met the standard of care and operation expected of municipal recreation centers, they collectively exceeded them.

My overall impression of the centers is that they are well loved, well used, and well cared for. All of the staff was very professional, courteous and knowledgeable. I enjoyed seeing how the centers are used and how they help breathe life into the neighborhoods they serve.

Attached are my inspection sheets with some notes of items that should be considered.

Thank you for the opportunity to come see your centers. In doing so, I have gained some ideas we can consider trying at our centers.

Travis Pence
Parks and Recreation
Athletics Coordinator
City of Wichita Falls, Texas
940-761-7497
travis.pence@wichitafallstx.gov

Standards of Care Review

Recreation Center: G. V. Daniels

Date: 8 Nov 22 Inspector: Travis Pence

SAFETY	Yes	No
First Aid kit stocked with Band-Aids and other essential items	✓	
First Aid kit readily accessible in designated area	✓	
Center Coordinators: CPR/First Aid Certified	✓	

Comments:

FIRE	Yes	No
At least one fire extinguisher	✓	
Fire Extinguishers were current	✓	
Fire Extinguishers locations were labeled	✓	
Emergency Exit may posted		

Comments: Fire exits are blocked. Fire extinguishers locations need to better posted.
signs

COMMUNICATION	Yes	No
Emergency Contact Numbers Posted	✓	
EMS or Ambulance contact information posted	✓	
Police Department contact information posted	✓	
Fire Department contact information posted	✓	
Poison Control contact information posted	✓	
Recreation Center contact information posted	✓	

Comments:

Standards of Care Review

Recreation Center: Rose Park Rec Center

Date: 8 Nov 22 Inspector: Travis Pence

SAFETY	Yes	No
First Aid kit stocked with Band-Aids and other essential items	✓	
First Aid kit readily accessible in designated area	✓	
Center Coordinators: CPR/First Aid Certified	✓	

Comments:

FIRE	Yes	No
At least one fire extinguisher	✓	
Fire Extinguishers were current	✓	
Fire Extinguishers locations were labeled	✓	
Emergency Exit map posted	✓	

Comments:

COMMUNICATION	Yes	No
Emergency Contact Numbers Posted	✓	
EMS or Ambulance contact information posted	✓	
Police Department contact information posted	✓	
Fire Department contact information posted	✓	
Poison Control contact information posted	✓	
Recreation Center contact information posted	✓	

Comments:

Standards of Care Review

Recreation Center: Cobb Park

Date: 8 Nov 22 Inspector: Travis Pence

SAFETY	Yes	No
First Aid kit stocked with Band-Aids and other essential items	✓	
First Aid kit readily accessible in designated area	✓	
Center Coordinators: CPR/First Aid Certified	✓	

Comments:

FIRE	Yes	No
At least one fire extinguisher	✓	
Fire Extinguishers were current	✓	
Fire Extinguishers locations were labeled	✓	
Emergency Exit map posted	✓	

Comments:

COMMUNICATION	Yes	No
Emergency Contact Numbers Posted	✓	
EMS or Ambulance contact information posted	✓	
Police Department contact information posted	✓	
Fire Department contact information posted	✓	
Poison Control contact information posted	✓	
Recreation Center contact information posted	✓	

Comments:

Standards of Care Review

Recreation Center: Chavez

Date: 8 Nov 22 Inspector: Travis Pence

SAFETY	Yes	No
First Aid kit stocked with Band-Aids and other essential items	✓	
First Aid kit readily accessible in designated area	✓	
Center Coordinators: CPR/First Aid Certified	✓	

Comments:

FIRE	Yes	No
At least one fire extinguisher	✓	
Fire Extinguishers were current	✓	
Fire Extinguishers locations were labeled	✓	
Emergency Exit may posted	✓	

Comments:

COMMUNICATION	Yes	No
Emergency Contact Numbers Posted	✓	
EMS or Ambulance contact information posted	✓	
Police Department contact information posted	✓	
Fire Department contact information posted	✓	
Poison Control contact information posted	✓	
Recreation Center contact information posted	✓	

Comments:

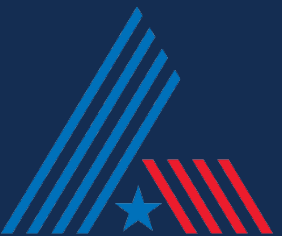


2023 Standards of Care



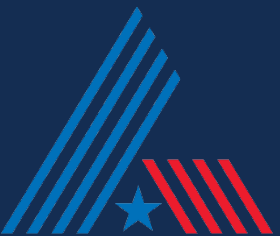
Standards of Care

- Summer Camp and After School Programs are open to ages 6 to 13.
- Parents are provided with a copy of the document and it is posted www.abilenetx.gov/camps.
- The Standards of Care are intended to be minimum standards by which the City of Abilene will operate the City's Youth Programs. The programs operated by the City are recreational in nature and are not licensed by the state of Texas as certified day care programs.



Basic Requirements

- Adequate and readily available first aid kits.
- Full time staff must be certified in CPR and First Aid.
- Non-expired fire extinguisher / properly labeled
- Emergency exit signs are posted
- Posting of emergency contact including fire, police, poison control, as well as contact information for Recreation Center.
- Registration collection of names, addresses, phone numbers, and signed waiver of liability. This is done electronically through the registration software.
- Defines job titles, qualifications, and responsibilities.
- Outlines the ratio (Abilene is 20 children per 1 staff).
- Lists facility standards that includes lighting, toilet facilities, and communicable diseases.



Standards of Care

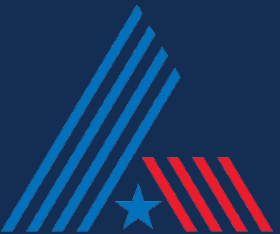
- Internal annual inspection
- Environmental Health and Fire Department conducts an annual inspection.
- We also have an outside Parks and Recreation professional perform a review. This was done on November 8th, by Travis Pence, Athletics Coordinator for the City of Wichita Falls Parks and Recreation.



Standards of Care

Steps in the adoption:

- Approval by Parks and Recreation Board – November 15, 2022
- First Reading by City Council – December 1, 2022
- Public Hearing and vote by City Council – December 15, 2022





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: **Honorable Mayor and City Council Members**

FROM: **Stanley Smith, City Attorney**

SUBJECT: **14. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Certifying the Charter Amendments Approved by Voters on November 8, 2022 and Incorporating the Amendments into a Single Form (*Stanley Smith*)**

GENERAL INFORMATION

Chapter 9 of the Texas Local Government Code governs the adoption or amendment of a Home-Rule Charter as authorized by Article XI, Section 5 of the Texas Constitution. Pursuant to Section 9.003 of the Texas Local Government Code, the proposed city charter amendments for the City of Abilene, Texas, were submitted to the voters of Abilene in a special election on November 8, 2022. The voters of the City of Abilene voted to adopt five (5) of the six (6) proposed charter amendments; and

The City Council canvassed the returns of this election on Monday, November 21, 2022, wherein the City Council adopted the charter amendments and said amendments became effective immediately. The City Council of the City of Abilene desires to have a single, incorporated form of the Charter for its citizens and the public.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

n/a

STAFF RECOMMENDATION

Staff recommends approval of the Ordinance certifying the Charter Amendments and Incorporating the Amendments into a Single Form.

BOARD OR COMMISSION RECOMMENDATION

n/a

ATTACHMENTS:

1. Abilene Ordinance Adopting Charter Amendments 2022
2. 2022 Amended Charter REDLINE eff Nov 21 2022
3. Presentation Charter Amendments

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
INCORPORATING THE RECENTLY ADOPTED CHARTER AMENDMENTS INTO A
SINGULAR FORM**

WHEREAS, Chapter 9 of the Texas Local Government Code governs the adoption or amendment of a Home-Rule Charter as authorized by Article XI, Section 5 of the Texas Constitution; and

WHEREAS, pursuant to Section 9.003 of the Texas Local Government Code, on November 8, 2022, the proposed city charter amendments for the City of Abilene, Texas, were submitted to the voters of Abilene in a special election; and

WHEREAS, on November 8, 2022, the voters of the City of Abilene voted to adopt five (5) of the six (6) proposed charter amendments; and

WHEREAS, the City Council has reviewed and investigated all matters pertaining to this election, including the ordering, notices, election officers, holding, and returns thereof; and

WHEREAS, the City Council canvassed the returns of this election on Monday, November 21, 2022, wherein the City Council adopted the charter amendments and said amendments became effective immediately; and

WHEREAS, the City Council of the City of Abilene desires to have a single, incorporated form of the Charter for its citizens and the public.

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

PART 1: The City Council of the City of Abilene officially declared that the election was duly and properly ordered, that the proper legal notice of such election was duly given in the English language and the Spanish language, that the proper election officers were duly appointed prior to the election, that the election was duly and legally held, that all required preclearance submissions were made and that no objections were interposed; that all qualified voters of the City were permitted to vote at the election, that due returns of the results of the election have been made and delivered, and that the City Council has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America and the order calling the election.

PART 2: A majority of the qualified voters of the City of Abilene, Texas, voting in the election voted FOR the adoption of the listed Charter Amendments attached hereto.

PART 3: The Mayor of the City was authorized to perform any and all acts necessary to implement the provisions of this canvass in the manner prescribed by law. The Mayor caused the ordinance, as an appropriate order regarding the charter to be entered into the records of the municipality declaring the charter amendments adopted as prescribed by Section 9.005(b) of the Texas Local Government Code and such shall constitute an authenticated copy of the incorporated charter amendments.

PART 4: The City Council of the City of Abilene hereby adopts Exhibit A, incorporated herein to this ordinance, as the fully incorporated charter amendments into the City's home-rule charter.

PASSED ON FIRST READING THIS 1st DAY OF DECEMBER, 2022.

PASSED ON SECOND AND FINAL READING THIS 15th DAY OF DECEMBER, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

PART I CHARTER

PREAMBLE

We the people of the City of Abilene, dedicated to the principal of local self-government, under law, as interpreted by the light of reason, and administered to secure justice, do invoke the guidance of God in establishing a municipal government, capable of efficiently translating the wishes of the voters into effective administration as promptly and economically as possible, and ordain these provisions for the Charter of our City.

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT AND POWERS

Sec. 1. Incorporation.

The inhabitants of the City of Abilene, Taylor County, Texas, within the corporate limits as heretofore or hereafter established are hereby constituted and shall continue to be a municipal body politic and corporate in perpetuity under the name of "City of Abilene," hereinafter referred to as the "city," with such powers, rights, duties, privileges and immunities as are herein provided.

Sec. 2. Form of government.

The municipal government provided by this Charter shall be known as "Council-Manager Government." Pursuant to the provisions of, and subject only to the limitations imposed by, the state constitutions, state laws and this Charter, all powers of the city shall be vested in an elective council hereinafter referred to as the "council," which shall enact legislation, adopt budgets, determine policies and appoint the city manager who shall execute the laws and administer the government of the city.

Sec. 3. General powers of the city.

The city shall be a home rule city. It shall have all powers granted to home rule cities by the constitution and laws of this state, as fully and completely as though they were specifically enumerated in this Charter, together with all the implied powers necessary to carry into execution such granted powers, and the powers are hereby adopted that are conferred upon cities by Article XI, Section 5, of the Constitution of the State of Texas (Home Rule Amendment). Among other powers, the city shall have the power to contract and to cooperate with the government of the State of Texas or any agency or any political subdivision thereof, or with the United States Government or any agency thereof, to accomplish any lawful purpose. The city may acquire property within or without its corporate limits for any municipal purpose in fee simple or in any lesser interest or estate by purchase, gift, devise, lease or condemnation, and, subject to the provisions of this Charter, may sell, lease, mortgage, hold, manage, improve and control such property as may now or hereafter be owned by it; may provide for the expenditure of public funds for a retirement system, group health, life and accident insurance coverage, and surety bonds for city employees and officers; may pass ordinances and enact such regulations as may be expedient for the maintenance of good government order and peace of the city and the welfare, health, morals, comfort and safety of its inhabitants consistent with the provisions of this Charter. The enumeration of particular powers by this Charter shall not be deemed to be exclusive and in addition to the powers enumerated or implied herein the city shall have all powers not prohibited by the constitution or laws of this state.

(Ord. No. 10-1997, pt. 3(a), 2-27-97)

Sec. 4. Annexation.

The council shall have the power to fix, by ordinance, the boundary limits of the city and to provide, by ordinance, for the annexation of additional territory lying adjacent to the city, with or without the consent of the inhabitants of the territory to be annexed. The council shall have the power to detach, by ordinance, any territory with or without the consent of the inhabitants of such area to be detached. Upon the introduction of such annexation or detachment ordinance to the council, it shall be published at least one time in the official newspaper of the city in the form in which it may be finally passed, and said ordinance shall not thereafter be finally acted upon until at least thirty (30) days have elapsed after the first publication thereof, and a public hearing held thereon. When any territory shall be so annexed, the same shall be a part of the city and the property situated therein shall bear its pro rata part of the taxes levied by the city, and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens, including the right to vote in municipal elections, and shall be bound by the acts, ordinances, resolutions and regulations of the city. When territory has been so detached, the same shall no longer be a part of the city. However, it is specifically provided that the council shall have the authority to annex property to the city by an ordinance passed under its emergency powers and without giving notice thereof when a petition is duly presented bearing the signatures of all of the owners of the property sought to be annexed.

Sec. 5. Street development and improvement.

The city shall have the power, in connection with its power to develop and improve or cause to be developed and improved any and all public streets, sidewalks, waterways, alleys and other public ways within the corporate limits of the city, to assess the cost of such development and improvement partly or entirely by assessments levied as a lien against the property abutting thereon and against the owners thereof. These assessments may be levied in any amount and under any procedures not prohibited by the constitution or statutes of the State of Texas, and may prescribe the time, terms and conditions of payment thereof, the rate of interest, and may include reasonable attorney's fees and costs of collection, if incurred, but no assessment may be made against land or owners of land in excess of the enhancement in value to the property occasioned by such development or improvement. If improvements be ordered constructed in any part of any area used or occupied by the tracks or facilities of any railway or public utility, then the city shall have the power to assess the whole cost of improvements in such area and the added costs of improvements in areas adjacent thereto made necessary by such use or occupancy against such railway or utility, and shall have the power, by ordinance, to provide for the enforcement of such assessment. As an alternative and cumulative method of developing, improving and paving any and all public streets, sidewalks, waterways, alleys, highways and other public ways within its corporate limits, the city shall have the power and authority to proceed in accordance with V.T.C.A., Transportation Code Ch. 313, Street Improvements and Assessments In Certain Municipalities.

(Ord. No. 10-1997, pt. 3(b), 2-27-97)

ARTICLE II. THE COUNCIL

Sec. 6. Number, selection and term.

The council shall consist of six council~~membersmen~~ and a mayor, all of whom shall be elected at large, as hereinafter provided. Each council~~memberman~~, unless sooner removed under the provisions of this Charter, shall serve for a term of three years, beginning with the first meeting of the council following his or her election, and ending with the first meeting of the council three (3) years later, or until his or her successor has been elected and duly qualified. Such terms for council~~membersmen~~ shall be on a three year staggered basis to the end that two (2)

(Supp. No. 2)

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council~~membersmen~~ shall be elected each year. The mayor, unless sooner removed under the provisions of this charter, shall serve for a term of three (3) years, beginning with the first meeting of the council following his or her election and ending with the first meeting of the council three (3) years later, or until his or her successor has been elected and duly qualified.

Sec. 7. Qualifications.

At the time of his or her election to office, each council~~memberman~~ and the mayor shall be at least twenty-one years of age, shall be a citizen and qualified voter of the State of Texas and the city. At the time of his or her election to office each council~~memberman~~ and mayor shall have resided within the City of Abilene for at least twelve months. Three council~~membersmen~~ shall be residents of the area of the city north of the Texas and Pacific Railway Company main line, as located in the city on the effective date of this Charter, and the other three council~~membersmen~~ shall be residents of the area of the city south of such main line. The mayor may be a resident of any part of the city. Residence requirements shall be effective only as of the date of the election of each council~~memberman~~, but a member of the council or the mayor ceasing to reside in the city shall immediately forfeit his or her office. Neither the mayor nor any member of the council shall hold any other office or employment under the city government while he or she is a member of said council; nor shall he or she hold any other paid employment under the city government within two (2) years thereafter unless such employment be an elective office.

(As amended 4-3-76; Ord. No. 10-1997, pt. 3(c), 2-27-97)

Sec. 8. Salaries.

The mayor and each council~~memberman~~ shall receive a salary of one dollar (\$1.00) per year for each year he or she serves as mayor or council~~memberman~~. The council may establish by ordinance methods of reimbursement for all actual and necessary expenses incurred by the mayor and council~~membermen~~ in the performance of their duties.

Sec. 9. Vacancies.

All vacancies of the council must be filled by election, pursuant to Article XI, Section 11, of the Texas Constitution. Candidates elected to fill such unexpired terms shall have the same qualifications as those officers whose unexpired terms they fill. If required to be filled hereunder, each such vacancy shall be filled by an election called and held for such purpose, within 120 days from the inception of such vacancy.

(Ord. No. 42-2006, pt. 2(1), 8-28-06/referendum 11-7-06)

Sec. 10. Powers.

All powers and authority, including determination of all matters of policy, which are expressly or by implication conferred on or possessed by the city shall be vested in and exercised by the council; provided, however, that the council shall have no authority to exercise those powers which are expressly conferred upon other city officers by this Charter.

Sec. 11. Appointments by council.

Members of all boards created by the council shall be appointed by the mayor with the approval of the council.

Sec. 12. Investigative powers of the council.

The council shall have the power to inquire into or investigate the official conduct of any department, agency, office, officer or employee of the city and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, records or other evidence, and as it shall provide by ordinance, to punish and fix penalties for contempt for failure or refusal to obey any such subpoena or to produce any such books, papers, records or other evidence.

Sec. 13. Interference in administrative matters.

Except for the purpose of inquiry or investigation the council and its members shall deal with the administrative departments and personnel solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately, except those administrative departments and personnel whose offices are filled by appointment by the mayor with approval of the council under the provisions of this Charter.

Sec. 14. Mayor and mayor pro tempore.

The mayor shall preside at all meetings of the council; shall be recognized as the head of the city government; and shall be entitled to vote on all matters considered by the council. At its first meeting following each regular election and qualification of council ~~members~~men, the council shall elect one of its members as mayor pro tempore, who shall act as mayor during the absence or disability of the mayor, and when so acting, shall have the same powers and duties as herein set forth for the office of mayor.

Sec. 15. City secretary.

The mayor, with the approval of the council, shall appoint the city secretary, who may be removed from office at any time by a majority vote of the council. The city secretary shall keep the minutes, agenda, ordinances, and other official records of the council and city; and shall have such other powers and duties as may be prescribed by this Charter or the council. The city secretary shall be the custodian of the official seal of the city. The city secretary shall appoint such assistants as may be authorized by the council.

Sec. 16. Meetings of the council.

The council shall meet in regular session at least twice each month, which regular meetings shall be at least one week apart, and at such other times as may be prescribed by resolution. Special meetings of the council shall be called by the city secretary upon the written request of the mayor or any three council ~~members~~men. All council meetings shall be held at the city hall, or at such places as will permit the attendance of the general public. The city secretary shall notify news media of the time and place of all special meetings, prior to such meetings.

Sec. 17. Rules of procedure; quorum.

The council shall by resolution determine its own rules and order of business, except that four or more members of the council shall be required to constitute a quorum.

Sec. 18. Procedure to enact legislation.

The council shall legislate by ordinance only and the enacting clause of every ordinance shall be "Be It Ordained by the City Council of the City of Abilene, Texas." The city attorney shall approve all ordinances prior to

their adoption by the council, as to the legality and form thereof, or shall present his written objections thereto to the council and file a copy thereof with the city secretary. Every ordinance enacted by the council shall be signed by the mayor, mayor pro tempore, or any three members of the council and shall be filed with, and recorded by, the city secretary in an ordinance book reserved for that purpose. Except in the case of ordinances issuing bonds or as otherwise provided by state law or this Charter, there shall be a first and second reading of all ordinances in open meetings of the council on two separate days. A reading by descriptive caption only shall be sufficient. Upon consideration for passage of any ordinance, resolution or motion, the city secretary shall call the roll of the council and record the votes, which record of votes shall constitute a public record. Except as otherwise provided by state law or this Charter, passage of an ordinance, resolution or motion shall require the affirmative votes of at least four members of the council. The council shall call a public hearing before the final passage of any ordinance if required by state law or this Charter or by ordinance enacted thereunder, and may call a public hearing before the final passage of any ordinance if such hearing be deemed to be in the public interest; notice thereof shall be given by publication in the official newspaper of the city at least 24 hours prior to the time of such hearing. All ordinances, unless otherwise provided by law, this Charter, or by the terms of such ordinance, shall take effect immediately upon final passage thereof. The requirement for reading of ordinances upon two separate days may be waived by the council in cases where such ordinances relate to the immediate preservation of the public peace, health, safety or welfare, if adopted by the affirmative votes of at least five council members and contain a statement of the nature of the emergency.

Sec. 19. Publication of ordinances; effective date.

Except as otherwise provided by law or this Charter, the city secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture for any violation of its provisions, and of every ordinance required by law or this Charter to be published, by causing said ordinance, or its caption and penalty, to be published at least one time within twenty (20) days after final passage thereof in the official newspaper of the city. The affidavit of such publication by the publisher of such newspaper taken before any officer authorized to administer oaths and filed with the city secretary shall be conclusive proof of the legal publication and promulgation of such ordinance in all courts. Such ordinance shall take effect ten (10) days after date of such publication, unless otherwise provided in such ordinance, provided that any penal ordinance passed as an emergency measure shall take effect immediately upon publication.

Sec. 20. Code of Ordinances.

The council shall have the power to cause all general ordinances of the city to be compiled, indexed and printed in code form, whenever the codification or recodification thereof is deemed desirable or required by law. When adopted by the council, the printed codes of general ordinances so designated shall be in full force and effect without the necessity of such codes or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the city may be omitted without affecting the validity of such ordinances when they are published as a code. A printed copy of the city's Code of Ordinances, when authenticated by the city secretary, shall be admitted in evidence in courts without further proof and shall be prima facie evidence in all courts of the existence and regular enactment of all ordinances therein set forth.

Sec. 21. Emergency powers.

A state of emergency shall be deemed to exist when, as the consequence of a major calamity, activities of a war-like nature, riots, or insurrection, the normal procedures of the municipal government are inadequate for the protection of persons or property. A state of emergency may be declared by the vote of the council, or by order of the mayor, or, in his or her absence or disability, the mayor pro tempore, if a meeting of the council cannot be called within the time available, whenever conditions threaten to render inadequate the normal procedures of the municipal government for protection of persons or property.

Sec. 22. Powers of mayor during emergency.

During a state of emergency the mayor, or, in his or her absence or disability, the mayor pro tempore, shall have all the powers which would be vested in the council under this Charter and may exercise those powers to the extent he or she considers to be reasonable or necessary for the protection of persons or property. In addition thereto he or she shall be specifically empowered:

- a. To give orders directly to any city officer or employee as well as through the city manager;
- b. To suspend temporarily or replace any city officer or employee, other than a council memberman, when deemed necessary;
- c. To place temporarily any city officers, employees, services, equipment or properties under the direction or control of any office or officers of the county, state or federal governments, including the military services, and the duly constituted officers for the civil defense;
- d. To enter upon cooperative agreements with the proper authorities of county, state or federal governments, or other municipalities, for mutual assistance within the area of an existing or threatened emergency;
- e. To order the evacuation of persons from all or any part of the city and to close any buildings or areas within the city;
- f. To authorize expenditures totaling not more than ten (10) per centum of the city's current annual budget for general purposes without budget appropriation therefor;
- g. To re-establish the seat of the city's government at another place, provided that such place, if outside the city's territorial limits, shall be at the place nearest thereto which is suitable and practical; and
- h. To summon citizens to serve as special police, with the powers and duties appropriate thereto.

Sec. 23. When emergency powers of mayor to terminate.

The emergency powers herein provided shall be exercised only to the extent made necessary by the nature of the emergency and during the continuation of the state of emergency. The state of emergency shall terminate when so ordered by the mayor, or by the mayor pro tempore in the absence or disability of the mayor, or may be terminated by vote of a majority of the council.

ARTICLE III. ELECTIONS, INITIATIVE, REFERENDUM AND RECALL

Sec. 24. Annual elections.

The regular election of council to places on the council occupied by council whose terms are expiring and the regular election of the mayor, if his or her term is expiring, shall be held on such date as prescribed by the election laws of the State of Texas. In such election each qualified voter shall vote for not more than one candidate for each council place to be filled, and for not more than one candidate for mayor. Said elections shall be ordered by the Council, and in case of its failure to order same, the mayor shall make such order. In case of the inability of the council and mayor to act, the elections may be called by the city secretary, and in case of his or her inability to act, by the county judge of Taylor County, Texas, and in case of his or her inability to act, by the governor of the State of Texas. The city secretary shall give notice of such election by causing said notice to be published at least thirty (30) days prior to the day of such election.

(As amended 4-3-76; Ord. No. 42-2006, pt. 2(2), 8-28-06/referendum 11-7-06)

Sec. 25. Regulation of elections.

All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with this Charter and ordinances or resolutions adopted by the council for the conduct of elections. The council shall appoint the election judges and other election officials and shall provide for the compensation of all election officials in the city elections and for all other expenses in holding said elections.

Sec. 26. Application for candidacy.

Any qualified person may make application to have his or her name placed on the official ballot for the post of council ~~memberman~~ or mayor. The application shall be made in accordance with all applicable laws and shall state that the candidate agrees to serve if qualified and elected. There shall be six council ~~memberman~~ places; council ~~memberman~~ places Nos. 1, 3 and 5 shall be filled by qualified candidates residing at the time of the election north of the main line of the Texas and Pacific Railway Company tracks as located at the time of the effective date of this Charter; and place Nos. 2, 4, and 6 shall be filled by qualified persons residing at the time of the election south of said main line. Said applications shall be filed with the city secretary within time limits as provided by state law.

Sec. 27. Canvassing elections and declaring results.

Returns of every municipal election shall be delivered forthwith by the election judges to the city secretary. The council shall canvass the returns, investigate the qualifications of the candidates and declare the official results of the election on such date as prescribed by the election laws of the State of Texas. The returns of every municipal election shall be recorded in the minutes of the council by election precinct totals. The qualified person receiving a majority of the votes cast for any office shall thereupon be declared elected by said council. The decision of the council, as to qualifications of candidates, shall be conclusive and final for all purposes.

(Ord. No. 42-2006, pt. 2(3), 8-28-06/referendum 11-7-06)

Sec. 28. Runoff elections.

If no candidate receives a majority of all the votes cast for an office, the council shall immediately upon declaring the official results of the election, order a run-off election for each office to which no one was elected. Such run-off election shall be held on such date as prescribed by the election laws of the State of Texas and in such run-off election the two (2) candidates who received, in the preceding election, the highest number of votes for each office to which no one was elected, shall be voted on again by the qualified voters, and the candidate who receives the majority of the votes cast for each such office in the run-off election shall be elected to such office.

(Ord. No. 42-2006, pt. 2(4), 8-28-06/referendum 11-7-06)

Sec. 29. Qualification and notification of city officers.

Any officer elected or appointed must qualify by taking and subscribing his oath of office within thirty (30) days, otherwise, the office shall be deemed vacant. It shall be the duty of the city secretary to notify all persons elected or appointed by the mayor with approval of the council of their election or appointment and all the elected or appointed officers may enter upon their duties after so qualifying.

Sec. 30. Special elections.

The council, by ordinance or resolution, may call such special elections as are authorized by the state law or this Charter, fix the time and place of holding same, and provide all means for holding such special elections, provided that every special election shall be called and held as nearly as practicable, according to the provisions governing annual elections.

Sec. 31. Initiative.

The voters of this city shall have the power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, or one repealing such an ordinance, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the council by a petition signed by qualified voters of the city equal in number to at least ten (10) per centum of such voters computed as of the date of the last regular municipal election. Such ordinance may be passed by the council without change, or submitted to the voters at an election called for that purpose.

Sec. 32. Referendum.

The voters of this city shall have the power to approve or reject at the polls any ordinance passed by the council which would have been the proper subject of an initiative election under this Charter, except that ordinances authorizing the issuance of either tax or revenue bonds, whether original or refunding, shall not be subject to referendum. The petition for referendum shall require the same number and qualification of signers thereto as required by this Charter for an initiative petition, except that referendum petitions must be filed with the city secretary within sixty (60) days after the final passage of the ordinance which is the subject of the referendum, or the petition shall be barred by the lapse of time. When such petition has been certified as sufficient by the city secretary, the ordinance specified in the petition shall not go into effect, or, if it has gone into effect, then further enforcement or action thereunder shall be suspended unless and until such ordinance is approved by the voters as herein provided.

Sec. 33. Recall.

The voters of this city shall have the power to recall any elected officer of this city and may exercise such power by filing with the city secretary a petition which shall be signed and verified by the same number of signers with the same qualifications and in the same manner required in this Charter for an initiative petition. If the petition is certified by the city secretary to be sufficient, the council shall order and hold, or cause to be held, an election forthwith to determine whether such officer shall be recalled.

Sec. 34. Results of recall election.

If the majority of the legal votes cast at a recall election be for the recall of the officer named on the ballot, the council shall immediately declare his or her office vacant, and such vacancy shall be filled in accordance with the provisions of this Charter. An officer thus removed shall not be eligible to hold office again in the city within a period of four years from the date of his or her recall.

Sec. 35. Limitation on recall.

No recall petition shall be filed against an officer within six months after he or she takes office, and no officer shall be subjected to more than one recall election during a term of office.

Sec. 36. Form of petitions.

All papers for any particular petition circulated for the purpose of an initiative, referendum, or recall shall be uniform in size and style. Initiative petitions shall contain the full text of the proposed ordinance and referendum papers shall contain sufficient description of the ordinance sought to be repealed to positively identify it. The signatures to initiative, referendum or recall petitions need not be appended to one paper, but all petition papers comprising a single petition shall be assembled and filed with the city secretary as one instrument with an affidavit attached made by the person so filing such petition that it bears a stated number of signatures, and that all the signatures appended thereto are, in his or her belief, the genuine signatures of the persons whose names they purport to be. Names and addresses of the signers of such petitions shall be printed adjacent to said signatures.

Sec. 37. Filing, examination and certification of petitions.

Petitions for initiative, referendum or recall shall be filed with the city secretary. Within twenty days after a petition is filed, the city secretary shall determine whether such petition is signed by a sufficient number of qualified voters and whether it has a proper affidavit attached of the person filing same. After completing examination of such petition, the city secretary shall certify the result thereof to the council at its next regular meeting. If such petition is insufficient, the city secretary shall set forth in his or her certificate the particulars in which it is defective, and shall at once notify the person who filed it of his or her findings.

Sec. 38. Amendments of petitions.

An initiative, referendum or recall petition may be amended at any time within ten days after the notice of insufficiency has been sent by the city secretary, by filing a supplementary petition signed and filed as provided in case of an original petition, and the same procedures shall then be followed by the city secretary and council as in the case of an original petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Sec. 39. Consideration of petition by council.

Whenever the council receives a certified initiative or referendum petition from the city secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The council shall take final action on such ordinance not later than thirty days after the date on which it was submitted to the council by the city secretary. A referred ordinance shall be reconsidered by the council and its final vote upon such consideration shall be upon the question "Shall the ordinance specified in the referendum petition be repealed?"

Sec. 40. Submission to voters.

If the council shall fail to pass an ordinance proposed by initiative petition in the exact form proposed, or it fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the voters not less than thirty days nor more than ninety days from the date the council takes its final vote thereon.

Sec. 41. Results of election.

If a majority of the voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance which is not approved by a majority of the voters voting thereon shall be deemed repealed. If conflicting ordinances are approved by the voters at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

ARTICLE IV. ADMINISTRATIVE ORGANIZATION

Sec. 42. City manager—Generally.

The city manager shall be the chief administrative officer of the city.

Sec. 43. Same—Appointment.

The city manager shall be appointed by the mayor with approval of the council for an indefinite term, and may be removed by the council by a vote of at least four of the council members. The action of the council in removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the council.

Sec. 44. Same—Qualifications.

The city manager shall be chosen by the council solely on the basis of his or her executive and administrative training, experience and ability. The city manager need not, when appointed, be a resident of the city; however, during his or her tenure of office, he or she shall reside within the city.

Sec. 45. Same—Compensation.

The city manager shall receive such compensation as may be fixed by the council.

Sec. 46. Same—Powers and duties generally.

The city manager shall be responsible to the council for the proper administration of all city affairs placed in his or her charge by or under this Charter. The powers herein conferred upon the city manager shall include, but shall not be limited to, the powers set forth in sections 47 through 52, inclusive.

Sec. 47. Same—Appointments.

Except as otherwise provided in this Charter, the city manager shall appoint and, when he or she deems it necessary for the good of the city, suspend or remove all city employees and appointive administrative officers provided for, by or under this Charter, with the exception of those administrative department heads and officers whose appointment and removal is subject to the approval of the council as may be provided by the laws of the State of Texas or other provisions of this Charter. The city manager may authorize any such administrative officer whom he or she has appointed to exercise the powers herein granted with respect to subordinates in that officer's department, office or agency.

Sec. 48. Same—Direction and supervision of departments, etc.

The city manager shall direct and supervise the administration of all functions of the city and of its departments, offices and agencies, except for the functions specifically assigned to any such department, office or agency by this Charter.

Sec. 49. Same—Enforcement of laws; performance of contracts.

The city manager shall see that all laws, provisions of this Charter, and ordinances passed by the council, subject to enforcement by him or her or by officers subject to his or her direction and supervision under this Charter, are faithfully executed, and that all contracts, permits, privileges and franchises to which the city is a party are properly performed.

Sec. 50. Same—To prepare annual budget.

The city manager shall prepare and submit the annual budget and capital program to the council.

Sec. 51. Same—Reports to council.

The city manager shall make regular monthly reports to the council on the operations of every city department, office and agency subject to his or her direction and supervision under this Charter, keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city as he or she deems desirable.

Sec. 52. Same—Other duties.

The city manager shall perform such other duties as may be prescribed by this Charter, or required of him or her by the council not inconsistent with the provisions of this Charter.

Sec. 53. Administrative departments.

There shall be such administrative departments as are established by this Charter or as may be established by ordinance, all of which shall be under the control and direction of the city manager unless otherwise provided in this Charter. The council may abolish or combine one or more departments created by it and may assign or transfer duties of any department of the city from one such department to another by ordinance.

Sec. 54. Department heads.

At the head of each department which is under the control and direction of the city manager, there shall be a director, who shall be appointed and may be removed by the city manager. Such directors shall have supervision and control over their respective departments, and may serve as chiefs of divisions within their respective departments. With the consent of the council, the city manager may serve as the head of one or more such departments, or may appoint one person as the head of two or more of them.

Sec. 55. Parks and recreation board—Created.

There is hereby created a board consisting of seven (7) members to be known as the parks and recreation board. Within thirty (30) days after the effective date of this Charter, the initial members of such board shall be appointed by the mayor with the approval of the council. All of the members shall be qualified voters of the city and shall receive no compensation for their services upon this board. The board may elect such officers as it may choose and shall establish a schedule of meetings as it deems necessary.

Sec. 56. Same—Term of office of member; appointment.

The normal term of office of each member of the parks and recreation board shall be three (3) years. Two of the members of the first board shall be appointed for a term of one year, two members shall be appointed for a term of two years, and three members shall be appointed for a term of three years. Annually thereafter the council shall give due and proper consideration to a list of prospective board members as submitted by the remaining board members; then, the appropriate number of members shall be appointed by the mayor with the approval of the council for a term of three years. Should a vacancy occur for any reason, the mayor, with the approval of the council, shall appoint, within thirty (30) days, a successor to serve the remainder of the unexpired term.

Sec. 57. Same—Powers and duties.

The parks and recreation board shall have jurisdiction and control over public lands and properties heretofore or hereafter designated for park and recreational uses, and may relinquish such jurisdiction and control over any such land only upon the affirmative vote of four of the seven members of said board. No such public lands and properties heretofore or hereafter designated for park and recreational uses shall be sold or otherwise disposed of by the city except after the affirmative vote of four of the seven members of said board.

Sec. 58. Same—To formulate policies.

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.

Sec. 59. Same—"Parks" defined.

The term "parks" shall be defined as any public land or lands heretofore or hereafter designated such by the council and accepted as such by the parks and recreation board.

Sec. 60. Same—Purchase of parks.

No additional parks as heretofore defined shall be purchased by the City and placed under the jurisdiction of the parks and recreation board unless such acquisition and placement first shall be approved by the affirmative vote of four of the seven members of said board.

Sec. 61. Same—Recommendation of policies.

The parks and recreation board shall recommend to the director of parks and recreation, to the city manager and to the council such policies as it may deem necessary and desirable in the preparation of a comprehensive park and recreation improvement program. It shall recommend acquisition and/or disposal of park and recreation property and generally review the enactment of these programs.

Sec. 62. Same—Assistance and recommendation of budget.

The parks and recreation board shall advise and assist the director of parks and recreation in the preparation of an annual budget request to be submitted to the city manager and council.

Sec. 63. Parks and recreation department—Created; director.

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.~~

Sec. 64. Same—Employees; restrictions on board members.

All employees of the parks and recreation department shall be appointed by the director of parks and recreation with the approval of the city manager. No individual member of the parks and recreation board shall issue instructions to any departmental employee, but shall implement the park and recreation program through the director of parks and recreation.

Sec. 65. Administrative procedures for park and recreation board.

The expenditure of departmental funds, the accounting therefor, all purchases, contracts, bidding procedures, personnel control, and other administrative matters of the parks and recreation board shall be those adhered to by other city departments in conformity with the provisions of this Charter and applicable state laws.

Sec. 66. Reports by department of parks and recreation.

The director of parks and recreation shall prepare, with the assistance of the board, an annual report of the programs and facilities of the department, and such reports as may be requested from time to time by the council and/or the city manager.

Sec. 67. Retention of certain powers by council.

All powers, jurisdiction, properties, responsibilities and duties not vested in the parks and recreation board in the foregoing sections 55 through 66 shall be vested in the council.

Sec. 68. Appropriation of funds for parks.

In adopting the annual budget for the operation of the city government, the council shall appropriate no less than two per centum (2%) of the general operating fund for use by the parks and recreation department. Revenues resulting from the operation of the parks and recreation department shall be credited to the parks and recreation fund or accounts, and shall be in addition to the amount appropriated as set forth in this paragraph. The council shall not be restricted to the minimum appropriation described above, but shall appropriate such funds as it may consider necessary and desirable to carry on an adequate park and recreation program within the city. The council shall give due consideration to the needs of the parks and recreation department when capital improvement projects are prepared and bond proposals are submitted to the voters.

ARTICLE V. LEGAL DEPARTMENT AND MUNICIPAL COURT

Sec. 69. Legal department—Established; head.

There shall be a legal department, the head of which shall be the city attorney.

Sec. 70. Same—Appointment of city attorney.

The city attorney shall be appointed by the mayor with the approval of the council and may be removed by the council.

Sec. 71. City attorney—Qualifications.

The city attorney shall be licensed to practice law in the State of Texas and shall have been engaged in the practice of law at least five years. He or she shall be a resident of the city during his or her service as city attorney.

Sec. 72. Same—Powers and duties.

The city attorney shall be the legal advisor of, and attorney for, all the offices and departments of the city and he or she shall represent the city in all litigations and legal proceedings. He or she shall examine and approve, or disapprove, as to form and legality, all documents, contracts and legal instruments in which the city may have an interest.

Sec. 73. Assistant city attorneys.

There shall be such Assistant City Attorneys as may be authorized by the Council and appointed by the City Attorney, with the approval of the Council. Such Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney. Services of an Assistant City Attorney may be terminated by the City Attorney or by the Council in case the office of the City Attorney is vacant.

(Ord. No. 10-1997, pt. 3(j)), 2-27-97, Ref. of 5-3-97)

Sec. 74. Private practice prohibited.

Neither the city attorney nor assistant city attorneys shall be engaged in the private practice of law while serving as city attorney or assistant city attorneys.

Sec. 75. Municipal court.

There shall be a court known as the municipal court of the city, which court shall be deemed always open for the trial of causes, with such jurisdiction, powers and duties as are given and prescribed by the laws of the State of Texas.

(Ord. No. 10-1997, pt. 3(d), 2-27-97, Ref. of 5-3-97)

Sec. 76. Judge of the municipal court.

The municipal court shall be presided over by a magistrate who shall be known as the judge of the municipal court. He or she shall be a competent attorney who is licensed to practice law in the State of Texas and shall be a resident of the city during his or her tenure of office. He or she shall be appointed by the mayor with the approval of the council for a term of two years, but he or she shall be subject to removal by the council for cause, after notice and hearing.

(Ord. No. 10-1997, pt. 3(d), 2-27-97, Ref. of 5-3-97)

Sec. 77. Assistant municipal court judge.

In the event the judge of the municipal court is temporarily unable to act for any reason, the mayor with the approval of the council, shall appoint a qualified attorney to act in his or her place.

(Ord. No. 10-1997, pt. 3(d), 2-27-97, Ref. of 5-3-97)

Sec. 78. Additional courts.

The council shall have the power to create and establish additional municipal courts and the mayor with the approval of the council, may appoint one or more judges of each municipal court, each of whom shall be a magistrate.

(Ord. No. 10-1997, pt. 3(d), 2-27-97, Ref. of 5-3-97)

Sec. 79. Clerk of the municipal court.

There shall be a clerk of the municipal court who shall be appointed by the city manager and who shall be responsible to the city manager. The clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and otherwise perform any and all acts necessary in issuing process of such court and conducting the business thereof. There shall be such deputy clerks as the council may authorize. The clerk of the municipal court shall appoint such deputy clerks, with the approval of the city manager. Such deputy clerks shall have the authority to act for and on behalf of the clerk of the municipal court.

(Ord. No. 10-1997, pt. 3(d), 2-27-97, Ref. of 5-3-97)

Sec. 80. Costs, process and procedure in the municipal court.

The council shall determine what costs, if any, shall be charged for proceedings in and for all processes issued by, said court.

(Ord. No. 10-1997, pt. 3(d), 2-27-97, Ref. of 5-3-97)

Sec. 81. Style of writs.

The style of all writs issued out of the municipal court shall be in the name of the State of Texas.

(Ord. No. 10-1997, pt. 3(d), 2-27-97, Ref. of 5-3-97)

Sec. 82. Jurors.

All jurors shall be residents of said city and otherwise possess the same qualifications as jurors in the state courts.

ARTICLE VI. PLANNING AND ZONING

Sec. 83. Planning and zoning commission—Created; composition.

There shall be established a planning and zoning commission which shall consist of seven (7) citizens of the city who own real property within said city, and the ex officio members hereinafter specified. The city manager, the chairman of the board of adjustment, the director of public works and others as the council may provide by ordinance or resolution shall serve as ex officio members. Ex officio members shall not have the power to vote. The voting members of said commission shall be appointed by the mayor with the approval of the council for a term of three (3) years, except that of the seven (7) members first appointed, two (2) shall be appointed for a term of one (1) year; two (2) for a term of two (2) years; and three (3) for a term of three (3) years. Such appointees shall serve without compensation and may not hold any elective office of the State of Texas or any other political subdivision thereof. The commission shall elect a chairman from among its official members and shall meet not less than once each month. A vacancy in an unexpired term shall be filled by the mayor with the approval of the council for the remainder of the term. A majority of appointed members shall constitute a quorum, but decisions may only be made with the affirmative vote of four (4) or more members of the commission.

Sec. 84. Same—Powers and duties.

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;~~
- de.** Require information from the other departments of the city government in relation to its work;
- ef.** Recommend to the council approval or disapproval of plans for slum clearance, public housing and urban redevelopment and renewal projects;
- fg.** Perform such additional duties and exercise such additional powers as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

Sec. 85. Director of planning.

There shall be a director of planning who shall be appointed by the city manager. The director of planning shall serve as the regular technical advisor of the planning and zoning commission, shall have the status of a director of a department and shall have such other duties and responsibilities as the city manager may establish.

Sec. 86. Board of adjustment.

The mayor, with the approval of the council, shall appoint a board of adjustment.
(Ord. No. 10-1997, pt. 3(e), 2-27-97, Ref. of 5-3-97)

ARTICLE VII. FISCAL MATTERS

Sec. 87. Fiscal year.

The fiscal year shall begin on October 1 each year and end on the following September 30, but the fiscal year may be changed by the council by ordinance, provided that no change shall be effective until six (6) months after final passage of such ordinance.

Sec. 88. Budget.

The department heads of the city shall prepare annual departmental budget requests for the ensuing fiscal year as directed by the city manager and submit said requests to him or her for his or her review. It shall be the duty of the city manager to submit a balanced annual budget not later than thirty (30) days prior to the end of the current fiscal year to the council for its review, consideration and revision if desired. The council shall call a public hearing or hearings on the budget. The budget shall be finally adopted not later than the 25th day of the last month of the fiscal year. Should the council take no final action on or prior to such day, the budget as submitted by the city manager shall be deemed to have been finally adopted by the council. The budget as adopted must set forth the appropriations for services, functions and activities of the various city departments and agencies, and shall meet all fund requirements provided by law and required by bond covenants.

Sec. 89. Appropriations.

During the fiscal year the council shall have the power to transfer funds allocated by the budget to one activity, function or department, to another activity, function or department, and to re-estimate revenues and expenditures, except that no transfer shall be made of revenues or earnings of any public utility supported principally by its own revenues.

Sec. 90. Emergency appropriations.

At any time in the fiscal year the council may make emergency appropriations to meet a pressing need for public expenditure in order to protect the public health, safety or welfare.

Sec. 91. Borrowing.

The council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.

Sec. 92. General obligation bonds.

The city shall have the power to borrow money on the credit of the city and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by the constitution and laws of

the State of Texas, and to issue refunding bonds to refund outstanding bonds of the city previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas.

Sec. 93. Revenue bonds.

The city shall have power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self liquidating municipal function not prohibited by the constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable from the properties, or interest therein, pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas.

Sec. 94. Bonds incontestable.

All bonds of the city having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall, and after said exchange, be incontestable.

Sec. 95. Purchases.

All purchases made and contracts executed by the city shall be made in accordance with the requirements of the constitution and statutes of the State of Texas.

Sec. 96. Independent audit.

Within thirty (30) days after the beginning of the fiscal year, the council shall cause a continuing independent audit to be made, by a certified public accountant, of all accounts of the city for such fiscal year. The certified public accountant so selected shall have no direct personal interest in the financial affairs of the city, and shall report in writing to the council at such time as it may require. Upon completion of the audit, the results thereof shall be reported in writing to the council as soon as reasonably possible following the close of the fiscal year, which report shall be a public record.

Sec. 97. Financial statement.

The council shall, at the end of each month prepare or have prepared under its direction a certified statement as to financial receipts and disbursements for that particular month, and shall publish such statement not later than the 20th day of the following month and the method of publication shall be any one of the following two methods as the council shall deem best, to wit:

1. By publishing said statement one time in a newspaper of general circulation in Abilene, Texas, or
2. By having a sufficient number of copies of said statement available in the office of the city secretary to be given to those persons who desire to come to said office and secure a copy thereof.

ARTICLE VIII. RESERVED

Secs. 98—109. Reserved.

Editor's note(s)—At an election held on May 3, 1997, the voters approved a Charter amendment repealing former Article VIII, which pertained to revenue and taxation. Said article is now covered by state law. The amendment was put before the voters by Ordinance 10-1997, pt. 3(f), adopted Feb. 27, 1997.

ARTICLE IX. FRANCHISES AND PUBLIC UTILITIES

Sec. 110. Power to grant; term.

The council shall have, by ordinance, the power to grant, renew and extend all franchises, easements or rights of a public nature of all public utilities operating within the city and with consent of the franchise holder to amend the same, provided, however, that no franchise shall be granted for an indefinite term and no franchise shall be granted for a term of more than forty (40) years.

Sec. 111. Introduction of application for franchise.

Before any ordinance, granting to any individual, corporation or association of persons any franchise, easement or right of a public nature, shall be read or passed by said council, notice of intention to apply therefor shall be published in a newspaper of general circulation in said city at least ten (10) consecutive publication days, the first of which said publication shall appear not more than twenty (20) days next before the introduction of the same before the council. Said notice shall state the nature of the franchise or right for which application is made; the number of years to run; and the streets and alleys or other property covered by same, and shall be published at the expense of the applicant. Filing of a copy of same with the city secretary shall constitute introduction of same before said council.

Sec. 112. Reading of franchise ordinance; effective date.

Every ordinance granting, renewing, extending or amending a franchise or public right shall be read and passed at two regular meetings of the council, which shall be at least one week apart. A public hearing shall be called and held on such ordinance before final passage, and no such ordinance shall become effective until thirty (30) days after its second and final passage.

Sec. 113. Required vote for passage.

No ordinance granting any franchise, easement or public right shall be deemed passed without the affirmative votes of at least five members of said council.

Sec. 114. Powers of city pertaining to franchises.

Included among the powers of the city are the following:

- a. To regulate, locate or prohibit the erection of any and all poles, wires or other utility equipment, conveyance or structure, on the streets, alleys and public places of said city, and to cause the same to be changed, removed, altered, increased, diminished, placed underground, or be supported by poles of such material, kind quality and class as may be determined by said council whether same be telegraph, telephone, electric or otherwise, and to enforce the provisions hereof by appropriate action in any court of competent jurisdiction;

-
- b. To purchase, own, construct or lease, and to maintain and operate either within or without the limits of said city a system of waterworks, reservoirs, gas and electric plants, sewers and other public utilities for the use of the public and the city, and to furnish service therefrom and to make and collect such charges and fees therefor as may be fixed by said council, and to issue the bonds of said city in payment therefor; provided that the issuance of said bonds shall first be submitted to a vote of the qualified voters of said city, as provided herein for other bond elections; and
 - c. To regulate the carrying of electric currents and the controlling of such currents.

Sec. 115. Ownership, use and control of streets, etc.

No franchise or easement involving the right to use the same either along, over, across, under or upon the streets, alleys, highways, parks and public ways shall be valid unless granted in compliance with the terms hereof.

Sec. 116. Compensation for franchise.

No exclusive franchise or privilege shall ever be granted by said city, nor a franchise or privilege to commence at any time after seven (7) months subsequent to the passage of the ordinance granting the same, and all persons or corporations to whom a franchise may hereafter be granted shall pay to said city for such privileges such compensation therefor as may be fixed by said council, in the grant of such franchise or privilege. Said compensation as fixed by said council shall become due and payable at such time as said council shall fix in the grant of such franchise or privilege, and upon the failure on the part of any person, firm or corporation to pay said compensation when due, the franchise or privilege as enjoyed by him or her or them shall, after thirty (30) days from such date, become forfeited.

Sec. 117. Council to fix and regulate charges, fares or rates.

Said council shall determine, fix and regulate the charges, fares or rates of any person, firm or corporation that may now or hereafter enjoy a franchise or exercise any other public privilege from said city, and of any and all public utilities of whatsoever kind, and to prescribe the kind of service to be furnished to the public by such person, firm or corporation, and the manner in which it shall be rendered and from time to time alter or change such rules, regulations and compensation, after reasonable notice to, and a hearing of, the owners of such utilities, and after a public hearing thereon, provided that the rates, charges and fares so fixed shall at all times be reasonable, and permit a reasonable net return on the actual value of the physical properties and equipment of such utilities. In this connection, the council may require any utility or franchise holder to furnish such financial reports as the council may request, including reports of actual operating costs and the financial condition of its operation within the City of Abilene.

ARTICLE X. GENERAL PROVISIONS

Sec. 118. Interim government.

The present charter of the city shall continue in full force and effect until the regular city election held on the first Tuesday in April, 1963. At such election, the council ~~membersmen~~ for Place Three (north side) and Place Four (south side) shall be elected for a term of three years. The council ~~membersmen~~ for place five (north side) and place six (south side) shall be elected for a term of two years. The election for the mayor shall be as provided herein. The council ~~membersmen~~ for places one and two shall serve the remaining one year of their terms, said council ~~membersmen~~ being the commissioners now having served only one year of their terms in present commission places two and four.

Sec. 119. Continuity in government.

Any ordinance in effect at the time this Charter is adopted, and not otherwise in conflict with this Charter, which refers to some office or employment of the city which ceases to exist under this Charter, shall continue in force and the powers and duties therein prescribed shall be the powers and duties of the office or employment which, under this Charter, succeeds to the same general powers and duties of such office or employment under the previous Charter. When the term "city commission" appears in any such ordinance it shall be construed as "council" after the effective date of this Charter.

Sec. 120. Effect of charter on existing law.

All ordinances, resolutions, rules and regulations in force in the city on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended or repealed. All taxes, assessments, liens, encumbrances and demands, of or against the city, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of beginning of such proceedings or under the law after the adoption of this Charter.

Sec. 121. Official oath.

All officers of the city shall, before entering upon the duties of their respective offices, take and subscribe the oath of office prescribed in the constitution of the State of Texas. Oath of the office shall be administered by the mayor, mayor pro tempore, or any other person authorized by law to administer oaths.

(Ord. No. 10-1997, pt. 3(g), 2-27-97, Ref. of 5-3-97)

Sec. 122. Public meetings.

All meetings of the council and boards or commissions appointed by the council shall be held in accordance with the laws of the State of Texas, commonly referred to as the Texas Open Meetings Act. Minutes of all such open meetings shall be kept and such minutes shall constitute public records.

(Ord. No. 114-1980, 11-20-80; Ref. of 1-17-81; Ord. No. 42-2006, pt. 2(5), 8-28-06/referendum 11-7-06)

Sec. 123. Public records.

All public records of every office, department or agency of the city shall be open to inspection by any citizen at all reasonable times, provided that such police records, vital statistics records, or any other records which are closed to the public by law shall not be considered public records for the purpose of this section.

Sec. 124. Official newspaper.

The council shall have the power to designate by resolution a newspaper of general circulation in the city as the official newspaper, and shall cause to be published therein all ordinances, notices and other matters which are required to be officially published by this Charter, the ordinances of the city, or the constitution or laws of the State of Texas.

Sec. 125. Notice of injury or damage.

The city shall never be liable for any personal injury, whether resulting in death or not, unless the person injured or someone in his or her behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death injury, shall file a notice in writing with the city secretary within six (6) months after the same has occurred, stating specifically in such notice when, where and how the exact injury occurred, the full extent of the injury, the amount of damages claimed or asserted, and a list of persons, if known, who witnessed the injury. The city shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged, or someone in his or her behalf, shall file a claim in writing with the city secretary within six (6) months after said damage or injury occurred, stating specifically when, where and how the injury was sustained. The person giving notice under this section shall subscribe his or her name to the notice under oath that the statements and facts contained in said notice are true and correct.

(Ord. No. 10-1997, pt. 3(h), 2-27-97; Ref. of 5-3-97)

Sec. 126. Execution, garnishment and assignment.

Property, real or personal, belonging to the city shall not be liable for sale or appropriation under any writ of execution or cost bill. Funds belonging to the city, in the hands of any person, firm or corporation shall not be liable to garnishment, attachment or sequestration; nor shall the city be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the city nor any of its officers or agents shall be required to answer any writ of garnishment on any account whatsoever. The city shall not be liable to the assignee of any wages of any officer, agent or employee of said city, whether earned or unearned, upon any claim or account whatsoever, and as to the city such assignment shall be absolutely void.

Sec. 127. Bond or security not required.

It shall not be necessary in any action, suit or proceeding in which the city is a party, for any bond, undertaking or security to be executed on behalf of said city, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and said city shall be liable as if such obligation had been duly given and executed.

Sec. 128. Judicial notice of Charter.

This Charter shall be deemed a public act and shall have the force and effect of a general law; may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places without further proof.

Sec. 129. Remission of fines and penalties.

The council shall have the power to remit in whole or in part, on such conditions as it may deem proper, by a vote of at least five of the council members, any fine or penalty belonging to the city which may be imposed or incurred under any penal ordinance of the city.

Sec. 130. Offset on debts.

The city shall be entitled to counterclaim and off-set 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. No assignment or transfer of any such debt, claim, demand or account owed by the city shall effect the right of the city to off-set the sum owed to the city.

Sec. 131. Nepotism.

No person related within the third degree by affinity or consanguinity to the mayor, any member of the council or the city manager shall be appointed to any paid office, position, clerkship or other service of the city. This prohibition shall not apply, however, to any person who shall have been employed by the city at least ninety (90) days prior to and at the time of the election of the mayor or council memberman, or the appointment of the city manager.

Sec. 132. Unjust benefit.

No elected or appointed officer or employee of the city shall benefit unduly by reason of his or her holding public office.

Sec. 133. Ethics.

No officer or employee having a direct or indirect interest in any proposed or existing contract, purchase, work, sale or service to or by the city shall vote or render a decision, or use his or her position, authority or influence in a manner that would result in his or her financial betterment to any degree. Further, any elected officer shall publicly disclose any such interest upon assumption of office or prior to consideration of any such matters.

(Ord. No. 10-1997, pt. 3(i), 2-27-97, Ref. of 5-3-97)

Sec. 134. Malfeasance in office.

Failure to comply with any provisions of the foregoing sections 132 or 133 shall constitute malfeasance in office and any officer or employee failing to so comply shall immediately forfeit his or her office or position, and said office or position shall be deemed vacant.

Sec. 135. When contracts voidable.

Any violation of the foregoing sections 132 and 133 with the knowledge, express or implied, of persons or corporations contracting with the city shall render the contract voidable by the council.

Sec. 136. Political and religious discrimination.

No person in the service of the city or seeking admission thereto shall be employed, promoted, demoted, discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious beliefs, provided that such opinions, affiliations or beliefs do not advocate the overthrow of the government of the United States of America by force or violence.

Sec. 137. Political activity.

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.

Sec. 138. Bribery.

No person seeking appointment to or promotion in the administrative service of the city shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his or her appointment or promotion or any examination conducted therefor.

Sec. 139. Ineligibility for office for certain acts.

Any person who either by himself or herself or with others wilfully violates any provision of the foregoing sections 137 or 138 shall be ineligible for appointment or election to a position in the city for a period of four years, and if he or she is an officer or employee of the city at the time of such violation he or she shall immediately forfeit the office or position he or she holds.

Sec. 140. Charter amendments.

The Charter may be amended in accordance with the provisions of the statutes of the State of Texas, as amended from time to time.

Sec. 141. Use of gender.

A word importing the masculine gender only shall extend and be applied to include females, firms, partnerships and corporations as well as males.

Sec. 142. Construction of Charter.

This Charter shall be liberally construed as a general grant of power subject only to the limitations of the constitution and statutes of the State of Texas.

Sec. 143. Severability.

If any section or part of a section of this Charter be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not invalidate or impair the validity, force or effect of any other section or part of a section of this Charter.

Sec. 144. Rearrangement and renumbering.

The council shall have the power, by ordinance, to renumber and rearrange all articles, sections and paragraphs of this Charter or any amendments thereto, as it shall deem appropriate, and upon the passage of any such ordinance, a copy thereof, certified by the city secretary, shall be forwarded to the secretary of state for filing.

CERTIFICATE

September 26, 1962

To the Honorable Mayor and Board of Commissioners,

City of Abilene, Texas.

Sirs:

In the election held on the 28th day of June, 1962 the voters of the City of Abilene voted affirmatively on the question "Shall a Commission be chosen to frame a new charter?"

Members of the charter commission elected at that time and who thereafter qualified by taking the oath of office are:

Bryan Bradbury, Robert J. Tiffany, George Minter, Jr., Garnett Gracy, Dr. John C. Stevens, Garvin Beauchamp, C. G. Whitten, John Crutchfield, Hudson Smart, Floyd Childs, Riley Maxwell, A. Crutcher Scott, James E. Russell, W. Lee Byrd, and J. Floyd Malcom.

After organizing, this charter commission elected the following officers:

Chairman	Bradbury
Vice-Chairman	Smart
Secretary	W. Lee Byrd

The commission has held 28 meetings and numerous subcommittee meetings. After the taking of evidence, receiving suggestions, performing considerable research and after full consideration of the many problems and the ends to be accomplished, the charter commission has prepared and given its final approval to a new charter, a copy of which is hereto attached for submission to the qualified voters of this City in an election to be held for that purpose.

Pursuant to the obligations imposed on this charter commission by law, it has determined and hereby certifies:

1. That the annexed charter is a true and correct copy of the charter prepared and approved by this charter commission.
2. That the City of Abilene, Texas is a city having more than 5,000 inhabitants.
3. That in the submission of this charter to the voters, it would be impracticable to segregate each subject for a separate vote thereon for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. Therefore, it is to be submitted so as to be voted upon as a whole.
4. That the election for this purpose is to be held in the City of Abilene on the 6th day of November, 1962.
5. That the charter commission completed its work on the 26th day of September, 1962.

Respectfully submitted,

Bryan Bradbury

Bryan Bradbury, Chairman

Charter Commission of the City of Abilene

ATTESTED:

W. Lee Byrd

W. Lee Byrd, Secretary

CHARTER COMPARATIVE TABLE

Included herein is a listing of legislation affecting the 1962 Charter.

Created: 2022-10-06 11:45:53 [EST]

(Supp. No. 2)

PART I - CHARTER
CHARTER COMPARATIVE TABLE

Ordinance Number	Adoption Date	Referendum Date	Part	Disposition
114-1980	11-20-80	1-17-81		122
10-1997	2-27-97	5- 3-97	3(a)	3
			3(b)	5
			3(c)	7
			3(d)	Title, 75-81
			3(e)	86
			3(f) Rpld	98-109
			3(g)	121
			3(h)	125
			3(i)	133
			3(j)	73
42-2006	8-28-06	11- 7-06	2(1)	9
			2(2)	24
			2(3)	27
			2(4)	28
			2(5)	122

ORDINANCE CERTIFYING AMENDMENTS TO CITY CHARTER





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Robert Hanna, City Manager

FROM: Cande Flores, Fire Chief

SUBJECT: **15. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Amending Chapter 5, "Ambulance Services," Article I, "In General," Abilene Code of Ordinances. (Cande Flores)**

GENERAL INFORMATION

The City has a duty to protect the health, safety, and welfare of the citizens of the City of Abilene. To meet that duty, it is the policy of the City to promote efficient, safe, reliable, and quality ambulance service in the City of Abilene.

On October 8, 2015, the City of Abilene adopted an Ordinance regulating Emergency Medical Services within the city limits. The City desires to amend Chapter 5, "Ambulance Services," of the Code of Ordinance to allow for certain intra-agency transfers within the city limits.

This ambulance ordinance amendment provides for the regulations of ambulance services to be carried out in a manner that protects the public health and safety, promotes public convenience, and respects free enterprise.

SPECIAL CONSIDERATIONS

The City of Abilene currently has an exclusive franchise agreement with AMR/MetroCare to provide EMS and non-emergency ambulance services within the city limits. AMR/MetroCare has reviewed and approves the amendments to the Ambulance Services code of ordinances.

Additionally, Hendrick Medical Center has reviewed and approves the amendments to the Ambulance Services code of ordinances. Hendrick Medical Center intends to provide its own intra-facility transfer of patients if the amendment is approved.

FUNDING/FISCAL IMPACT

n/a

STAFF RECOMMENDATION

Staff recommends that the City adopt the amendments to the Ambulance Services code of ordinances to allow certain intra-agency patient transfers.

BOARD OR COMMISSION RECOMMENDATION

n/a

ATTACHMENTS:

1. 2022 Ambulance Amendment Ordinance
2. Amended Chapter_5__AMBULANCE_SERVICES redline
3. Presentation Ambulance Services amendment

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 5, "AMBULANCE SERVICES," ARTICLE I. "IN GENERAL," OF THE ABILENE CODE OF ORDINANCES AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the City has a duty to protect the health, safety, and welfare of the citizens of the City of Abilene; and

WHEREAS, to meet that duty, it is the policy of the City to promote efficient, safe, reliable, and quality ambulance service in the City of Abilene; and

WHEREAS, on October 8, 2015, the City of Abilene adopted an Ordinance regulating Emergency Medical Services within the city limits; and

WHEREAS, the City desires to amend Chapter 5 of the Code of Ordinance to provide for certain intra-agency transfers within the city limits; and

WHEREAS, this ambulance ordinance amendment provides for the regulations of ambulance services to be carried out in a manner that protects the public health and safety, promotes public convenience, and respects free enterprise.

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

PART 1: That Chapter 5, "Ambulance Services," Article I "In General," is hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.

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

PART 3: That any person, firm, or corporation violating the provisions of this Ordinance, shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code

PART 4: 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, or as specifically provided for in this ordinance. That each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 1st day of December, 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 December, 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 15th day of December, 2022, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 15th day of December, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Chapter 5 AMBULANCE SERVICES

ARTICLE I. IN GENERAL

Sec. 5-1. Definitions.

For the purpose of this chapter, the words and phrases listed below shall have the following meanings:

Emergency medical service (EMS). The provision of basic or advanced life support and transportation of patients to an emergency room of a hospital for emergency pre-hospital care.

Emergency pre-hospital care. Care provided to the sick or injured either on the scene or during emergency transport to an emergency room at a hospital or a facility providing emergency medical care.

EMS provider. The entity under contract with the City that provides EMS services to residents of the City.

First responder. Members of the Fire Department who are assigned responsibility for responding to calls received from the City's 911 dispatch center for emergency medical service in cooperation with the City's EMS provider.

Intra-Facility Transfer. Emergency and non-emergency patient transfers between a medical facility to another medical facility owned, and operated, managed or affiliated by the same agency.

Non-emergency ambulance transfer service. The operation of a service to transport patients for non-emergency, previously scheduled, medical treatment from a point originating and terminating within the City limits. The transport of a patient for unscheduled medical treatment or evaluation at an emergency room at a hospital or a facility providing emergency medical care is not a non-emergency ambulance transfer service, but rather is the provision of EMS.

Originates. For purposes of this chapter, a call for EMS services "originates" within the City limits if the person in need of EMS service (emergency pre-hospital care or emergency ambulance transfer service) is physically located at an address within the City limits.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

Sec. 5-2. Use of emergency and transfer service.

All calls for EMS that originate within the City limits shall be directed to the City's 9-1-1 communication center and responded to solely by the City's first responders and the City's contracted EMS provider, except as provided herein.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

Sec. 5-3. EMS and non-emergency ambulance transfer service.

It shall be unlawful for any person or service to furnish, operate, advertise or otherwise engage or profess to be engaged in the service or operation of EMS or non-emergency ambulance transfer service that originates at an address within the City unless said person or entity is:

-
- (1) Rendering assistance to patients in case of a major catastrophe or emergency with which the licensed ambulances of the City are unable to cope; or
 - (2) Transporting a patient who is picked up from a location beyond the limits of the City and transported to a location within the City; or
 - (3) Transporting a patient who is picked up from a location beyond the limits of the City and transported to a location beyond the limits of the City and only incidentally passing through the City; or
 - (4) Transporting a patient who is picked up from a location within the City limits and transported to a location beyond the limits of the City; or
 - (5) Operated by an agent or employee of the federal or state government if such service is done in performance of his official duties.

(6) Transporting a patient by intra-facility transfer between any of the following facilities: Hendrick Medical Center North, Hendrick Medical Center South, and Hendrick Center for Rehabilitation.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

Sec. 5-4. Provision of EMS and first responder services.

The City provides EMS to residents of the City through a contract with an EMS provider. The City provides first responder services for its residents through services provided by its Fire Department under a first responder agreement with its EMS provider.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

Sec. 5-5. Stand-by and special events coverage.

- (a) EMS or non-emergency ambulance transfer service shall not include any stand-by or special events coverage within the limits of the City, but only if said stand-by or special events coverage does not result in any patient transfer within the limits of the City. If any stand-by or special events coverage results in patient transfer within the limits of the City, it is considered EMS or non-emergency ambulance transfer service for purposes of this chapter and regulated herein.
- (b) Upon request by law enforcement and Fire Department officers, the EMS provider shall furnish ambulance stand-by coverage at emergency incidents involving a potential danger to the personnel of the requesting agency or the general public.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

Secs. 5-6—5-20. Reserved.

ARTICLE II. EXCLUSIVE FRANCHISE

Sec. 5-21. Franchise required.

It shall be unlawful for any person to furnish, operate, advertise or otherwise engage or profess to be engaged in the operation of EMS or non-emergency ambulance transfer service from a point originating and ending within the streets of the City without a franchise as provided by this article.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

Sec. 5-22. Franchise application; requirements.

Applications for an EMS and non-emergency ambulance transfer service franchise may be solicited by the City through a request for proposals from time to time as deemed necessary by the City. The requirements and selection criteria will be included in any request for proposals initiated by the City.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

Sec. 5-23. Franchise fee.

- (a) To compensate the City for the use of public streets and right-of-way, the non-emergency ambulance transfer service franchise holder shall, during the life of said franchise, pay to the City, at the office of the Director of Finance in lawful money of the United States, three and one-half (3½) percent of the total amount billed for the ambulance service fees and other income derived from the operation of the ambulance service within the City, which said remittance shall be made monthly on or before the tenth day of each calendar month. The compensation provided for in this section shall be in lieu of any other fees or charges imposed by any other ordinance now or hereinafter in force during the life hereof, but shall not release the franchise holder from the payment of ad valorem taxes levied, or to be levied, on property it owns. It shall be the duty of a franchise holder to file with the Director of Finance a sworn statement for each calendar quarter showing the total amount billed for service within the City for the preceding three (3) months which statement shall be filed within ten (10) days following the end of the third month.
- (b) A franchise holder herein shall be required to install and adequately keep a system of bookkeeping to be approved by the Director of Finance, which books shall be subject to inspections of the governing body of the City and such person or persons as the City may designate, or either of them, so as to enable the City to check the correctness of the accounts kept and to compute fairly and accurately the amount billed that may be due to the City.
- (c) The franchise fee established in subsection (a) shall not be collected for any operational year in which the City is not requested to financially subsidize the operation of the ambulance service within the City.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

Sec. 5-24. Transfer of franchise.

No assignment, sale or subletting of any part of this franchise shall ever be made by the franchise holder herein without first receiving written approval of the City Council.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

Sec. 5-25. Inspection of books and records.

The books and records of the EMS and non-emergency ambulance transfer service franchise holder shall be open at any reasonable time for inspection by the City Manager or any official designated by the City Manager.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

Sec. 5-26. Rates.

- (a) Any person who uses the ambulance services of the City's franchise holder shall be charged for such services. The franchise holder may from time to time adjust certain rates if/as allowed by the contract or by filing an application with the City Secretary for consideration of the City Council.
- (b) The City Council hereby expressly reserves the right, power, and authority under any franchise granted, to review the charges for the services of the franchise holder to its customers, fully reserving to the City Council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the Constitution, the laws of the state, and the Charter confer upon the City.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

Secs. 5-27—5-50. Reserved.

AMEND CHAPTER 5, “AMBULANCE SERVICES,” ARTICLE I, “IN GENERAL” OF THE ABILENE CODE OF ORDINANCES





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **16. Ordinance (Final Reading) Z-2022-24 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Leticia Leija, Represented By Matthew Muzechenko, To Change The Zoning Of Approximately 5 Acres From Agricultural Open (AO) To Heavy Commercial (HC) (Tim Littlejohn)**

GENERAL INFORMATION

The request is to rezone approximately 5.0 acres from Agricultural Open (AO) to Heavy Commercial (HC). The applicant intends to use the property as retail sales/rental heavy equipment which is permitted by right in the HC district.

SPECIAL CONSIDERATIONS

The subject property is located in the southwest quarter of Survey 32 Blind Asylum Lands. The site is located in the 2600 block of East Stamford Street just west of Loop 322. It was annexed in 1964 and has never been developed.

A General Retail (GC) district is located south and east of the subject property. This property is surrounded by Agricultural Open zoning to the northwest and west.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends **denial** of the proposed request for HC zoning. However, if the applicant amends this request to seek approval of GC zoning, staff would recommend **approval**. Such an amendment to reduce the intensity of the original request would not require new notice or a new public hearing.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of the Applicant's request for HC zoning by a vote of 6-0.

ATTACHMENTS:

1. Z-2022-24 Draft ordinance
2. Z-2022-24 Staff Report
3. 245 Nora Miller
4. Z-2022-24

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 17nd day of November, 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 14th day of October 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 1st day of December 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 1st day of December, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from an Agricultural Open (AO) district to a General Commercial (GC) District:

Location:

BEING 5.00 acres of land out of Section 322, Blind Asylum Lands, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a set ½" rebar with cap on the West line of a 10.417 acre tract in Volume 1560, Page 394, Deed Records, Taylor County, Texas for the South corner of this tract, whence the Southwest corner of said Section 32 bears S44°03'34"W 590.74' and S89°59'05"W 2802.19';

THENCE N45°45'00"W 435.00' to a set ½" rebar with cap for the West corner of this tract;

THENCE N44°03'34"E 500.69' to a recovered ½" rebar on the Southwesterly right-of-way line of Interstate Highway 20 for the North corner of this tract;

THENCE S45°42'45"E 435.00' with the Southwesterly right-of-way of said highway to a point at the North corner of said 10.417 acre tract for the East corner of this tract, whence a recovered ½" rebar bears S32°42'E 1.60';

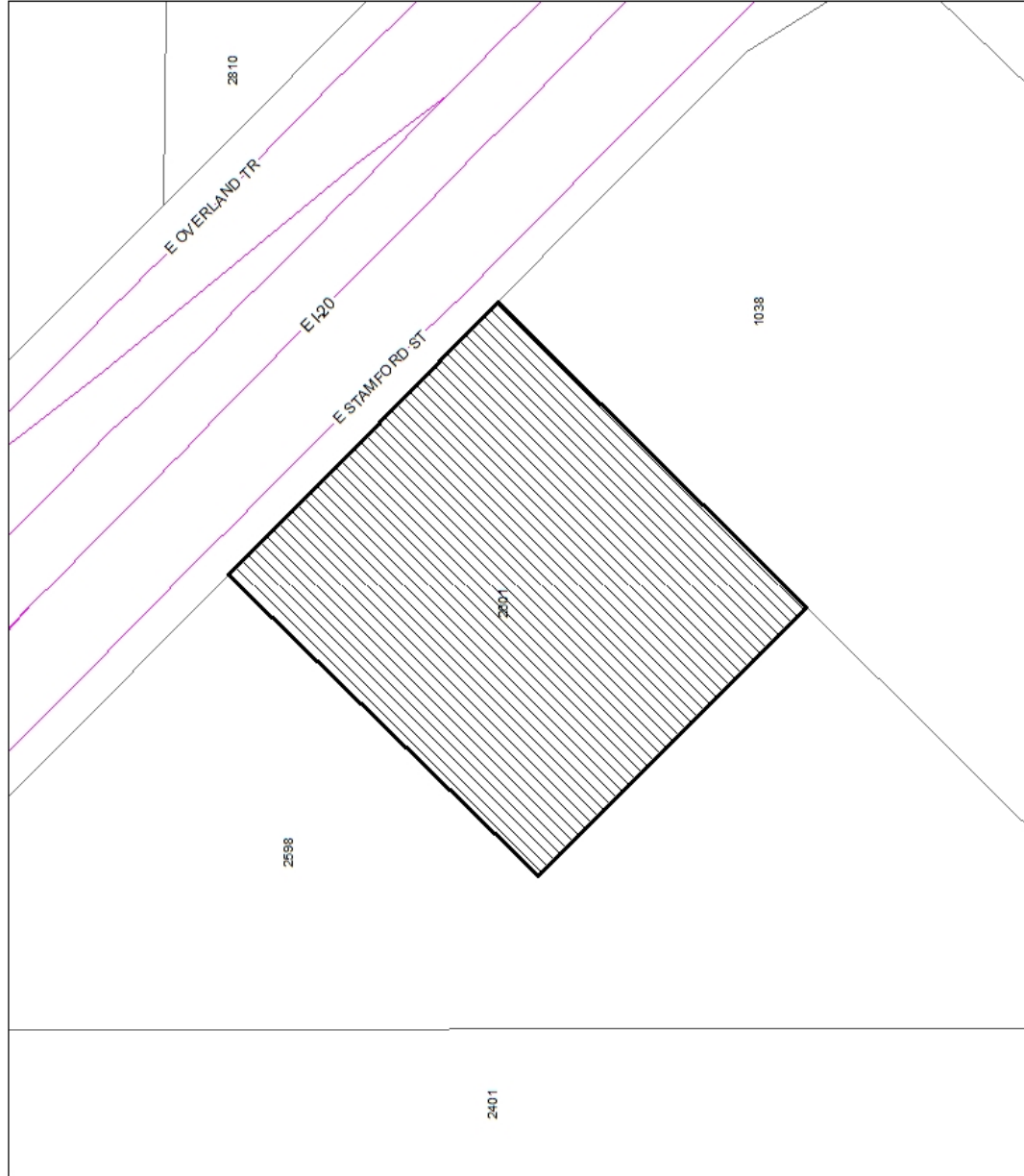
THENCE S44°03'34"W 500.41' with the West line of said 10.417 acre tract to the place of beginning and containing 5.00 acres of land.

Surveyed on the ground May 3, 2002

Location Map



Legend
Z-2022-24



END

ZONING CASE Z-2022-24

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: November 1, 2022

City Council 1st Reading: November 17, 2022

City Council 2nd Reading: December 1, 2022

Applicant

Owner: Leticia Leija

Request

Rezone approximately 5.0 acres from Agricultural Open (AO) to Heavy Commercial (HC). The applicant intends to use the property as retail sales/rental heavy equipment which is permitted by right in the HC district.

Location

The subject property is located in the southwest quarter of Survey 32 Blind Asylum Lands. The site is located in the 2600 block of East Stamford Street just west of Loop 322.

Background

This property was annexed in 1964 and has never been developed.

Zoning, Existing and Proposed Land Use

A General Retail (GC) district is located south and east of the subject property. This property is surrounded by Agricultural Open zoning to the northwest and west.

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 (FLUM) recommends *open space uses* for this site due to the presence of a floodplain and floodway west of the subject site. The FLUM did not take into account that buildable land does exist at the subject location. For that reason, the FLUM recommendation is not appropriate for this site.

Since the subject site is located along I-20, generally accepted planning principals suggest that commercial zoning would be the logical and appropriate land use of this site. The GC zoning of the property to east follows that logic.

- (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 HC zoning is inconsistent with the current zoning pattern of GC zoning to the east and south.

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

This property does not have water service. Sanitary sewer service is available from East Stamford Street.

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

None.

Recommendations:

- P&Z Recommendation - **Approval** of HC zoning.
- City Manager Recommendation - **Approval** to downgrade the zoning request from HC to GC in order to protect surrounding development from heavy commercial traffic onto EN 10th St. General Commercial zoning will allow the use proposed by the applicant subject to a Conditional Use Permit (CUP). The CUP process would allow the City Council the ability to place specific conditions on the development of the site to ensure protection of the surrounding residential developments and an existing elementary school.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices (via certified mail) to the applicant and to other owners of property within a 200-foot radius of the subject street right-of-way. These property owners and associated parcel identification numbers are identified below:

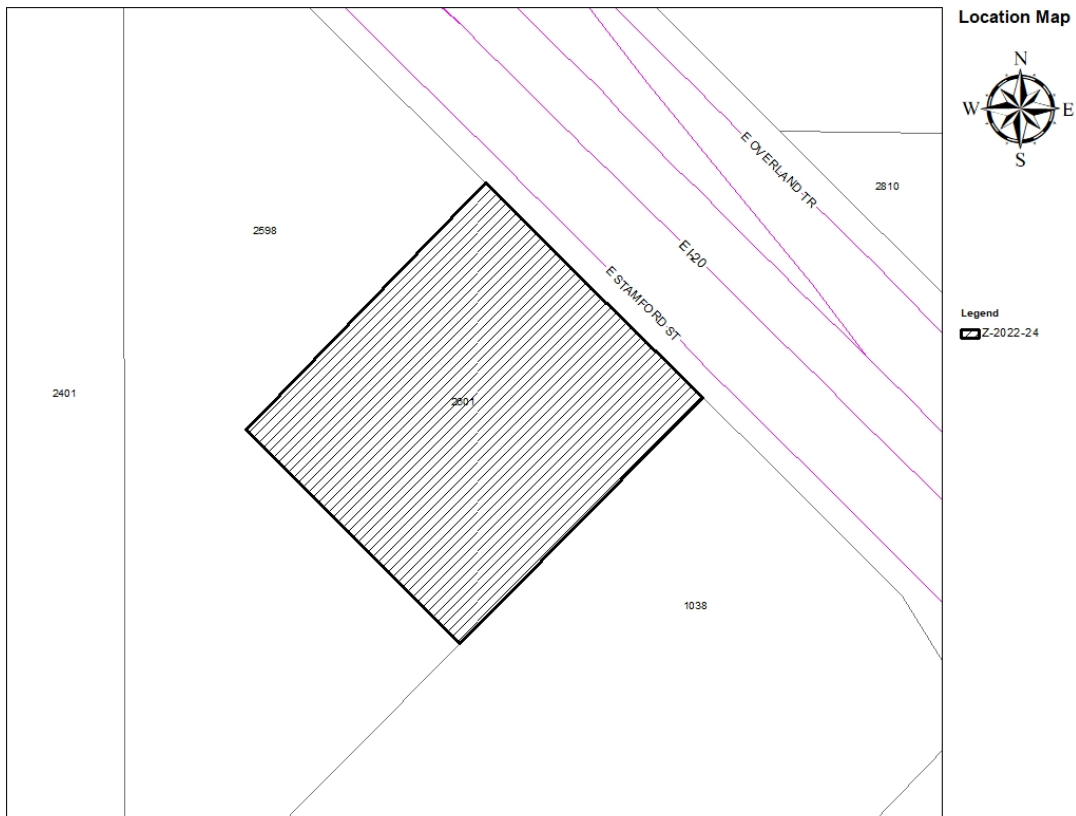
Owner

Owner	Property ID	Situs	Response
AWTRY MIKE & BUFFI	1017941	2401 E STAMFORD ST	F
AWTRY MIKE & BUFFI	105566	2598 EN 10TH ST	F
LEIJA LETICIA	33654	2601 E STAMFORD ST	
SS SRANI LLC	34253	1038 N LOOP 322	

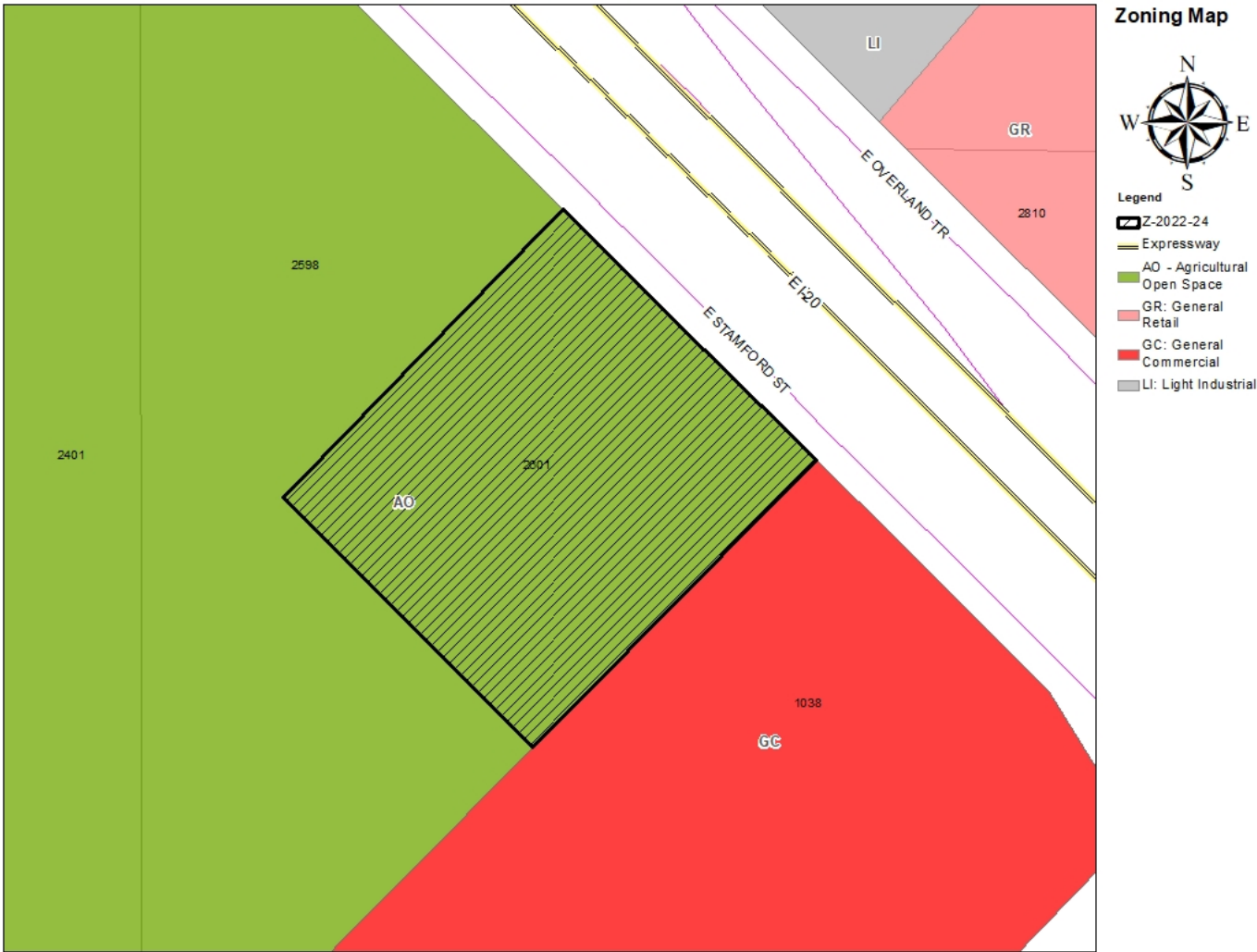
Property ID

Owner	Property ID	Situs	Response
LEIJA LETICIA	33654	2601 E STAMFORD ST	
SS SRANI LLC	34253	1038 N LOOP 322	
AWTRY MIKE & BUFFI	105566	2598 EN 10TH ST	F
AWTRY MIKE & BUFFI	1017941	2401 E STAMFORD ST	F

LOCATION MAP



ZONING MAP





Holland, Adam <adam.holland@abilenetx.gov>

[Planning] Zone change application #Z-2022-24 and #Z-2022-25

'Mike Awtry' via Planning Services <planning@abilenetx.gov>

Wed, Oct 26, 2022 at 12:58 PM

Reply-To: Mike Awtry <mike.awtry@yahoo.com>

To: planning@abilenetx.gov

Regarding Case #Z-2022-24 and #Z-2022-25.

Mike and Buffi Awtry
245 Nora Miller add
Abilene, Tx 79602-6419

We are "In Favor" ✓ of the zoning changes.

Thank you.

Sent from my iPhone

--

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/FE5F2058-F767-489C-8AE8-BFDD19B320E7%40yahoo.com>.



REZONE REQUEST

Case: Z-2022-24

Owner: Leticia Leija

Agent: Matthew Muzechenko

Request: Rezone from AO to HC

Location: 2601 E Stamford St

Notification: 2 in Favor, 0 Opposed

Planning & Zoning: November 1, 2022

City Council Hearing: November 17, 2022
December 1, 2022





Z-2022-24 LOCATION MAP

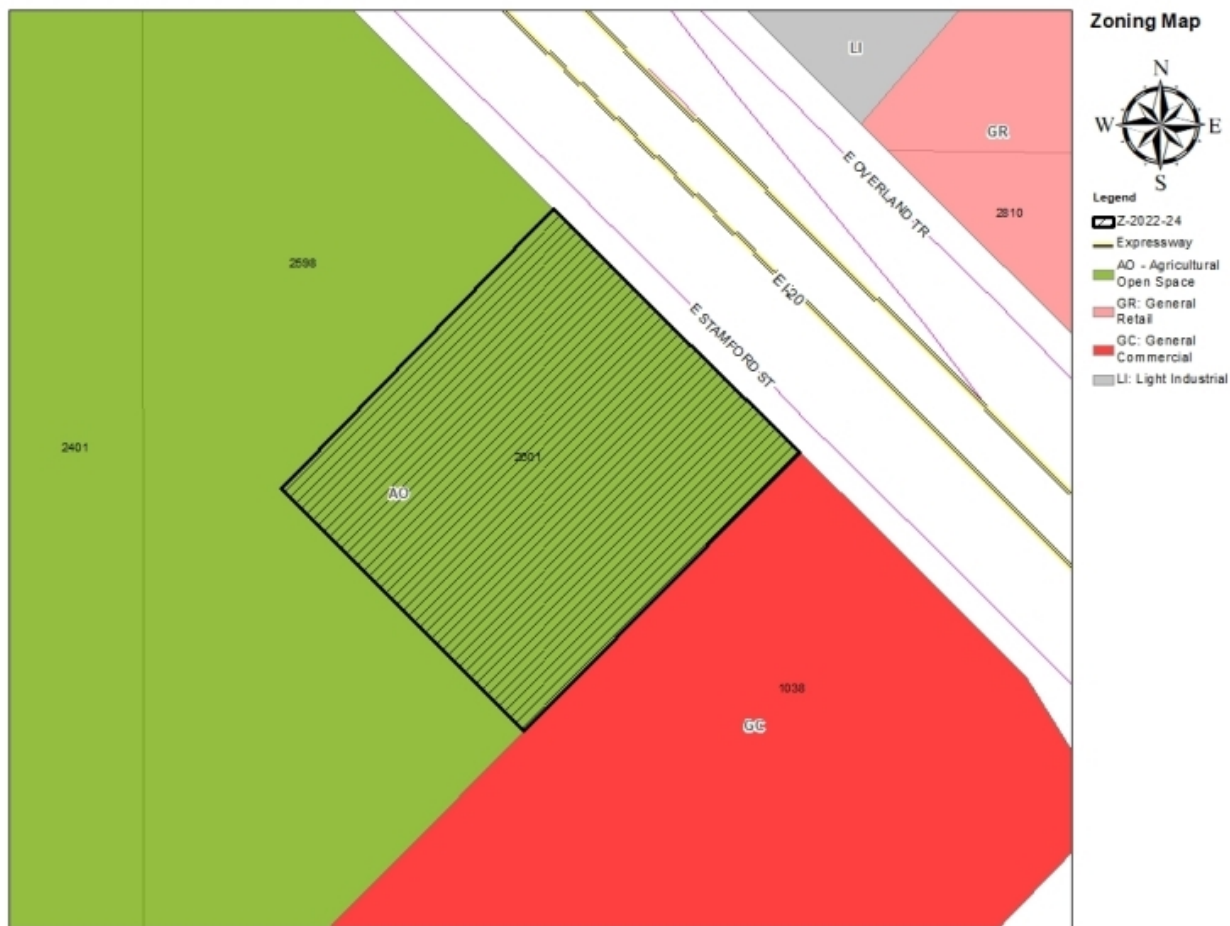


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Z-2022-24 ZONING MAP



CITY OF
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TEXAS



Permitted Uses in AO Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling– Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

- p Civic, Social, and Fraternal Organization
- P Fairgrounds/Rodeo
- C Motorized Racing
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Zoo

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- C Correction, Detention, or Penal Facilities
- P Fire/Police Station
- C Military and Armed Forces Reserve Center
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P School: Public/Private

SERVICE

- C Kennel (with outdoor pens)
- P Kennel (without outdoor pens)
- P Veterinary Service (all size animals)

TRADE – RETAIL USES

- C Liquor Store (on premises consumption) (Defined under Liquor Store)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Airport, Heliport and Flying Field Terminals – Commercial
- C Antenna Tower – Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

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



LEGEND

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



Permitted Uses in HC Zoning

RESIDENTIAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

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



CITY OF
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TEXAS

LEGEND

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



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



CITY OF
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TEXAS

LEGEND

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



Z-2022-24 VIEWS OF SUBJECT & NEIGHBORING PROPERTIES



East Neighboring Property



Subject Property

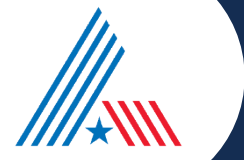


South Neighboring Property

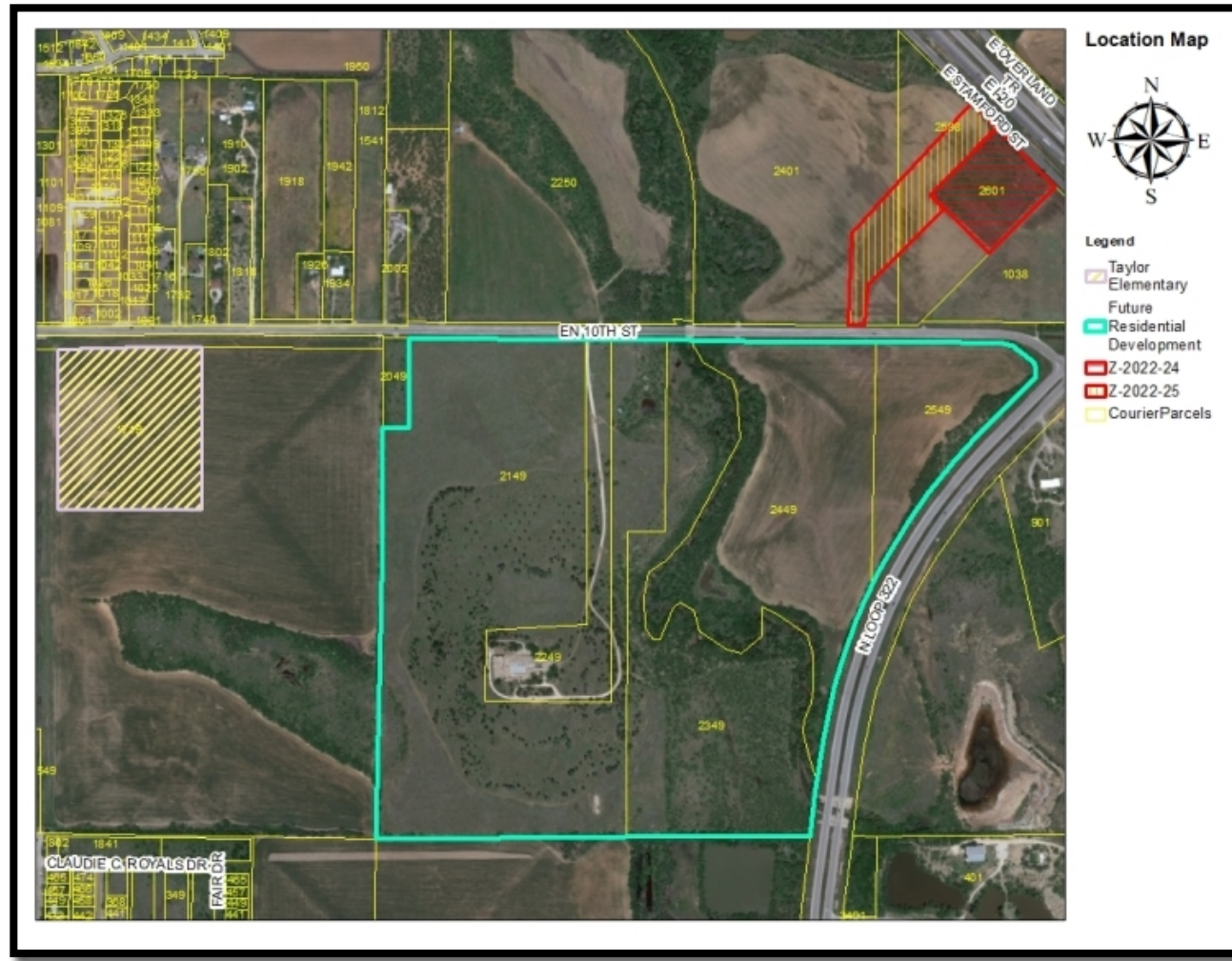


North Neighboring Property





Z-2022-24 Surrounding Area Map

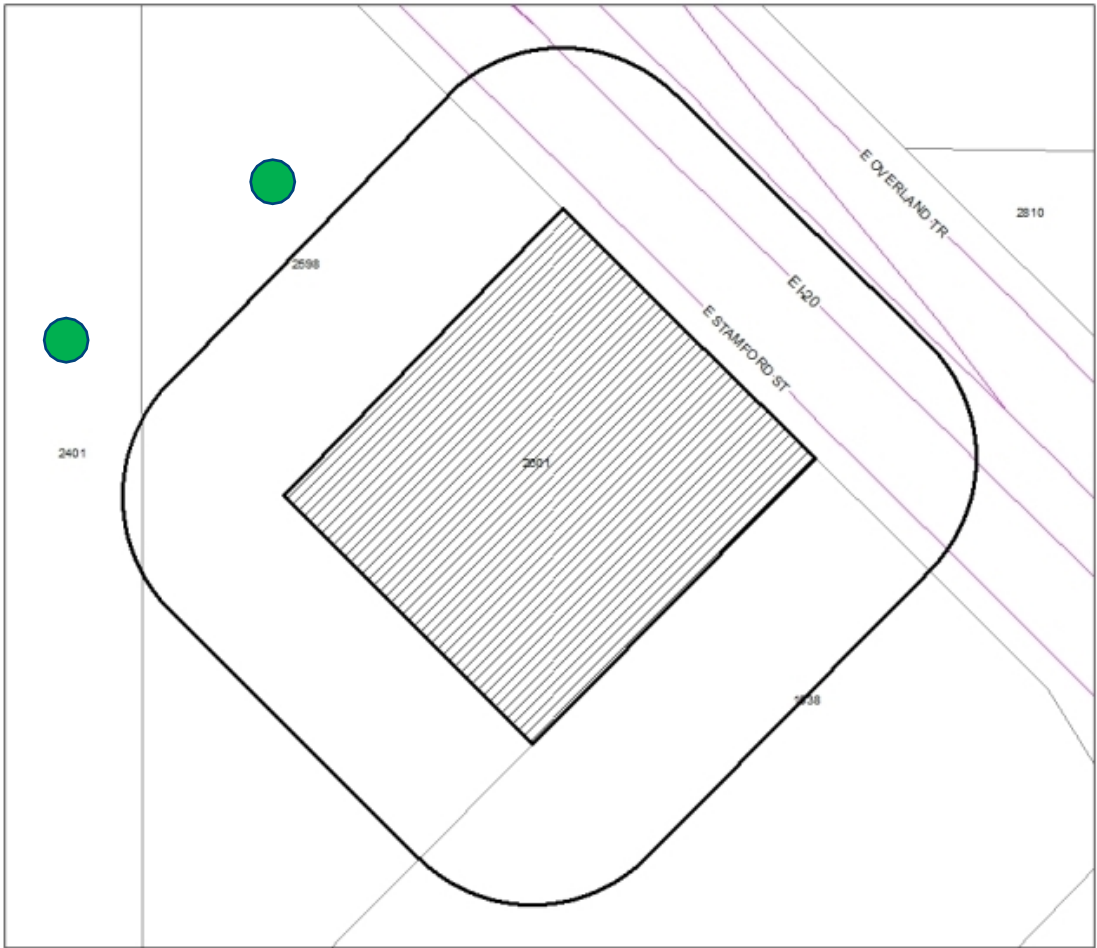


CITY OF
ABILENE
TEXAS





Z-2022-24 NOTIFICATION AREA MAP



Notification Map



Legend
200' Buffer
Z-2022-24

2- In Favor-



0- Opposed-



0% Opposed



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TEXAS





FINDINGS

The proposed request for HC rezoning is inconsistent with:

- The surrounding uses and zoning;
- Generally accepted planning principals; and
- The Criteria for Approval in the LDC.

Downzoning the request from HC to GC would be consistent with the above listed criteria.





Recommendations

- P&Z Recommendation - **Approval** of HC zoning.
- City Manager Recommendation - **Approval** to downgrade the request from HC to GC in order to protect surrounding development from heavy commercial traffic onto EN 10th St. General Commercial zoning will allow the use proposed by the applicant subject to a Conditional Use Permit (CUP). The CUP process would allow the City Council the ability to place specific conditions on the development of the site to ensure protection of the surrounding residential developments and an existing elementary school.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **17. Ordinance (Final Reading) Z-2022-25 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Mike And Buffi Awtry, Represented By Matthew Muzechenko, To Change The Zoning Of Approximately 5.27 Acres From Agricultural Open (AO) To Heavy Commercial (HC) (Tim Littlejohn)**

GENERAL INFORMATION

The request is to rezone approximately 5.27 acres from Agricultural Open (AO) to Heavy Commercial (HC). The applicant intends to use the property for retail sales/rental heavy equipment, which is permitted by right in the HC district.

SPECIAL CONSIDERATIONS

The subject property is located in the southwest quarter of Survey 32 Blind Asylum Lands. The site is located in the 2400 block of East Stamford Street and also fronts on to East North 10th Street just west of Loop 322. The purpose of the dual frontage lot design is to allow vehicles to be able to drive onto the site from one entrance and to exit the site through the opposite entrance.

This property was annexed in 1964 and has never been developed.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends **denial** of the proposed request for HC zoning. However, if the applicant was to amend this request to seek approval of GC zoning, staff would recommend **approval**. Such an amendment to reduce the intensity of the original request would not require new notice or a new public hearing.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of the Applicant's request for HC zoning by a vote of 5-1.

ATTACHMENTS:

1. Z-2022-25 Draft ordinance
2. Z-2022-25 Staff Report
3. 245 Nora Miller
4. Z-2022-25

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 17nd day of November, 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 14th day of October 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 1st day of December 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 1st day of December, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from an Agricultural Open (AO) district to a General Commercial (GC) District:

Location:

Being 5.67 acres of land out of a 67.40 acre tract of record in Instrument No. 2018-13458, Official Public Records, Taylor County, Texas, out of a 87.40 acre tract of record in Volume 1312, Page 217, Deed Records, Taylor County, Texas, out of Block 9 and Block 3, Jackson Subdivision of Section 32, Blind Asylum Lands, Taylor County, Texas, said 5.67 acres being more thoroughly described as follows:

Beginning at a point for the Northwest corner of a 5 acre tract of record in Instrument No. 2007-21207, Official Public Records, Taylor County, Texas, and the Northeast corner of this tract, from which a found ½" rebar bears N83°32'00"E 0.12';

Thence S43°53'42"W a distance of 500.69' to a point for an interior corner of this tract, from which a found ½" rebar bears N28°18'09"E 0.26';

Thence S45°56'38"E a distance of 108.23' to a set ½" rebar with a cap marked "Estes 5003" for an exterior corner of this tract;

Thence S43°53'42"W a distance of 750.76' to a set ½" rebar with a cap marked "Estes 5003" for an interior corner of this tract;

Thence S00°09'56"E a distance of 56.85' to a set ½" rebar with a cap marked "Estes 5003" to a set ½" rebar with a cap marked "Estes 5003", on the proposed North right of way line of East North 10th Street for the Southeast corner of this tract;

Thence S89°50'04"W a distance of 30.0' to a set ½" rebar with a cap marked "Estes 5003" for the Southwest corner of this tract;

Thence N00°09'56"W a distance of 397.18' to a set ½" rebar with a cap marked "Estes 5003" for an exterior corner of this tract;

Thence N43°53'42"E a distance of 1028.57' to a set ½" rebar with a cap marked "Estes 5003" for the Northwest corner of this tract;

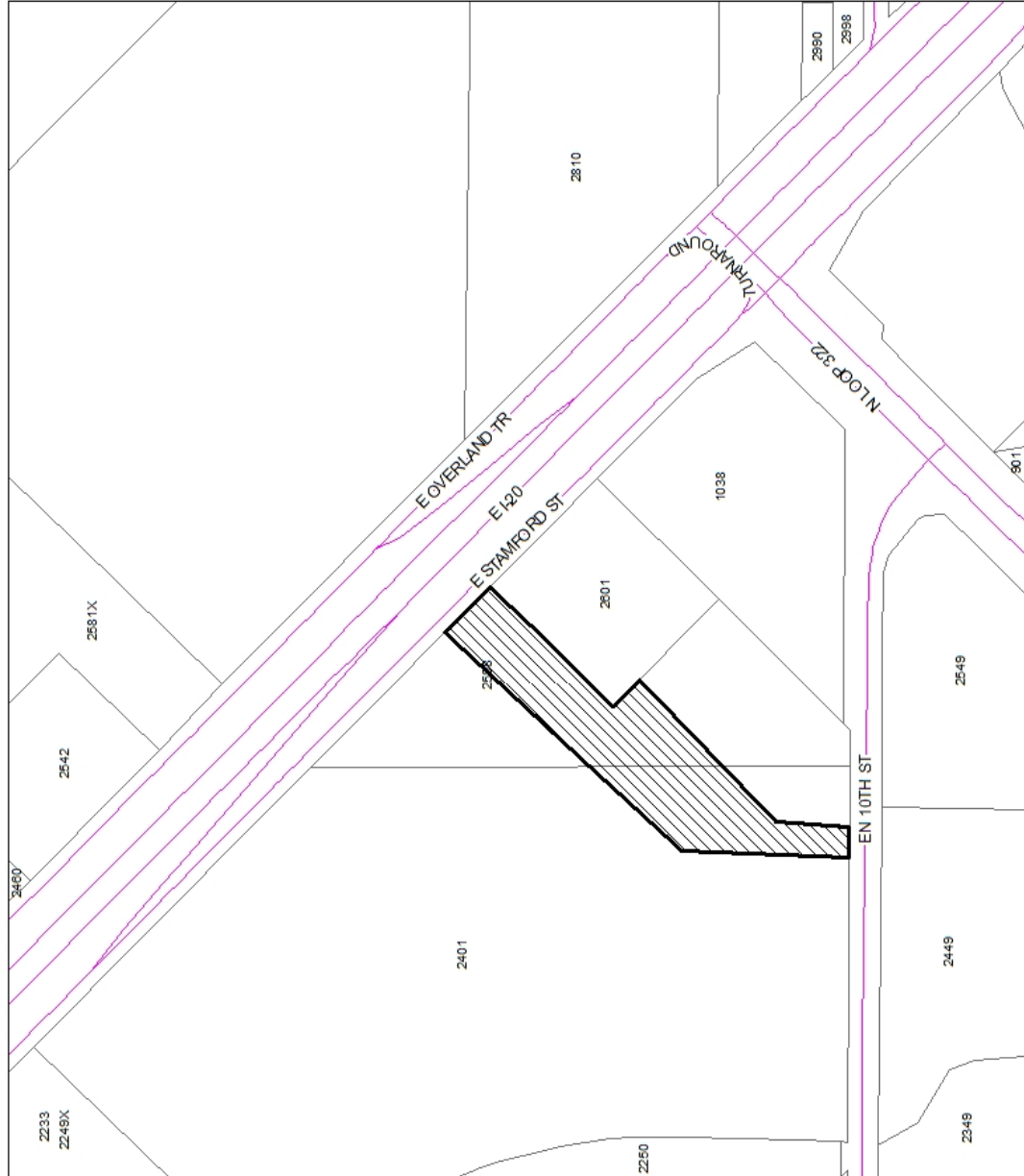
Thence S45°54'25"E a distance of 150.0' to the point of beginning, containing 5.67 acres of land, more or less.

Surveyed on the ground.

Location Map



Legend
Z-2022-25



END

ZONING CASE Z-2022-24

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: November 1, 2022

City Council 1st Reading: November 17, 2022

City Council 2nd Reading: December 1, 2022

Applicant

Owner: Mike & Buffi Awtri

Request

Rezoning of approximately 5.27 acres from Agricultural Open (AO) to Heavy Commercial (HC). The applicant intends to use the property for retail sales/rental heavy equipment, which is permitted by right in the HC district.

Location

The subject property is located in the southwest quarter of Survey 32 Blind Asylum Lands. The site is located in the 2400 block of East Stamford Street and also fronts on to East North 10th Street just west of Loop 322. The purpose of the dual frontage lot design is to allow vehicles to be able to drive onto the site from one entrance and to exit the site through the opposite entrance.

Background

This property was annexed in 1964 and has never been developed.

Zoning, Existing and Proposed Land Use

A General Retail (GC) district is located south and east of the subject property. This property is surrounded by Agricultural Open zoning on the north and west sides.

Criteria Assessment

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

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

The Future Land Use Map (FLUM) recommends *open space uses* for this site due to the presence of a floodplain and floodway west of the subject site. The FLUM did not take into account that buildable land does exist at this location. For that reason, the FLUM recommendation is not appropriate for this site.

Since the subject site is bordered by two major arterial streets, generally accepted planning principals suggest that commercial zoning would be logical and appropriate. The zoning of surrounding properties to the east and south follow that logic, with each being zoned General Commercial (GC).

- (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 HC zoning is inconsistent with the current zoning pattern of GC zoning to the east and south.

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

This property has adequate utility service for commercial uses.

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

None.

Recommendations:

- P&Z Recommendation - **Approval** of HC zoning.
- City Manager Recommendation - **Approval** to downgrade the zoning request from HC to GC in order to protect surrounding development from heavy commercial traffic onto EN 10th St. General Commercial zoning will allow the use proposed by the applicant subject to a Conditional Use Permit (CUP). The CUP process would allow the City Council the ability to place specific conditions on the development of the site to ensure protection of the surrounding residential developments and an existing elementary school.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices (via certified mail) to the applicant and to other owners of property within a 200-foot radius of the subject street right-of-way. These property owners and associated parcel identification numbers are identified below:

Owner

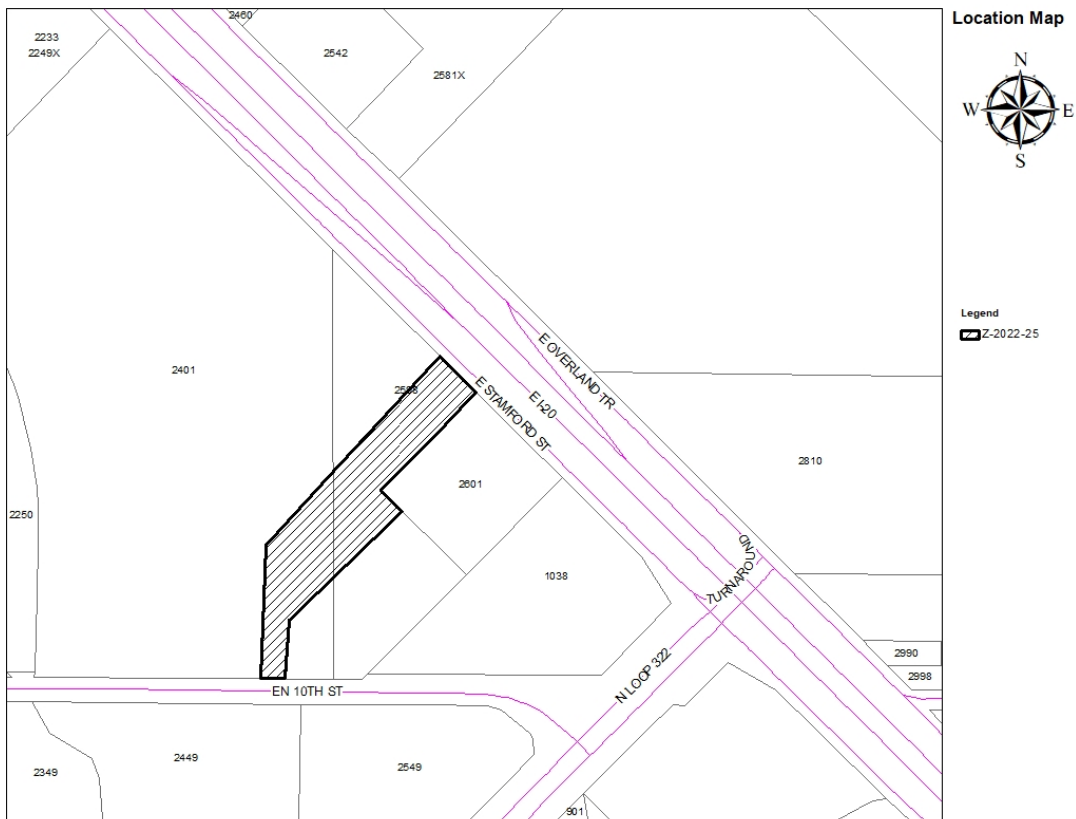
Owner	Property ID	Situs	Response
ABILENE CHRISTIAN UNIVERSITY	16273	2549 EN 10TH ST	
ABILENE CHRISTIAN UNIVERSITY	22574	2449 EN 10TH ST	
AWTRY MIKE & BUFFI	1017941	2401 E STAMFORD ST	F
AWTRY MIKE & BUFFI	105566	2598 EN 10TH ST	F
LEIJA LETICIA	33654	2601 E STAMFORD ST	

Owner	Property ID	Situs	Response
LEIJA LETICIA	33654	2601 E STAMFORD ST	
SS SRANI LLC	34253	1038 N LOOP 322	
AWTRY MIKE & BUFFI	105566	2598 EN 10TH ST	
AWTRY MIKE & BUFFI	1017941	2401 E STAMFORD ST	

Property ID

Owner	Property ID	Situs	Response
ABILENE CHRISTIAN UNIVERSITY	16273	2549 EN 10TH ST	
ABILENE CHRISTIAN UNIVERSITY	22574	2449 EN 10TH ST	
LEIJA LETICIA	33654	2601 E STAMFORD ST	
AWTRY MIKE & BUFFI	105566	2598 EN 10TH ST	F
AWTRY MIKE & BUFFI	1017941	2401 E STAMFORD ST	F

LOCATION MAP



ZONING MAP





Holland, Adam <adam.holland@abilenetx.gov>

[Planning] Zone change application #Z-2022-24 and #Z-2022-25

'Mike Awtry' via Planning Services <planning@abilenetx.gov>
Reply-To: Mike Awtry <mike.awtry@yahoo.com>
To: planning@abilenetx.gov

Wed, Oct 26, 2022 at 12:58 PM

Regarding Case #Z-2022-24 and #Z-2022-25.

Mike and Buffi Awtry
245 Nora Miller add
Abilene, Tx 79602-6419

We are "In Favor" ✓ of the zoning changes.

Thank you.

Sent from my iPhone

--

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/FE5F2058-F767-489C-8AE8-BFDD19B320E7%40yahoo.com>.



REZONE REQUEST

Case: Z-2022-25

Owner: Mike and Buffi Awtry

Agent: Matthew Muzechenko

Request: Rezone from AO to HC

Location: 2401 E Stamford St

Notification: 2 in Favor, 0 Opposed

Planning & Zoning: November 1, 2022

City Council Hearing: November 17, 2022
December 1, 2022





Z-2022-25 LOCATION MAP



Location Map



Legend

- Z-2022-25
- CourierParcels



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Z-2022-25 ZONING MAP



Zoning Map



Legend

- Z-2022-25
- Arterial
- Expressway
- Collector
- Expressway
- AO - Agricultural
- Open Space
- GR: General
- Retail
- GC: General Commercial
- HC: Heavy Commercial
- LI: Light Industrial
- PD: Planned Development



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Permitted Uses in AO Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling– Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

- p Civic, Social, and Fraternal Organization
- P Fairgrounds/Rodeo
- C Motorized Racing
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Zoo

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- C Correction, Detention, or Penal Facilities
- P Fire/Police Station
- C Military and Armed Forces Reserve Center
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P School: Public/Private

SERVICE

- C Kennel (with outdoor pens)
- P Kennel (without outdoor pens)
- P Veterinary Service (all size animals)

TRADE – RETAIL USES

- C Liquor Store (on premises consumption) (Defined under Liquor Store)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Airport, Heliport and Flying Field Terminals – Commercial
- C Antenna Tower – Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

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

LEGEND

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





Permitted Uses in HC Zoning

RESIDENTIAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

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

LEGEND

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



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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
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Z-2022-25 VIEWS OF SUBJECT & NEIGHBORING PROPERTIES



East Neighboring Property



Subject Property



South Neighboring Property



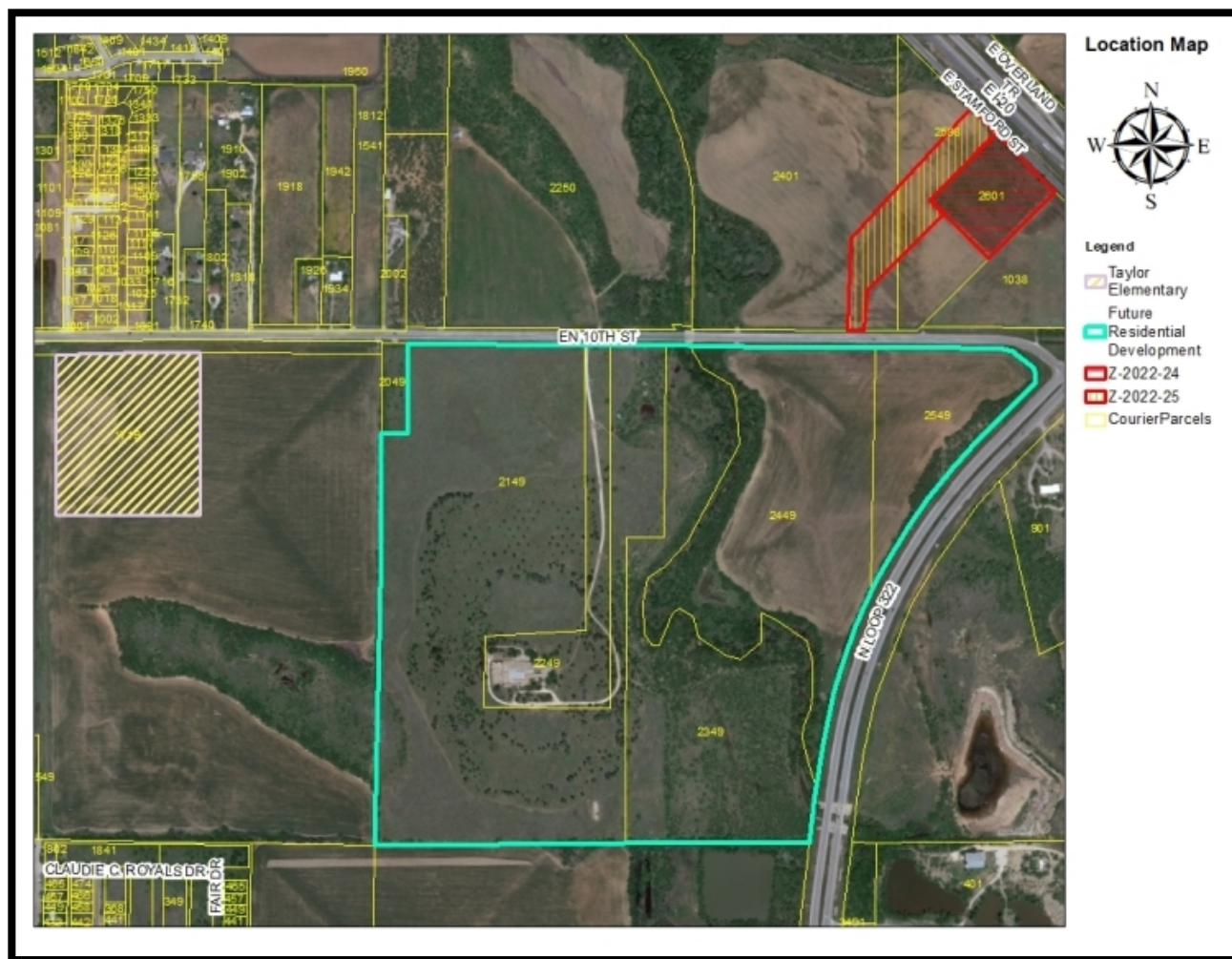
North Neighboring Property



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TEXAS



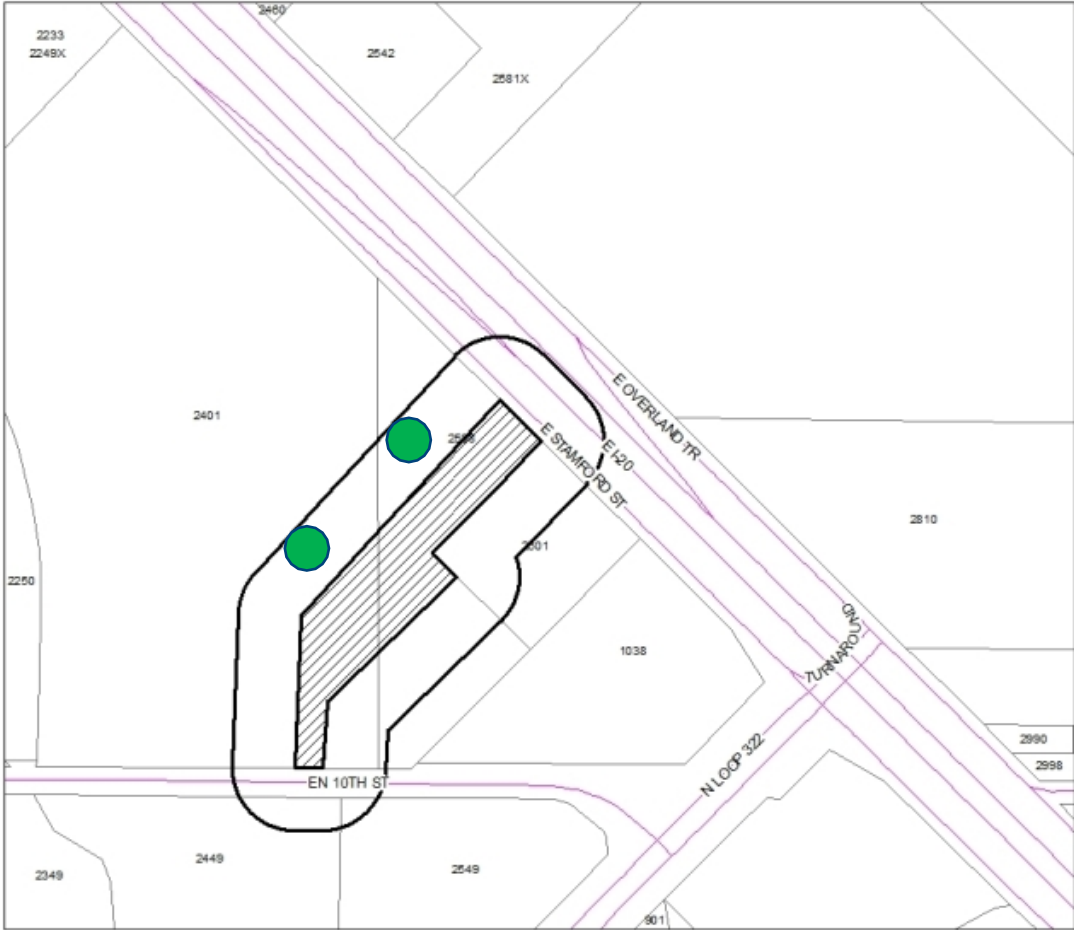
Z-2022-25 Surrounding Area Map



CITY OF
ABILENE
TEXAS



Z-2022-25 NOTIFICATION AREA MAP



Notification Map



Legend



2- In Favor-	
0- Opposed-	
0% Opposed	



CITY OF
ABILENE
TEXAS





FINDINGS AND RECOMMENDATIONS

The proposed request for HC rezoning is inconsistent with:

- The *Comprehensive Plan*;
- The surrounding uses and zoning;
- Generally accepted planning principals; and
- The Criteria for Approval in the LDC.

Downzoning the request from HC to GC would be consistent with the above criteria.





Recommendations

- P&Z Recommendation - **Approval** of HC zoning.
- City Manager Recommendation - **Approval** to downgrade the zoning request from HC to GC in order to protect surrounding development from heavy commercial traffic onto EN 10th St. General Commercial zoning will allow the use proposed by the applicant subject to a Conditional Use Permit (CUP). The CUP process would allow the City Council the ability to place specific conditions on the development of the site to ensure protection of the surrounding residential developments and an existing elementary school.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: 18. Ordinance (Final Reading) Z-2022-26 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From West Texas Land Guys, Represented By Sean Hanfeld, To Change The Zoning Of Approximately 187 Acres From Agricultural Open (AO) To Planned Development District 177 (PDD-177) To Allow For Single Family Residential Uses, Multi-Family Uses, And Commercial Uses (Tim Littlejohn)

GENERAL INFORMATION

The request is to rezone approximately 181 acres from the Agricultural Open (AO) zoning district to Planned Development District (PD-177). The subject site is proposed to be subdivided into six tracts with the following base zoning classifications:

1. Tracts A, B, and D: Residential Townhome District (TH);
2. Tracts C and F: Residential Single-Family District-6 (RS-6); and
3. Tract E: General Commercial District (GC) and Residential Multi-Family-2 (MF).

SPECIAL CONSIDERATIONS

- Proposed Tracts A and B will adjoin properties zoned MH District. The TH base zoning would create a land use transition between the MH District and proposed RS-6 base district
- Proposed Tract D will abut a WTU electric easement and no properties outside the PD, with the exception of 2 lots zoned RS-12 that front onto F.M. 600. Both of these lots are deep and back up to Tract D. The existing homes on each lot are about 700-feet from Tract D.

- Tracts C and F would primarily abut properties outside of the PD zoned AO. Lots zoned MH adjoin the western half of Tract F.
- Tract E is at the southeast corner of the F.M. 600 and F.M. 3308 intersection. From a zoning perspective, this location is ideal for GC and MF uses. All of this tract is in the floodplain and floodway, so FEMA approval of a LOMR is required establish any buildable acreage.

FUNDING/FISCAL IMPACT

Planned Development (PD) zoning is appropriate to allow a mixture of uses that are compatible with the surrounding uses. The relationship of each proposed base zoning district to the surrounding districts conform to generally accepted planning principals and the Comprehensive Plan.

STAFF RECOMMENDATION

Approval, subject to the proposed Concept Plan.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of 5-1.

ATTACHMENTS:

1. Z-2022-26 PD117.Ordinance
2. Z-2022-26 Staff Report
3. 43279_WATER CREST RANCH-PLANNED DEV
4. 4489X Caldwell
5. 441,457 Jolly Rogers Rd
6. 202 Neas Rd
7. 4073 Caldwell
8. 6008 West Lake Road
9. 108201
10. 34237
11. 3781 Fortune Ave
12. Z-2022-26 pzc

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

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

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

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

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

PASSED ON FIRST READING the 17th day of November, 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 14th day of October, 2022, the same being more than fifteen (15) days prior to a public hearing held at the Council Chambers of the City Hall at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 1st day of December, 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 1st day of December, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land, from Agricultural Open Space (AO) to Planned Development District 177 (PD-177) subject to compliance with the Concept Plan attached hereto as Exhibit B:

Two tracts of land, being (1) the "North Tract", a 110.913 acre tract located in the John Jarmon Survey No. 82, Certificate No. 1802/1903, Abstract No. 187, and the Leonard Bowerman Survey No. 83, Certificate No. 713, Abstract No. 12, and (2) the "South Tract", a 76.298 acre tract located in the Leonard Bowerman Survey No. 83, Certificate No. 713, Abstract No. 12, Taylor County, Texas, said tracts being further described by metes and bounds as follows:

TRACT 1, THE "NORTH TRACT":

A 110.913 acre tract of land located in the John Jarmon Survey No. 82, Certificate No. 1802/1903, Abstract No. 187, and the Leonard Bowerman Survey No. 83, Certificate No. 713, Abstract No. 12, Taylor County, Texas, and comprised of four tracts of land described as Tracts Three, Four and Five in a Warranty Deed With Vendor's Lien recorded in Volume 1946, Page 509, and Tract Two in a Warranty Deed With Vendor's Lien recorded in Volume 2415, Page 783, of the Official Public Records of Taylor County, Texas;

- 1) BEGINNING at a 1/2" iron rod with a cap marked "COJER" found in the south line of the Replat of Pleasant Hills Estates, Block 9, Section 2, an addition to the City of Abilene, Taylor County, Texas, according to the map, plat and/or dedication deed recorded in Plat Cabinet 2, Slide 244-D of the Plat Records of Taylor County, Texas, at the northwest corner of Lot 127, Block A of Pleasant Hills Estates, Lots 127-141, a Replat of Pleasant Hills Estates, Lots 27-41, Block A, Section 4, an addition to the City of Abilene, Taylor County, Texas, according to the map, plat and/or dedication deed recorded in Plat Cabinet 1, Slide 472 of the Plat Records of Taylor County, Texas, for the northeast corner of this tract, having coordinates of Northing: 6,869,836.65 and Easting: 1,594,546.14 of the Texas Coordinate System of 1983 (2011), Texas North Central Zone, whence the northeast corner of said John Jarmon Survey bearings: S. 88° 50' 55" E. a distance of 144.37 feet and N. 00° 46' 00" E. a distance of 267.59 feet, according to said plats of Pleasant Hills Estates, and having (calculated) coordinates of Northing: 6,870,101.28 and Easting: 1,594,694.03 of the Texas Coordinate System of 1983 (2011), Texas North Central Zone;
- 2) THENCE S. 00° 42' 04" W., along the west line of said Pleasant Hills Estates, Lots 127-141, Block A, Section 4, a distance of 748.88 feet to a 1/2" iron rod found at the southwest corner of said Replat and an ell corner of this tract;
- 3) THENCE S. 89° 11' 02" E. a distance of 145.12 feet to a 1/2" iron rod with a cap marked "COJER" found in the west line of Caldwell Road (dedication unknown) at the southeast corner of said Pleasant Hills Estates, Lots 127-141, Block A, Section 4, and a corner of this tract;
- 4) THENCE S. 00° 45' 39" W. a distance of 58.98 feet to a 1/2" iron rod with a cap marked "AMD ENGINEERING" set for the northeast corner of Pleasant Hills Estates, Lot 1, Block A, Continuation of Section 4, an addition to the City of Abilene, Taylor County, Texas, according to the map, plat and/or dedication deed recorded in Plat Cabinet 3, Slide 500 of the Plat Records of Taylor County, Texas, and a corner of this tract;

- 5) THENCE N. 89° 12' 58" W., along the north line of said Pleasant Hills Estates, Lot 1, Block A, Continuation of Section 4, at a distance of 0.22 feet pass a 1/2" iron rod found, continuing for a total distance of 399.86 feet to a 3/8" iron rod found at the northwest corner of said Lot 1, Block A, and an ell corner of this tract;
- 6) THENCE S. 00° 48' 10" W. a distance of 100.02 feet to a 3/8" iron rod found at the southeast corner of said Pleasant Hills Estates, Lot 1, Block A, Continuation of Section 4, and an ell corner of this tract;
- 7) THENCE S. 89° 11' 19" E., along the south line of said Pleasant Hills Estates, Lot 1, Block A, Continuation of Section 4, a distance of 239.92 feet to a 1/2" iron rod with a cap marked "COJER" found at the northwest corner of Lot 20, Block B of Pleasant Hills Estates, Section 4, Part of Blocks A and B, an addition to the City of Abilene, Taylor County, Texas, according to the map, plat and/or dedication deed recorded in Plat Cabinet 1, Slide 91 of the Plat Records of Taylor County, Texas, and a corner of this tract;
- 8) THENCE S. 00° 45' 35" W., along the west line of Lots 8 through 20 of said Pleasant Hills Estates, Section 4, Part of Blocks A and B, a distance of 630.26 feet to a 1/2" iron rod found at the most northerly northeast corner of Pleasant Hills Estates, Lot 201 and Lots 102 through 105, a Replat of Lot 101 and Lots 2 through 7, Block B, Section 4, an addition to the City of Abilene, Taylor County, Texas, according to the map, plat and/or dedication deed recorded in Plat Cabinet 1, Slide 407, of the Plat Records of Taylor County, Texas, and a corner of this tract;
- 9) THENCE N. 89° 12' 10" W. a distance of 180.05 feet to a 1/2" iron rod with a cap marked "COJER" found at the northwest corner of said Lot 201, Pleasant Hills Estates, Lot 201 and Lots 102 through 105, at an ell corner of this tract;
- 10) THENCE S. 00° 38' 33" W. a distance of 169.97 feet to a 1/2" iron rod in concrete found at the southwest corner of said Lot 201, Pleasant Hills Estates, Lot 201, and Lots 102 through 105, and a corner of this tract;
- 11) THENCE N. 89° 14' 06" W. a distance of 61.00 feet to a 3/8" iron rod found in the north line of Caldwell Road (dedication unknown) at the southeast corner of that certain 1.84 acre tract of land described in a Warranty Deed recorded in County Clerk's File Number 2021-26813 of the Official Public Records of Taylor County, Texas, and a corner of this tract;
- 12) THENCE N. 00° 49' 14" E. a distance of 399.96 feet to a 3/8" iron rod found at the northeast corner of said 1.84 acre tract and an ell corner of this tract;
- 13) THENCE N. 89° 13' 27" W. a distance of 199.83 feet to a 3/8" iron rod found at the northwest corner of said 1.84 acre tract and an ell corner of this tract;
- 14) THENCE S. 00° 50' 34" W. a distance of 400.00 feet to a 1/2" iron rod with a cap marked "COJER" found in the north line of said Caldwell Road at the southwest corner of said 1.84 acre tract and a corner of this tract;
- 15) THENCE N. 89° 14' 06" W. a distance of 83.80 feet to a 1/2" iron rod with a cap marked "COJER" found at the point of intersection of the north and west lines of said Caldwell Road and an ell corner of this tract;

- 16) THENCE S. $00^{\circ} 55' 06''$ W., along the west line of said Caldwell Road, a distance of 205.20 feet to a 1/2" iron rod with a cap marked "COJER" found in the north line of that certain tract of land conveyed to West Texas Utilities Company described as a 5.86 acre tract of land and recorded in Volume 216, Page 69 of the Deed Records of Taylor County, Texas, for the most southerly southeast corner of this tract, having coordinates of Northing: 6,867,930.92 and Easting: 1,593,981.71 of the Texas Coordinate System of 1983 (2011), Texas North Central Zone, whence a 1/2" iron rod with a cap marked "AMD ENGINEERING" set for the northeast corner of the second tract, "Tract 2", described herein-after, bears S. $01^{\circ} 02' 37''$ W. a distance of 100.00 feet;
- 17) THENCE N. $88^{\circ} 57' 37''$ W., along the north line of said West Texas Utilities Company tract, a distance of 2090.84 feet to a 3/8" iron rod found at the southeast corner of that certain 1.377 acre tract of land conveyed to J.D. Barrett described in a Warranty Deed with Vendor's Lien recorded in Volume 1790, Page 931 of the Official Public Records of Taylor County, Texas, for the most southerly southwest corner of this tract;
- 18) THENCE N. $00^{\circ} 53' 02''$ E. a distance of 150.09 feet to a 1/2" iron rod with a cap marked "COJER" found at the northeast corner of said J.D. Barrett tract and a corner of this tract;
- 19) THENCE S. $88^{\circ} 46' 59''$ E., along the south line of that certain 1.92 acre tract of land conveyed to Zeke Rodriguez described in a Warranty Deed with Vendor's Lien recorded in Volume 1733, Page 513 of the Official Public Records of Taylor County, Texas, a distance of 436.08 feet to a 1/2" iron rod with a cap marked "AMD ENGINEERING" set for the southeast corner of said Zeke Rodriguez tract and an ell corner of this tract;
- 20) THENCE N. $00^{\circ} 08' 06''$ W. a distance of 99.99 feet to a 3/8" iron rod found at the northeast corner of said Zeke Rodriguez tract and an ell corner of this tract;
- 21) THENCE N. $88^{\circ} 48' 24''$ W. a distance of 834.95 feet to a 1/2" iron rod with a cap marked "COJER" found in the east right-of-way line of F.M. Hwy. 600 at the northwest corner of said Zeke Rodriguez tract and the most westerly southwest corner of this tract, having coordinates of Northing: 6,868,227.00 and Easting: 1,591,494.90 of the Texas Coordinate System of 1983 (2011), Texas North Central Zone;
- 22) THENCE N. $00^{\circ} 49' 22''$ E., along the east right-of-way line of said F.M. Hwy. 600 at a distance of 676.61 feet pass a 1/2" iron rod with a cap marked "COJER" found, continuing for a total distance of 1542.88 feet to a 1/2" iron rod with a cap marked "AMD ENGINEERING" set for a point of curvature and a corner of this tract;
- 23) THENCE northerly, along said east right-of-way line and a curve to the right, an arc distance of 307.52 feet, said curve having a radius of 1859.86 feet, a delta angle of $09^{\circ} 28' 25''$, a chord length of 307.17 feet and a chord bearing of N. $05^{\circ} 33' 34''$ E., to a Type 1 concrete right-of-way monument (top broken off) found at a point of intersection and the most westerly northwest corner of this tract;
- 24) THENCE N. $60^{\circ} 33' 28''$ E. a distance of 69.80 feet to a 1/2" iron rod with a cap marked "AMD ENGINEERING" set at a point of intersection in the south right-of-way line of F.M. Hwy. 3308 for the most northerly northwest corner of this tract, whence an 8" wood guard post bears west a distance of 1.8 feet and north a distance of 0.4 feet;

25) THENCE S. $88^{\circ} 49' 29''$ E., along said south right-of-way line, a distance of 909.62 feet to a 1/2" iron rod with a cap marked "AMD ENGINEERING" set for the northwest corner that certain 7.25 acre tract of land conveyed to Bontke Brothers Construction Company described in a Warranty Deed recorded in County Clerk's File Number 2013-08806 of the Official Public Records of Taylor County, Texas, for a corner of this tract, having coordinates of Northing: 6,870,090.80 and Easting: 1,592,516.86 of the Texas Coordinate System of 1983 (2011), Texas North Central Zone;

26) THENCE S. $00^{\circ} 49' 22''$ W. a distance of 1208.09 feet to a 1/2" iron rod with a cap marked "AMD ENGINEERING" set for the southwest corner of said Bontke Brothers Construction Company tract and an ell corner of this tract;

27) THENCE S. $88^{\circ} 49' 29''$ E., along the south line of said Bontke Brothers Construction Company tract at a distance of 58.55 feet pass the southwest corner of Lot 2 of Sherrill Addition,

Lots 1 and 2, Block A, an addition to the City of Abilene, Taylor County, Texas, according to the according to the map, plat and/or dedication deed recorded in Plat Cabinet 4, Slide 372, of the Plat Records of Taylor County, Texas, continuing for a total distance of 800.85 feet to a 3/8" iron rod in concrete found at the southeast corner of said Sherrill Addition and an ell corner of this tract;

28) THENCE N. $00^{\circ} 54' 40''$ E., along the east line of said Sherrill Addition, a distance of 995.06 feet to a 1/2" iron rod with a cap marked "COJER" found at the southwest corner of said Replat of Pleasant Hills Estates, Block 9, Section 2 and a corner of this tract;

29) THENCE S. $88^{\circ} 50' 55''$ E., along the south line of a utility easement, 20 feet in width, and said Replat of Pleasant Hills Estates, Block 9, Section 2, a distance of 720.02 feet to a 1/2" iron rod with a cap marked "COJER" found at an ell corner of this tract;

30) THENCE N. $00^{\circ} 53' 00''$ E. a distance of 20.00 feet to a 1/2" iron rod with a cap marked "PATRIOT SURVEYING" found at the southwest corner of Lot 15 of said Replat of Pleasant Hills Estates, Block 9, Section 2 and a corner of this tract;

31) THENCE S. $88^{\circ} 50' 55''$ E. a distance of 60.00 feet to a 1/2" iron rod with a cap marked "AMO ENGINEERING" set for the southeast corner of said Lot 15 and a corner of this tract;

32) THENCE S. $00^{\circ} 53' 00''$ W. a distance of 20.00 feet to a 1/2" iron rod with a cap marked "AMO ENGINEERING" set in the south line of said utility easement, 20 feet in width, and said Replat of Pleasant Hills Estates, Block 9, Section 2, for an ell corner of this tract;

33) THENCE S. $88^{\circ} 50' 55''$ E. a distance of 450.67 feet to the POINT OF BEGINNING. Bearings are relative to the Texas Coordinate System of 1983 (2011), Texas North Central Zone, as calculated from a point of origin at Northing: 6,868,808.515 and Easting: 1,592,535.678, with a convergence angle of $-00^{\circ} 39' 54.55''$ and a combined scale factor of 0.99984254. Distances are at surface, in U.S. survey feet.

TRACT 2, THE "SOUTH TRACT":

A 76.298 acre tract of land located in the Leonard Bowerman Survey No. 83, Certificate No. 713, Abstract No. 12, Taylor County, Texas, and being that same certain tract of land described in a Warranty Deed recorded in Volume 2524, Page 940, of the Official Public Records of Taylor County, Texas;

1) BEGINNING at a 1/2" iron rod with a cap marked "AMO ENGINEERING" set for the southeast corner of this tract and having coordinates of Northing: 6,865,142.81 and Easting: 1,593,930.92 of the Texas Coordinate System of 1983 (2011), Texas North Central Zone, whence the southeast corner of said Leonard Bowerman Survey No. 83 bears S. 01° 02' 37" W. a distance of 30.00 feet and S. 89° 11' 32" E. a distance of 60.00 feet and having (calculated) coordinates of Northing: 6,865,111.97 and Easting: 1,593,990.36 of the Texas Coordinate System of 1983 (2011), Texas North Central Zone;

2) THENCE N. 89° 11' 32" W., at an approximate distance of 150 feet intersecting the north line of Jolly Rogers Road (dedication unknown), sometimes referred to as East Huckleberry Lane, as occupied on the ground, continuing along the north line of said road a total distance of 1233.41 feet to a 1/2" iron rod with a cap marked "AMO ENGINEERING" set for the southeast corner of the plat limits of Pleasant Hills Estates, Section 2, being a replat of all of Lot 6 and the south 410 feet of Lot 7, Block 1, Section 1, Pleasant Hills Estates and the east 30 feet of Section 1, Northern Heights Addition, an addition to the City of Abilene, Taylor County, Texas, according to the map, plat and/or dedication deed the recorded in Plat Cabinet 1, Slide 150 B of the Plat Records of Taylor County, Texas, and the southwest corner of this tract;

3) THENCE N. 00° 58' 58" E., along the east line of said Pleasant Hills Estates, Section 2, and the Pleasant Hills Estates plats recorded in Plat Cabinet 3, Slide 87 and Plat Cabinet 4, Slide 310 of the Plat records of Taylor County, Texas, and the east line of the that certain tract of land described in a Warranty Deed recorded in Volume 3170, Page 358 of the Official Public Records of Taylor County, Texas, a distance of 2694.01 feet to a 3/8" iron rod found in the south line of that certain tract of land conveyed to West Texas Utilities Company described as a 5.86 acre tract of land and recorded in Volume 216, Page 69 of the Deed Records of Taylor County, Texas, at the northwest corner of this tract, having coordinates of Northing: 6,867,853.3&and Easting: 1,592,744.04 of the Texas Coordinate System of 1983(2011), Texas North Central Zone;

4) THENCE S. 88° 57' 37" E., along the south line of said West Texas Utilities Company tract, a distance of 1236.25 feet to a 1/2" iron rod with a cap marked "AMD ENGINEERING" set in the west line of said Caldwell Road for the northeast corner of this tract, whence a 1/2" iron rod with a cap marked "COJER" found at the most southerly southeast corner of the first tract, "Tract 1", described herein-above, bears N. 01° 02' 37" E. a distance of 100.00 feet;

5) THENCE S. 01° 02' 37" W. along the west line of said Caldwell Road at an approximate distance of 2574 feet intersecting the west line of said Caldwell Road, as occupied on the ground, continuing for a total distance of 2689.01 feet to the POINT OF BEGINNING. Bearings are relative to the Texas Coordinate System of 1983 (2011), Texas North Central Zone, as calculated from a point of origin at Northing: 6,868,808.515 and Easting: 1,592,535.678, with a convergence angle of -00°39'54.55" and a combined scale factor of 0.99984254. Distances are at surface, in U.S. survey feet.

I, Norris Stevens, Registered Professional Land Surveyor, do hereby certify that this description was prepared from an actual survey of the property and that the information hereon represents the findings of this survey to the best of my knowledge and belief.

Surveyed June 29, 2022

ORDINANCE NO. _____

EXHIBIT B

(Base Zoning Districts/Land Uses/Development Standards)

Tracts A, B – Residential Townhome (TH) district, subject to all TH district development standards

Tract C, F – Residential Single-Family (RS-6) district, subject to all RS-6 development standards shall be applicable with the following exceptions:

- Minimum Lot Area: 5,000 square feet
- Minimum Lot Width: 50 feet
- Minimum Front Setback: 20 feet
- Minimum Rear Setback: 15 feet
- Minimum Side Setback: 5 feet

Tract D – Residential Townhome (TH) district

- All TH district development standards shall be applicable
- Permitted uses shall include a leasing office, maintenance building, and community pool
- Monument, directional, and wayfinding signs are permitted.

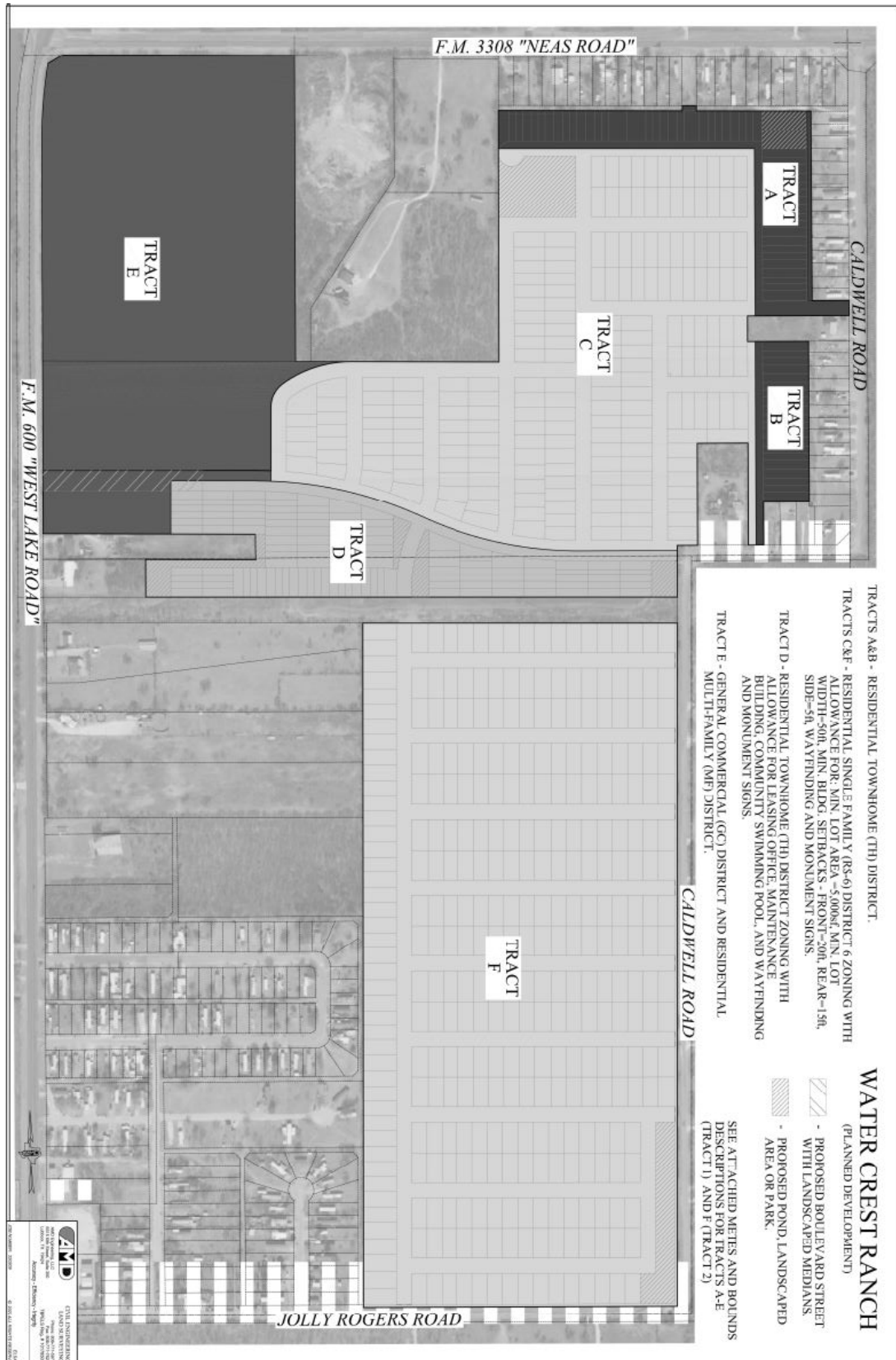
Tract E – General Commercial (GC) and Multi-Family Residential (MF) districts, subject to all development standards of each district

General Notes:

1. Signs. Monument, directional, and wayfinding signs are permitted to identify and direct visitors to each unique residential community within the PD.
2. Ponds, Parks, and Playgrounds.
 - A pond, park, playground, and landscape area are permitted in all of the tracts provided that they are maintained by a Homeowners Association.
 - Ponds may be utilized for stormwater detention and as an amenity.
3. Tract Boundaries. The precise boundaries of each tract shall be established during the subdivision process through the use of “section boundaries” that correspond with the attached Concept Plan.

ORDINANCE NO. _____

EXHIBIT B (Concept Plan)



ZONING CASE Z-2022-26 PD-177

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: November 1, 2022

City Council 1st Reading: November 17, 2022

City Council 2nd Reading: December 1, 2022

Applicant

Owner: West Texas Land Guys

Agent: Sean Hanfeld

Request:

Rezone approximately 181 acres from the Agricultural Open (AO) zoning district to Planned Development District (PD-177). The subject site is proposed to be subdivided into six tracts with the following base zoning classifications:

1. Tracts A, B, and D: Residential Townhome District (TH);
2. Tracts C and F: Residential Single-Family District-6 (RS-6); and
3. Tract E: General Commercial District (GC) and Residential Multi-Family-2 (MF).

Location

Approximately 181 acres of vacant land between F.M. 600 (a.k.a. West Lake Road), Jolly Rogers Road, Caldwell Road, and F.M. 3308 (a.k.a. Neas Road).

Background

Land Use

- Proposed Tracts A and B will adjoin properties zoned MH District. The TH base zoning would create a land use transition between the MH District and proposed RS-6 base district
- Proposed Tract D will abut a WTU electric easement and no properties outside the PD, with the exception of 2 lots zoned RS-12 that front onto F.M. 600. Both of these lots are deep and back up to Tract D. The existing homes on each lot are about 700-feet from Tract D.
- Tracts C and F would primarily abut properties outside of the PD zoned AO. Lots zoned MH adjoin the western half of Tract F.
- Tract E is at the southeast corner of the F.M. 600 and F.M. 3308 intersection. From a zoning perspective, this location is ideal for GC and MF uses. All of this tract is in the floodplain and floodway, so FEMA approval of a LOMR is required establish any buildable acreage.

Transportation

F.M. 600 (West Lake Road) and F.M. 3308 (Neas Road) are both major arterial streets. Jolly Rogers Road and Caldwell Road are both collector streets. These streets provide good access to the PD. A boulevard street with a landscaped median is proposed to enter the site from F.M. 600.

Utilities

The subject site is divided by a WTU powerline and easement. The applicant indicates that the utility will allow a new road to cross the easement to access each half of the proposed development.

A 36" sewer main is located on the subject site. 6" sewer mains adjoin the northern and eastern property line and are also located in close proximity to the southern and western property lines. A 10" water main is located in F.M. 600. A 16" main is located in F.M. 3308. 6" mains are located in Caldwell and Jolly Rogers Roads. The existing utilities are adequate to serve the development.

Zoning, Existing and Proposed Land Use

Planned Development (PD) zoning is appropriate to allow a mixture of uses that are compatible with the surrounding uses. The relationship of each proposed base zoning district to the surrounding districts conform to generally accepted planning principals and the Comprehensive Plan.

Criteria Assessment

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

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

The Future Land Use map designates the entire subject property as low density residential. The proposed PD generally conforms to this designation. The higher intensity TH based zoning district tracts are appropriate given the zoning of adjoining property outside of the PD. The proposed GC/MF tract is appropriate because the Future Thoroughfare Plan designates F.M. 600 and F.M. 3308 as arterial streets.

(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 compatible with the zoning districts surrounding the subject site.

(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 proposed use of the subject site can be adequately served by the existing streets and utilities surrounding the proposed PD. The PD is required to be platted and construction plans submitted to extend streets and utilities through the PD.

(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.

P&Z Recommendation:

The Planning and Zoning Commission recommends **approval**, subject to the proposed Concept Plan.

Attachments

Concept Plan

PowerPoint Presentation

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**

Owner	Property ID	Situs	Response
ADKINS KENNETH & PAM	42605	3790 FORTUNE AV	
BARDIN BRAD S & EMILY G	20045	441 JOLLY ROGERS RD	F
BARDIN BRAD S & EMILY G	51713		F
BARDIN BRAD S & EMILY G	75041	457 JOLLY ROGERS RD	F
BARRETT LOLA	22136	4209 W LAKE RD	
BELCHER CARROLL S	61187	509 NEAS RD	
BERRY SCOTT AARON	43725	3717 FORTUNE AV	
BLACKBURN JANE E	22736	4242 CALDWELL RD	
BLACKBURN JANE E	22868	4250 CALDWELL RD	
BLANTON RANDY	96531	4063 W LAKE RD	
BONTKE BROTHERS CONST INC	35733		
BROWN JAMES LYNN	51836	3709 CALDWELL RD	
BUERGER WENDELL ET AL	50390	401 JOLLY ROGERS RD	
BUNSELMeyer AURELIA B	60666	417 NEAS RD	
BYERS MICHAEL	43483	3741 FORTUNE AV	
BYERS MICHAEL	43483	3733 FORTUNE AV	
BYERS MICHAEL	43601	3725 FORTUNE AV	
CARTER TAMMY KILLOUGH	34379		
CHAVEZ RAINIERO &	20670	4374 CALDWELL RD	
CLEVENGER GARY ALAN	52888	4001 CALDWELL RD	
COCKERELL EDWARD IV &	51583	581 JOLLY ROGERS RD	
COCKERELL EDWARD IV &	51583	581 JOLLY ROGERS RD APT B	
Confidential Owner	100081	3919 CALDWELL RD	
CURTIS JOHN	31741	4075 W LAKE RD	
FARMER MARTY	60079	357 NEAS RD	
FARTHING COLTON L &	20001	4410 CALDWELL RD	
FOREMAN JOE	20943	4358 CALDWELL RD	
FOREMAN JOE	21078	4350 CALDWELL RD	
FRISKE TYLER WAYNE	51203	3741 CALDWELL RD	
GARCIA JESSICA	19603	4434 CALDWELL RD	
GARCIA JESSICA	19735	4426 CALDWELL RD	
GASS CLARENCE LEROY II &	59540	349 NEAS RD	

HAMILTON STEPHANIE ROBYN	63091		
HANTMAN JOSEPH M REV TRUST	21896		
HANTMAN JOSEPH M REV TRUST	22018		
HANTMAN JOSEPH M REV TRUST	34642		
HANTMAN JOSEPH M REV TRUST	34785	4134 Y CALDWELL RD	
HANTMAN JOSEPH M REV TRUST	62953		
HARDESTY JOSEPH CONNOR	53007	4489X CALDWELL RD	O
HARDESTY JOSEPH CONNOR	974738	202 NEAS RD	O
HAWKINS MEKIL	102447	4334 CALDWELL RD	
HIT VENTURES LLC	59102	317 NEAS RD	
HONEYCUTT COREY JASON &	21604	4190 CALDWELL RD	
HOOD DEREK L	996314	4073 CALDWELL RD	O
ISELL ANTHONY EUGENE	37770	349 MOBIL DR	
JASSO JOSE L & WHITNEY R	61442	517 NEAS RD	
JASSO JOSE L & WHITNEY R	61717	525 NEAS RD	
JASSO JOSE L & WHITNEY R	99125	527 NEAS RD	
KORI ZANE STAR	60373	401 NEAS RD	
KORI ZANE STAR	60373	409 NEAS RD	
KOSTIC HOLDINGS LLC	108201		O
KOSTIC HOLDINGS LLC	207441		O
KOSTIC HOLDINGS LLC	973946		O
KUZMIC SEAN	43250	3749 FORTUNE AV	
LADYMAN WALTER ANDREW	51076	3825 CALDWELL RD	
MATA JOSE & MELANEA	34916	4148 CALDWELL RD	
MC CORMACK MICHAEL & SARA	32129		
MC CORMACK MICHAEL & SARA	110332	4109 W LAKE RD	
MC GUIRE THOMAS A	61852	529 NEAS RD	
MC GUIRE THOMAS A	61852	533 NEAS RD	
MOORE GREATHOUSES LLC	19230	117 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	140 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	122 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	153 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	149 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	144 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	147 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	118 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	128 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	129 MEADOWLARK DR	
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MOORE GREATHOUSES LLC	19230	136 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	150 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	139 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	123 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	148 MEADOWLARK DR	

MOORE GREATHOUSES LLC	19230	145 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	119 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	131 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	141 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	133 MEADOWLARK DR	
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MOORE GREATHOUSES LLC	19230	132 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	130 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19236	4458 CALDWELL RD	
MOORE GREATHOUSES LLC	19355	4450 CALDWELL RD	
MOORE GREATHOUSES LLC	19486	4442 CALDWELL RD	
MOORE GREATHOUSES LLC	19867	4418 CALDWELL RD	
MOORE GREATHOUSES LLC	20130	4402 CALDWELL RD	
MOORE GREATHOUSES LLC	20270	4398 CALDWELL RD	
MOORE GREATHOUSES LLC	20408	4390 CALDWELL RD	
MOORE GREATHOUSES LLC	20539	4382 CALDWELL RD	
MOORE GREATHOUSES LLC	21214	4162 CALDWELL RD	
MOORE GREATHOUSES LLC	21467	4182 CALDWELL RD	
MOORE GREATHOUSES LLC	21732	4198 CALDWELL RD	
MOORE GREATHOUSES LLC	22096	4202 CALDWELL RD	
MOORE GREATHOUSES LLC	22228	4210 CALDWELL RD	
MOORE GREATHOUSES LLC	22353	4218 CALDWELL RD	
MOORE GREATHOUSES LLC	22488	4226 CALDWELL RD	
MOORE GREATHOUSES LLC	22611	4234 CALDWELL RD	
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MOORE GREATHOUSES LLC	23140	4266 CALDWELL RD	
MOORE GREATHOUSES LLC	23259	4274 CALDWELL RD	
MOORE GREATHOUSES LLC	23409	4282 CALDWELL RD	
MOORE GREATHOUSES LLC	23537	4290 CALDWELL RD	
MOORE GREATHOUSES LLC	23664	4302 CALDWELL RD	
MOORE GREATHOUSES LLC	33488	318 PLEASANT HILL DR	

MOORE GREATHOUSES LLC	36882	326 TRAILWAY DR	
MOORE GREATHOUSES LLC	37021	334 TRAILWAY DR	
MOORE GREATHOUSES LLC	37150	389 MOBIL DR	
MOORE GREATHOUSES LLC	37277	381 MOBIL DR	
MOORE GREATHOUSES LLC	37409	373 MOBIL DR	
MOORE GREATHOUSES LLC	37523	365 MOBIL DR	
MOORE GREATHOUSES LLC	37886	341 MOBIL DR	
MOORE GREATHOUSES LLC	38001	333 MOBIL DR	
MOORE GREATHOUSES LLC	38129	325 MOBIL DR	
MOORE GREATHOUSES LLC	38262	317 PLEASANT HILL DR	
MOORE GREATHOUSES LLC	42867	3773 FORTUNE AV	
MOORE GREATHOUSES LLC	43127	3757 FORTUNE AV	
MOORE GREATHOUSES LLC	44011	3701 FORTUNE AV	
MOORE GREATHOUSES LLC	61063	441 NEAS RD	
PALACIO PETE S	62238	541 NEAS RD	
PEACOCK WILLIAM T &	973944	204 NEAS RD	
PRESSWOOD C W ESTATE	21132		
PRESSWOOD CLARENCE W	62556		
PRESSWOOD LEE A	34239		
PRESSWOOD LLOYD MARTIN	34237		O
RADER BRITTANY MICHELLE	33491	317 TRAILWAY DR	
RIALS TREVOR &	52224		
RIALS TREVOR &	53020	3701 CALDWELL RD	
ROAD	63471	308 NEAS RD	
ROAD	63471	766 NEAS RD	
ROAD	63471	617 NEAS RD	
ROAD	63471	558 NEAS RD	
ROAD	63471	324 NEAS RD	
ROAD	63471	524 NEAS RD	
ROAD	63471	426 NEAS RD	
ROBBINS GARY LF EST	61313	513 NEAS RD	
RODRIGUEZ ZEKE	35470	4217 W LAKE RD	
ROWTON RICHARD VAN JR &	43008	3765 FORTUNE AV	
SHERRILL CHARLES M & LISA	1015569	249 NEAS RD	
SHERRILL CHARLES M & LISA	1015569	249 B NEAS RD	
SHERRILL CHARLES M & LISA	1015570		
SMITH PATRICIA MARTIN	986519		
SMITH PATRICIA MARTIN	986520	465 JOLLY ROGERS RD	
SPYKES ROY DON & NORMA	973945		
TARPLEY GARRY GLENN	21341	4174 CALDWELL RD	
THORP JASON	37635	357 MOBIL DR	
TROY KATHERINE L	62362	549 NEAS RD	
WEBBER JUANITA	20802	4366 CALDWELL RD	
WEEKS JOHNNY &	43849	3709 FORTUNE AV	

WELCH ROGER	53810	4065 CALDWELL RD	
WEST TEXAS UTILITIES CO	18906	4150 VICTORIA ST	
WEST TEXAS UTILITIES CO	50133		
WHEELER EMMA	42728	3781 FORTUNE AV	O
WILSON DARIN & JOANN	50940		
WILSON ROBERT DARIN & JO ANN	100080	3949 CALDWELL RD	

Property ID

Owner	Property ID	Situs	Response
WEST TEXAS UTILITIES CO	18906	4150 VICTORIA ST	
MOORE GREATHOUSES LLC	19230	117 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	140 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	122 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	153 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	149 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	144 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	147 MEADOWLARK DR	
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MOORE GREATHOUSES LLC	19230	128 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	129 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	138 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	136 MEADOWLARK DR	
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MOORE GREATHOUSES LLC	19230	123 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	148 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	145 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	119 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	131 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	141 MEADOWLARK DR	
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MOORE GREATHOUSES LLC	19230	146 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	142 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	134 MEADOWLARK DR	
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MOORE GREATHOUSES LLC	19230	121 MEADOWLARK DR	

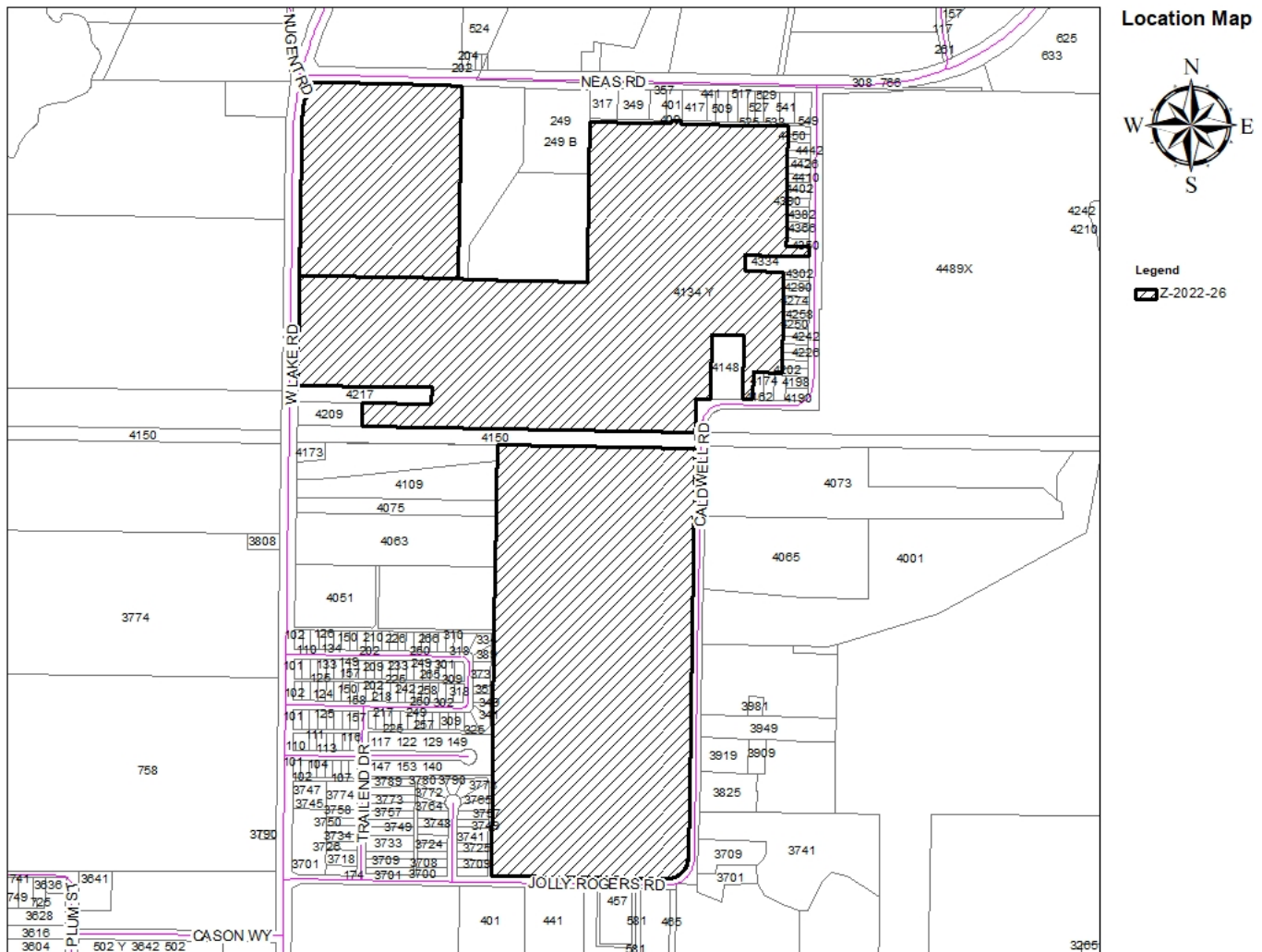
MOORE GREATHOUSES LLC	19230	152 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	151 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	143 MEADOWLARK DR	
MOORE GREATHOUSES LLC	19230	132 MEADOWLARK DR	
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MOORE GREATHOUSES LLC	19486	4442 CALDWELL RD	
GARCIA JESSICA	19603	4434 CALDWELL RD	
GARCIA JESSICA	19735	4426 CALDWELL RD	
MOORE GREATHOUSES LLC	19867	4418 CALDWELL RD	
FARTHING COLTON L &	20001	4410 CALDWELL RD	
BARDIN BRAD S & EMILY G	20045	441 JOLLY ROGERS RD	F
MOORE GREATHOUSES LLC	20130	4402 CALDWELL RD	
MOORE GREATHOUSES LLC	20270	4398 CALDWELL RD	
MOORE GREATHOUSES LLC	20408	4390 CALDWELL RD	
MOORE GREATHOUSES LLC	20539	4382 CALDWELL RD	
CHAVEZ RAINIERO &	20670	4374 CALDWELL RD	
WEBBER JUANITA	20802	4366 CALDWELL RD	
FOREMAN JOE	20943	4358 CALDWELL RD	
FOREMAN JOE	21078	4350 CALDWELL RD	
PRESSWOOD C W ESTATE	21132		
MOORE GREATHOUSES LLC	21214	4162 CALDWELL RD	
TARPLEY GARRY GLENN	21341	4174 CALDWELL RD	
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HONEYCUTT COREY JASON &	21604	4190 CALDWELL RD	
MOORE GREATHOUSES LLC	21732	4198 CALDWELL RD	
HANTMAN JOSEPH M REV TRUST	21896		
HANTMAN JOSEPH M REV TRUST	22018		
MOORE GREATHOUSES LLC	22096	4202 CALDWELL RD	
BARRETT LOLA	22136	4209 W LAKE RD	
MOORE GREATHOUSES LLC	22228	4210 CALDWELL RD	
MOORE GREATHOUSES LLC	22353	4218 CALDWELL RD	
MOORE GREATHOUSES LLC	22488	4226 CALDWELL RD	
MOORE GREATHOUSES LLC	22611	4234 CALDWELL RD	
BLACKBURN JANE E	22736	4242 CALDWELL RD	
BLACKBURN JANE E	22868	4250 CALDWELL RD	
MOORE GREATHOUSES LLC	23010	4258 CALDWELL RD	
MOORE GREATHOUSES LLC	23140	4266 CALDWELL RD	
MOORE GREATHOUSES LLC	23259	4274 CALDWELL RD	
MOORE GREATHOUSES LLC	23409	4282 CALDWELL RD	
MOORE GREATHOUSES LLC	23537	4290 CALDWELL RD	
MOORE GREATHOUSES LLC	23664	4302 CALDWELL RD	
CURTIS JOHN	31741	4075 W LAKE RD	

MC CORMACK MICHAEL & SARA	32129		
MOORE GREATHOUSES LLC	33488	318 PLEASANT HILL DR	
RADER BRITTANY MICHELLE	33491	317 TRAILWAY DR	
PRESSWOOD LLOYD MARTIN	34237		O
PRESSWOOD LEE A	34239		
CARTER TAMMY KILLOUGH	34379		
HANTMAN JOSEPH M REV TRUST	34642		
HANTMAN JOSEPH M REV TRUST	34785	4134 Y CALDWELL RD	
MATA JOSE & MELANEA	34916	4148 CALDWELL RD	
RODRIGUEZ ZEKE	35470	4217 W LAKE RD	
BONTKE BROTHERS CONST INC	35733		
MOORE GREATHOUSES LLC	36882	326 TRAILWAY DR	
MOORE GREATHOUSES LLC	37021	334 TRAILWAY DR	
MOORE GREATHOUSES LLC	37150	389 MOBIL DR	
MOORE GREATHOUSES LLC	37277	381 MOBIL DR	
MOORE GREATHOUSES LLC	37409	373 MOBIL DR	
MOORE GREATHOUSES LLC	37523	365 MOBIL DR	
THORP JASON	37635	357 MOBIL DR	
ISBELL ANTHONY EUGENE	37770	349 MOBIL DR	
MOORE GREATHOUSES LLC	37886	341 MOBIL DR	
MOORE GREATHOUSES LLC	38001	333 MOBIL DR	
MOORE GREATHOUSES LLC	38129	325 MOBIL DR	
MOORE GREATHOUSES LLC	38262	317 PLEASANT HILL DR	
ADKINS KENNETH & PAM	42605	3790 FORTUNE AV	
WHEELER EMMA	42728	3781 FORTUNE AV	O
MOORE GREATHOUSES LLC	42867	3773 FORTUNE AV	
ROWTON RICHARD VAN JR &	43008	3765 FORTUNE AV	
MOORE GREATHOUSES LLC	43127	3757 FORTUNE AV	
KUZMIC SEAN	43250	3749 FORTUNE AV	
BYERS MICHAEL	43483	3741 FORTUNE AV	
BYERS MICHAEL	43483	3733 FORTUNE AV	
BYERS MICHAEL	43601	3725 FORTUNE AV	
BERRY SCOTT AARON	43725	3717 FORTUNE AV	
WEEKS JOHNNY &	43849	3709 FORTUNE AV	
MOORE GREATHOUSES LLC	44011	3701 FORTUNE AV	
WEST TEXAS UTILITIES CO	50133		
BUERGER WENDELL ET AL	50390	401 JOLLY ROGERS RD	
WILSON DARIN & JOANN	50940		
LADYMAN WALTER ANDREW	51076	3825 CALDWELL RD	
FRISKE TYLER WAYNE	51203	3741 CALDWELL RD	
COCKERELL EDWARD IV &	51583	581 JOLLY ROGERS RD	
COCKERELL EDWARD IV &	51583	581 JOLLY ROGERS RD APT B	
BARDIN BRAD S & EMILY G	51713		F
BROWN JAMES LYNN	51836	3709 CALDWELL RD	

RIALS TREVOR &	52224		
CLEVENGER GARY ALAN	52888	4001 CALDWELL RD	
HARDESTY JOSEPH CONNOR	53007	4489X CALDWELL RD	O
RIALS TREVOR &	53020	3701 CALDWELL RD	
WELCH ROGER	53810	4065 CALDWELL RD	
HIT VENTURES LLC	59102	317 NEAS RD	
GASS CLARENCE LEROY II &	59540	349 NEAS RD	
FARMER MARTY	60079	357 NEAS RD	
KORI ZANE STAR	60373	401 NEAS RD	
KORI ZANE STAR	60373	409 NEAS RD	
BUNSELMAYER AURELIA B	60666	417 NEAS RD	
MOORE GREATHOUSES LLC	61063	441 NEAS RD	
BELCHER CARROLL S	61187	509 NEAS RD	
ROBBINS GARY LF EST	61313	513 NEAS RD	
JASSO JOSE L & WHITNEY R	61442	517 NEAS RD	
JASSO JOSE L & WHITNEY R	61717	525 NEAS RD	
MC GUIRE THOMAS A	61852	529 NEAS RD	
MC GUIRE THOMAS A	61852	533 NEAS RD	
PALACIO PETE S	62238	541 NEAS RD	
TROY KATHERINE L	62362	549 NEAS RD	
PRESSWOOD CLARENCE W	62556		
HANTMAN JOSEPH M REV TRUST	62953		
HAMILTON STEPHANIE ROBYN	63091		
ROAD	63471	308 NEAS RD	
ROAD	63471	766 NEAS RD	
ROAD	63471	617 NEAS RD	
ROAD	63471	558 NEAS RD	
ROAD	63471	324 NEAS RD	
ROAD	63471	524 NEAS RD	
ROAD	63471	426 NEAS RD	
BARDIN BRAD S & EMILY G	75041	457 JOLLY ROGERS RD	F
BLANTON RANDY	96531	4063 W LAKE RD	
JASSO JOSE L & WHITNEY R	99125	527 NEAS RD	
WILSON ROBERT DARIN & JO ANN	100080	3949 CALDWELL RD	
Confidential Owner	100081	3919 CALDWELL RD	
HAWKINS MEKIL	102447	4334 CALDWELL RD	
KOSTIC HOLDINGS LLC	108201		O
MC CORMACK MICHAEL & SARA	110332	4109 W LAKE RD	
KOSTIC HOLDINGS LLC	207441		O
PEACOCK WILLIAM T &	973944	204 NEAS RD	
SPYKES ROY DON & NORMA	973945		
KOSTIC HOLDINGS LLC	973946		O
HARDESTY JOSEPH CONNOR	974738	202 NEAS RD	O
SMITH PATRICIA MARTIN	986519		

SMITH PATRICIA MARTIN	986520	465 JOLLY ROGERS RD	
HOOD DEREK L	996314	4073 CALDWELL RD	O
SHERRILL CHARLES M & LISA	1015569	249 NEAS RD	
SHERRILL CHARLES M & LISA	1015569	249 B NEAS RD	
SHERRILL CHARLES M & LISA	1015570		

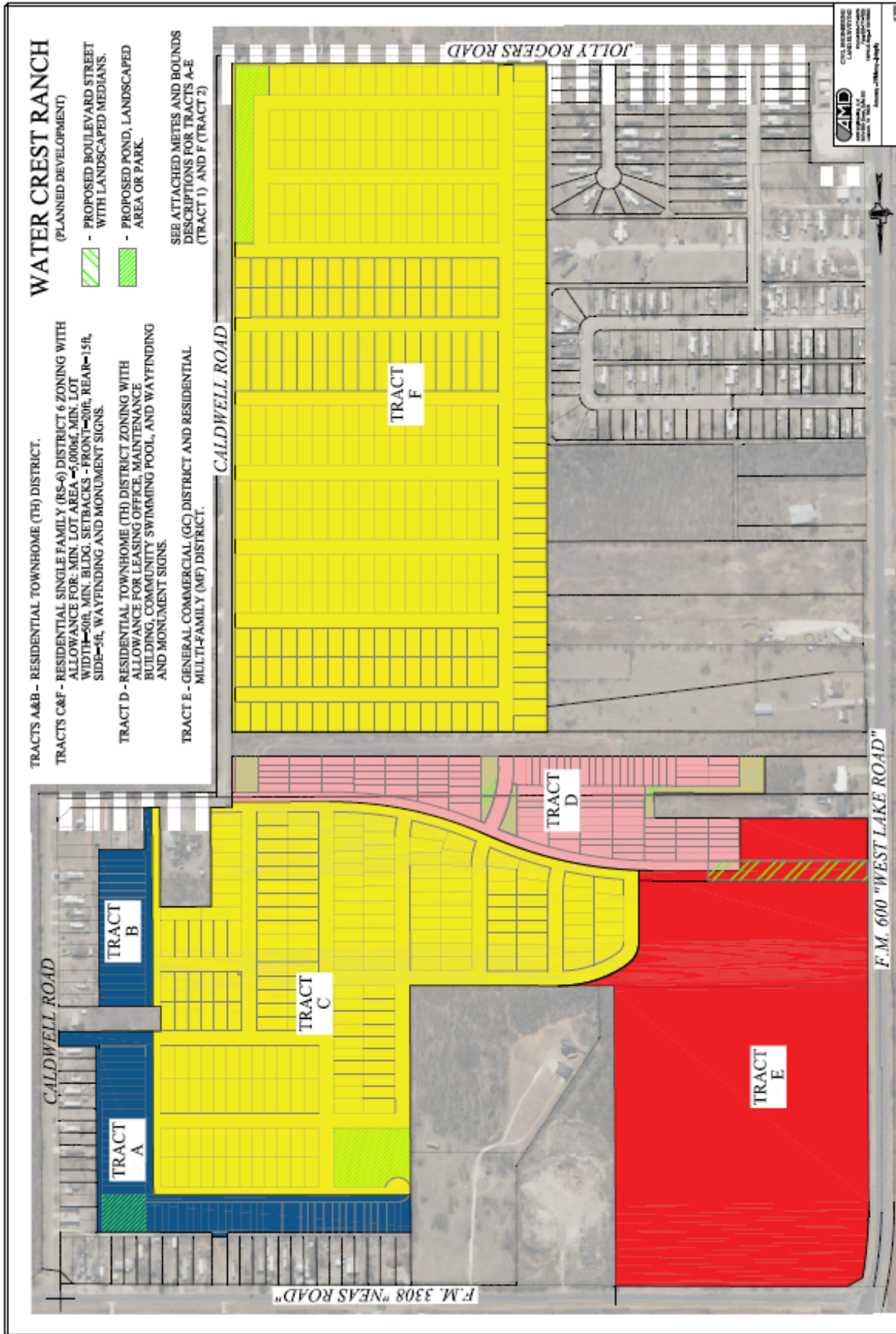
LOCATION MAP

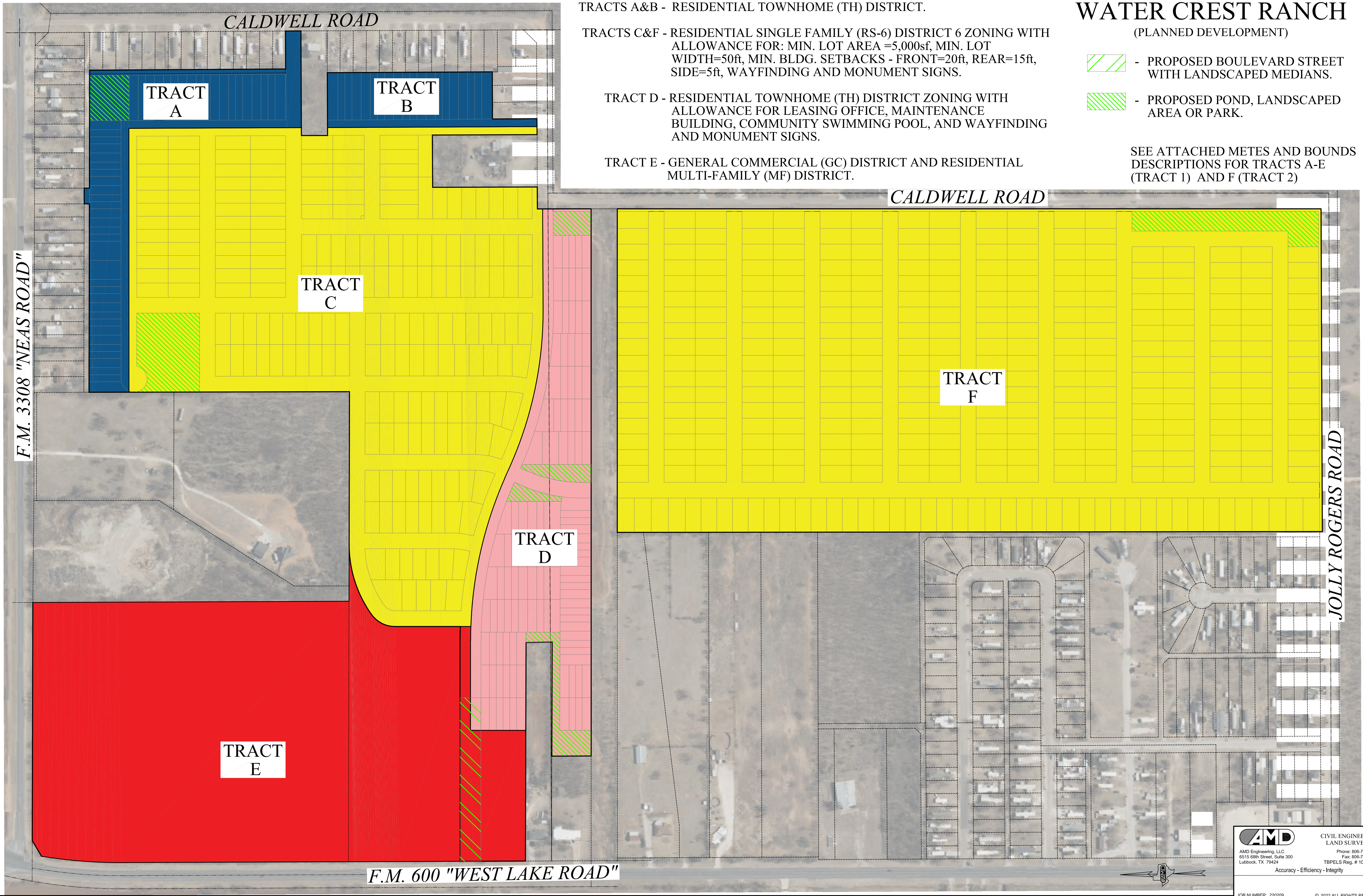


ZONING MAP



CONCEPT PLAN





TRACTS A&B - RESIDENTIAL TOWNHOME (TH) DISTRICT.

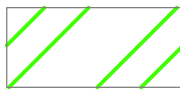
TRACTS C&F - RESIDENTIAL SINGLE FAMILY (RS-6) DISTRICT 6 ZONING WITH ALLOWANCE FOR: MIN. LOT AREA =5,000sf, MIN. LOT WIDTH=50ft, MIN. BLDG. SETBACKS - FRONT=20ft, REAR=15ft, SIDE=5ft, WAYFINDING AND MONUMENT SIGNS.

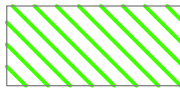
TRACT D - RESIDENTIAL TOWNHOME (TH) DISTRICT ZONING WITH ALLOWANCE FOR LEASING OFFICE, MAINTENANCE BUILDING, COMMUNITY SWIMMING POOL, AND WAYFINDING AND MONUMENT SIGNS.

TRACT E - GENERAL COMMERCIAL (GC) DISTRICT AND RESIDENTIAL MULTI-FAMILY (MF) DISTRICT.

WATER CREST RANCH

(PLANNED DEVELOPMENT)

 - PROPOSED BOULEVARD STREET WITH LANDSCAPED MEDIANS.

 - PROPOSED POND, LANDSCAPED AREA OR PARK.

SEE ATTACHED METES AND BOUNDS DESCRIPTIONS FOR TRACTS A-E (TRACT 1) AND F (TRACT 2)



CIVIL ENGINEERING
LAND SURVEYING

AMD Engineering, LLC
6515 68th Street, Suite 300
Lubbock, TX 79424

Phone: 806-771-5976
Fax: 806-771-7625
TBPES Reg. # 10178500

Accuracy - Efficiency - Integrity

ELSOG
JOB NUMBER: 220209

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HARDESTY JOSEPH CONNOR
426 NEAS RD
ABILENE, TX 79601-7106

NOTICE OF PUBLIC HEARING

RE: Zone Change Application Number Z-2022-26

10/19/2022

The Planning and Zoning Commission will hold a public hearing on **November 1, 2022 at 1:30 PM**, in the Council Chambers at 555 Walnut St. in Abilene, Texas vote to recommend approval or denial to City Council on a request from AMD Engineering to change the zoning of approximately 187.21 acres from Agricultural Open (AO) to a Planned Development District (PDD). Legal description two tracts of land in the John Jarmon Survey No.82 and the Leonard Bowerman Survey No. 83, City of Abilene, Taylor County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as 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 **December 1, 2022 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

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

CASE #: Z-2022-26

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: HARDESTY JOSEPH CONNOR
Parcel I.D.: 53007
Address: 4489X CALDWELL RD

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: _____

A handwritten signature in blue ink, appearing to read "Hardesty Joseph Connor", is written over a horizontal line.



BARDIN BRAD S & EMILY G
457 JOLLY ROGERS RD
ABILENE, TX 79601-2707

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10/19/2022

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

CASE #: Z-2022-26

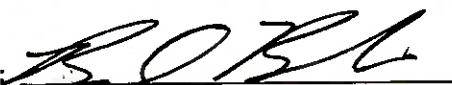
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: BARDIN BRAD S & EMILY G
Parcel I.D.: 20045
Address: 441 JOLLY ROGERS RD

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

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: 



BARDIN BRAD S & EMILY G
457 JOLLY ROGERS RD
ABILENE, TX 79601-2707

NOTICE OF PUBLIC HEARING

RE: Zone Change Application Number Z-2022-26

10/19/2022

The Planning and Zoning Commission will hold a public hearing on **November 1, 2022 at 1:30 PM**, in the Council Chambers at 555 Walnut St. in Abilene, Texas vote to recommend approval or denial to City Council on a request from AMD Engineering to change the zoning of approximately 187.21 acres from Agricultural Open (AO) to a Planned Development District (PDD). Legal description two tracts of land in the John Jarmon Survey No.82 and the Leonard Bowerman Survey No. 83, City of Abilene, Taylor County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as 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 **December 1, 2022 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

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

CASE #: Z-2022-26

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: BARDIN BRAD S & EMILY G
Parcel I.D.: 51713
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: 



BARDIN BRAD S & EMILY G
457 JOLLY ROGERS RD
ABILENE, TX 79601-2707

NOTICE OF PUBLIC HEARING

RE: Zone Change Application Number Z-2022-26

10/19/2022

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If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

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

CASE #: Z-2022-26

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: BARDIN BRAD S & EMILY G
Parcel I.D.: 75041
Address: 457 JOLLY ROGERS RD

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

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: _____

A handwritten signature in black ink, appearing to be "B. S. Bardin", written over a horizontal line.



HARDESTY JOSEPH CONNOR
426 NEAS RD
ABILENE, TX 79601-7106

NOTICE OF PUBLIC HEARING

RE: Zone Change Application Number Z-2022-26

10/19/2022

The Planning and Zoning Commission will hold a public hearing on **November 1, 2022 at 1:30 PM**, in the Council Chambers at 555 Walnut St. in Abilene, Texas vote to recommend approval or denial to City Council on a request from AMD Engineering to change the zoning of approximately 187.21 acres from Agricultural Open (AO) to a Planned Development District (PDD). Legal description two tracts of land in the John Jarmon Survey No.82 and the Leonard Bowerman Survey No. 83, City of Abilene, Taylor County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as 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 **December 1, 2022 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

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

CASE #: Z-2022-26

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: HARDESTY JOSEPH CONNOR
Parcel I.D.: 974738
Address: 202 NEAS RD

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: _____

A handwritten signature in blue ink, appearing to read "Hardesty Joseph Connor", is written over a horizontal line.

Derek Hood

4073 Caldwell Rd. Abilene, TX 79601 | 325-370-8759 | coachhood@gmail.com

Tuesday, October 25, 2022

Regarding: Zone Change Application Number Z-2022-26

Planning & Zoning Commission:

The 187.21 acres to be considered for the zoning change is alarming. If the zoning change is approved, the initial phase of the Planned Development District (PDD) in the northeast acreage of the 187.21 acres is 384 mobile home lots. Ranging in size from 50' to 27' wide. 384 lots just in Phase 1.

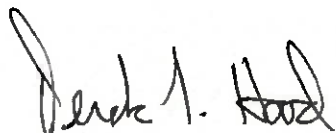
The 187.21 acres could potentially be the site for over 1,000 mobile homes.

This acreage has always provided some sort of buffer for the existing mobile homes, and I don't want that buffer to disappear. Keeping this acreage zoned as Agriculture Open (AO) will prevent the development of such a high-density neighborhood. The increased traffic, safety concerns, lower property values, and the loss of the rural atmosphere we currently enjoy are all at risk if the zoning request is approved.

I am opposed to the Zone Change Application Number Z-2022-26.

Sincerely,

OCT 27 PM 2:19



For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2022-26

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: HOOD DEREK L

Parcel I.D.: 996314

Address: 4073 CALDWELL RD

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

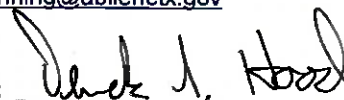
Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: _____





Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Water Crest

2 messages

Rebecca Engles <engles.rebecca@gmail.com>
To: planning@abilenetx.gov

Mon, Nov 14, 2022 at 4:35 PM

Hello!

I live near the proposed zoning for Water Crest Ranch subdivision/Community....

I would like to put in my vote to NOT allow this build to go thru. The country and open land is why I moved to the North side of Abilene. If you want to improve Abilene Do more to improve restaurants on I20 around this area !! That is what Abileneans want for the north improvements!!

Thank you for allowing me to vote!

--

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/CANobNdtSaSgx_duBwSKeXHSNirMkRLtPV1Qgg7cbDxvhSMfdQ%40mail.gmail.com.

Rebecca Engles <engles.rebecca@gmail.com>
To: planning@abilenetx.gov

Mon, Nov 14, 2022 at 4:36 PM

Forgive me:

Name: Rebecca Engles
Address: [6008 W Lake Rd](#)

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

From: **Rebecca Engles** <engles.rebecca@gmail.com>
Date: Mon, Nov 14, 2022 at 4:35 PM
Subject: Water Crest
To: <planning@abilenetx.gov>

Hello!

I live near the proposed zoning for Water Crest Ranch subdivision/Community....

I would like to put in my vote to NOT allow this build to go thru. The country and open land is why I moved to the North side of Abilene. If you want to improve Abilene Do more to improve restaurants on I20 around this area !! That is what Abileneans want for the north improvements!!

Thank you for allowing me to vote!

--

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/CANobNeocpyadUqmiEQ2sbrfQYJb_pKCzvkXnd67y3n_F%2B8bmg%40mail.gmail.com.

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2022-26

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: KOSTIC HOLDINGS LLC

Parcel I.D.: 108201

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

Paul Koster

OCT 27 PM 2:19

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2022-26

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: PRESSWOOD LLOYD MARTIN

Parcel I.D.: 34237

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: LYNN PRESSWOOD

OCT 27 PM 2:19

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2022-26

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: WHEELER EMMA

Parcel I.D.: 42728

Address: 3781 FORTUNE AV

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: Emma Wheeler

OCT 27 PM 2:19



REZONE REQUEST

Case:	Z-2022-26
Owner:	West Texas Land Guys
Agent:	Sean Hanfeld
Request:	Rezone from AO to PDD-177
Location:	Approximately 181 acres of vacant land between F.M. 600 (a.k.a. West Lake Road), Jolly Rogers Road, Caldwell Road, and F.M. 3308 (a.k.a. Neas Road)
Notification:	3 in Favor, Opposed
Planning & Zoning:	November 1, 2022
City Council Hearing:	November 17, 2022 December 1, 2022





Z-2022-26 LOCATION MAP



Location Map



Legend

- Z-2022-26
- CourierParcels



CITY OF
ABILENE
TEXAS



Z-2022-26 ZONING MAP



CITY OF
ABILENE
TEXAS



Permitted Uses in AO Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling– Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

- p Civic, Social, and Fraternal Organization
- P Fairgrounds/Rodeo
- C Motorized Racing
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Zoo

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- C Correction, Detention, or Penal Facilities
- P Fire/Police Station
- C Military and Armed Forces Reserve Center
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P School: Public/Private

SERVICE

- C Kennel (with outdoor pens)
- P Kennel (without outdoor pens)
- P Veterinary Service (all size animals)

TRADE – RETAIL USES

- C Liquor Store (on premises consumption) (Defined under Liquor Store)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Airport, Heliport and Flying Field Terminals – Commercial
- C Antenna Tower – Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

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

LEGEND

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





Z-2022-26 VIEWS OF SUBJECT & NEIGHBORING PROPERTIES



East Neighboring Property



South Neighboring Property



Adjacent Property



Subject Property

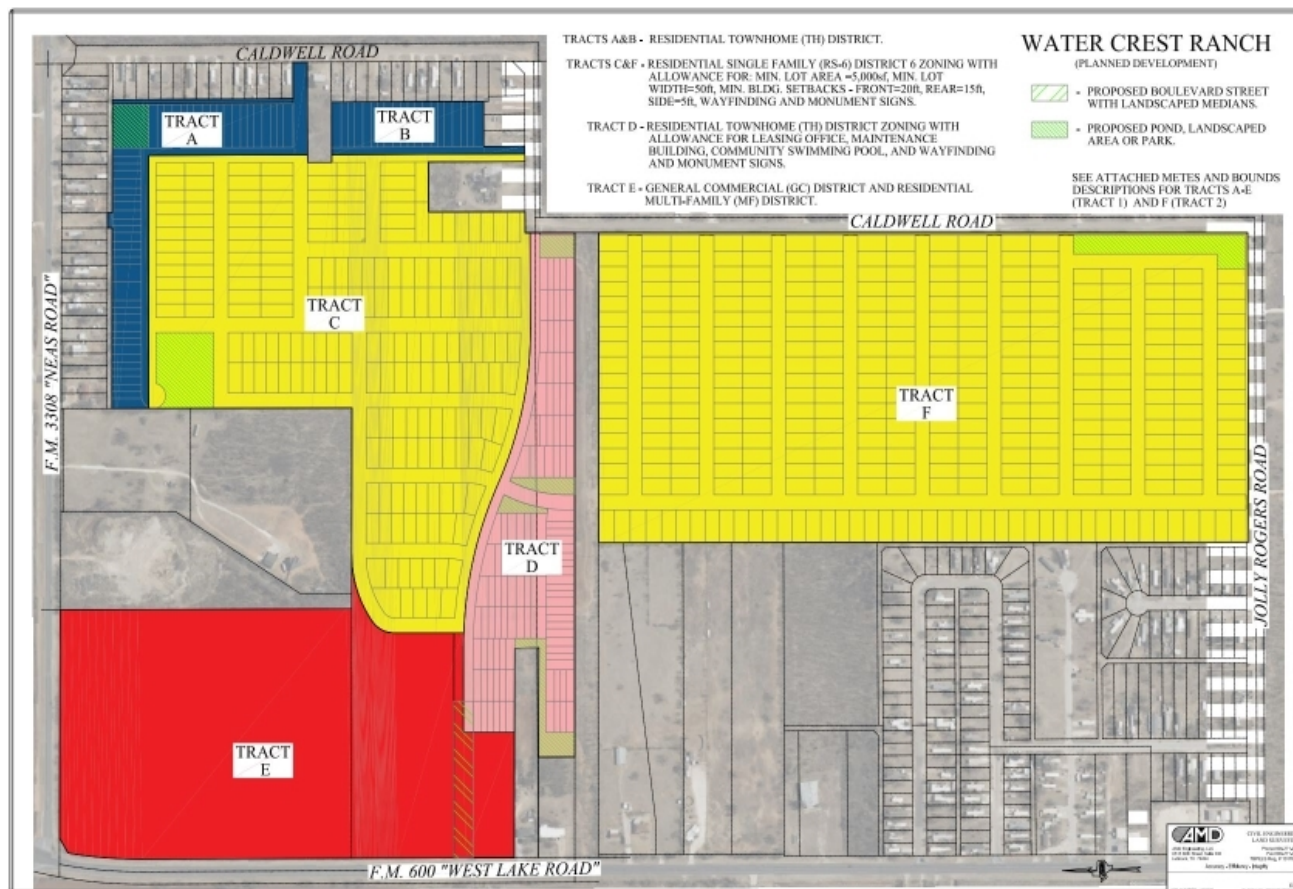


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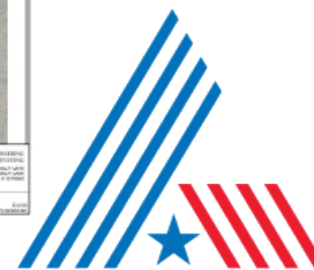




Z-2022-26 CONCEPT PLAN



Overall Water Crest Ranch Plan

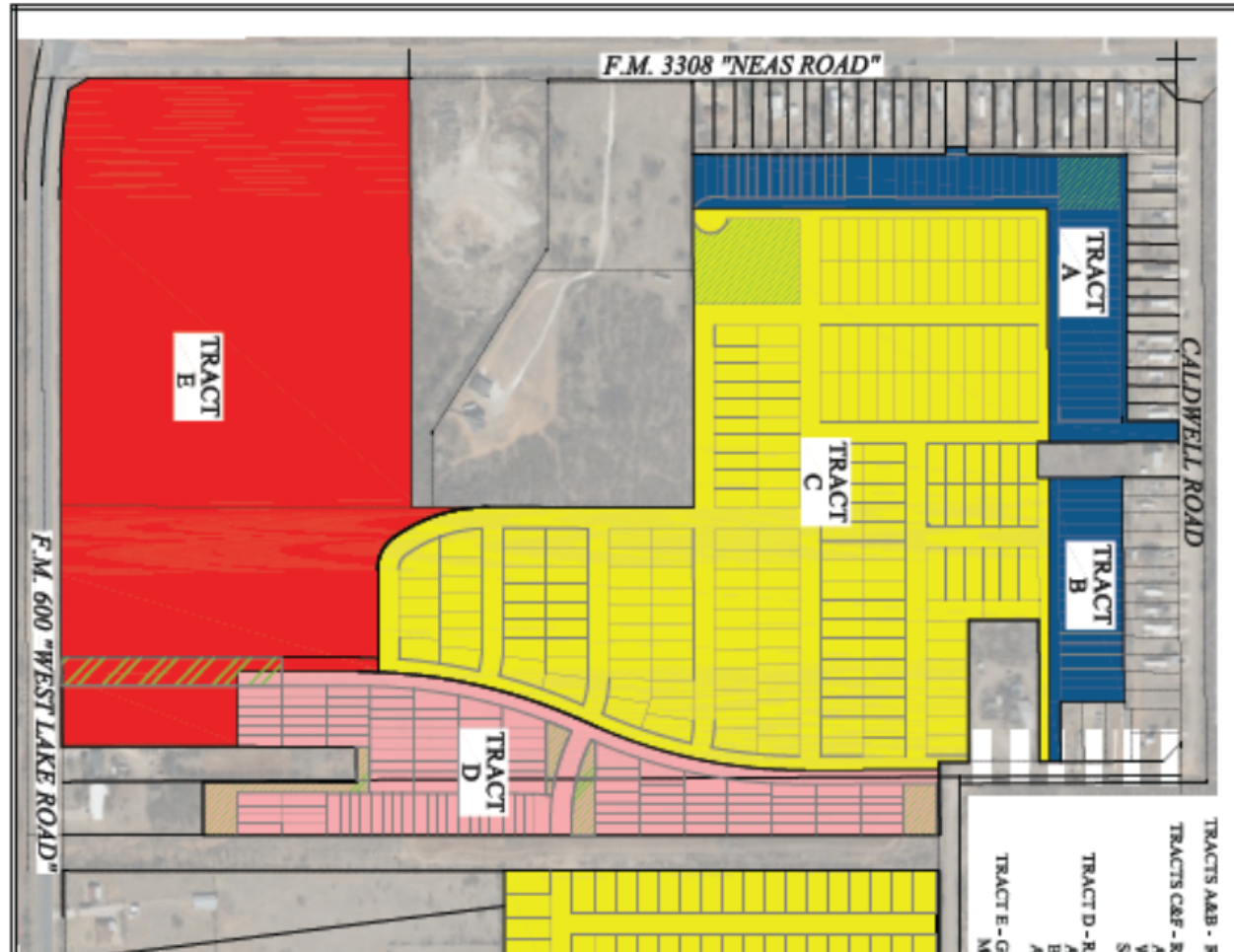


CITY OF
ABILENE
TEXAS





Z-2022-26 CONCEPT PLAN



Northern Half of Water Crest Ranch

TRACTS A&B • RESIDENTIAL TOWNHOME (TH) DISTRICT.

TRACTS C&F • RESIDENTIAL SINGLE FAMILY (RS-0) DISTRICT 6 ZONING WITH ALLOWANCE FOR: MIN. LOT AREA=5,000sq. MIN. LOT WIDTH=90ft, MIN. BLDG. SETBACKS • FRONT=30ft, REAR=15ft, SIDE=10ft, WAYFINDING AND MONUMENT SIGNS.

TRACT D • RESIDENTIAL TOWNHOME (TH) DISTRICT ZONING WITH ALLOWANCE FOR LEASING OFFICE, MAINTENANCE BUILDING, COMMUNITY SWIMMING POOL, AND WAYFINDING AND MONUMENT SIGNS.

TRACT E • GENERAL COMMERCIAL (GC) DISTRICT AND RESIDENTIAL MULTIFAMILY (MF) DISTRICT.

WATER CREST RANCH (PLANNED DEVELOPMENT)

- PROPOSED BOULEVARD STREET WITH LANDSCAPED MEDIANS.
- PROPOSED POND, LANDSCAPED AREA OR PARK.

SEE ATTACHED METES AND BOUNDS DESCRIPTIONS FOR TRACTS A&E (TRACT 1) AND F (TRACT 2)



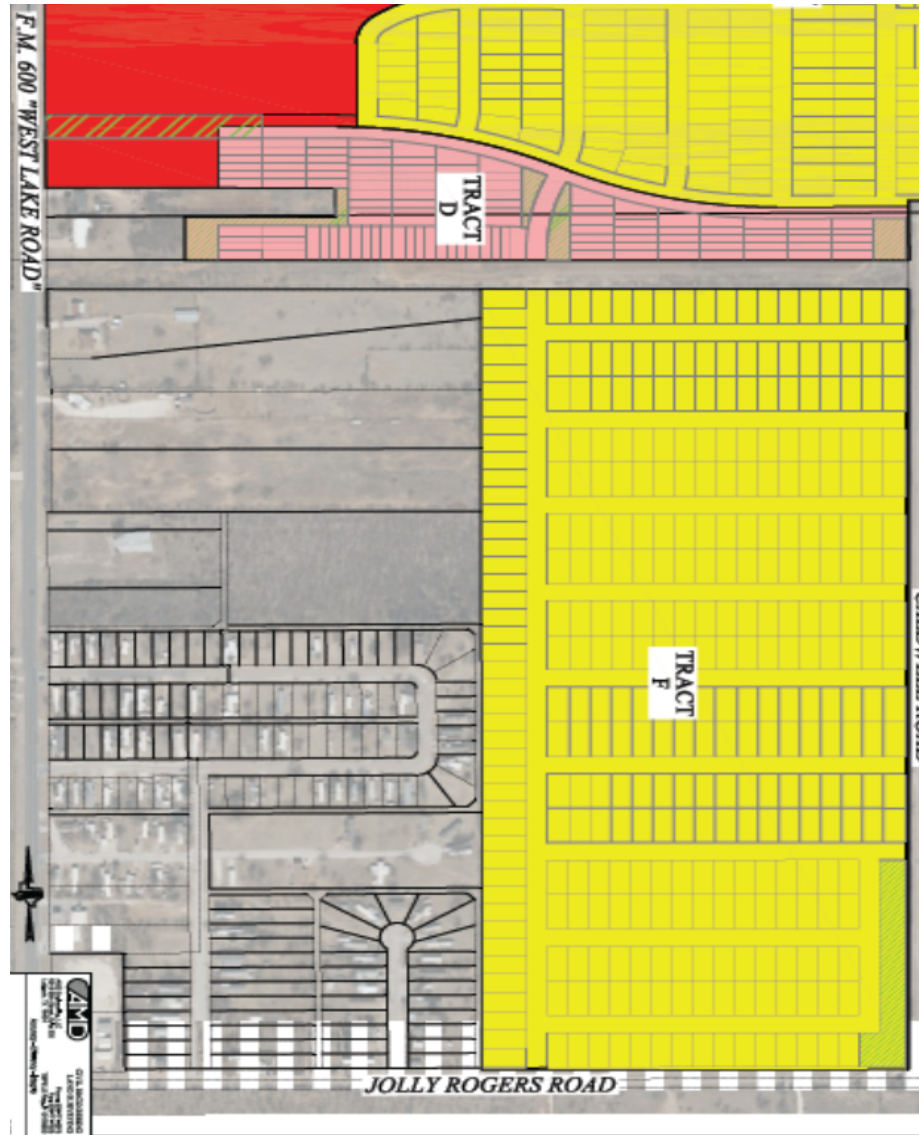
CITY OF
ABILENE
TEXAS





Z-2022-26 CONCEPT PLAN

Southern Half of Water Crest Ranch



TRACTS A&B • RESIDENTIAL TOWNHOME (TH) DISTRICT.

TRACTS C&F • RESIDENTIAL SINGLE FAMILY (RS-S) DISTRICT & ZONING WITH ALLOWANCE FOR: MIN. LOT AREA = 5,000sf, MIN. LOT WIDTH = 50ft, MIN. BLDG. SETBACKS • FRONT = 500, REAR = 150, SIDE = 50, WAYFINDING AND MONUMENT SIGNS.

TRACT D • RESIDENTIAL TOWNHOME (TH) DISTRICT ZONING WITH ALLOWANCE FOR LEASING OFFICE, MAINTENANCE BUILDING, COMMUNITY SWIMMING POOL, AND WAYFINDING AND MONUMENT SIGNS.

TRACT E • GENERAL COMMERCIAL (GC) DISTRICT AND RESIDENTIAL MULTIFAMILY (MF) DISTRICT.

WATER CREST RANCH (PLANNED DEVELOPMENT)

- PROPOSED BOULEVARD STREET WITH LANDSCAPED MEDIANS.
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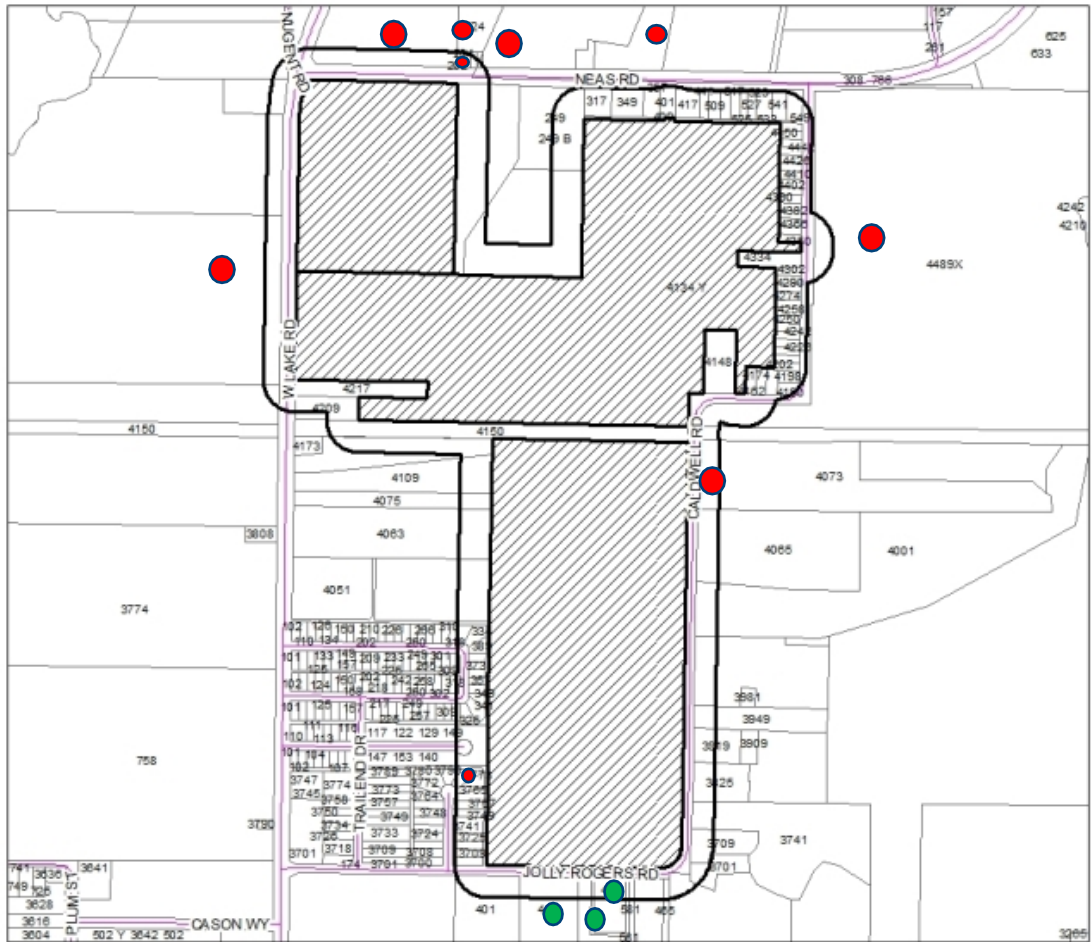
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CITY OF
ABILENE
TEXAS



Z-2022-26 NOTIFICATION AREA MAP



Notification Map



Legend
200' Buffer
Z-2022-26

3- In Favor- 

9- Opposed- 

8.4% Opposed



CITY OF
ABILENE
TEXAS





FINDINGS AND RECOMMENDATIONS

The proposed request is consistent with:

- The *Comprehensive Plan*;
 - The surrounding uses and zoning;
 - Generally accepted planning principals; and
 - The Criteria for Approval in the LDC.
- P&Z Recommendation: **Approval** subject to the proposed Concept Plan.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: 19. Ordinance (Final Reading) Z-2022-27 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From John Felder To Change The Zoning Of Approximately 3.02 Acres From Heavy Commercial (HC) To General Retail (GR) *(Tim Littlejohn)*

GENERAL INFORMATION

The request is to rezone approximately 3.02 acres from Heavy Commercial (HC) to General Retail (GR). The applicant intends to use the property as a hotel and multi-family residential.

SPECIAL CONSIDERATIONS

The property is located at Radford Hills Section 3, Continuation 1, Block 4, Lot 1 - 774 E Highway 80. It was annexed in 1957 and has been commercially developed as a hotel.

FUNDING/FISCAL IMPACT

Properties zoned as Heavy Commercial (HC) are located north and west of the subject property. Those properties are used as a nursing home and a technical school. Property to the east is zoned MF and is developed for townhomes.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2022-27 Draft ordinance
2. Z-2022-27 Staff Report
3. Z-2022-27

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 17nd day of November, 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 14th day of October 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 1st day of December 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 1st day of December, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from an Heavy Commercial (HC) district to a General Retail (GR) District:

Location:

Lot 1, Block 4, Radford Hills Section 3, Continuation 1

774 East Highway 80



END

ZONING CASE Z-2022-27

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: November 1, 2022

City Council 1st Reading: November 17, 2022

City Council 2nd Reading: December 1, 2022

Applicant Owner: John Felder

Request

Rezone approximately 3.02 acres from Heavy Commercial (HC) to General Retail (GR). The applicant intends to use the property as a hotel and multi-family residential.

Location

Radford Hills Section 3, Continuation 1, Block 4, Lot 1
774 E Highway 80

Background

This property was annexed in 1957 and has been commercially developed as a hotel.

Zoning, Existing and Proposed Land Use

Properties zoned as Heavy Commercial (HC) are located north and west of the subject property. Those properties are used as a nursing home and a technical school. Property to the east is zoned MF and is developed for townhomes

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 multi-family and commercial uses at this location. The proposed use is a hybrid of both of those uses. East Highway 80 is shown as a Community Enhancement Corridor. The proposed use is therefore consistent with 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 proposed use is consistent with the current zoning patterns and is appropriate at this location.

(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.

There are adequate facilities serving this property.

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

None.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval**.

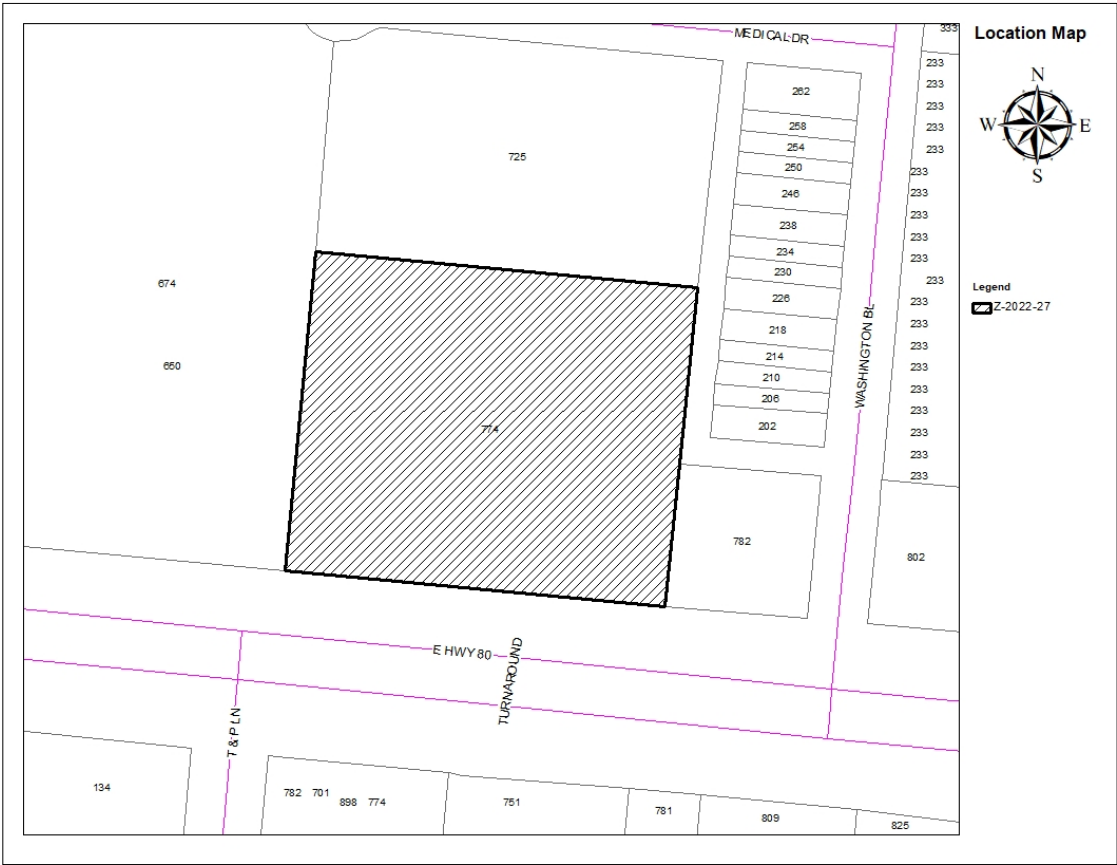
Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices (via certified mail) to the applicant and to other owners of property within a 200-foot radius of the subject street right-of-way. These property owners and associated parcel identification numbers are identified below:

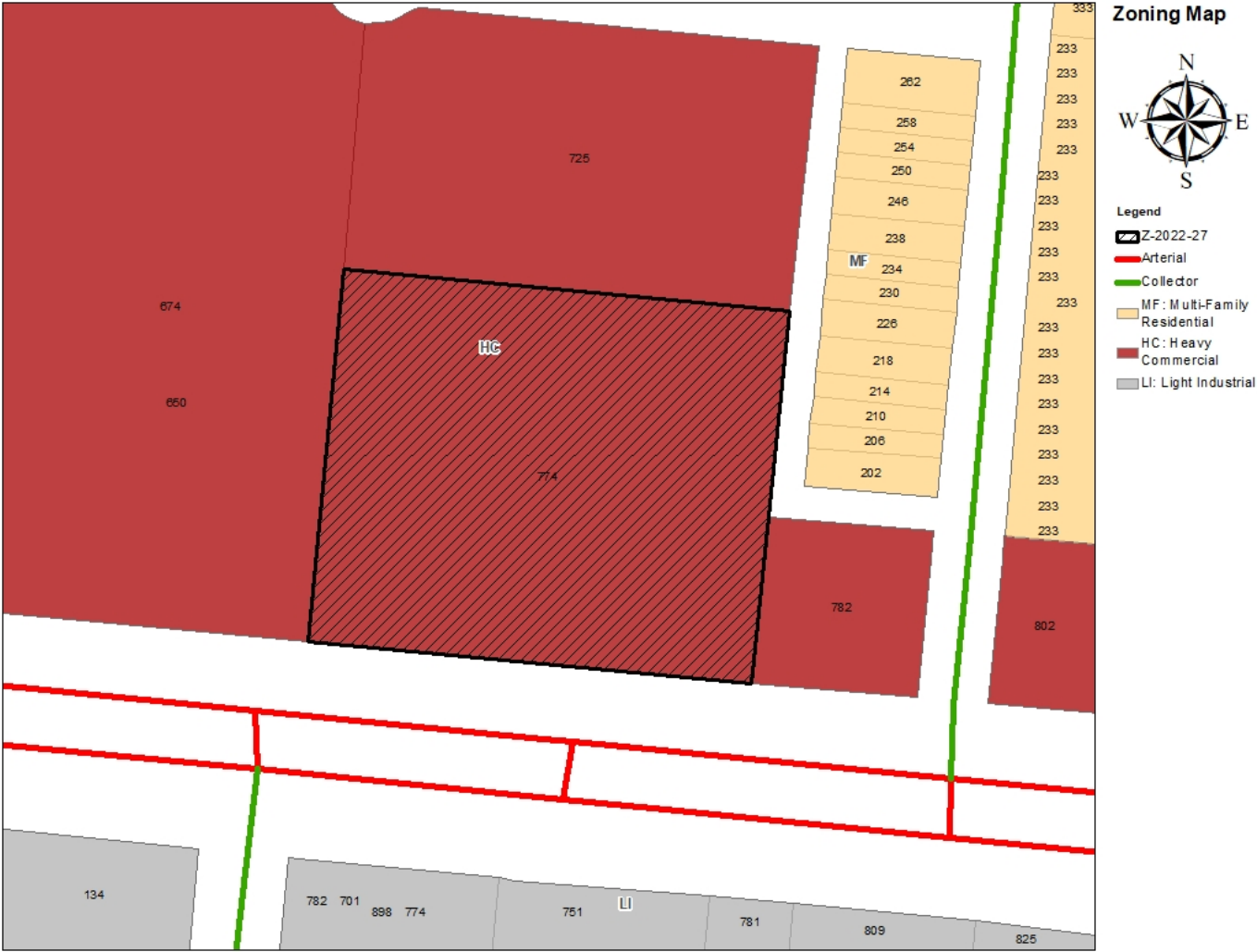
Owner	Property ID	Situs	Response
ADKINS MICHAEL & ELIZABETH J	61730	226 WASHINGTON BL	
BAUCUM TERESA D	61727	218 WASHINGTON BL	
CITY OF ABILENE	59271	898 SANDY ST	X
CITY OF ABILENE	59271	701 E HWY 80	X
CITY OF ABILENE	59271	774 SANDY ST	X
CITY OF ABILENE	59271	782 SANDY ST	X
CROSTONE PROPERTIES LLC	61733	230 WASHINGTON BL	
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HURT WELDON W & DEBBIE A	61314	782 E HWY 80	
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LONG ELECTRIC CO	59679	751 E HWY 80	
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MC CULLOCH AMY K	61722	206 WASHINGTON BL	
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PATEL JASVANTKUMAR C & JAIVANTIBEN A	61742	254 WASHINGTON BL	
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TEXAS STATE TECHNICAL	62501	674 E HWY 80	
TEXAS STATE TECHNICAL	62501	650 E HWY 80	
TRAVERS HOLDINGS LLC	60931	774 E HWY 80	

LOCATION MAP



ZONING MAP





REZONE REQUEST

Owner: John Felder

Request: Rezone from HC to GR

Location: 774 E Hwy 80

Notification: 0 in Favor, 0 Opposed

Planning & Zoning: November 1, 2022

City Council Hearing: November 17, 2022
December 1, 2022





Z-2022-27 LOCATION MAP



Location Map



Legend

- Z-2022-27
- CourierParcels

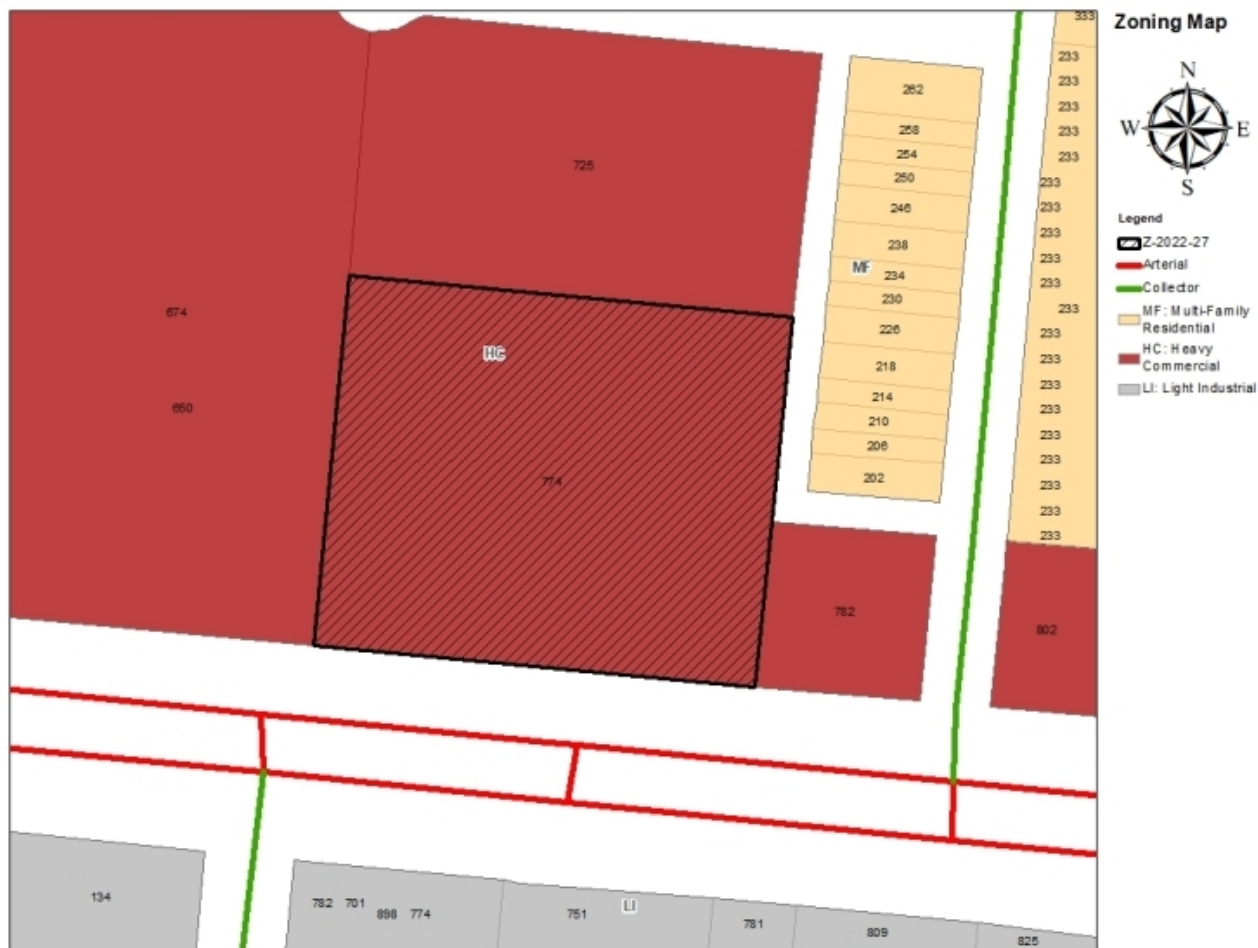


CITY OF
ABILENE
TEXAS





Z-2022-27 ZONING MAP



CITY OF
ABILENE
TEXAS



Permitted Uses in HC Zoning

RESIDENTIAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

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



LEGEND

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



Permitted Uses in GR Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

P Petroleum or Gas Well
P Urban Garden

LEGEND

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





Z-2022-27 VIEWS OF SUBJECT & NEIGHBORING PROPERTIES



East Neighboring Property



Northwest Subject Property



West Neighboring Property

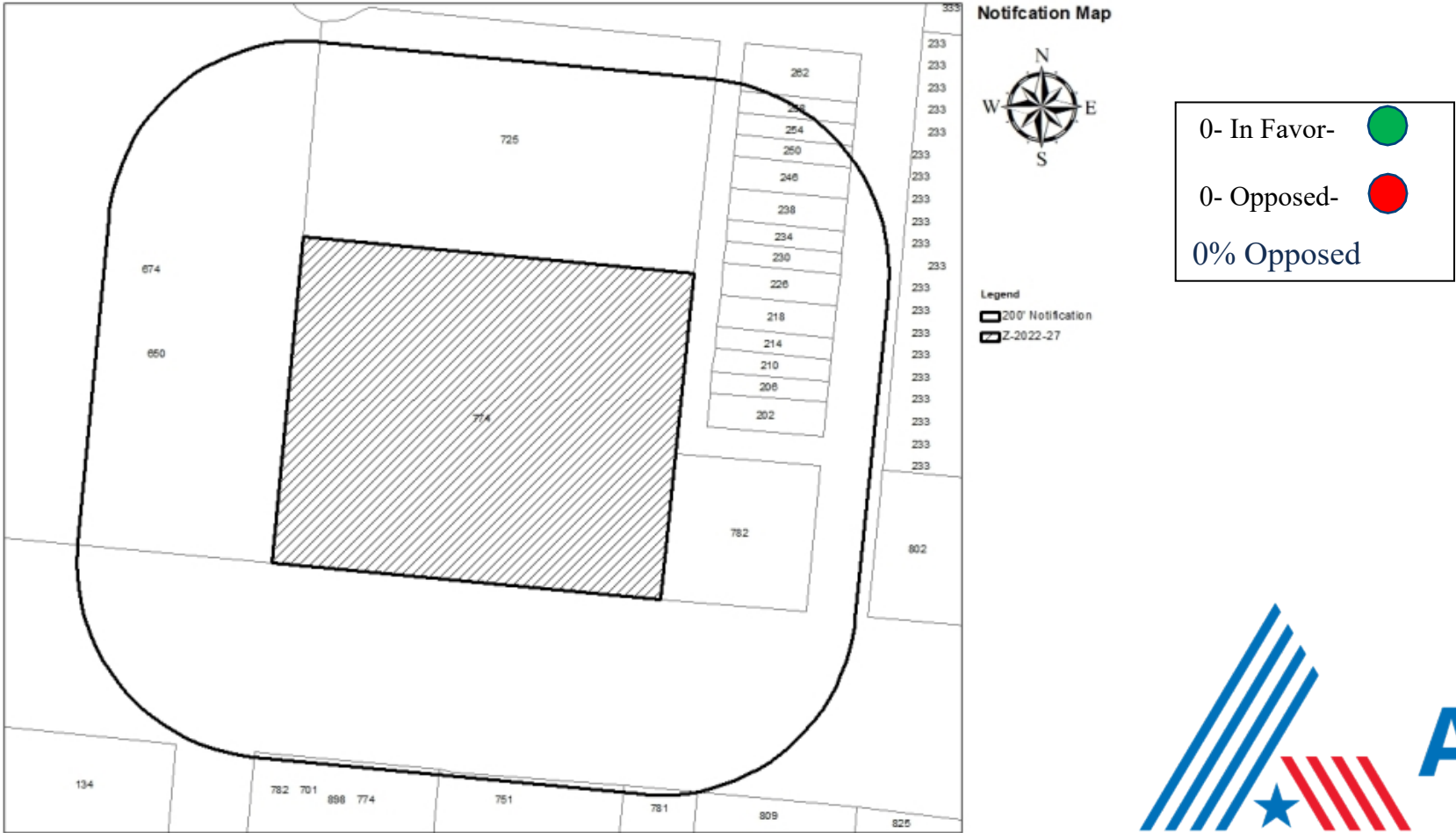


North View Subject Property





Z-2022-27 NOTIFICATION AREA MAP





FINDINGS AND RECOMMENDATIONS

The proposed request is consistent with:

- The *Comprehensive Plan*;
 - The surrounding uses and zoning;
 - Generally accepted planning principals; and
 - The Criteria for Approval in the LDC.
-
- P&Z Recommendation: **Approval**





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: 20. Ordinance (Final Reading) CUP-2022-09 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From John Felder, To Apply A Conditional Use Permit To Approximately 3.02 Acres To Allow Multi-Family Uses In General Commercial *(Tim Littlejohn)*

GENERAL INFORMATION

The request is for A Conditional Use Permit to use the property as a hotel and for multi-family residential. It should be noted that this request is contingent upon the favorable outcome of Z-2022-27 to rezone the site from Heavy Commercial (HC) to General Retail (GR).

SPECIAL CONSIDERATIONS

The property is located at Radford Hills Section 3, Continuation 1, Block 4, Lot 1 - 774 E Highway 80.

It was annexed in 1957 and has been commercially developed as a hotel.

FUNDING/FISCAL IMPACT

A Heavy Commercial (HC) district is located north and west of the subject property. A nursing home is located north of this site. A technical school is west of the subject property. The Multi-Family district east of this site is developed as a townhome community.

STAFF RECOMMENDATION

Staff recommends **approval** subject to compliance with the site plan submitted with the request.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. CUP-2022-09 ordinance
2. CUP-2022-09 Staff Report
3. 774 E. Hwy 80 rezone
4. cup-2022-09

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 1st day of November 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 14th day of November 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 1st day of December 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 1st day of December 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Approve a Conditional Use Permit (CUP) to allow Multi-family residences to be located on property zoned General Retail (GR).

Location:

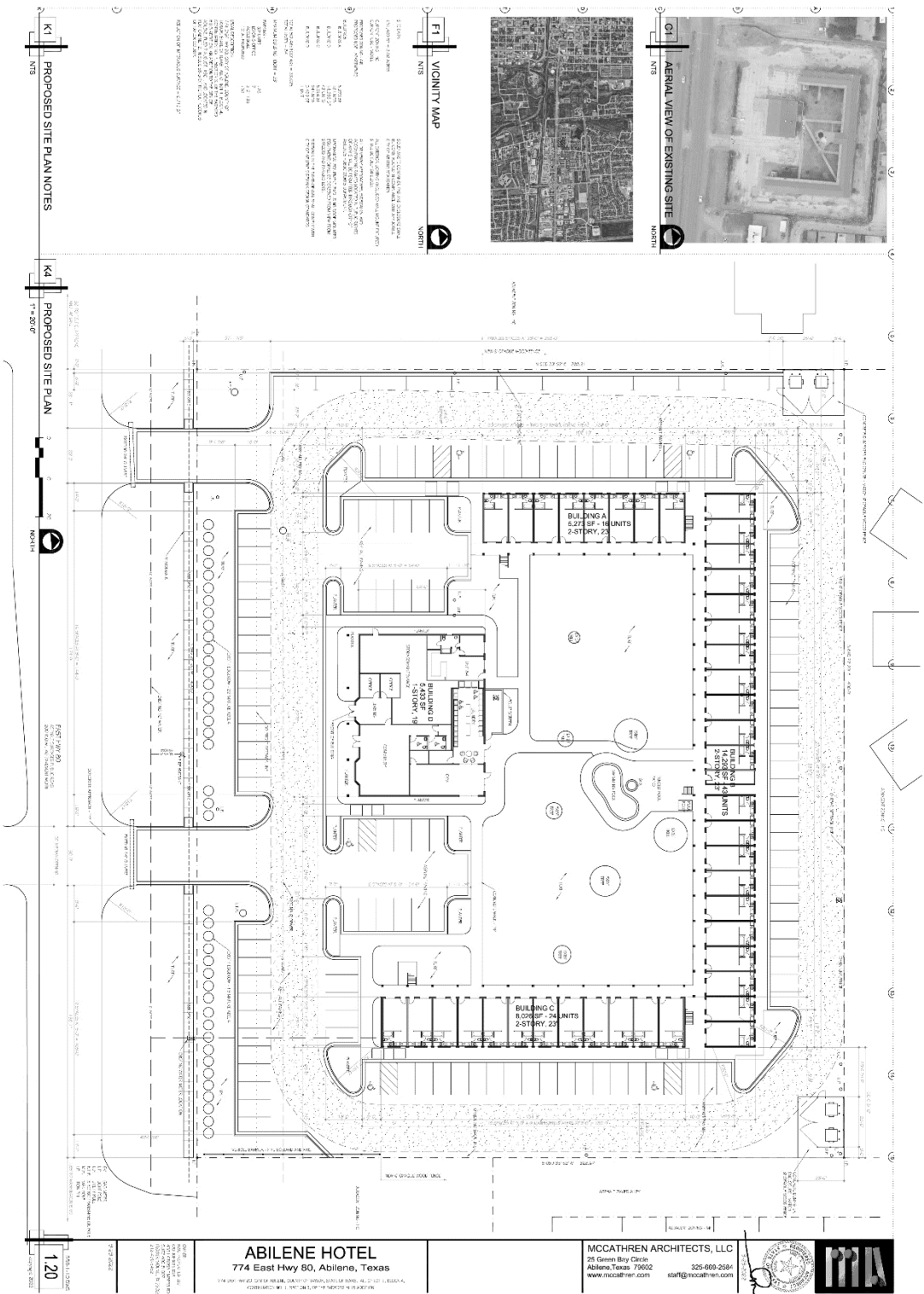
Lot 1, Block 4, Radford Hills Section 3, Continuation 1

774 East Highway 80



ORDINANCE NO. _____

EXHIBIT B



END

ZONING CASE CUP-2022-09

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: November 1, 2022

City Council 1st Reading: November 17, 2022

City Council 2nd Reading: December 1, 2022

Applicant

Owner: John Felder

Request

A Conditional Use Permit to use the property as a hotel and for multi-family residential. It should be noted that this request is contingent upon the favorable outcome of Z-2022-27 to rezone the site from Heavy Commercial (HC) to General Retail (GR).

Location

Radford Hills Section 3, Continuation 1, Block 4, Lot 1
774 E Highway 80

Background

This property was annexed in 1957 and has been commercially developed as a hotel.

Zoning, Existing and Proposed Land Use

A Heavy Commercial (HC) district is located north and west of the subject property. A nursing home is located north of this site. A technical school is west of the subject property. The Multi-Family district east of this site is developed as a townhome community.

Criteria Assessment

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

- 1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.**
The Future Land Use Map shows the subject site is within a multi-family and commercial zone. East Highway 80 is also shown to be a Community Enhancement Corridor. The proposed use of this site aligns with the Comprehensive Plan.
- 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations**
The proposed use is consistent with the current zoning and is appropriate at this location.

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

The applicant proposes to rehabilitate the buildings on the subject site. The existing buildings are currently boarded up and the property has deteriorated. The proposed use will remediate these issues, which will enhance the appearance of the East Highway 80 corridor and improve the value of the surrounding development and neighborhoods.

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

The proposed development will include a 5' sidewalk to aid pedestrian traffic along East Highway 80 corridor.

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.**

East Highway 80 is a 4-lane arterial street high traffic volumes. The approval of this project would not create the need for any additional traffic improvements.

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

The proposed site plan shows new fences along the east and west property lines and a new sidewalk. The greatest impact of this development is the rehabilitation of the buildings on this site and the general condition and maintenance of the site.

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.**

The proposed use will comply with all applicable LDC requirements.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval** subject to compliance with the site plan submitted with the request.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on November 22 of 2021 (via certified mail) to the applicant and to other owners of property within a 200-foot radius of the subject street right-of-way. These property owners and associated parcel identification numbers are identified below:

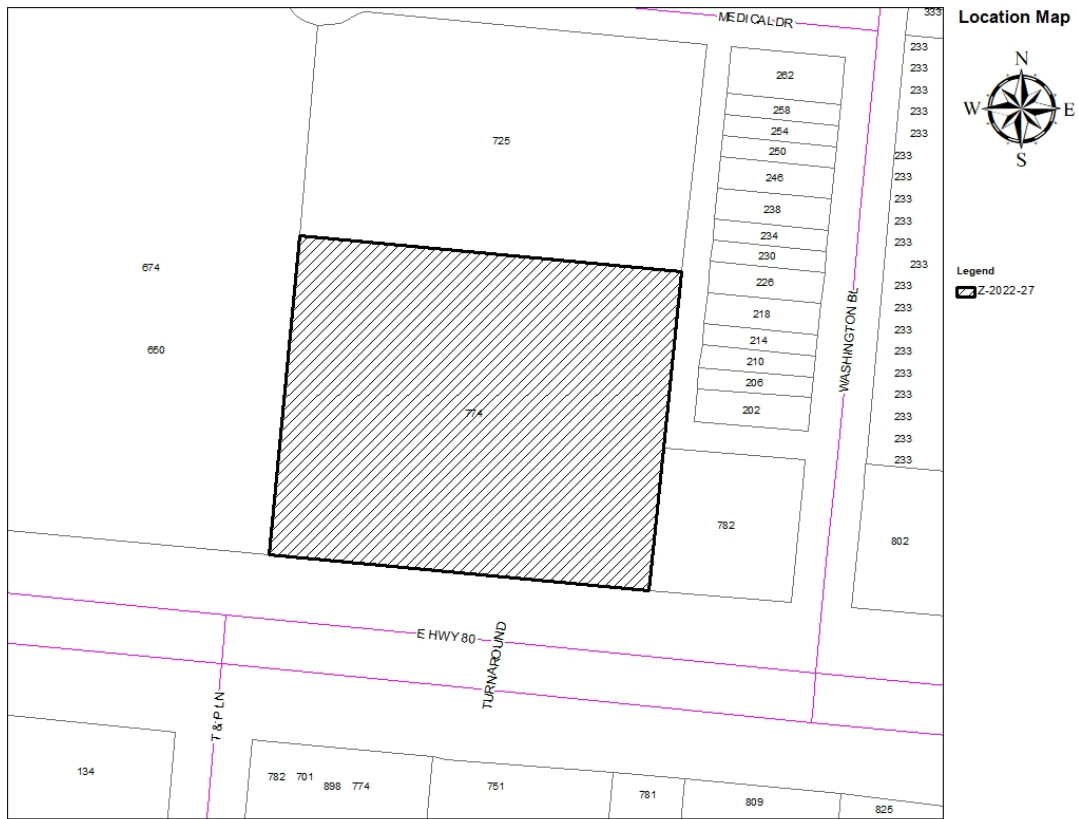
Owner

Owner	Property ID	Situs	Response
ADKINS MICHAEL & ELIZABETH J	61730	226 WASHINGTON BL	
BAUCUM TERESA D	61727	218 WASHINGTON BL	
CITY OF ABILENE	59271	898 SANDY ST	X
CITY OF ABILENE	59271	701 E HWY 80	X
CITY OF ABILENE	59271	774 SANDY ST	X
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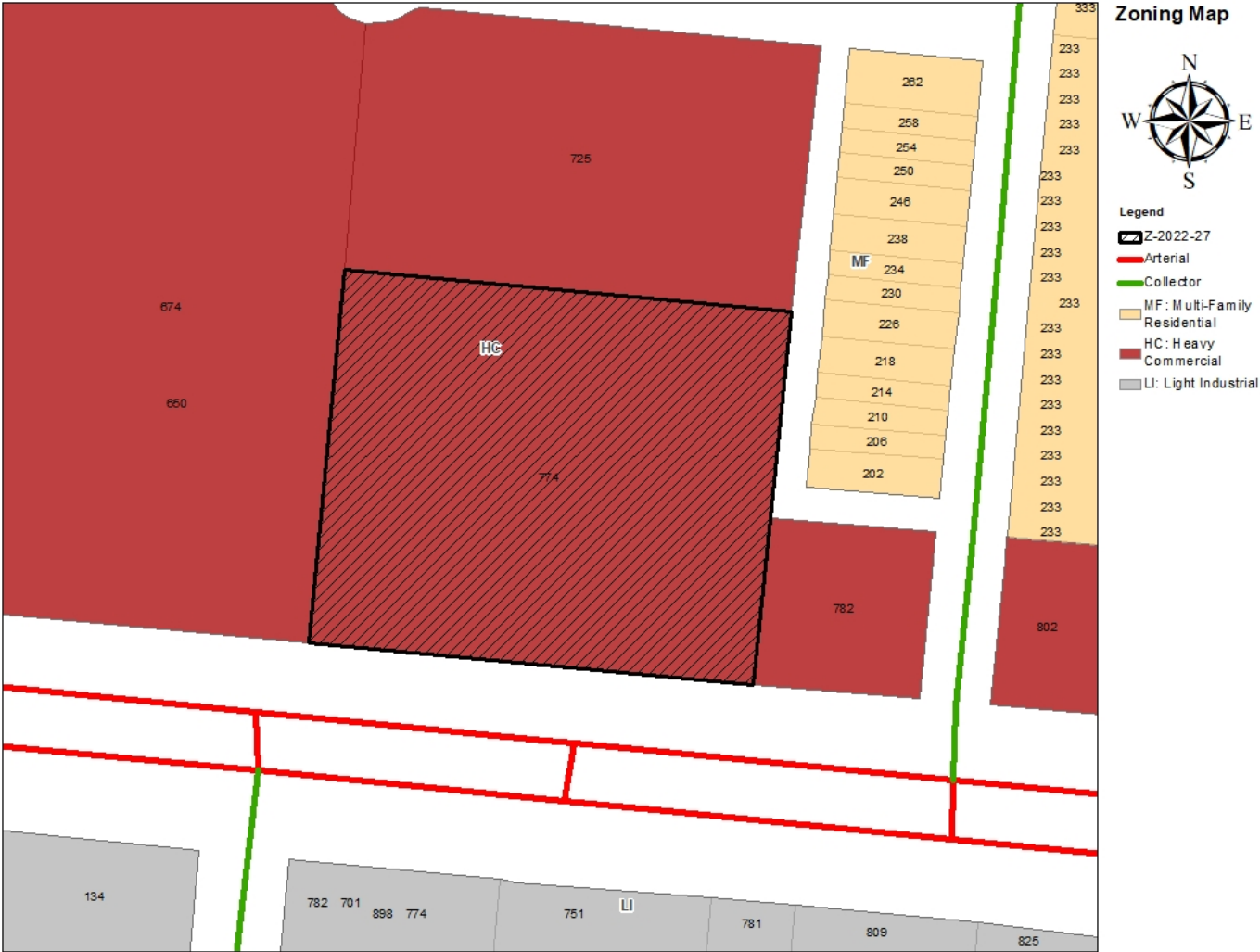
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TEXAS STATE TECHNICAL	62501	650 E HWY 80	

LOCATION MAP



ZONING MAP



October 4, 2022

City of Abilene, TX
555 Walnut Street,
PO Box 60
Abilene, TX 79604

To whom it may concern:

On October 2, 2022, NWG Properties, LLC submitted a rezoning application to the City of Abilene, TX, for the property located at 774 E. Hwy 80, Abilene, TX 79601.

The goal of the rezoning application is to obtain approval to change the current zone of HC to GR. As our company begins to prepare for the rehab of the newly purchased property, we believe a multi-family unit/apartment building (using the current structure of the property) is ideal and would be a positive contribution to the community. However, it is our desire to also maintain the option to use the property as a hotel/motel (using the current structure of the property), if such use is in the best interest of the community. In either capacity, the intent is for the property to be utilized as an extended stay.

In addition to the foregoing, it is important to note that the rezoning of this property from HC to GR, would homogeneously fall in line with the current suite of zones in the surrounding community.

Sincerely,

John Felder, Esq, LL.M.



CONDITIONAL USE PERMIT REQUEST

Case:	CUP-2022-09
Owner:	John Felder
Request:	CUP to allow Multi-Family Residential uses in the General Retail district.
Location:	774 E Hwy 80
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	November 1, 2022
City Council Hearing:	November 17, 2022 December 1, 2022





CUP-2022-09 LOCATION MAP



Location Map



Legend

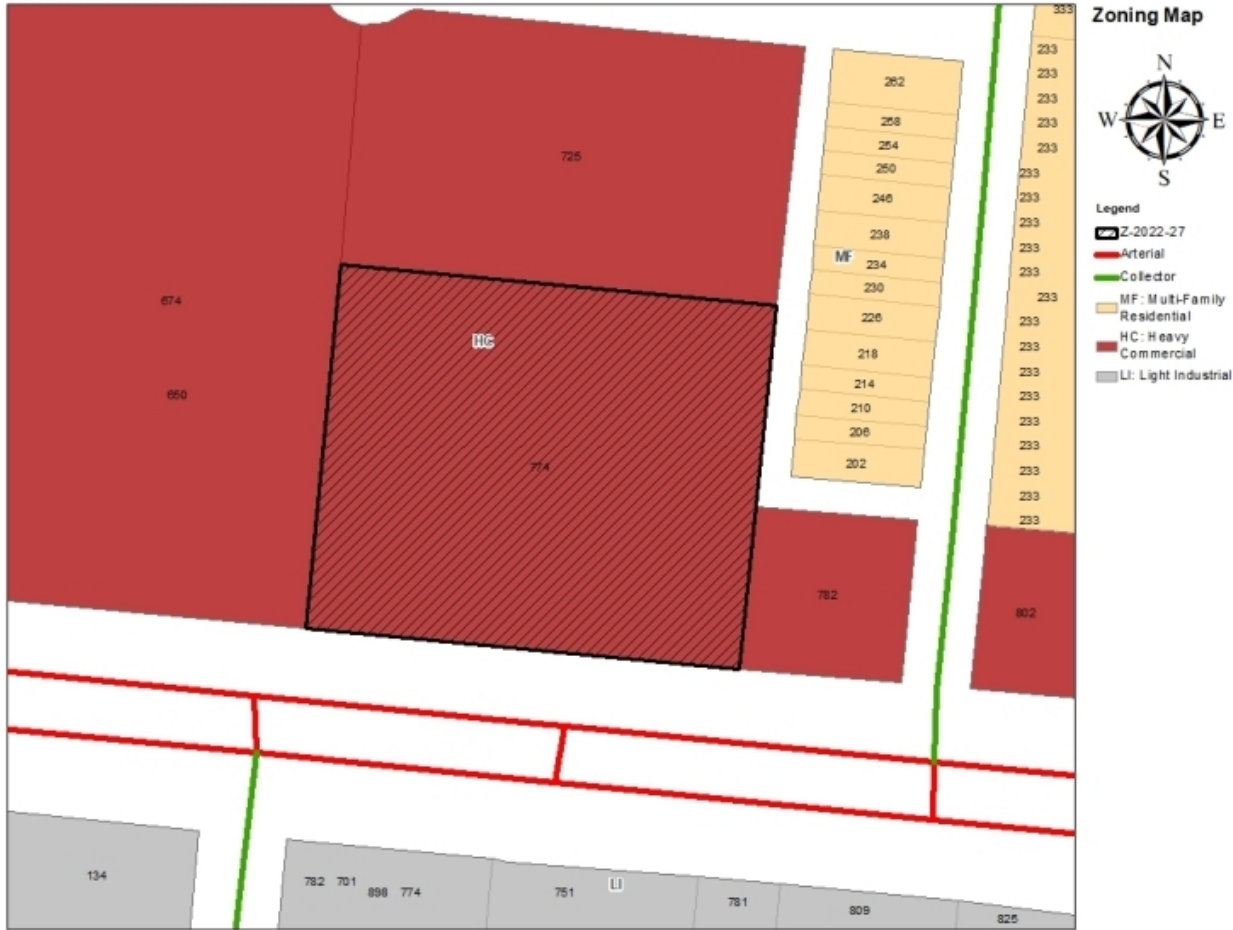
- Z-2022-27
- CourierParcels



CITY OF
ABILENE
TEXAS



CUP-2022-09 ZONING MAP



CITY OF
ABILENE
TEXAS





Permitted Uses in GR Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P/C Day Care Operation – Home Based
- P Drive-Thru Facility
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- P Swimming Pools, Private (accessory to residential use)
- P Tennis Courts, Private (accessory to residential use)
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CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
- C Recreation – Outdoors (active)
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GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- C Ambulance Service
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- 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
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- P Personal Services
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- C Tattoo Parlor
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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
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LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)
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CITY OF
ABILENE
TEXAS



CUP-2022-09 VIEWS OF SUBJECT & NEIGHBORING PROPERTIES



East Neighboring Property



Northwest view of Property



West Neighboring Property

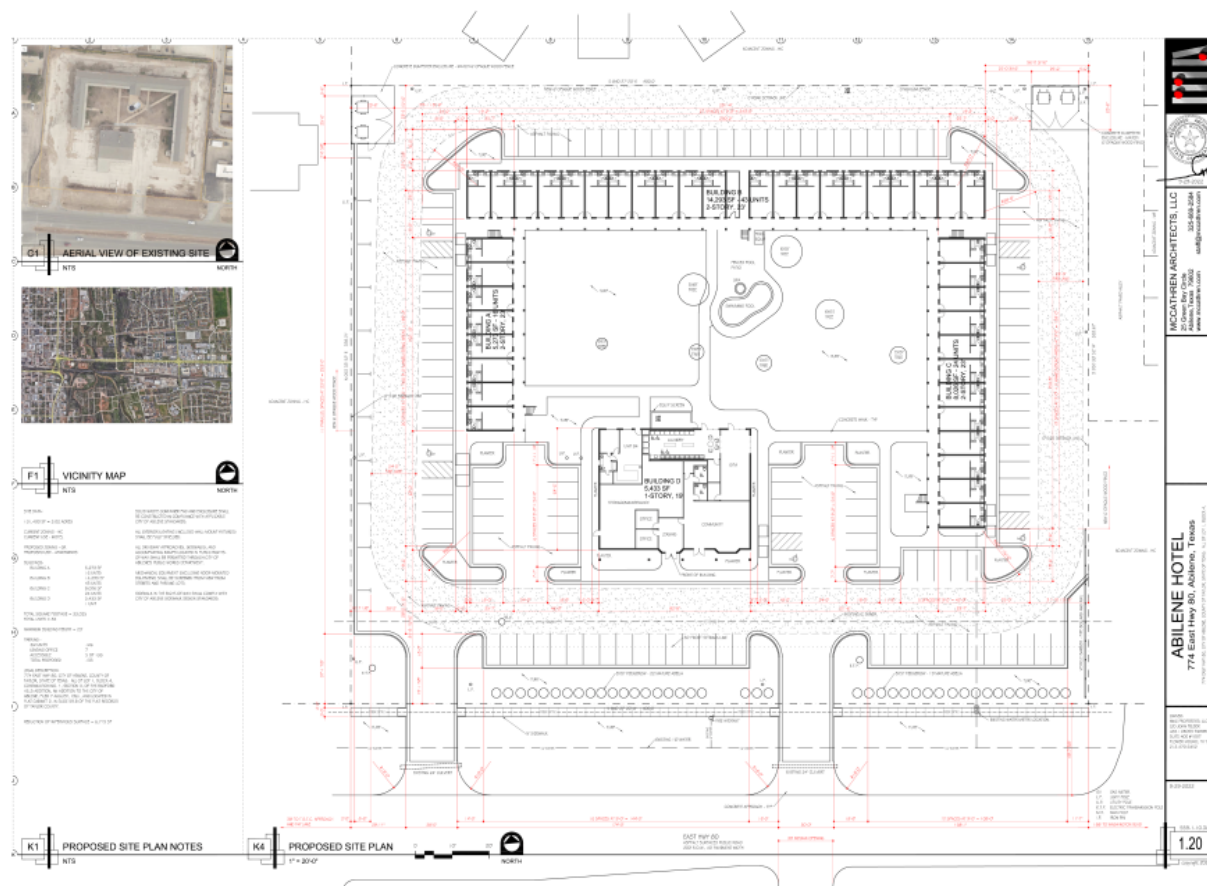


North View Subject Property





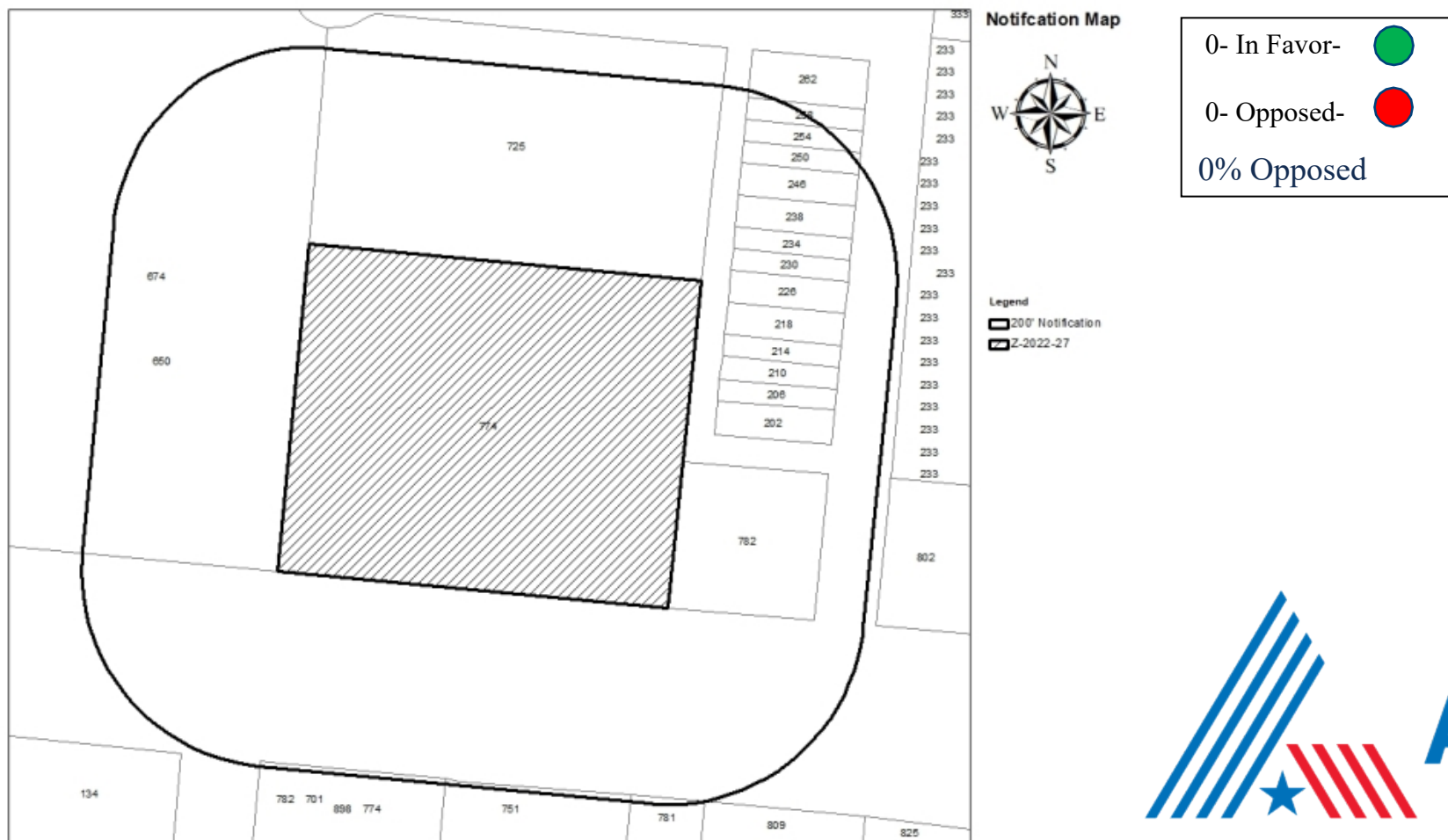
CUP-2022-09 CONCEPT PLAN



CITY OF
ABILENE
TEXAS



CUP-2022-09 NOTIFICATION AREA MAP



CITY OF
ABILENE
TEXAS



FINDINGS AND RECOMMENDATIONS

The proposed request is consistent with:

- The *Comprehensive Plan*;
 - The surrounding uses and zoning;
 - Generally accepted planning principals; and
 - The Criteria for Approval in the LDC.
- P&Z Recommendation: **Approval** subject to the submitted site plan.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **21. Ordinance (Final Reading) TC-2022-03 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the City of Abilene, Applicant, to Abandon Simmons Avenue Between Ambler Avenue and University Boulevard *(Tim Littlejohn)***

GENERAL INFORMATION

This is a request by the City of Abilene for abandonment of the following right-of-way adjoining Hardin Simmons University:

1. Simmons Avenue between Ambler Avenue and University Boulevard (677 Feet)

SPECIAL CONSIDERATIONS

On September 6, 2022, the Commission considered TC-2022-03 to abandon the following rights-of-way:

1. Simmons Avenue between Ambler Avenue and University Boulevard (677 Feet)
2. Hickory Street between North 26th Street and Vogel Avenue (709 Feet)
3. Cedar Street between North 26th Street and Vogel Avenue (717 Feet)
4. Vogel Avenue between Hickory Street and Pine Street (1,140 Feet)

The Commission made a recommendation to abandon Hickory Street, Cedar Street, and Vogel Street, subject to the conditions listed in the staff report, as restated below in the staff recommendation, and to recommend denial of the abandonment of Simmons Avenue.

FUNDING/FISCAL IMPACT

The purpose of this request is to leave the roadway in place and to convert it into a private street that can be gated to restrict motorized traffic. All existing public utilities in the right-of-way will be placed into easements that will remain accessible to the City for maintenance. The proposed gated entrance will be designed to allow for fire and emergency vehicle access to the campus. The primary goal is to limit vehicular traffic on campus to improve pedestrian and bicycle safety.

STAFF RECOMMENDATION

Staff recommends **approval** subject to the following conditions:

1. Prior to platting, the extension of University Boulevard from the west extending to Simmons Avenue must be dedicated by plat, constructed at HSU's expense, and inspected to meet the City of Abilene's standards.
2. The subject rights-of-way, and all adjoining properties, shall be platted within one year of the effective date of the abandonment ordinance.
3. If a replat is not approved and recorded within one year, the granting of the abandonments of all subject rights-of-way shall be void.
4. All existing utilities within the affected rights-of-way shall be covered by a utility easement or rerouted.
5. Gates may not installed to restrict access to the abandoned street rights-of-way until plans for the design, illumination, and operation of the gates have been approved by the Fire, Police, Emergency Management, and Public Works Departments.
6. It shall be the responsibility of Hardin Simmons University to install all required lighting, reflective tape, signage, and equipment necessary to allow emergency access to ensure safe operations at all gate locations.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. TC-2022-02 OrdinanceRSA
2. TC-2022-03Report
3. Hendrick in favor
4. Hardin Simmons in favor
5. 20221007_P&Z_Summary Letter
6. Exhibit 1 - Land Ownershp Map
7. Exhibit 2 - Traffic Flow Map
8. Exhibit 3 - Traffic Volume Map
9. tc-2022-03 Presentation

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR ABANDONMENT OF A CERTAIN PORTION OF PUBLIC RIGHT-OF-WAY FOR SIMMONS AVENUE THAT EXTENDS APPROXIMATELY 677 FEET NORTH OF AMBLER AVENUE TO UNIVERSITY BOULEVARD; PROVIDING FOR TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

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

PART 1: That the following described portions of public right-of-way for Cedar Street and Hickory Street, as described on Exhibit "A" attached hereto and made part of this ordinance for all purposes, be and the same are hereby abandoned, vacated and closed insofar as the right, title or easement of the City of Abilene is concerned, subject to conditions expressed also in attached Exhibit "A".

PART 2: That said portion of public right-of-way is not needed for public purposes, and it is in the public interest to abandon the above described portion of public right-of-way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tract of land specifically described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING THE 17th day of November, 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 14th day of October, 2022, the same being more than fifteen (15) days prior to a public hearing to be held at the Council Chambers in City Hall at 555 Walnut St. Abilene, Texas, at 8:30 a.m. on the 1st day of December, 2022, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FINAL READING THIS 1st day of December, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

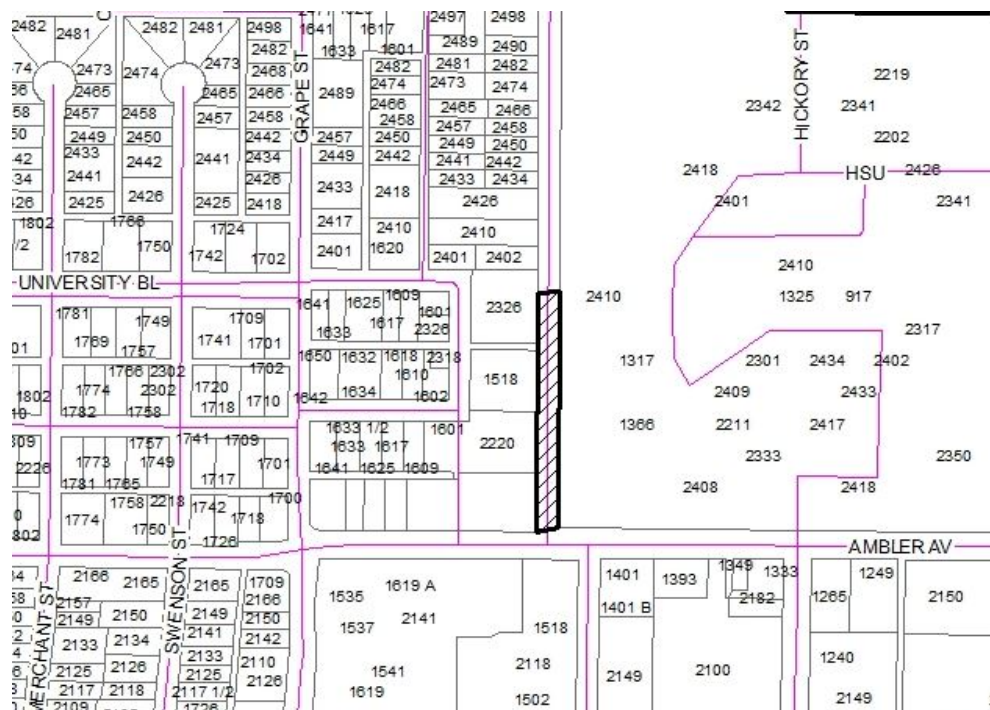
ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons the following portions of rights-of-way:

The rights-of-way for Hickory Street extending approximately 714 feet south from North 26th Street; and Cedar Street extending approximately 721 feet south from North 26th Street; subject to the following conditions:

1. Prior to platting, the extension of University Boulevard from the west extending to Simmons Avenue must be dedicated by plat, constructed at HSU's expense, and inspected to meet the City of Abilene's standards.
2. The subject rights-of-way, and all adjoining properties, shall be platted within one year of the effective date of this ordinance.
3. If a replat is not approved and recorded within one year, the granting of the abandonments of all of subject rights-of-way shall be void.
4. All existing utilities within the affected rights-of-way shall be covered by a utility easement or rerouted.
5. Gates may not installed to restrict access to the abandoned street rights-of-way until plans for the design, illumination, and operation of the gates have been approved by the Fire, Police, Emergency Management, and Public Works Departments.
6. It shall be the responsibility of Hardin Simmons University to install all required lighting, reflective tape, signage, and equipment necessary to allow emergency access to ensure safe operations at all gate locations.



-END-

TC-2022-03

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: November 1, 2022

City Council 1st Reading: November 17, 2022

City Council 2nd Reading: December 1, 2022

Applicant

Owner: City of Abilene

Request

Thoroughfare Closure of the following right-of-way adjoining Hardin Simmons University:

1. Simmons Avenue between Ambler Avenue and University Boulevard (677 Feet)

Background

On September 6, 2022, the Commission considered TC-2022-03 to close the following rights-of-way:

1. Simmons Avenue between Ambler Avenue and University Boulevard (677 Feet)
2. Hickory Street between North 26th Street and Vogel Avenue (709 Feet)
3. Cedar Street between North 26th Street and Vogel Avenue (717 Feet)
4. Vogel Avenue between Hickory Street and Pine Street (1,140 Feet)

The Commission made a recommendation to close Hickory Street, Cedar Street, and Vogel Street, subject to conditions 2-6, as listed in the P&Z recommendation, and to recommend denial of the closure of Simmons Avenue.

Because the Commission recommendation regarding those closures was in the form of a single motion, the applicant was not aware that an appeal regarding the Simmons Avenue closure was required to allow Council consideration of that request. Additionally, it was discovered that a request to close Vogel Avenue had previously been approved by City Council in 2019.

As a result, the City Council only considered the closure of Hickory Street and Cedar Street, and approved the request on October 14, 2022, subject to conditions 2-6 in the P&Z recommendation. Due to the confusion concerning the need to appeal the Simmons Avenue portion of TC-2022-02, and after further extensive conversation with the applicant and agent regarding the need for this closure and intent to extend University Blvd., The City of Abilene has submitted this request to allow the City Council to consider that part of the original request.

Assessment

The purpose of this request is to leave the roadway in place and to convert it into a private street that can be gated to restrict motorized traffic. All existing public utilities in the right-of-way will be placed into easements that will remain accessible to the City for maintenance. The proposed gated entrance will be designed to allow for fire and emergency vehicle access to the campus. The primary goal is to limit vehicular traffic on campus to improve pedestrian and bicycle safety.

The Development Review Committee reviewed this request and found that:

1. The gates can be approved if the proposed gated entrances allow fire department access.
2. Upon abandonment, maintenance, repair, and refurbishment of any stormwater structural controls that fall under these abandoned streets shall be the responsibility of Hardin Simmons University.
3. The approval of the request should be contingent upon the submittal and approval of plans of the gate design to ensure a safe design with illumination, reflective materials, signage, and other safeguards to ensure that motorists have ample time to recognize the gate entrance and realize they need to turn.
4. On Simmons Street at Ambler Avenue, the property at the northwest corner is not currently owned by Hardin Simmons. Therefore, the abandonment cannot take place right at Ambler Avenue, but rather short distance north of the property at the northwest corner.
5. A replat will be required to showing the extension of University Blvd. to Simmons Avenue, with the street being built to City of Abilene standards.

Since DRC comment 5 directly pertains to Simmons Avenue, it should be added to the other five conditions imposed with the previous thoroughfare closure request.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval** subject to the following conditions:

1. Prior to platting, the extension of University Boulevard from the west extending to Simmons Avenue must be dedicated by plat, constructed at HSU's expense, and inspected to meet the City of Abilene's standards.
2. The subject rights-of-way, and all adjoining properties, shall be platted within one year of the effective date of this ordinance.
3. If a replat is not approved and recorded within one year, the granting of the abandonments of all of subject rights-of-way shall be void.
4. All existing utilities within the affected rights-of-way shall be covered by a utility easement or rerouted.
5. Gates may not installed to restrict access to the abandoned street rights-of-way until plans for the design, illumination, and operation of the gates have been approved by the Fire, Police, Emergency Management, and Public Works Departments.
6. It shall be the responsibility of Hardin Simmons University to install all required lighting, reflective tape, signage, and equipment necessary to allow emergency access to ensure safe operations at all gate locations.

Attachments

- Application
- Hardin Simmons University Exhibits
- PowerPoint

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on November 22 of 2021 (via certified mail) to the applicant and to other owners of property within a 200-foot radius of the subject street right-of-way. These property owners and associated parcel identification numbers are identified below:

Property Owners

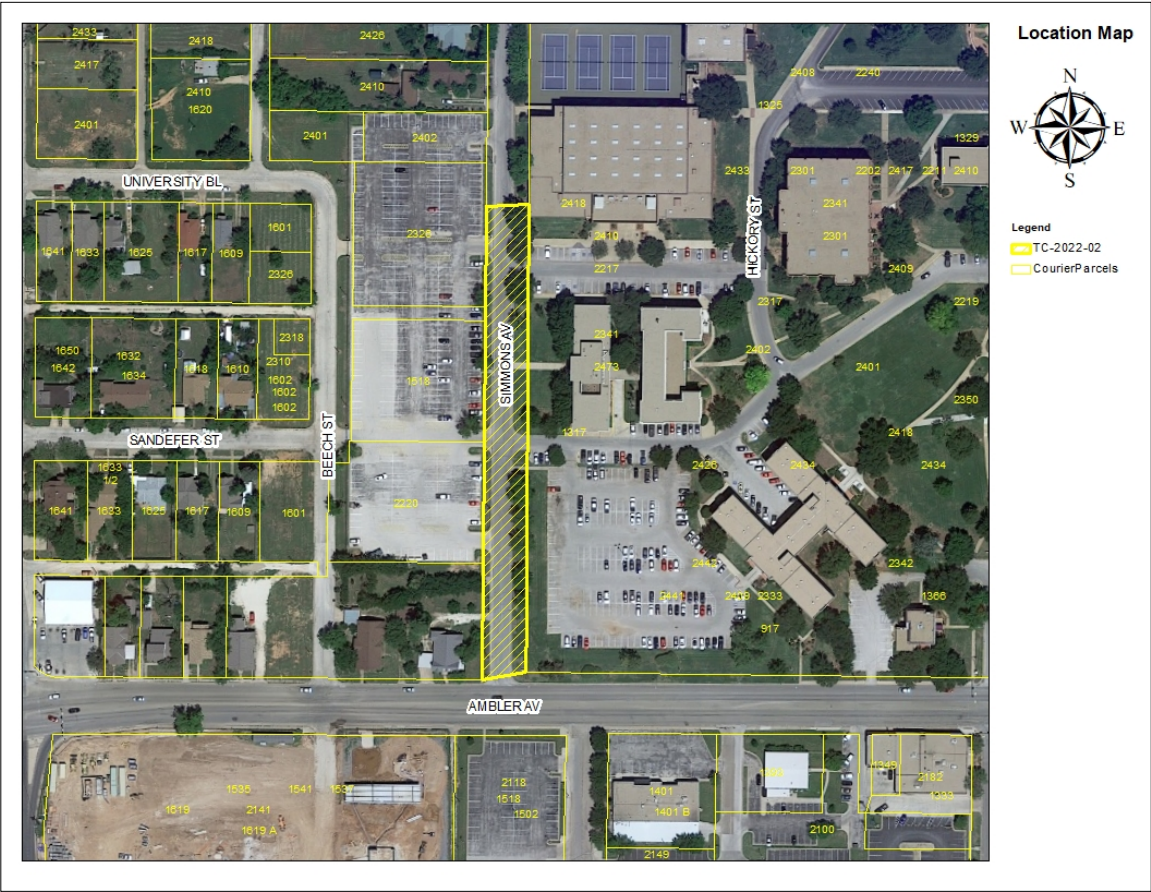
Owner	Property ID	Situs	Response
DENNIS JO ANN	52792	2410 SIMMONS AV	
HARDIN SIMMONS UNIVERSITY	52928	2401 BEECH ST	F
HARDIN SIMMONS UNIVERSITY	52931	2402 SIMMONS AV	F
HARDIN SIMMONS UNIVERSITY	53194	2220 SIMMONS AV	F
HARDIN SIMMONS UNIVERSITY	53863	2326 SIMMONS AV	F
HARDIN SIMMONS UNIVERSITY	54258	1518 SANDEFER ST	F
HARDIN SIMMONS UNIVERSITY	56702	2410 CEDAR ST	F
HENDRICK MEDICAL	31165	1401 AMBLER AV	F
HENDRICK MEDICAL CENTER	1006185	1518 N 21ST ST	F
RETAIL BUILDINGS INC	53598		
WALMART REAL ESTATE	1006184	1535 AMBLER AV	

Property ID

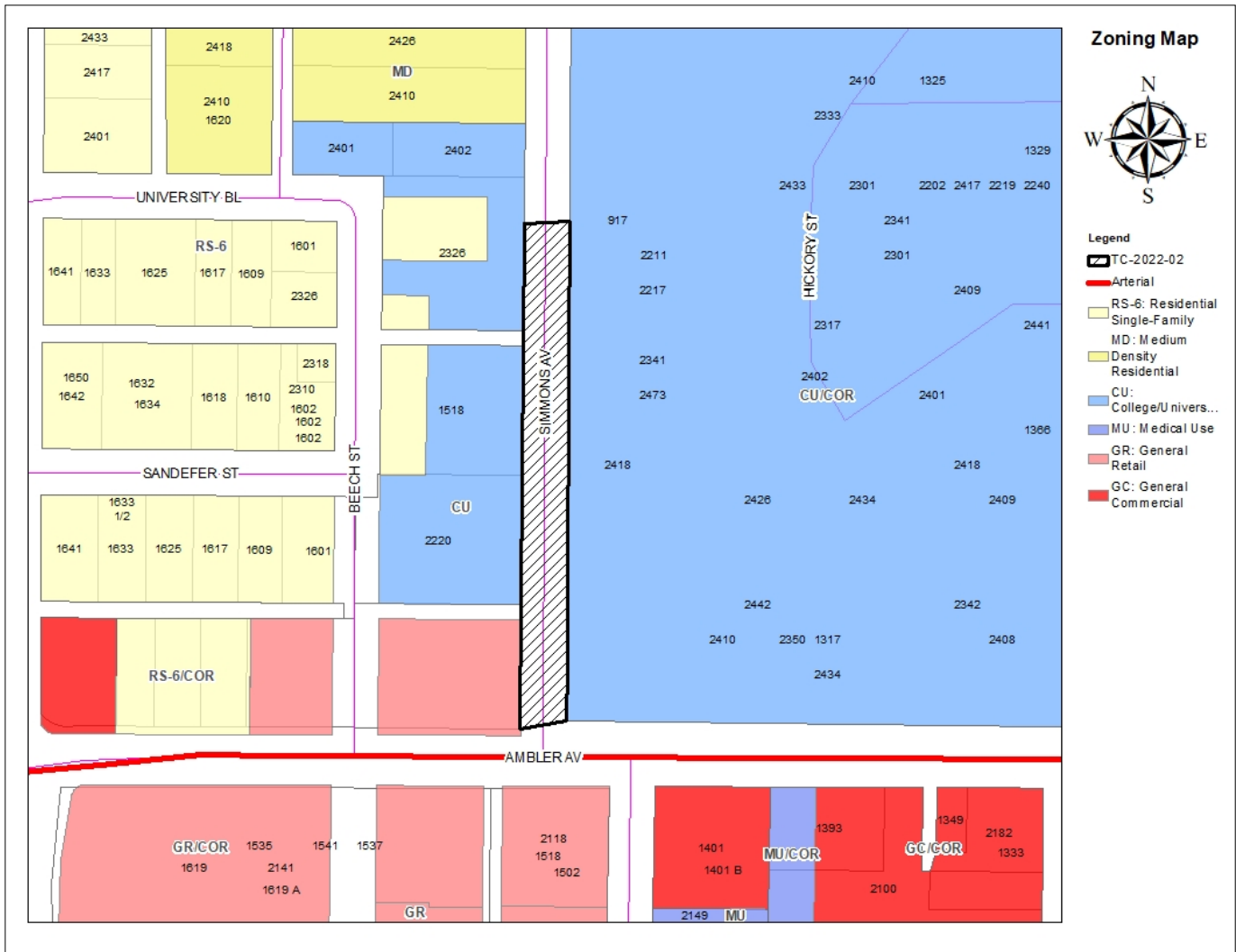
Owner	Property ID	Situs	Response
HENDRICK MEDICAL	31165	1401 AMBLER AV	F
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HARDIN SIMMONS UNIVERSITY	52928	2401 BEECH ST	F
HARDIN SIMMONS UNIVERSITY	52931	2402 SIMMONS AV	F
HARDIN SIMMONS UNIVERSITY	53194	2220 SIMMONS AV	F
RETAIL BUILDINGS INC	53598		
HARDIN SIMMONS UNIVERSITY	53863	2326 SIMMONS AV	F
HARDIN SIMMONS UNIVERSITY	54258	1518 SANDEFER ST	F
HARDIN SIMMONS UNIVERSITY	56702	2410 CEDAR ST	F

WALMART REAL ESTATE	1006184	1535 AMBLER AV	
HENDRICK MEDICAL CENTER	1006185	1518 N 21ST ST	F

LOCATION MAP



ZONING MAP





HENDRICK MEDICAL CENTER
ATTN: PROPERTY MANAGEMENT
1900 PINE ST
ABILENE, TX 79601-2432

NOTICE OF PUBLIC HEARING

RE: THOROUGHFARE CLOSURE REQUEST NUMBER TC-2022-03

10/19/2022

The Planning and Zoning Commission will hold a public hearing on **November 1, 2022 at 1:30 PM**, in the Council Chambers at 555 Walnut St. in Abilene, Texas vote to recommend approval or denial to City Council on a request from Hardin Simmons University, represented by Enprotech Hibbs & Todd to abandon a portion of Right-of-way known as Simmons Av from Ambler Av to University Blvd and extend University Blvd to Simmons Av.

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 **December 1, 2022 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

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

CASE #: TC-2022-03

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: HENDRICK MEDICAL CENTER
Parcel I.D.: 1006185
Address: 1518 N 21ST ST

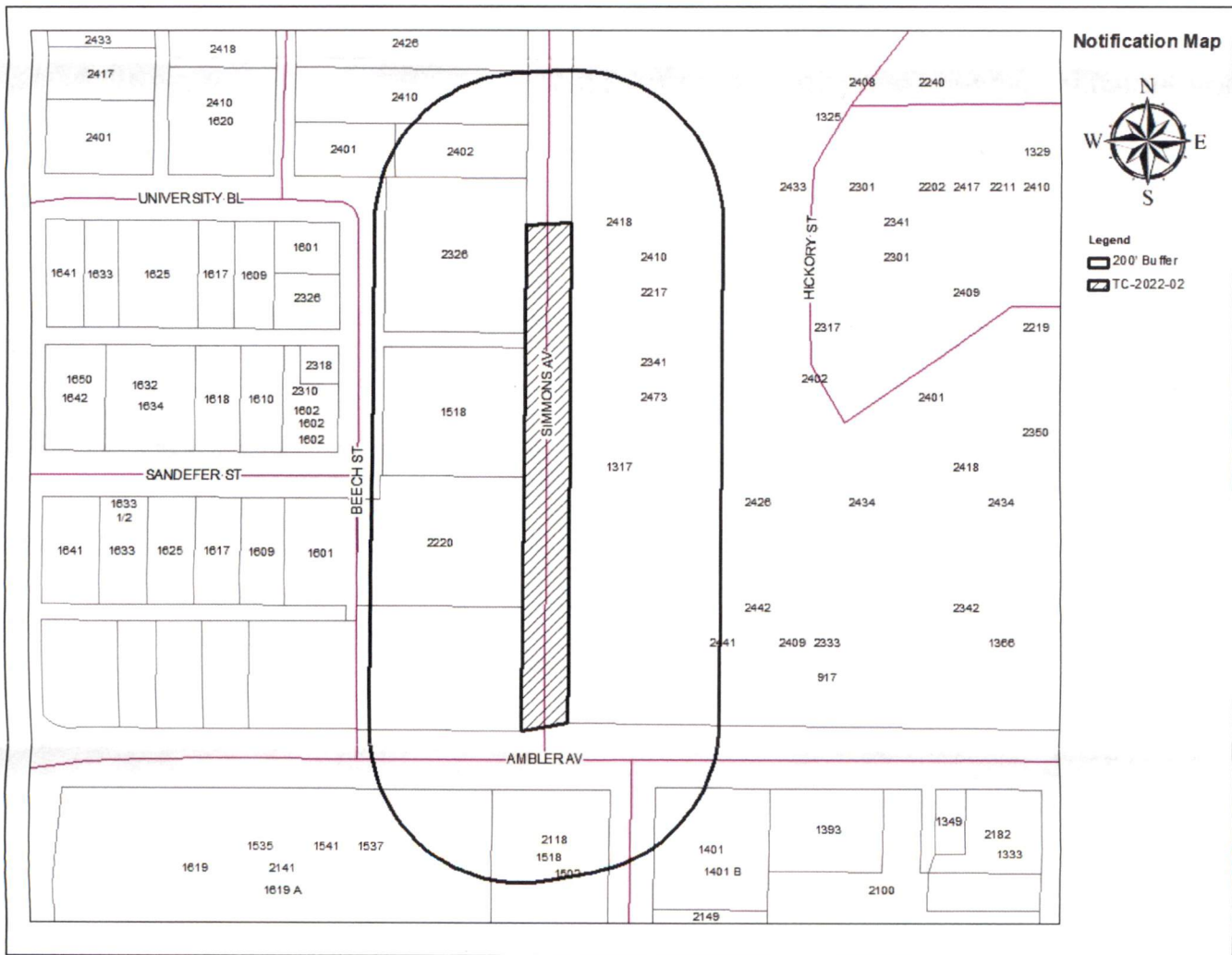
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: _____

TC-2022-03





HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

NOTICE OF PUBLIC HEARING

RE: THOROUGHFARE CLOSURE REQUEST NUMBER TC-2022-03

10/19/2022

The Planning and Zoning Commission will hold a public hearing on **November 1, 2022 at 1:30 PM**, in the Council Chambers at 555 Walnut St. in Abilene, Texas vote to recommend approval or denial to City Council on a request from Hardin Simmons University, represented by Enprotech Hibbs & Todd to abandon a portion of Right-of-way known as Simmons Av from Ambler Av to University Blvd and extend University Blvd to Simmons Av.

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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 **December 1, 2022 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

For the PLANNING & ZONING COMMISSION

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

CASE #: TC-2022-03

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: HARDIN SIMMONS UNIVERSITY

Parcel I.D.: 52931

Address: 2402 SIMMONS AV

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

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: _____

Jodie McLaughlin
Vice President for Finance



October 7, 2022

City of Abilene
Planning and Development Services
555 Walnut Street
Abilene, TX 79601
Attn: Tim Littlejohn – Director of Planning

**Re: Hardin Simmons University
Proposed Right of Way Abandonments – Additional Information and Clarifications**

Dear Mr. Littlejohn:

On behalf of Hardin Simmons University (HSU), eHT respectfully submits the following response to questions and concerns raised during the September 6, 2022 Planning and Zoning Meeting regarding HSU's request to abandon the Simmons Street Right-of-Way (ROW) between University Boulevard and Ambler Avenue. Questions/concerns raised during the meeting included the following general issues:

1. Clarification as to which properties HSU currently owns along Simmons Street.
2. Clarification of proposed traffic routing should abandonment be approved.
3. Potential for increased traffic on Simmons Street due to proposed abandonment.
4. Emergency vehicle access.

HSU is requesting abandonment of the stated ROWs primarily to gain more control over “pass-thru” traffic on the campus and its adjacent facilities in an effort to increase pedestrian safety. At the present, HSU is preparing to begin construction on a new residence hall facility located at the corner of Simmons and Ambler. Parking for the residence hall as well as two existing residence halls will primarily be handled by the existing parking area located west of Simmons. The new residence hall project along with other miscellaneous changes to the campus will result in a significant increase in student pedestrian traffic crossing Simmons. To increase safety, HSU is proposing to abandon the Simmons ROW between University Boulevard and Ambler Avenue to allow closing this section of Simmons to thru traffic. The current draft of the City Site plan is attached for reference.

To address the questions/concerns noted above, eHT has prepared several additional exhibits (attached hereto) for staff and City Council consideration. Exhibit 1 – Property Ownership Map illustrates the current land holdings of HSU (based on the Taylor County CAD records and City GIS data). As depicted, HSU currently owns all but five of the properties that front on Simmons Street between Lowden and Ambler. Two of those properties are located at intersection of Lowden and Simmons while the remaining three are generally located across from the football stadium. To accommodate these homes as well as the Land Development Code (LDC) requirement to avoid the creation of “dead-end” streets, HSU is planning to extend University Boulevard from the intersection at Beech over to Simmons, creating an unobstructed access to Grape Street. Construction plans for this extension are complete and have been reviewed and approved by Public Works staff. Copy of the approved plan is attached for reference.

Exhibit 2 – Traffic Flow Map addresses the proposed traffic routings that will accommodate the requested ROW abandonments. Exhibit 3 – Traffic Volume Map depicts various traffic volumes from 2020 (obtained from TxDOT and the Abilene MPO). In reference to these Exhibits, please note the following:

- While the non-HSU owned properties will no longer have a “straight-shot” to Ambler, they will have an additional access to Grape with the extension of University Boulevard, and access to the Ambler from the



Mr. Tim Littlejohn

October 7, 2022

Page 2

lighted and controlled intersection at Grape and Ambler. This re-route will add at most 600 extra feet of travel to those attempting to access Ambler from Simmons.

- Emergency vehicles will be able to reach to the residential area north of Lowden from via Grape Street or Pine Street. Emergency response times should see little if any significant impact due the requested closure of Simmons.
- The heavy blue dashes indicate entrances that will potentially have controlled access (gates, etc). These entrances will always remain completely accessible to emergency personnel.
- Students, faculty and staff will be able to access campus facilities from University Boulevard, Vogel Avenue and Lowden Street (from the west), via Pine Street on the east and from Hickory coming off of Ambler (controlled intersection).
- Students will access the existing parking area on the west side of Simmons via University Blvd. HSU currently owns many of properties fronting on University Boulevard.
- Per Exhibit 3 – Traffic Flow Volumes illustrates the current Average Annual Daily Traffic (AADT) counts in this area of the City. As shown, the AADT on Simmons (707) is drastically lower than that of Grape, Ambler or Pine.
- The proposed traffic re-route (refer to Exhibit 2) will push 707 vehicles out to Grape, which has a significantly lower volume of traffic than Ambler. A left hand turn on to Grape is statistically less dangerous than a left turn across Ambler or right turn into Ambler traffic. Ultimately, HSU trying to reduce student / faculty / staff traffic turning out onto Ambler by re-directing to Grape.
- Based on current aerial photographs, there are over 1,600 parking spaces in the block directly south of Ambler serving the existing retail facilities and various Hendrick Medical facilities. Many of these facilities and parking areas are accessed directly from Ambler.

If there are any questions or concerns, please feel free to contact me directly at bj.prichard@e-ht.com or by phone at 325-725-1369.

Sincerely,

Enprotec/Hibbs & Todd, Inc.

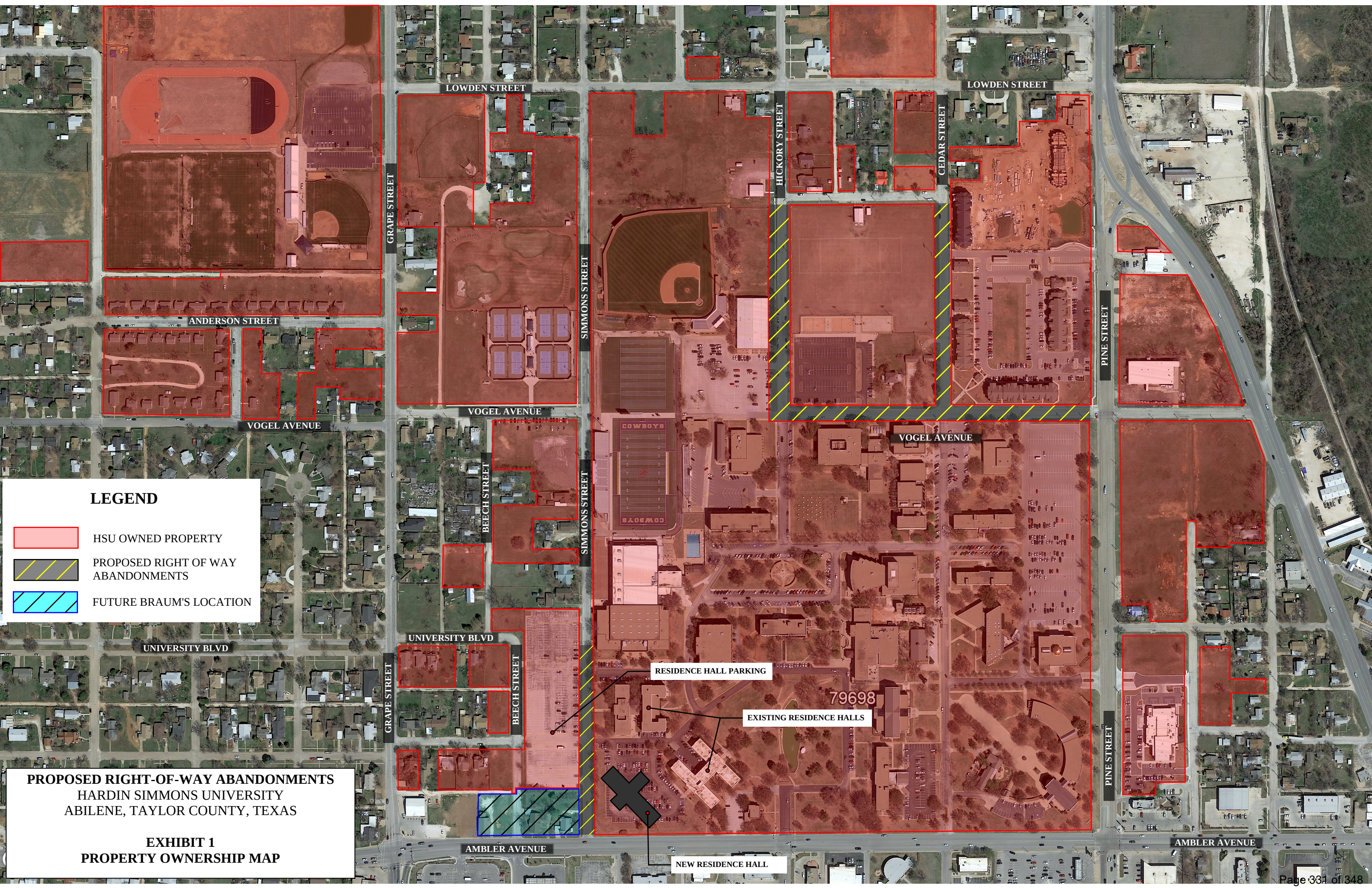
BJ Prichard, P.E.

BJP/jd

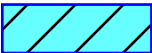
Encl: City Site Plan
University Boulevard Extension Plan
Exhibit 1 – Property Ownership Map
Exhibit 2 – Proposed Traffic Flow Map
Exhibit 3 – Traffic Volume Map

c: Project File 8146

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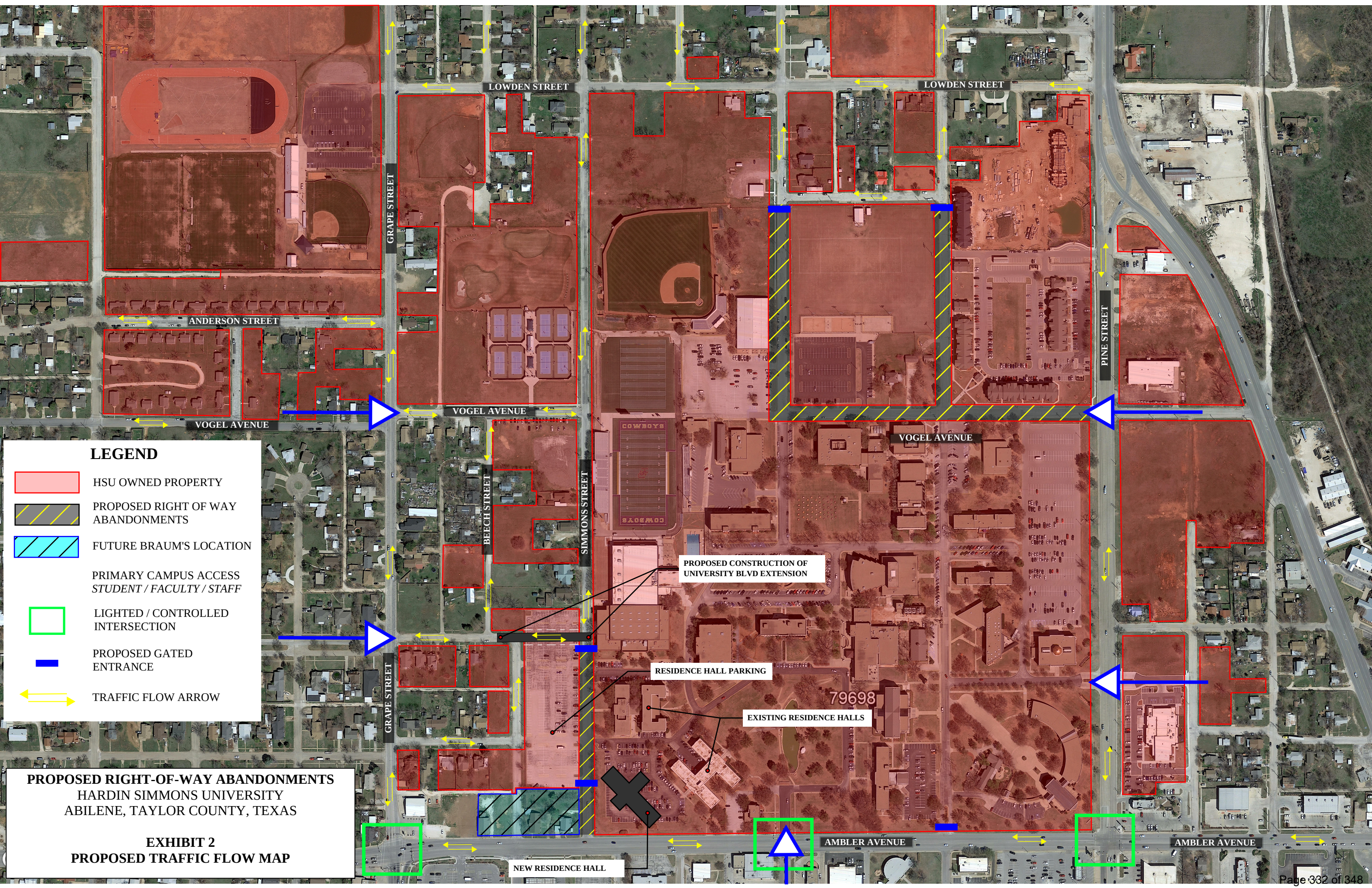


LEGEND

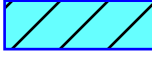
-  HSU OWNED PROPERTY
-  PROPOSED RIGHT OF WAY ABANDONMENTS
-  FUTURE BRAUM'S LOCATION

PROPOSED RIGHT-OF-WAY ABANDONMENTS
HARDIN SIMMONS UNIVERSITY
ABILENE, TAYLOR COUNTY, TEXAS

EXHIBIT 1
PROPERTY OWNERSHIP MAP

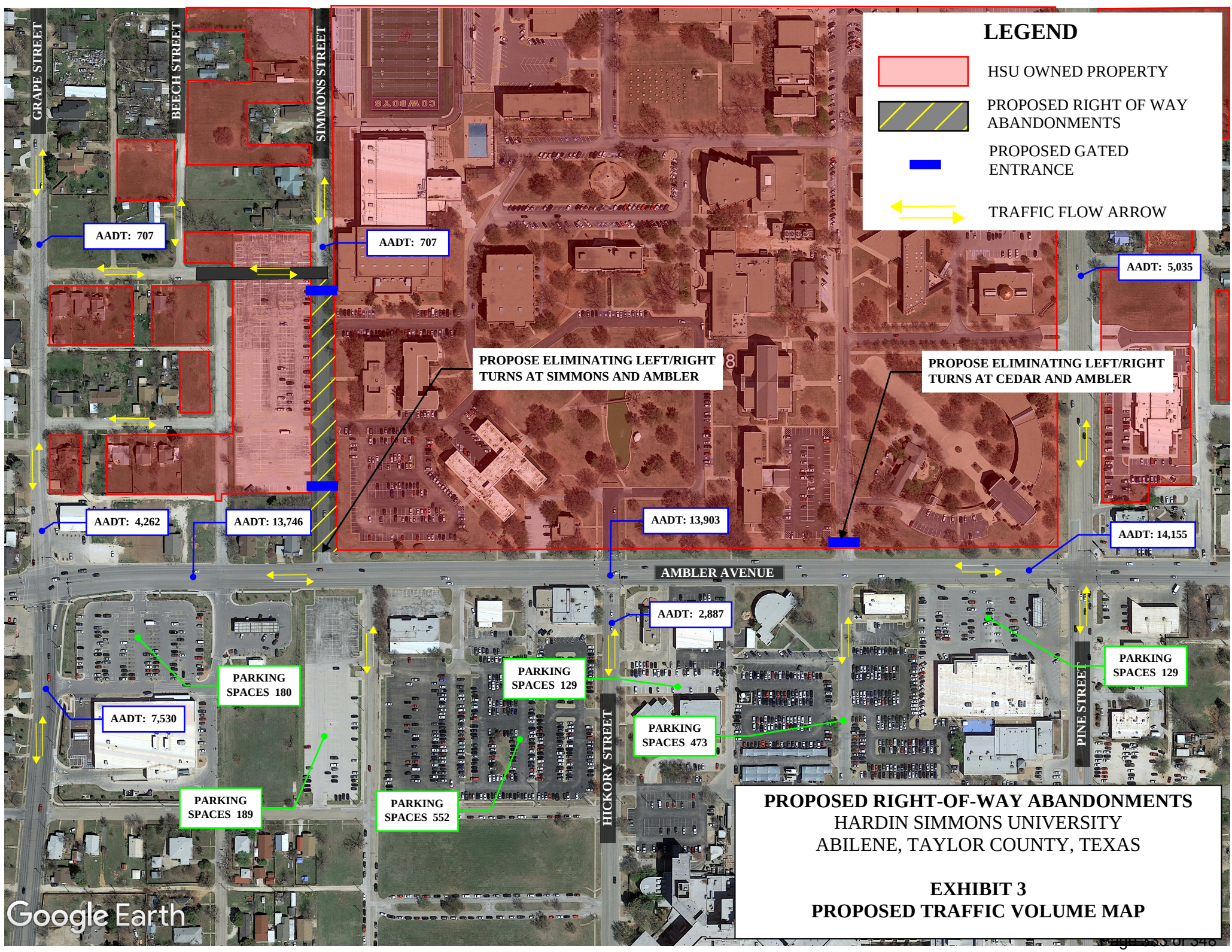


LEGEND

-  HSU OWNED PROPERTY
-  PROPOSED RIGHT OF WAY ABANDONMENTS
-  FUTURE BRAUM'S LOCATION
-  PRIMARY CAMPUS ACCESS STUDENT / FACULTY / STAFF
-  LIGHTED / CONTROLLED INTERSECTION
-  PROPOSED GATED ENTRANCE
-  TRAFFIC FLOW ARROW

PROPOSED RIGHT-OF-WAY ABANDONMENTS
HARDIN SIMMONS UNIVERSITY
ABILENE, TAYLOR COUNTY, TEXAS

EXHIBIT 2
PROPOSED TRAFFIC FLOW MAP





THOROUGHFARE CLOSURE

Case:	TC-2022-03
Applicant:	City of Abilene
Agent:	N/A
Request:	Thoroughfare closure of a portion of Simmons Avenue adjacent to the Hardin Simmons University campus
Location:	Simmons Avenue from Ambler Avenue to University Boulevard
Notification:	8 in Favor, 0 Opposed
Planning & Zoning:	November 1, 2022
City Council Hearings:	1 st November 17, 2022 2 nd : December 1, 2022





TC-2022-02 LOCATION MAP



CITY OF
ABILENE
TEXAS



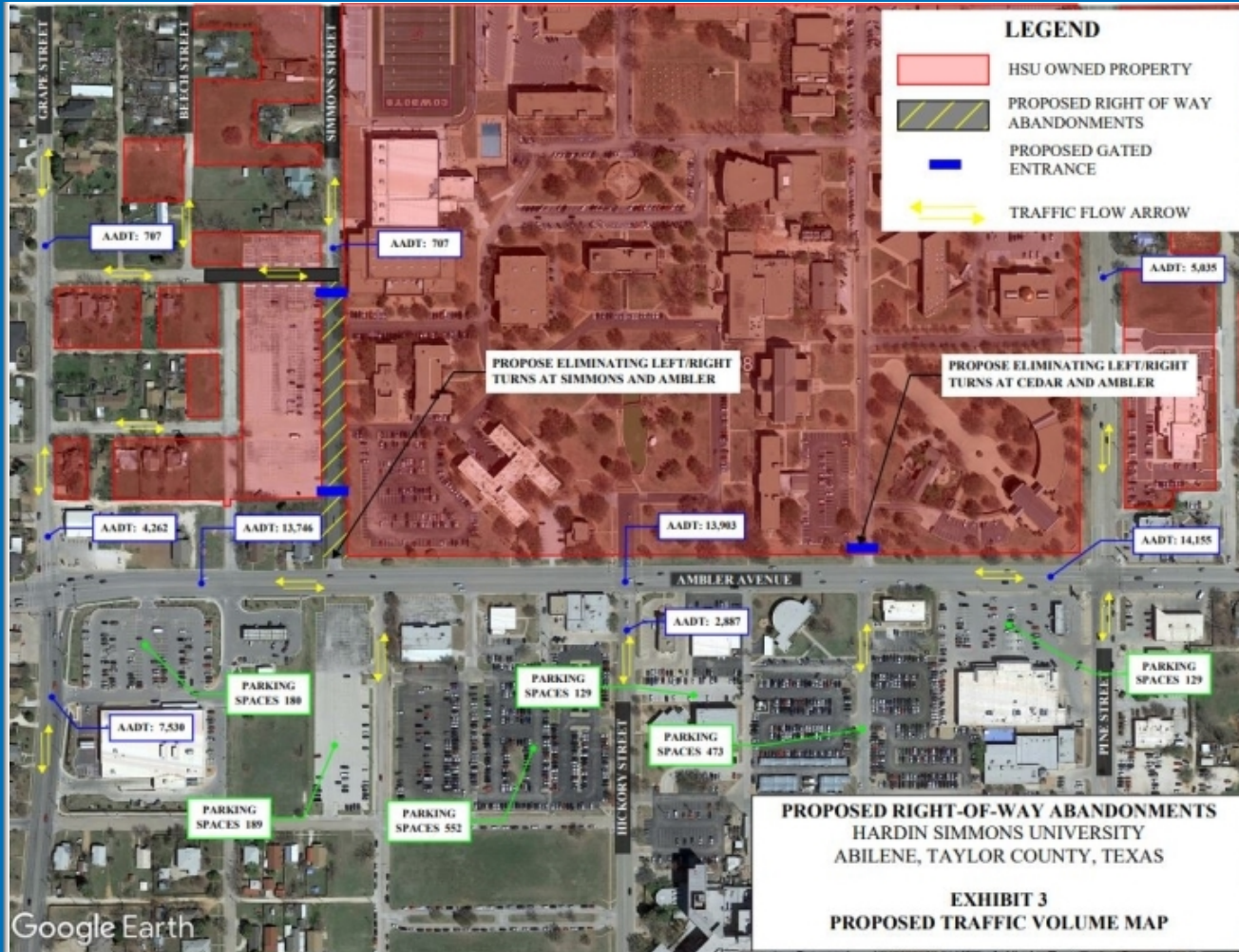
TC-2022-02 ZONING MAP



CITY OF
ABILENE
TEXAS



TC-2022-02 EXHIBIT 1



CITY OF
ABILENE
TEXAS

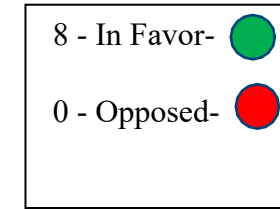




TC-2022-03 VIEWS OF SUBJECT & ADJACENT PROPERTIES



CITY OF
ABILENE
TEXAS





FINDINGS AND RECOMMENDATIONS

P&Z Recommendation: Approval subject to:

1. Prior to platting, the extension of University Blvd from the west extending to Simmons Avenue must be dedicated by plat, constructed at HSU's expense, and inspected to meet the City of Abilene's standards.
2. The subject right-of-way, and all adjoining properties, shall be platted within one year of the effective date of this ordinance.
3. If a replat is not approved and recorded within one year, the granting of the abandonments of all of subject rights-of-way shall be void.
4. All existing utilities within the affected rights-of-way shall be covered by a utility easement or rerouted.
5. Gates may not installed to restrict access to the abandoned street rights-of-way until plans for the design, illumination, and operation of the gates have been approved by the Fire, Police, Emergency Management, and Public Works Departments.
6. It shall be the responsibility of Hardin Simmons University to install all required lighting, reflective tape, signage, and equipment necessary to allow emergency access and provide safe operations at all gate locations.



CITY OF
ABILENE
T E X A S





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 22. 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. 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
10. 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
11. Regulation of library collection and programs.

B. 551.072 (Deliberations about Real Property)

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

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

E. 551.076 (Deliberations about Security Devices)

F.551.087 (Business Prospect/Economic Development)

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None



**City Council
Agenda Memo**

City Council Meeting Date: 12/1/2022

TO: Honorable Mayor Williams and Members of the City Council

FROM: Robert Hanna, City Manager

SUBJECT: 23. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Enter into a Chapter 380 Economic Development Agreement with Rainy Creek Abilene LP, a Texas Limited Partnership (Robert Hanna)

GENERAL INFORMATION

Rainy Creek Abilene LP has acquired ownership of 1601 E Stamford, and intends to develop a minimum of 180 multi-family residential units, and a minimum of 6,000 square feet of mixed-use retail and restaurant space. It is anticipated the total valuation of the proposed development will be approximately \$60-\$80 million.

In order to accommodate the development footprint necessary to construct their improvements, Rain Creek Abilene LP completed a flood survey and is amending the flood plain boundaries. While floodplain reclamation can be costly, and it is unusual in Abilene, this type of work is fairly common place in other parts of the state where reclaiming land out of the floodplain is recovered through the income derived from the project. The cost for the necessary survey and filing requirements to FEMA is estimated to cost \$75,000. In addition to the floodplain reclamation costs, Griffith Road remains substandard at this location.

The attached Chapter 380 Agreement will authorize the City Manager to reimburse the developer up to \$75,000 for the cost of the floodplain reclamation. In addition, it commits the City to constructing the remaining portion of Griffith Road, and it waives permit fees associated with the development incurred on or after the date of the agreement and for the term of the agreement. Given the current economic uncertainty in the financing markets, the agreement has a five-year term. Reimbursement for the floodplain reclamation cannot be made until after a certificate of occupancy is issued within the development's project area.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

It is anticipated that the construction of the remaining Griffith Rd improvements attributable to the developer, and that the City would not normally pay for, is approximately \$242,000. The maximum reimbursement for the floodplain reclamation costs is \$75,000. In total, it is anticipated the total incentive (less building permit fees) is approximately \$317,000.

STAFF RECOMMENDATION

Staff recommends approval of the agreement as submitted.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2022 Resolution Approve Eco Dev Agmt Rainy Creek Abilene LP
2. AGR - Rainey Creek - Chapter 380 Agreement
3. Presentation 380 Agreement Rainy Creek Ab LP

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE AN ECONOMIC
DEVELOPMENT AGREEMENT WITH RAINY CREEK ABILENE, LP.**

WHEREAS, Rainy Creek Abilene, LP is the owner of A1412 SUR 33 B A L NE/4, TRACT W 65 AC, ACRES 8.104, SCOTTISH INNS ADDITION, BLOCK E PT OF 1, ACRES 5.072, and 19.096 ACRES OF 91.592 PORTION OF A1412 SUR 33 B A L NE/4, TRACT W 65 AC, ACRES 91.592 addressed to 1601 E Stamford (the "Project Area"); and

WHEREAS, Rainy Creek Abilene, LP will construct a mixed-use retail and multi-family apartment community development within the Project Area, with at least a 180 unit multi-family apartment complex, and at least six thousand (6,000 SQFT) square feet of mixed use retail or restaurant space ("the Project"); and

WHEREAS, the City intends to construct the remainder of Griffith Road from Marathon Rd to E Stamford St at its sole cost; and

WHEREAS, Rainy Creek Abilene, LP shall complete a flood study and letter of map revision for the purpose of reclaiming land within the Project Area, in a form acceptable to the City of Abilene; and

WHEREAS, upon receipt of the actual costs incurred by Rainy Creek Abilene, LP associated with a flood study and letter of map revision for purposes of reclaiming land within the Project Area from the flood land, the City shall reimburse Rainy Creek Abilene, LP up to the sum of Seventy-Five Thousand and No/100 Dollars (\$75,000) towards the actual costs associated with a flood study and letter of map revision for the purposes of reclaiming land within the Project Area from the flood plain; and

WHEREAS, the City shall waive all permit fees incurred from the date of the Agreement through completion of the development and construction of the Project; and

WHEREAS, the City has established a program, in accordance with Article III, Chapter 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code ("Chapter 380") pursuant to which the City has authority to enter into this Agreement, and has authority to use public funds for the public purposes of promoting local economic development and stimulating business and commercial activity within the City; and

WHEREAS, the City has determined that making an economic development payment to Rainy Creek Abilene, LP in accordance with the Agreement will further the objectives of the City, will benefit the City and the City's inhabitants, will increase the quality of life of the City, will foster and promote additional economic development and will protect and safeguard the public health, safety and welfare of its residents; and

WHEREAS, it is anticipated that the development of the Project will have a direct and positive economic benefit to the City; and

WHEREAS, the City hereby finds that this Agreement embodies an eligible “project” and clearly promotes economic development in the City and, as such, meets the requisites under Chapter 380 of the Texas Local Government Code and is in the best interests of the City.

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 Economic Development Agreement with Rainy Creek Abilene, LP for the development of at least a 180 unit multi-family apartment complex, and at least 6,000 square feet of mixed use retail or restaurant space, in the Project Area.

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

ADOPTED THIS 1st DAY OF DECEMBER, 2022.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

APPROVE CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH RAINY CREEK ABILENE, LP

