City of Abilene
City Council Agenda

Shane Price, Mayor Pro-tem
Lynn Beard, Deputy Mayor Pro-tem
Blaise Regan, Council Member
Robert Hanna, City Manager

Weldon Hurt, Mayor

Brian Yates, Council Member
Kyle McAlister, Council Member
Travis Craver, Council Member
Stanley Smith, City Attorney
Shawna Atkinson, City Secretary

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on August 24, 2023, 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. Mayor Pro-tem Shane Price

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

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 seperately, 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.

2. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on August 10, 2023 ***(Shawna Atkinson)***

3. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Authorizing a Joint Election Agreement and Contract for Election Services with Taylor County for a Special Election to be Held on Tuesday, November 7, 2023 ***(Shawna Atkinson)***

4. **Resolution:** Receive a Report, Hold a Discussion and Take Action to Adopt the City of Abilene Active Living Plan ***(Annette Lerma)***

5. **Resolution:** Receive a Report, Hold a Discussion and Take Action on the Reappointment of the Honorable Chace Craig as the Municipal Court Judge ***(Stanley Smith)***

6. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving the BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) ***(Doug Wrenn)***

7. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding Bid #CB-2358 Water Department Street & Miscellaneous Repair Work 2023-2024 to Epic Construction Co. ***(Max Johnson)***

8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding the Bid for a Replacement Inductively Coupled Plasma Spectrometer Instrument for the Abilene Environmental Laboratory (***Rodney Taylor***)

9. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Receipt and Review of the Abilene-Taylor County Events Venue District Revised FY 2023 and Approved FY 2024 Budgets ***(Mike Rains)***

10. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving the Abilene Convention and Visitors Bureau FY 2024 Budget ***(Mike Rains)***

11. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving a Negotiated Settlement Between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division Regarding the company's 2023 Rate Review Mechanism Filing; Declaring Existing Rates to Be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attachment Establishing a Benchmark for Pension and Retiree Medical Benefits; Requiring the Company to Reimburse ACSC's Reasonable Ratemaking Expenses; Determining that this Resolution was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; and Requiring Delivery of the Resolution to the Company and the ACSC's Legal Counsel ***(Mike Rains)***

12. **Ordinance (First Reading) CUP-2023-05:** Receive a Report, Hold a Discussion and Take Action on A Request From Alan Wartes, Represented By Jovon Christophe, To Apply A Conditional Use Permit To Approximately 0.17 Acres To Allow For A Daycare Within Residential Single Family (RS-6) Zoning For Up To 12 Children. Located At 3236 Ambler Avenue. ***(Tim Littlejohn)***

13. **Ordinance (First Reading) Z-2023-24:** Receive a Report, Hold a Discussion and Take Action on A Request From Amazing Grace True Grit, LLC, Represented By Sara Trammel, To Change The Zoning Of Approximately 0.68 Acres From Residential Single Family (RS-12) To A Planned Development District (PDD-183) To Allow For A Medical Spa. Located At 642 Sayles Boulevard. ***(Tim Littlejohn)***

14. **Ordinance (First Reading) Z-2023-26:** Receive a Report, Hold a Discussion and Take Action on A Request From KKP Investments, LLC, Represented By Jacob & Martin, To Amend The

Terms Of Planned Development District 172 To Allow Single-Family Residential Uses With No Through Connection To East Stamford Street. Located At 2668 Garfield Avenue. ***(Tim Littlejohn)***

15. **Ordinance (First Reading) Z-2023-28:** Receive a Report, Hold a Discussion and Take Action on a request from Darin Albergucci, represented by e-HT, to change the zoning of approximately 4.80 acres from Light Industrial (LI) to General Commercial (GC). Located at 910 Bandera Park. ***(Tim Littlejohn)***

16. **Ordinance (First Reading) Z-2023-29:** Receive a Report, Hold a Discussion and Take Action on a request from Moore Abilene Holdings, LP, represented by Alex Moore, to change the zoning of approximately 0.64 acres from Heavy Industrial (HI) to Heavy Commercial (HC).Located at 2222, 2234, 2250 Butternut Street. ***(Tim Littlejohn)***

17. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article VII., "Stop, Yield Intersections," Article X, "Stopping, Standing, and Parking," and Article XIII, "Schedules," of the Abilene Municipal Code, By Amending Certain Sections As Set Out Below, Providing A Severability Clause; And Declaring A Penalty ***(Max Johnson)***

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

18. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the City Code by Adding Chapter 13, Health & Sanitation, Article VI. "Public Swimming Pools and Spas" ***(Annette Lerma)***

EXECUTIVE SESSION

19. **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. 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
4. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
5. 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
6. 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
7. 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
8. 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
9. Richard Scheriger, et al. v. City of Abilene; Cause No. CV33253, In the 90th Judicial District Court, Stephens County, Texas, filed April 21, 2023
10. The Woodlands Pride, Inc., et al. v. Angela Colmenero, Interim Attorney General of Texas, et al., Case No. 4:23-cv-02847, In the United States District Court, Southern District of Texas, Houston Division, filed August 2, 2023
11. Eminent Domain lawsuits - North First & Leggett Streets intersection

B. 551.072 (Deliberations about Real Property)
1. 810 N 6th Street

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)
1. City Council may consider appointment, employment, compensation, reassignment, duties, discipline, or dismissal of public officers or employees, City Manager, City Attorney, Municipal Court Judge, City Secretary, and City Board and Commission Members
2. City of Abilene Boards & Commissions May be Discussed, as needed for (re)appointment

E. 551.076 (Deliberations about Security Devices)

F. 551.087 (Business Prospect/Economic Development)
1. 505 Pine Street

RECONVENE

REGULAR AGENDA

20. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Creating the GLC Enterprise Zone Designation ***(Misty Mayo)***

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 18th day of August, 2023, at 7:45 a.m.

Kaitlin Richardson, TRMC
Deputy City Secretary

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Honorable Mayor & Members of City Council**

FROM: **Shawna Atkinson, City Secretary**

SUBJECT: **2. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on August 10, 2023** ***(Shawna Atkinson)***

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting Held on August 10, 2023

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 08-10-2023 Minutes - Regular - Morning

CITY COUNCIL MEETING
August 10, 2023 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 August 10, 2023, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Weldon Hurt was present and presiding, along with Mayor Pro-tem Shane Price, Deputy Mayor Pro-tem Lynn Beard, and Councilmembers Blaise Regan, Brian Yates, Kyle McAlister, and Travis Craver. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Deputy Mayor Pro-tem Lynn Beard delivered the invocation.

Weston Dowell, 4th grader at Wylie West Intermediate, 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 3-10. Items 5 & 9 was pulled for individual consideration.

Item pulled for individual consideration:

- Item 5: Councilmember McAlister
- Item 9: Mayor Pro-tem Price

PUBLIC COMMENTS

Mayor Hurt opened the public comment period. With no speakers coming forward, the public comment period was closed.

CONSENT AGENDA

Mayor Pro-tem Price moved to approve the consent agenda consisting of items 3-4, 6-8 & 10. Councilmember McAlister seconded the motion. Motion carried.

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

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Workshop Meeting July 24, 2023, and the Regular Meeting Held on July 27, 2023

4. Resolution: Receive a Report, Hold a Discussion and Take Action to Approve a Lease and Operating Agreement with Josh Rader (dba Bodeg-ish) to Operate a Food and Beverage Concession at Abilene Regional Airport
[ASSIGNED RESOLUTION NO. 133-2023]

6. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid #CB-2357 Festival District Project to The Crowe Group, Inc.
[ASSIGNED RESOLUTION NO. 135-2023]

7. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving Change Order No. 2 to the Contract with Blackrock Construction for the E.N. 10th and S. Maple Street Utility Improvements
[ASSIGNED RESOLUTION NO. 136-2023]

8. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Purchase of a Replacement Pump for the Prison Lift Station
[ASSIGNED RESOLUTION NO. 137-2023]

10. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Amending the City Code by Adding Chapter 13, Health & Sanitation, Article VI. "Public Swimming Pools and Spas"

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

5. Resolution: Receive a Report, Hold a Discussion and Take Action on the Approval of FY 2023/2024 One-Year Action Plan for CDBG and HOME Programs
[ASSIGNED RESOLUTION NO. 134-2023]

Having pulled the item, Councilmember McAlister wanted to make the public aware of these programs and opportunities.

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

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

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

9. Resolution: Receive a Report, Hold a Discussion and Take Action on the Approval of the 2023-2025 Abilene Professional Firefighters Association Meet and Confer Agreement
[ASSIGNED RESOLUTION NO. 138-2023]

Having pulled the item, Mayor Pro-tem Price had concerns on some of the assessment processes, in particular the requirements for those active duty military personnel. This was discussed and decided it would be something to look at in the future, but to leave the process as it is for now.

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

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

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

REGULAR AGENDA

11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the Use of Eminent Domain to obtain a Public Pedestrian Access Sidewalk Easement along East South 11th Street, approximately 0.10 acres total out of the West 100' of Lot 3, Block 191, and Lot 103 Being a Replat of Lot 3, Block 191, Original Town of Abilene, Taylor County, Texas
[ASSIGNED RESOLUTION NO. 139-2023]

Max Johnson, Director of Public Works, presented the item. Adoption of the item would exercise the power of eminent domain at the above referenced location, to allow for the Texas Department of Transportation to make sidewalk improvements to portions of ES 11th Street.

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

Mayor Pro-tem Price moved that the City of Abilene authorize the use of the power of eminent domain to acquire approximately 0.10 acres of land total out of the West 100 Feet of Lot 3, Block 191, and Lot 103 being a replat of Lot 3, Block 191, Original Town of Abilene, Taylor County, Texas for the public sidewalk easements along ES 11th Street. Councilmember McAlister seconded the motion; motion carried.

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

The motion and record vote applied to all units of property being condemned.

12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Considering and Adopting a Bond Election to be Held within the City of Abilene, Texas, Making Provisions for the Conduct of the Election, and Enacting Other Provisions Relating to Such Election
[ASSIGNED RESOLUTION NO. 140-2023]

Robert Hanna, City Manager, presented the item. Adoption of the item would order a bond election for November 7, 2023, for three bond propositions.

Mayor Hurt opened the public hearing. The following spoke:

- Rick Hammer
- Tammy Fogle
- Barbara Berry

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

Deputy Mayor Pro-tem Beard moved for approval of the resolution calling a bond election to be held in the City of Abilene, Texas; making provision for the conduct of the election; and resolving other matters related to such election. Mayor Pro-tem Price seconded the motion; motion carried.

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

13. Ordinance (Final Reading) CUP-2023-06: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From WV Meridian, LLC To Apply A Conditional Use Permit To Approximately 1.09 Acres On A Site Zoned PDD-130 To Allow An Automobile Wash Which Was Previously Abandoned To Be Reopened. Located At 5190 Buffalo Gap Road
[ASSIGNED ORDINANCE NO. 42-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would approve a conditional use permit at the above referenced location to allow for an automobile wash to be reopened.

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

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

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

14. Ordinance (Final Reading) TC-2023-04: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Southside Baptist Church To Abandon An Alley Located At 1425 South 7th Street
[ASSIGNED ORDINANCE NO. 43-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would abandon the alley at the above referenced location.

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

Councilmember McAlister moved to approve the item as presented. Councilmember Regan seconded the motion; motion carried.

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

15. Ordinance (Final Reading) TC-2023-05: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Brandon Lee And Mirran Cassidy Caddell to Abandon Hilton Head cul-de-sac, Abilene, Taylor County, Texas
[ASSIGNED ORDINANCE NO. 44-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would abandon the above referenced cul-de-sac and make it a private drive.

Mayor Hurt opened the public hearing. The following spoke in favor of TC-2023-05:

- BJ Pritchard, agent for the applicant

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

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

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

16. Ordinance (Final Reading) Z-2023-14: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Jose Valenzuela To Change The Zoning Of Approximately 1.95 Acres From Residential Single Family-6 (RS-6) To General Commercial (GC). Located At 1925 Henson Street
[ASSIGNED ORDINANCE NO. 45-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Residential Single Family-6 (RS-6) to General Commercial (GC).

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

Councilmember McAlister moved to approve the item as presented. Councilmember Yates seconded the motion; motion carried.

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

17. Ordinance (Final Reading) Z-2023-21: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From CKG Rentals, LLC, Represented By Jacob & Martin, To Change The Zoning Of Approximately 2.00 Acres From Agricultural Open (AO) To General Commercial (GC). Located At 6010 Highway 277 South
[ASSIGNED ORDINANCE NO. 46-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Agricultural Open Space (AO) to General Commercial (GC)

Mayor Hurt opened the public hearing. The following spoke in favor of Z-2023-21:

- Tal Fillingham, agent for the applicant

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

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

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

18. Ordinance (Final Reading) Z-2023-22: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Teartex, LLC To Change The Zoning Of Approximately 6.0 Acres From Heavy Commercial (HC) To Planned Development District 182 To Allow A Vacation Travel Trailer Park In Addition To The Existing Uses Of The Property. Located At 1075 East Highway 80
[ASSIGNED ORDINANCE NO. 47-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Heavy Commercial (HC) to Planned Development District 182 (PDD-182).

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

Councilmember McAlister moved to approve the item as presented. Councilmember Regan seconded the motion; motion carried.

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

19. Ordinance (Final Reading) Z-2023-23: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Industrial Blocks, LLC, Paul Grohman, And Frenchman's Creek Townhome Owners Association, Represented By Jacob & Martin, To Change The Zoning Of Approximately 2.21 Acres From Medium Density Residential (MD) And PDD-45 To Medium Density Residential (MD). Located At 45, 61, And 71 Rue Maison Street
[ASSIGNED ORDINANCE NO. 48-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Medium Density Residential (MD) and PDD-45 to Medium Density Residential (MD)

Mayor Hurt opened the public hearing. The following spoke in favor of Z-2023-23:

- Tal Fillingham, agent for the applicant

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

Deputy Mayor Pro-tem Beard moved to approve the item as presented. Mayor Pro-tem Price seconded the motion; motion carried.

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

20. Ordinance (Final Reading) Z-2023-25: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From PB 6950, LLC, Represented By Jacob & Martin, To Change The Zoning Of Approximately 3.6 Acres From Medium Density Residential (MD) And Patio Home (PH) To General Retail (GR). Located At 6817x Horse Head Crossing
[ASSIGNED ORDINANCE NO. 49-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Medium Density Residential (MD) and Patio Homes (PH) to General Retail (GR).

Mayor Hurt opened the public hearing. The following spoke in favor of Z-2023-25:

- Tal Fillingham, agent for the applicant

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

Councilmember Yates moved to approve the item as presented. Councilmember McAlister seconded the motion; motion carried.

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

21. Ordinance (Final Reading) Z-2023-27: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Melinda Hill And Rebecca King Represented By Matthew Musechenko To Change The Zoning Of Approximately 3.4 Acres From Agricultural Open To Multi-Family (MF). Located At 2349 And 2333 Huckleberry Lane
[FAILED]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Agricultural Open Space (AO) to Multi-Family (MF).

Mayor Hurt opened the public hearing. The following spoke in favor of Z-2023-27:

- Matthew Muzechenko, agent for the applicant

The following spoke in opposition of Z-2023-27:

- Shannon Couch
- Kelly Couch

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

Councilmember Regan moved to approve the item as presented. There was no second. Motion failed for lack of a second.

BUDGET ORDINANCES

22. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Revised 2022-2023 Budget
[ASSIGNED ORDINANCE NO. 51-2023]

Mike Rains, Finance Director, presented the item. Adoption of the item would approve the Revised Fiscal Year 2022-2023 budget.

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

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

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

Deputy Mayor Pro-tem Beard had a conflict of interest and abstained from voting only on the budget for the Child Advocacy Center Salaries, the Airport Operating Budget, and the Aerial Firefighting Base TXDOT Grant Match. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office.

23. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Proposed 2023-2024 Budget
[ASSIGNED ORDINANCE NO. 52-2023]

Mike Rains, Finance Director, presented the item. Adoption of the item would approve the proposed Fiscal Year 2023-2024 Budget.

Mayor Hurt opened the public hearing. The following spoke:

- John English
- Tammy Fogle

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

Mayor Pro-tem Price moved to acknowledge (ratify) that this budget will raise more total property taxes than last year's budget by an amount of $4,735,980, which is an 8.0% increase from last year's budget. Of that amount $2,357,044 is tax revenue to be raised from new property added to the tax roll this year. Councilmember McAlister seconded the motion; motion carried.

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

Mayor Pro-tem Price moved to approve and adopt the budget for fiscal year 2023-2024 with a specific amount of money – all operating funds is $344,198,211. Deputy Mayor Pro-tem Beard seconded the motion; motion carried.

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

Deputy Mayor Pro-tem Beard had a conflict of interest and abstained from voting only on the budget for the Child Advocacy Center Salaries, the Airport Operating Budget, and the Aerial Firefighting Base TXDOT Grant Match. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office.

24. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving and Adopting the Proposed 2023-2024 Tax Rates
[ASSIGNED ORDINANCE NO. 53-2023]

Mike Rains, Finance Director, presented the item. Adoption of the item would approve the tax rate for Fiscal Year 2023-2024.

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

Councilmember McAlister moved that the property tax rate be increased by the adoption of the tax rate of $.7328 per $100, which is effectively a 4.9% increase in the tax rate. Mayor Pro-tem Price seconded the motion; motion carried.

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

25. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting Fees and Charges for Fiscal Year 2023-2024
[ASSIGNED ORDINANCE NO. 54-2023]

Mike Rains, Finance Director, presented the item. Adoption of the item would approve the fees and charges for Fiscal Year 2023-2024.

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

Mayor Pro-tem Price moved to approve the item as presented with the addition to both the inspection and reinspection of the swimming pool fee to add interactive water features. Deputy Mayor Pro-tem Beard seconded the motion; motion carried.

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

EXECUTIVE SESSION

Mayor Hurt recessed into Executive Session at 10:42 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:

26. D. 551.071 (Consultation with Attorney)
    1. The Woodlands Pride, Inc., et al. v. Angela Colmenero, Interim Attorney General of Texas, Case #4:23-cv-02847
    2. Possum Kingdom Discharge Permit
26. D. 551.074 (Personnel Matters)
    1. City Manager

The Executive Session ended at 11:33 a.m. and reconvened to Open Session. Mayor Hurt reported no votes or action were taken in Executive Session.

REGULAR AGENDA

28. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Enter Into an Option Agreement with Garfield Clean Energy, LLC for the Option to Lease Real Property for the Purpose of Constructing a Solar Plant
[ASSIGNED RESOLUTION NO. 141-2023]

Robert Hanna, City Manager, presented the item. Adoption of the item would authorize an Option Agreement with Garfield Clean Energy, LLC for the Option to Lease Real Property for the Purpose of Construction a Solar Plant.

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

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

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

ADJOURNMENT

There being no further business, the meeting adjourned at 9:53 a.m.

_____	_____
Shawna Atkinson	Weldon Hurt
City Secretary	Mayor

Minutes approved on: _____

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

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

FROM: **Shawna Atkinson, City Secretary**

SUBJECT: **3. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing a Joint Election Agreement and Contract for Election Services with Taylor County for a Special Election to be Held on Tuesday, November 7, 2023 *(Shawna Atkinson)***

GENERAL INFORMATION

Subchapter D of Chapter 31 of the Texas Election Code provides the City may contract with the County Elections Administrator for certain election services. Chapter 271 of the Texas Election Code provides that the City may enter into an agreement with other jurisdictions that may be conducting elections on the same day in election precincts that can be served by common polling places. The City of Abilene, Taylor County, and other Taylor County political jurisdictions will conduct elections on Tuesday, November 7, 2023. This action authorizes the City to hold the election jointly with jurisdictions that share common polling places and contract with the Taylor County Elections Department for election services, including the selection, training and compensation of precinct election judges.

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

SPECIAL CONSIDERATIONS

Jones County will also be contracted, but due to the amount, Council approval is not needed.

FUNDING/FISCAL IMPACT

Overall estimated cost of the November 8, 2022 Special Election is $52,129.15. The Venue District, Taylor County, Merkel ISD, Wylie ISD & Winters ISD are also participating in the

election and the cost will be split between them.

STAFF RECOMMENDATION

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

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Resolution - Contract with Taylor County
2. Joint Election Agreement_Contract_CITY ABILENE
3. Cost_%Share
4. ESTIMATED COST_CityAbilene
5. PROPOSED ED County Wide Vote Centers
6. PROPOSED Early Voting Schedule_Eng_Spn
7. Presentation - Elections Contract 2022

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING A JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES WITH TAYLOR COUNTY FOR A SPECIAL ELECTION TO BE HELD TUESDAY, NOVEMBER 7, 2023.

WHEREAS, the City Council has ordered a special election to be held Tuesday, November 7, 2023; and

WHEREAS, the special election is for the purpose of a bond election; and

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

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

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

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

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

That the City Manager is hereby authorized to enter into a Joint Election Agreement and Contract for Election Services with Taylor County, approved as to form by the City Attorney, for a special election to be held Tuesday, November 7, 2023, to be administered by the Taylor County Elections Administrator in accordance with Subchapter D of Chapter 31 and Chapter 271 of the Texas Election Code.

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

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

ADOPTED by the City Council of the City of Abilene on the 24th day of August, 2023.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

THE STATE OF TEXAS §
COUNTY OF TAYLOR §

JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES

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

This joint election agreement and contract for election services ("Agreement") is made pursuant to Texas Election Code Sections 31.092 and 271.002, as amended, for a joint **November 7, 2023** election to be administered by Freda Ragan, Taylor County Elections Administrator, hereinafter referred to as "Elections Administrator."

RECITALS

WHEREAS, The City of Abilene is holding a Special Election on the uniform election date of November 7, 2023 (the "Election") to vote for or against on the following ballot measures;

CITY OF ABILENE MEASURE A

Shall the City Council of the City of Abilene, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than $15,000,000 for the purpose of designing, acquiring, constructing, purchasing, renovating, improving, upgrading, updating, enlarging, and equipping the City Zoo, acquiring lands and rights-of-way necessary thereto, and completing related landscaping, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate or rates of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in the City sufficient, within the limits provided by law, to pay the annual interest and provide a sinking fund to pay the bonds at maturity?

CITY OF ABILENE MEASURE B

Shall the City Council of the City of Abilene, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than $28,000,000 for the purpose of designing, acquiring, constructing, renovating, improving, and equipping recreation centers within the City, acquiring lands and rights-of-way necessary thereto, and completing related landscaping, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate or rates of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in the City sufficient, within the limits provided by law, to pay the annual interest and provide a sinking fund to pay the bonds at maturity?

CITY OF ABILENE MEASURE C

Shall the City Council of the City of Abilene, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than $9,000,000 for the purpose of designing, acquiring, constructing, renovating, improving, and equipping hike and bike trails within the City, acquiring lands and rights-of-way necessary thereto, and completing related landscaping, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or

series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate or rates of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in the City sufficient, within the limits provided by law, to pay the annual interest and provide a sinking fund to pay the bonds at maturity?

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

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

I. ADMINISTRATION

The Parties agree to hold a "Joint Election" in accordance with Chapter 271 of the Texas Election Code, as amended, and this Agreement. The Taylor County Elections Administrator shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this Agreement. Political Subdivision agrees to pay the Taylor County Elections Administrator for the District's proportionate share of equipment, supplies, services, and administrative costs as provided in this Agreement. The Taylor County Elections Administrator shall serve as the administrator for the Joint Election; however, the Political Subdivision shall remain responsible for the lawful conduct of the Election. The Elections Administrator shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of the Political Subdivision in regard to the Election.

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

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

II. LEGAL DOCUMENTS

Political Subdivision shall be responsible for the preparation, adoption, and publication of all required Election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code or applicable Texas law.

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

III. VOTING LOCATIONS

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

If polling places for the November 7, 2023 Joint Election are different from the polling place(s) used by the Political Subdivision in its most recent election, the Elections Administrator agrees to post a notice no later than Friday, October 27, 2023 at the entrance to any previous polling locations in the jurisdiction stating that the polling location has changed and stating the polling location names and addresses in effect for the November 7, 2023 election.

The Parties agree and acknowledge that early and Election Day polling locations, as well as dates and times for voting, are subject to change, including, but not limited to, complying with social distancing, health, or safety requirements or restrictions, or any other requirement or restriction, established by a Governor's Executive Order or local emergency declaration or order.

IV. ELECTION JUDGES, CLERKS, AND OTHER PERSONNEL

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

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

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

Each Election judge and clerk will receive compensation at an hourly rate established by the County pursuant to Texas Election Code Section 32.091, as amended. Judges and Clerks will be compensated for actual time spent working at a polling location and time spent attending any training classes required to successfully conduct the Election.

The Election judge will receive an additional sum of $25.00 for picking up the Election supplies prior to Election Day and for returning the supplies and equipment to the Central Counting Station after the polls have closed.

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

V. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

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

proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap.

Political Subdivision shall furnish the Elections Administrator a list of all candidates and/or propositions showing the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot. Ballot drawing shall be conducted by each political subdivision and the results of such drawing shall be reported to the Elections Administrator. Candidate names will be listed on the official ballot in the order determined by the ballot drawing. Political Subdivision shall be responsible for proofreading and approving the ballot insofar as it pertains to Political Subdivision's candidates and/or propositions.

VI. EARLY VOTING

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

The Elections Administrator will coordinate and arrange for the use of early polling locations. After all candidate filing deadlines and candidate withdrawal deadlines have passed, final early polling locations will be determined. The Elections Administrator shall notify each participating political subdivision of the early polling locations and any necessary changes to such locations. Any qualified voter of the Joint Election may vote early by personal appearance at any one of the joint early polling locations.

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

VII. EARLY VOTING BALLOT BOARD

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

VIII. CENTRAL COUNTING STATION AND ELECTION RETURNS

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

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

Counting Station Manager	Freda Ragan, Elections Administrator
Tabulation Supervisor	Justine Phillips, Deputy Elections Clerk
Presiding Judge	Not yet Appointed
Alternate Judge	Not yet Appointed

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

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

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

IX. RUNOFF ELECTION

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

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

X. ELECTION EXPENSES AND ALLOCATION OF COSTS

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

Any expenses incurred in the rental of polling location facilities shall be pro-rated among the participants to the Joint Election.

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

Each participating political subdivision shall share the cost and reimburse the County for the wages of Early Voting Election Clerks that are appointed and employed to work at the early polling locations.

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

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

Political Subdivision agrees to pay the County an administrative fee equal to ten percent (10%) of the District's total proportionate share of the Election cost in accordance with Section 31.100(d) of the Texas Election Code, as amended.

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

XI. WITHDRAWAL FROM CONTRACT DUIE TO CANCELLATION OF ELECTION

Political Subdivision may withdraw from this Agreement and the Joint Election should it cancel its Election in accordance with applicable law. In the event of a cancellation under this section, the Elections Administrator shall be entitled to receive an administrative fee of $75.00. The Elections Administrator shall submit an invoice for such fee within 15 days of any such cancellation notice.

XII. RECORDS OF THE ELECTION

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

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

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

XIII. RECOUNTS

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

XIV. MISCELLANEOUS PROVISIONS

1. It is understood that to the extent space is available, that other districts and political subdivisions may wish to participate in the use of the County's Election equipment and polling locations, and it is agreed that the Elections Administrator may contract with such other districts or political subdivisions for such purposes and that in such event there shall be an adjustment of the share to be paid to the County by the participating authorities, as appropriate.
2. The Elections Administrator shall file copies of this Agreement with the Taylor County Treasurer and the Taylor County Auditor in accordance with Section 31.099 of the Texas Election Code, as amended.
3. In the event that legal action is filed challenging Political Subdivision's Election, each Party hereto shall defend its own actions, officials and employees.
4. Nothing in this Agreement prevents any Party from taking appropriate legal action against any other party and/or other election personnel for a breach of this Agreement or a violation of the Texas Election Code.

5. No Party to this Agreement shall be liable for delay or failure in the performance of its contractual obligations caused by or arising from any one or more events that are beyond its reasonable control, including, but not limited to, the following events: act of God; war; terrorism; riot; plague; epidemic; pandemic; outbreak of infectious disease or any other public health crisis or disaster; order or act of civil or military authority; or compliance with any law or governmental order, rule, regulation, or direction. Upon such delay or failure affecting one Party, that Party shall notify the other Party and use all reasonable efforts to cure or alleviate the cause of such delay or failure with a view to resuming performance of its contractual obligations as soon as practicable. Notwithstanding the foregoing, in every case the delay or failure to perform must be beyond the control and without the fault or negligence of the Party claiming excusable delay.
6. Taylor County and Political Subdivision agree that under the Constitution and laws of the State of Texas, neither Taylor County nor the Political Subdivision can enter into an agreement whereby either party agrees to indemnify or hold harmless another party; therefore, all references of any kind, if any, to indemnifying or holding or saving harmless for any reason are hereby deleted.
7. This agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Taylor County, Texas.
8. In the event one or more of the provisions contained in the Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
9. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.
10. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.
11. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.

XV. FINAL OBLIGATION AND PAYMENT

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

XVI. JOINT CONTRACT ACCEPTANCE AND APPROVAL

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

(1) It has on the _____day of _____, 2023 been executed by the Taylor County Elections Administrator pursuant to the Texas Election Code so authorizing;

(2) It has on the _____day of _____, 2023 been executed on behalf of the City of Abilene pursuant to an action of the City of Abilene so authorizing;

ACCEPTED AND AGREED TO BY THE CITY OF ABILENE:

APPROVED:

By: _____
Weldon Hurt, Mayor

ATTESTED:

_____
City Secretary

ACCEPTED AND AGREED TO BY TAYLOR COUNTY ELECTIONS ADMINISTRATOR:

APPROVED:

By: _____
Freda Ragan
Elections Administrator

ESTIMATED

Cost Share per Political Subdivision
Joint Constitutional Amendments & Special Elections
November 7, 2023

District	# of Registered Voters as of 8/14/23	% Share
Taylor County	85,162	32.66%
Abilene Taylor County Venue District	85,162	32.66%
City of Abilene	67,073	25.72%
Wylie ISD	19,622	07.52%
Winters ISD	45	00.02%
Merkel ISD	3699	01.42%
TOTAL	**260,763**	**100.00%**

Total ***Estimated*** Cost of Election *(less 10% Admin Cost)*	**$186,366.00**
Less $1,000 Base Charge per Entity	**$6,000.00**
Total to be used to allocate % Cost to each entity	**$180,366.00**

District	%Share	Cost	Base Charge	10% Admin	Total Estimated Cost
Taylor County	32.66%	58,907.54	1,000.00	5,990.75	65,898.29
Abilene-Taylor County Venue District	32.66%	58,907.54	1,000.00	5,990.75	65,898.29
City of Abilene	25.72%	46,390.14	1,000.00	4,739.01	52,129.15
Wylie ISD	07.52%	13,563.52	3,996.00*	1,755.95	19,315.47
Winters ISD	00.02%	36.06	1,000.00	103.61	1,139.67
Merkel ISD	01.42%	2,561.20	1,000.00	356.12	3,917.32
TOTAL	**100.00%**	**180,366.00**	**8,996.00**	**18,936.19**	**208,298.19**

*Includes $2,996.00 – additional cost for election clerks for early voting on Saturday & Sunday (October 28th & 29th) at Taylor County Plaza and Mall of Abilene

NOTE: ***Final Cost will be based upon actual number of registered voters that registered by the deadline to register of October 10, 2023***

AMENDED
ESTIMATED COST
City of Abilene Special Election
Tuesday, November 7, 2023

EQUIPMENT

Early Voting				
Verity Controllers / Verity Duo's (BMDs) @ $300.00 each	$	12,000.00		
Verity Scanners @ $500.00 each	$	3,000.00		
Welcome Voter KIOSKs (E-Poll Books)		No Charge	**$**	**15,000.00**
Election Day				
Verity Controllers / Verity Duo's (BMDs) @ $300.00 each	$	71,400.00		
Verity Scanners @ $500.00 each	$	19,000.00		
Welcome Voter KIOSKs (E-Poll Books)		No Charge	**$**	**90,400.00**
Equipment Transport - Delivery & Pickup	$	2,110.00	**$**	**2,110.00**

LEGAL

Internal L&A Testing		No Charge		
Notice of Public L&A Testing	$	300.00		
Notice of Election	$	2,000.00	**$**	**2,300.00**

MISCELLANEOUS SERVICES

Election Kits for Judges @ $50.00 each				
Early Voting	$	250.00		
Election Day	$	950.00		
Internet Connectivity @ Polling Locations				
Early Voting	$	135.00		
Election Day	$	39.00		
Printing-Processing-Mailing of Mail Ballots				
1,000 @ $3.00 each	$	3,000.00		
Ballot Paper - per in person voter				
10,000 voters @ $0.19 each	$	1,900.00	**$**	**6,274.00**

PERSONNEL

Early Voting Ballot Board	$	960.00		
Central Counting Station	$	540.00		
Early Voting	$	32,592.00		
Election Day	$	28,690.00		
County Employee Overtime	$	7,500.00	**$**	**70,282.00**

TOTAL *AMENDED* *ESTIMATED* COST OF ELECTION **$ 186,366.00**

Total Estimated Cost of Election	$186,366.00
Less $1,000 base cost for each entity that will potentially hold an election	$6,000.00
Total to be used to allocate % Cost to each entity	$180,366.00

CITY OF ABILENE - AMENDED ESTIMATED COST

% Cost is based upon number of registered voters in district as of 8/14/23

City of Abilene portion of cost - **25.72% of $180,366.00**	$	46,390.14
Base Cost	$	1,000.00
Sub Total	$	47,390.14
10% Administrative Fee *(minimum $75.00)*	$	4,739.01
TOTAL AMENDED ESTIMATED COST	**$**	**52,129.15**

PROPOSED

COUNTY WIDE VOTE CENTER LOCATIONS
UBICACIONES DE LOS CENTROS DE VOTACIÓN EN TODO EL CONDADO

Taylor County
Condado de Taylor

Joint Constitutional Amendment and Special Elections - November 7, 2023
Enmienda Constitucional Conjunta y Elecciones Especiales – 7 de noviembre de 2023

7:00 a.m. – 7:00 p.m.

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

Vote Center *(Centro de Votación)*	**Physical Address** *(Dirreción física)*	**Location** *(Ubicación)*
Abilene City Hall	555 Walnut Street, Abilene, TX 79601	East Entrance, Main Lobby
Beltway Park Church North Campus	2850 Highway 351, Abilene, TX 79601	Rm #111 – Multi Purpose R
Buffalo Gap Church of Christ	741 Litel Street, Buffalo Gap, TX 79508	Fellowship Hall
Cesar Chavez Recreation Center	2250 Ambler Ave., Abilene, TX 79603	Gym
Church of Christ–S. 11th & Willis	3333 S. 11th Street, Abilene, TX 79605	West Building, multi-purpose room
First Baptist Church – Merkel	307 Locust Street, Merkel, TX 79536	Family Life Center
Hillcrest Church of Christ	650 E. Ambler Ave., Abilene, TX 79601	Gym
Lawn Baptist Church	518 Avenue D, Lawn, TX 79530	Family Life Center
New Beginnings United Pentecostal Church	5535 Buffalo Gap Rd., Abilene, TX 79606	Main Foyer
Oldham Lane Church of Christ	5049 Oldham Lane, Abilene, TX 79602	Special Events Room
River of Life Church	539 Hwy 83/84, Abilene, TX 79606	Main Foyer
Southern Hills Church of Christ	3666 Buffalo Gap Road, Abilene, TX 79605	Main Foyer
Taylor County Plaza	400 Oak Street, Abilene, TX 79602	Suite 101-A
Thomas Elementary School	1240 Lakeside Drive, Abilene, TX 79602	Gym
Tuscola Community Center	1202 Turner Lane, Tuscola, TX 79562	
View Baptist Church	250 Boynton Road, Abilene, TX 79606	Fellowship Hall, W side of building
Westminster Presbyterian Church	4515 South 14th Street, Abilene, TX 79605	Gym
Woodlawn Church of Christ	922 Woodlawn Drive, Abilene, TX 79603	Multi-Purpose Room
Zion Lutheran Church	2801 Antilley Road, Abilene, TX 79606	East Entrance, Large Fellowship Hall

PROPOSED

EARLY VOTING SCHEDULE
CALENDARIO DE VOTACIÓN ANTICIPADA

October 23, 2023 – November 3, 2023
23 de octubre de 2023 - 3 de noviembre de 2023

Joint Constitutional Amendment and Special Elections
Enmienda Constitucional Conjunta y Elecciones Especiales
November 7, 2023
7 de noviembre de 2023

October 23rd – October 27th (Monday – Friday)
23 de octubre - 27 de octubre (Lunes - Viernes)

Taylor County Plaza – 400 Oak Street, Suite 101A	8:00 a.m. – 5:00 p.m.
Mall of Abilene – 4310 Buffalo Gap Road, Abilene, TX *(Movie theatre corridor)*	10:00 a.m. – 6:00 p.m.
Abilene City Hall – 555 Walnut Street, Abilene, TX *(East entrance, main foyer)*	8:00 a.m. – 5:00 p.m.
Wylie Performing Arts Center – 6251 Buffalo Gap Road, Abilene, TX *(Main foyer)*	10:00 a.m.– 6:00 p.m.

October 28th (Saturday)
28 *de octubre (Sabado)*

Taylor County Plaza – 400 Oak Street, Suite 101A	8:00 a.m. – 5:00 p.m.
Mall of Abilene – 4310 Buffalo Gap Road, Abilene, TX *(Movie theatre corridor)*	10:00 a.m. – 6:00 p.m.

October 29th (Sunday)
29 de octubre (Domingo)

Taylor County Plaza – 400 Oak Street, Suite 101A	1:00 a.m. – 6:00 p.m.
Mall of Abilene – 4310 Buffalo Gap Road, Abilene, TX *(Movie theatre corridor)*	1:00 a.m. – 6:00 p.m.

October 30th – November 1st (Monday-Wednesday)
30 de octubre – 1 de noviembre (Lunes – Miércoles)

Taylor County Plaza – 400 Oak Street, Suite 101A	8:00 a.m. – 5:00 p.m.

October 30th – November 3rd (Monday-Friday)
30 de octubre – 3 de noviembre (Lunes – Viernes)

Mall of Abilene – 4310 Buffalo Gap Road, Abilene, TX *(Movie theatre corridor)*	10:00 a.m. – 6:00 p.m.
Abilene City Hall – 555 Walnut Street, Abilene, TX *(East entrance, main foyer)*	8:00 a.m. – 5:00 p.m.
Wylie Performing Arts Center – 6251 Buffalo Gap Road, Abilene, TX *(Main foyer)*	10:00 a.m.– 6:00 p.m.

EXTENDED HOURS – *HORAS EXTENDIDAS*

November 2nd & November 3rd (Thursday & Friday)
2 de noviembre y 3 de noviembre (Jueves y Viernes)

Taylor County Plaza – 400 Oak Street, Suite 101A	7:00 a.m. – 7:00 p.m.

October 10, 2023
10 de octubre de 2023

Last day to register to vote for the November 7, 2023 Joint Constitutional Amendment and Special Elections.
Último día para registrarse para votar en la Enmienda Constitucional Conjunta y las Elecciones Especiales del 7 de noviember de 2023.

October 27, 2023
27 de octubre de 2023

Last day to ***receive*** an application for a ballot by mail for the November 7, 2023 Joint Constitutional Amendment and Special Elections.
Último día para recibir una solicitud de bolete por correo para la Enmienda Constitucional Conjunta y las Elecciones Especiales del 7 de noviembre de 2023.

Taylor County Elections
400 Oak Street, Suite 101, Abilene, TX 79602
325-674-1216
www.taylorcounty.texas.gov

Resolution: Elections Contract with Taylor County

CITY OF ABILENE TEXAS

Elections Contract

- Contract: Taylor County for the administration of elections
- Term: Special Election – November 7, 2023
- Locations: Countywide Polling Locations
- Cost: Estimated at $52,129.15 (6 participants)

COST ESTIMATE

EQUIPMENT

Early Voting

Verity Controllers / Verity Duo's (BMDs) @ $300.00 each	$	12,000.00		
Verity Scanners @ $500.00 each	$	3,000.00		
Welcome Voter KIOSKs (E-Poll Books)		No Charge	**$**	**15,000.00**

Election Day

Verity Controllers / Verity Duo's (BMDs) @ $300.00 each	$	71,400.00		
Verity Scanners @ $500.00 each	$	19,000.00		
Welcome Voter KIOSKs (E-Poll Books)		No Charge	**$**	**90,400.00**

Equipment Transport - Delivery & Pickup	$	2,110.00	**$**	**2,110.00**

LEGAL

Internal L&A Testing		No Charge		
Notice of Public L&A Testing	$	300.00		
Notice of Election	$	2,000.00	**$**	**2,300.00**

COST ESTIMATE - CONTINUED

MISCELLANEOUS SERVICES

Election Kits for Judges @ $50.00 each				
Early Voting	$	250.00		
Election Day	$	950.00		
Internet Connectivity @ Polling Locations				
Early Voting	$	135.00		
Election Day	$	39.00		
Printing-Processing-Mailing of Mail Ballots				
1,000 @ $3.00 each	$	3,000.00		
Ballot Paper - per in person voter				
10,000 voters @ $0.19 each	$	1,900.00	**$**	**6,274.00**

COST ESTIMATE - CONTINUED

PERSONNEL

Early Voting Ballot Board	$	960.00		
Central Counting Station	$	540.00		
Early Voting	$	32,592.00		
Election Day	$	28,690.00		
County Employee Overtime	$	7,500.00	$	**70,282.00**

TOTAL *AMENDED* *ESTIMATED* COST OF ELECTION $ 186,366.00

Total Estimated Cost of Election	$186,366.00
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CITY OF ABILENE - AMENDED ESTIMATED COST

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10% Administrative Fee *(minimum $75.00)*	$	4,739.01
TOTAL AMENDED ESTIMATED COST	**$**	**52,129.15**

QUESTIONS?

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Robert Hanna, City Manager**

FROM: **Annette Lerma, Director**

SUBJECT: **4. Resolution: Receive a Report, Hold a Discussion and Take Action to Adopt the City of Abilene Active Living Plan *(Annette Lerma)***

GENERAL INFORMATION

As part of our Texas Healthy Communities Grant, staff recruited influential members of eight community sectors to develop an Active Living Plan. This is meant to be a simple yet useful document that leaders in various sectors can use to increase and support active living within their own circles of influence. The link to the Active Living Plan is hyperlinked on slide 8 of the PowerPoint presentation so you can review the plan.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

No impact to the city's general fund budget. All activities in the development of this guide were covered 100% by grant funds.

STAFF RECOMMENDATION

Formal Adoption of the Active Living Plan

BOARD OR COMMISSION RECOMMENDATION

Health Advisory Board voted on August 15, 2023, to recommend adoption by city council.

ATTACHMENTS:

1. 2023 Resolution_Active Living Plan
2. Active Living Plan_City Council Presentation_8.24.23

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS TO ADOPT THE ACTIVE LIVING PLAN

WHEREAS, the Abilene-Taylor County Public Health District facilitates the Healthy Texas Communities Grant administered by the Texas Department of State Health Services; and

WHEREAS, the purpose of the grant is to empower Texans by enabling them to make positive changes to their lifestyle; Assist communities in their assessment of their existing policies and practices; and to assess communities on eight health indicators to determine recognition status as a Texas Healthy Community; and

WHEREAS, the FY23 goals are to 1) Collaboratively develop an accessible, actionable, community-driven Active Living Plan 2) Increase local Texas Mother Friendly Worksites, 3) Promote the Texas Ten Steps Program in birthing facilities, and 4) Establish School District Gardens; and

WHEREAS, Thirty-five percent of adults in Abilene are obese compared to thirty-two percent nationally; and

WHEREAS, Active living makes physical activity part of your daily life and routine; and

WHEREAS, Representatives from eleven sectors of the community participated in the development of the Active Living Plan; and

WHEREAS, Each sector is provided with plans and potential action steps to encourage active lifestyles among their circle of influence, and

WHEREAS, the ATCPHD Advisory Board of Health recommends adoption by the City Council of Abilene, Texas.

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

PART 1. The City Council adopts the Active Living Plan to be promoted as best practice among all community sectors to increase active living with the goal of decreasing obesity rates in Abilene, Texas.

PART 2. That this Resolution shall be effective immediately upon adoption.

ADOPTED this 24th day of August, 2023.

ATTEST:

_____ _____

Shawna Atkinson, City Secretary Weldon Hurt, Mayor

APPROVED:

_____

Stanley Smith, City Attorney

Abilene's Active Living Plan

August 24, 2023

CITY OF ABILENE TEXAS

TXHC (Texas Healthy Communities Grant)

- **EMPOWERS** Texans by enabling them to make positive changes.
- **ASSISTS** communities with the assessment of their existing policies and practices.
- **ASSESSES** communities on eight (8) health indicators to determine recognition status as a **Texas Healthy Community.**

CITY OF ABILENE TEXAS

TXHC FY23 Goals

- Collaboratively developing an accessible, actionable, community-driven, **Active Living Plan (ALP).**
- Increase local **Texas Mother Friendly Worksites**.
- Promote the **Texas Ten Steps Program** in birthing facilities.
- Establish **School District Gardens** to increase access to healthy foods.

CITY OF ABILENE TEXAS

What is Active Living?

Active living makes physical activity part of your daily life and routine.

- Walking to the Store
- Standing at your Desk
- Biking to Work
- Taking the Stairs
- Going out Dancing

CITY OF ABILENE TEXAS

Active Living Plan Development

Representatives from each sector of the Active Living Plan were brought together by the **Slice of Life Coalition (SLC)**.

The ALP sectors include the following:

- COMMUNITY
- BUSINESS AND INDUSTRY
- MASS MEDIA
- EDUCATION
- SPORTS AND FITNESS
- TRANSPORTATION
- MILITARY
- PUBLIC HEALTH
- HEALTHCARE
- FAITH-BASED
- PARKS AND RECREATION

CITY OF ABILENE TEXAS

How Does the ALP Work?

Each sector is provided with Plans and potential Action Steps

Example: Business and Industry

(Can be found on page 7 of the ALP)

ACTION 1:
Promote the free statewide health challenge called "It's Time Texas." Visit itstimetexas.org to sign your organization up for these challenges.

ACTION 2:
Utilize fitness trackers and apps to create and implement challenges within your business.

PLAN #1

Businesses across the community should develop and participate in competitions to encourage active lifestyles.

CITY OF ABILENE TEXAS

Adult Obesity in Abilene

35% of Adults in Abilene are Obese

(Compared to 32% Nationally)

CITY OF ABILENE TEXAS

Abilene's Active Living Plan

The Active Living Plan is already accessible via abilenetx.gov/health and on abirebuildhealth.org.

- Additional resources will be added to Rebuild Health to assist community members in implementing the ALP
- The ALP will be promoted through the ATCPHD social media pages
- The ALP will be promoted through billboard and poster campaigns

CITY OF ABILENE TEXAS

Board of Health Input

Board of Health Members:

- James McCoy, Pharmacist (Chair)
- Tim Farrar, Food Service Supervisor, United Supermarkets (Vice Chair)
- Travis Craver, City Councilman
- Randy Williams, County Commissioner
- Leslie Hutchins, MD, Neurosurgeon
- Paige LeMasters, MD, Pediatrician
- Garrett Turner, DDS, Dentist

*Voted in favor of recommending adoption by city council (August 15, 2023 board meeting)

CITY OF ABILENE TEXAS

Questions?

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

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

FROM: **Stanley Smith, City Attorney**

SUBJECT: **5. Resolution: Receive a Report, Hold a Discussion and Take Action on the Reappointment of the Honorable Chace Craig as the Municipal Court Judge *(Stanley Smith)***

GENERAL INFORMATION

Section 76, City Charter of Abilene, Texas, provides that the Judge of the Municipal Court shall be appointed by the Mayor with the approval of the Council for a term of two years. The Honorable Chace Craig was last appointed as the Judge of the Municipal Court effective September 1, 2021.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Recommendation is made that the Honorable Chace Craig be reappointed as Judge of the Municipal Court for a period of two years.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2023 Resolution Appointing Municipal Court Judge - Hon. Chace Craig
2. Appoint Municipal Court Judge - Chace Craig

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING THE HONORABLE CHACE CRAIG AS MUNICIPAL COURT JUDGE FOR A TERM OF TWO (2) YEARS

WHEREAS, pursuant to Section 76, City Charter of the City of Abilene, the municipal court shall be presided over by a magistrate who shall be known as the judge of the municipal court; and

WHEREAS, pursuant to Section 76, City Charter of the City of Abilene, the judge of the municipal court 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 tenure of office; and

WHEREAS, the City Council of the City of Abilene is of the opinion that the Honorable Chace Craig meets all of the requirements of a Municipal Court Judge, and should be reappointed as a Municipal Court Judge pursuant to Section 76 of the City Charter, to be effective September 1, 2023; and

WHEREAS, Section 76 of the City Charter provides that a Municipal Court Judge shall be appointed for a term of two (2) years.

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 hereby approves the Mayor's appointment of the Honorable Chace Craig as Municipal Court Judge for a term of two (2) years beginning on September 1, 2023.

PART 2: That this resolution shall take effect as of September 1, 2023.

ADOPTED this 24th day of August, 2023.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

APPOINTMENT OF THE HONORABLE CHACE CRAIG AS A MUNICIPAL COURT JUDGE, CITY OF ABILENE

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Robert Hanna, City Manager**

FROM: **Doug Wrenn, Asst Police Chief**

SUBJECT: **6. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG)** ***(Doug Wrenn)***

GENERAL INFORMATION

Consider use of the JAG grants to replace 4 mobile radar units for motor officers and 3 LIDAR units to replace aging radar units for patrol

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

The JAG grant is split with TCSO and APD will receive $22,133.50. Total cost of the above purchases is $22,172.50. The Police Department/City of Abilene will pay the remaining $39.00.

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2023 Resolution 8-24-23

2. 2023 JAG Memo to Council
3. 2022 Edward Byrnes JAG grant

RESOLUTION NO. -2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE GRANT APPLICATION FOR THE 2023 JUSTICE ASSISTANCE GRANT

WHEREAS, the Abilene Police Department and the Taylor County Sheriff's Office are jointly applying for the 2023 Edward Byrne Memorial Justice Assistance Grant (JAG Grant)) in the amount of $44,267.00; and

WHEREAS, the City and County agree it is in their best interest to equally split the 2023 JAG grant if awarded, thus giving each entity $22,133.50; and

WHEREAS, the grant requires City Council approval of the grant and the application thereof; and

WHEREAS, there are no matching fund requirements;

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

PART 1: The City Council authorizes the City Manager to execute any grant documents to secure the 2023 Justice Assistance Grant.

PART 2: The City Council approves the Interlocal Agreement wherein the City of Abilene will equally distribute the JAG grant, if awarded, with the Taylor County Sheriff's Office.

PART 3: This Resolution is effective immediately upon adoption

ADOPTED this 24th day of August, 2023

ATTEST:

_____
Shawna Atkinson, City Secretary

_____
Weldon Hurt, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

MEMORANDUM

Abilene Police Department

FROM: **Doug Wrenn, Interim Chief of Police**
DATE: **August 2, 2023**
SUBJECT: **2023 Justice Assistance Grant Budget Narrative**

Purpose

The JAG program is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution, indigent defense, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvement, and crime victim and witness initiatives and mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.

Plan

The City of Abilene (Abilene Police Department) will share this grant with Taylor County. The entire award amount is $44,267.00, which will be split equally between the two entities. The Police Department's budget narrative is contained herein:

Funds will be utilized to replace failing radar equipment with LIDAR. The replacement of failing radars on four (4) motor units.

- (3) Stalker Lidar RLR with 2 batteries, charger, adapters and soft storage bags- $2,525.00 each with a total cost of $7,575.00 and $67.50 for shipping for a total of $7,642.50.
- (4) DSR Harley Davidson mobile radar equipment packages priced at $3,610.00 each with total cost of $14,440.00 and $90.00 shipping for a final total of $14,530.00.

The total funds allocated from the grant to the Abilene Police Department is $22,133.50. The Department will pay the remaining $39.00.

BJA FY 23 Edward Byrne Memorial

Justice Assistance Grant (JAG)

- Annual award that varies - $44,267.00
- Split evenly between Abilene Police Department and Taylor County Sheriff's Office
- $22,133.50 each

CITY OF ABILENE TEXAS

Abilene Police Department

- Purchase mobile radar replacement kits for four (4) motor units and three (3) LIDAR units to replace older radar units.
- 4 DSR Harley Davidson mobile radars.
  - $3,610.00 each , total of $14,440.00 plus $90.00 shipping = $14,530.00.
- 3 LIDAR units with extra batteries, adapters and soft storage bags.
  - $2,525.00 each , total of $7,575.00 plus $67.50 shipping = $7,642.50.

- Total cost is $22,172.50 of $22,133.50 grant award. The Department will pay the additional $39.00.

Taylor County Sheriff's Office

- Using funds to phase out aging CEW (Taser) equipment and replace with pepper gun defensive weapons.
- Includes 16 pepper guns @$1,399.95 each.
- Total cost of $22,392.20 of $22,133.50 grant award. Taylor County will pay the additional $256.70.

QUESTIONS?

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Robert Hanna, City Manager**

FROM: **Max Johnson, Director of Public Works**

SUBJECT: **7. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid #CB-2358 Water Department Street & Miscellaneous Repair Work 2023-2024 to Epic Construction Co.** ***(Max Johnson)***

GENERAL INFORMATION

This Construction Contract involves but is not limited to the on demand repair of existing portions of streets that have been damaged by the replacement of water lines. There may also be sidewalk repair, curb and gutter repair and concrete alley apron repair as necessary. The contractor will be paid monthly for the work performed during the previous month. This repair will be determined by the City of Abilene Water Department, and sent to the contractor as they become available. The basis for payment under this contract is the unit price method. Payment will be for the actual amount of work done and material furnished.

SPECIAL CONSIDERATIONS

This Contract may be renewed for one additional term of one year at the current total amount bid upon mutual written consent of both the contractor and the City of Abilene.

FUNDING/FISCAL IMPACT

Funding for this project is through 2023 and 2024 Water Department Funds.

STAFF RECOMMENDATION

Staff recommends awarding the bid to the best value bidder, Epic Construction Co. with a base bid of $1,644,750.00

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Water Department Street & Miscellaneous Repair Resolution
2. Water Department Contract
3. CB2358 BID TABSHEET
4. Scope of Project
5. Watercuts 2023-2024 Presentation

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID TO EPIC CONSTRUCTION CO., ABILENE, TEXAS

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for the on demand repair of locations within Abilene that have been damaged by the replacement of waterlines; and

WHEREAS, the project involves the on demand repair of locations within Abilene that have been damaged by the replacement of waterlines: and

WHEREAS, the following bids were received and opened on July 25, 2023:

Epic Construction Co., Abilene Texas	$1,644,750.00
Bontke Brothers Construction Co., Inc., Abilene, Texas	$2,364,525.00

WHEREAS, Epic Construction Co., Abilene, Texas submitted the best value bid in the amount of $1,644,750.00 with the bid meeting specifications. Staff recommends awarding the bid to the best value bidder, Epic Construction Co., Abilene, Texas.

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

PART 1: That the City Council approves this bid in the amount of $1,644,750.00.

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

ADOPTED this 24th day of August, 2023.

ATTEST:

_____
Shawna Atkinson, City Secretary

_____
Weldon Hurt, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made August 24th , 2023, is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and Epic Construction Co, of the City of Abilene, State of Texas. ("Contractor").

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

THE AGREEMENT

1. **Work and Consideration**. The contractor hereby agrees to commence and complete the construction of Work required in the Contract Documents -- incorporated herein by reference --

WATER DEPARTMENT STREET AND MISCELLANEOUS REPAIR WORK 2023-2024

All work to be performed will be completed in conformance with (1) Part I of the City of Abilene's Standard Specifications for Construction adopted September, 2006 with the attached amendments in these Contract Documents, (2) the Technical Specifications section of these Contract Documents, and (3) the Plans attached to these Contract Documents. City of Abilene specifications control over Texas Department of Transportation specifications in the event of a conflict.

a) Contractor will complete the repair of each **new** Water Department street cut and miscellaneous work within 30 calendar days of receiving notice of the location of each **new** street cut. Failure to complete new street cut repairs within 30 calendar days shall be considered a breach of contract.

In consideration of this Work, the City will pay the Contractor the sum of $1,644,750.00.

2. **Term and Termination**. The term of this contract will be through September 30, 2024, contingent upon continued funding by the Governing Body of the City of Abilene. At the end of the term, the City of Abilene may, with the agreement of the Contractor, extend this contract for one year.

This contract may be terminated by the City for any reason, upon 60 days written notice by City to Contractor. In the event of termination, Contractor will be compensated for work satisfactorily performed before the termination date.

If, through any cause, the Contractor fails to fulfill obligations under this contract, or if the Contractor breaches any term of this Contract, the City has the right to send notice of the failure to fulfill obligations or breach to the Contractor. Contractor shall have 30 days from the date notice is sent, to fulfill the obligation or remedy any breach. If at the end of the 30 day period, Contractor has failed to fulfill its obligations or remedy any breach of the Contract, the City may immediately terminate the Contract in writing. The Contractor will be compensated for work satisfactorily performed before the termination date.

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

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

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

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

6. **Indemnity.**

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

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

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

(i) injury or damage to any property or right

(ii) injury, damage, or death to any person or entity

(iii) attorneys fees, witness fees, expert witness fees and expenses, and

(iv) all other costs and expenses of litigation

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

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

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

B. Indemnity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONTRACTOR

Name of Contractor:

Epic Construction

Business Address:

2701 S. Treadaway Blvd
Abilene, TX 79602

Signature

Kyle Doby
Name - Typed or Printed

Partner
Title - Typed or Printed

325-695-6283
Business Phone No.

75-2810409
Federal Tax I.D.#

ATTEST: (If Corporation)

Corporate Secretary's Signature

Corporate Seal
(if none, write "None")

CITY OF ABILENE

Authorized Signature

APPROVED:

City Attorney

Risk Manager

ATTEST:

City Secretary

Seal:

CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS

DEPARTMENT: ENGINEERING
BID NO.: CB-2358
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: JULY 25, 2023

				EPIC CONSTRUCTION CO ABILENE, TX		BONTKE BROTHERS CONSTRUCTION ABILENE, TX									
ITEM	**DESCRIPTION**	**QTY**	**UNIT**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**
1.	WATER DEPARTMENT STREET AND MISCELLANEOUS REPAIR WORK 2023-2024				1,644,750.00		2,364,525.00								
BASE BID					1,644,750.00		2,364,525.00								
DISCOUNT															
TOTAL BID					1,644,750.00		2,364,525.00								

*NOTES: INDICATES RECOMMENDED AWARD

SCOPE OF PROJECT

This Construction Contract involves but is not limited to the on demand repair of existing portions of streets that have been damaged by the replacement of water lines. The repair work details are shown on the Typical Section Sheet. There may also be sidewalk repair, curb and gutter repair and concrete alley apron repair as necessary. The contractor will be paid monthly for the work performed during the previous month. This repair will be determined by the City of Abilene Water Department, and sent to the contractor as they become available. The basis for payment under this contract is the unit price method. Payment will be for the actual amount of work done and material furnished.

Agenda Item:

Bid Award of CB-2358
Water Department Street & Miscellaneous Repair Work 2023-2024

(Max Johnson)

CITY OF ABILENE TEXAS

Bid Award of CB-2358
Water Department Street & Miscellaneous Repair Work 2023-2024

Project Location:

This project spans the entire city limits as this is for on demand patching of streets, alleys, parking lots, etc. that have been damaged due to water and sewer line replacements, leaks, and taps.

CITY OF ABILENE TEXAS

Bid Award of CB-2358
Water Department Street & Miscellaneous Repair Work 2023-2024

- Project Information:

- This Construction Contract involves but is not limited to the on demand repair of existing portions of streets that have been damaged by the replacement of water lines. The repair work details are shown on the Typical Section Sheet. There may also be sidewalk repair, curb and gutter repair and concrete alley apron repair as necessary. The contractor will be paid monthly for the work performed during the previous month. This repair will be determined by the City of Abilene Water Department, and sent to the contractor as they become available.

- Project Advertised July 9, 2023 and July 16, 2023; bids opened July 25, 2023
- 2 bids received
- Project funded through Water Department Funds.

- Staff recommends awarding the bid to the best value bidder, Epic Construction Co., with a base bid of $1,644,750.00.

CITY OF ABILENE TEXAS

Questions?

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Robert Hanna, City Manager**

FROM: **Rodney Taylor, Director**

SUBJECT: **8. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding the Bid for a Replacement Inductively Coupled Plasma Spectrometer Instrument for the Abilene Environmental Laboratory (*Rodney Taylor*)**

GENERAL INFORMATION

Water Utilities staff is recommending that the Abilene City Council award the bid to Agilent Technologies, Inc. (Agilent) in the amount of $87,269.90 for the purchase of an Inductively Coupled Plasma Optical Emission Spectrometer (ICP-OES), CB-2360. The bid was advertised in the Abilene Reporter News on July 23rd and 30th, 2023. A total of three bids were received on August 9th, 2023. The bids were evaluated for compliance with the bid specifications. City staff recommends awarding the bid to the lowest qualifying bidder Agilent.

SPECIAL CONSIDERATIONS

The Abilene Environmental Laboratory (AEL) is Nationally Accredited by the NELAC Institute. The lab also holds two Drinking Water Certificates for Texas, and is recognized by the EPA as a DMRQA laboratory. The AEL supports process control and compliance sampling for both the Hamby Water Reclamation Facility and the Abilene Public Water System. The lab provides collection and analysis of lake water from Abilene's water supply sources. The AEL is a regional provider of water and wastewater analysis.

The ICP-OES instrument is used in the laboratory for determining the concentrations of metals in water, wastewater, sludge, and soil samples. The Environmental Protection Agency has established compliance limits on the concentration of metals to protect human health and the environment. The existing ICP-OES instrument is aged and obsolete, it is no longer supported by the manufacturer, and replacement parts are not readily available. The ICP-OES instrument is regularly utilized in the laboratory.

FUNDING/FISCAL IMPACT

Funds for the purchase of the ICP-OES unit are included in the Water Utilities FY23 Annual

Operating Budget.

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council award the bid for the purchase of a replacement ICP-OES unit to the lowest qualifying bidder Agilent Technologies, Inc. in the amount of $87,269.90, as described above.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. WrittenResolution-WtrDpt-Award Bid-Agilent Technologies-ICP OES-8-24-2023
2. Bid Tab Sheet-CB-2360-Agilent Technologies-8-24-2023
3. Presentation-Award Bid-Agilent Technologies-ICP OES-AEL-8-24-2023

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING THE BID TO AGILENT TECHNOLOGIES, INC. FOR THE INDUCTIVELY COUPLED PLASMA OPTICAL EMISSION SPECTROMETER.

WHEREAS, the City of Abilene (Abilene) owns and operates the Abilene Environmental Laboratory (AEL), which is nationally accredited by the NELAC Institute; and

WHEREAS, the AEL supports process control and compliance sampling and analysis for Abilene's Hamby Water Reclamation Facility and Abilene's Public Water Supply System, and it provides environmental laboratory services for various regional customers; and

WHEREAS, the AEL currently utilizes an Inductively Coupled Plasma Optical Emission Spectrometer for the analysis of metals in water, wastewater, sludge, and soil samples, and the instrument is aged, obsolete, and replacement parts are no longer available; and

WHEREAS, the City received three bids for a replacement Inductively Coupled Plasma Optical Emission Spectrometer; and

WHEREAS, staff recommends awarding the bid to the lowest qualifying bidder Agilent Technologies, Inc. in the amount of $87,269.90; and

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

That the City Manager is authorized to purchase the Inductively Coupled Plasma Optical Emission Spectrometer from Agilent Technologies, Inc. as described in the bid documents in the amount of $87,269.90.

ADOPTED this 24th day of August, 2023.

ATTEST:

_____
Shawna Atkinson, City Secretary

_____
Weldon Hurt, Mayor

APPROVED:

_____
Stanley E. Smith, City Attorney

CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS

DEPARTMENT: ENVIRONMENTAL LAB
BID NO.: CB-2360
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: AUGUST 9, 2023

				AGILENT TECHNOLOGIES INC SANTA CLARA, CA		SHIMADZU SCIENTIFIC INSTRUMENTS INC MISSOURI CITY, TX		THERMO ELECTRON NORTH AMERICAL LLC WEST PALM BEACH, FL							
ITEM	**DESCRIPTION**	**QTY**	**UNIT**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**
1.	INDUCTIVELY COUPLED PLASMA OPTICAL EMISSION SPECTROMETER	1	EA		*87,269.90		90,000.00		99,728.43						
BASE BID					*87,269.90		90,000.00		99,728.43						
DISCOUNT															
TOTAL BID					*87,269.90		90,000.00		99,728.43						

*NOTES: INDICATES RECOMMENDED AWARD

Award the bid to Agilent Technologies Inc. for the Purchase of Inductively Coupled Plasma Optical Emission Spectrometer for the Abilene Environmental Laboratory.

CITY OF ABILENE TEXAS

Inductively Coupled Plasma Optical Emission Spectrometer

- Award bid to Agilent Technologies, Inc. for the purchase of an Inductively Coupled Plasma Optical Emission Spectrometer (ICP OES) at the bid price of $87,269.90
- A total of three bids were received.
- Agilent Technologies Inc. submitted the lowest qualifying bid for an instrument that meets all specifications of the bid document.
- The ICP OES instrument is used for measuring the concentration of metals in water, wastewater, sludge, and soil samples.

CITY OF ABILENE TEXAS

Inductively Coupled Plasma Optical Emission Spectrometer

- The Abilene Environmental Laboratory (AEL) is Nationally Accredited by the NELAC Institute, it holds two Drinking Water Certificates for Texas, and it is recognized by the EPA as a DMRQA laboratory.
- The AEL supports process control and compliance sampling for both the Hamby Water Reclamation Facility and the Abilene Public Water System.
- The AEL is a regional provider of water and wastewater analysis.

CITY OF ABILENE TEXAS

Inductively Coupled Plasma Optical Emission Spectrometer

Agilent Technologies Inductively Coupled Plasma Optical Emission Spectrometer for the analysis of metals in water, wastewater, sludge, and soil samples for compliance and process control purposes.

CITY OF ABILENE TEXAS

Award the bid to Agilent Technologies Inc. for the Purchase of Inductively Coupled Plasma Optical Emission Spectrometer for the Abilene Environmental Laboratory.

QUESTIONS?

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Robert Hanna, City Manager**

FROM: **Mike Rains, Finance Director**

SUBJECT: **9. Resolution: Receive a Report, Hold a Discussion and Take Action on Receipt and Review of the Abilene-Taylor County Events Venue District Revised FY 2023 and Approved FY 2024 Budgets *(Mike Rains)***

GENERAL INFORMATION

The Abilene-Taylor County Events Venue District (Venue District) board approved their Revised FY 2023 and Approved FY 2024 Budget on June 12, 2023. The Venue District's bylaws require the budgets to be reviewed by the City Council and Taylor County Commissioner's Court in order to be effective.

The Venue District's funds are derived solely from the 2% venue tax on hotel occupancy. The funds are allocated to the recipients (Frontier Texas and the Expo Center) monthly after deduction for debt service and administrative fee. Each year the board determines the allocation split between the recipients with the limitation set by the bylaws that the split cannot change more than 2.5% annually. The split for FY 2023 was approved to be 50.5% to Frontier Texas and 49.5% to the Expo Center. Based on a joint recommendation from Frontier Texas and the Expo Center the board approved a split for FY 2024 of 50% to Frontier Texas and 50% to the Expo Center.

The Venue District will officially be dissolved with the last debt payment on their bonds outstanding on June 15, 2024. The budgets reflected in this item represent budgets from October 1, 2023 to June 15, 2024. The board has approved a resolution calling for an election in November for a new Venue District to begin at the conclusion of the current Venue District. If the new Venue District is approved by voters, a new budget will be created at that time.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

There is no fiscal impact to the City other than the collection of a 2% administrative fee. All funds collected by the venue tax are allocated to Frontier Texas and the Expo Center based on board approved allocation after deduction for debt service and administrative fee to the City.

STAFF RECOMMENDATION

Staff recommends the City Council receive and review the Venue District's budgets.

BOARD OR COMMISSION RECOMMENDATION

The Venue District board approved these budgets at their June 12, 2023 meeting.

ATTACHMENTS:

1. Resolution Acknowledging Receipt of the Abilene-Taylor County Events Venue District Budget
2. Exhibit A Venue District FY 23 Revised & FY 24 Approved Budgets
3. Powerpoint - Resolution Acknowledging the Venue District Revised FY 23 and Approved FY 24 Budgets

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS ACKNOWLEDGING RECEIPT OF THE ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT'S BUDGET FOR REVISED FY 2023 AND APPROVED FY 2024

WHEREAS, the Abilene-Taylor County Events Venue District's board of directors approved their Revised FY 2023 and Approved FY 2024 budgets at their June 12, 2023 board meeting; and

WHEREAS, the bylaws of the Abilene-Taylor County Events Venue District require the budget to be reviewed by the City Council of the City of Abilene, Texas and the Taylor County Commissioners Court; and

WHEREAS, attached as Exhibit A is the Revised FY 2023 and Approved FY 2024 budget of the Abilene-Taylor County Events Venue District.

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

Part 1: The City Council of the City of Abilene, Texas has received and reviewed the budget of the Abilene-Taylor County Events Venue District for Revised FY 2023 and Approved FY 2024.

ADOPTED this 24th day of August, 2023.

ATTEST:

_____
Shawna Atkinson, City Secretary

_____
Weldon Hurt, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT
VENUE OPERATING FUND
STATEMENT OF REVENUES & EXPENDITURES (BUDGET BASIS)
2023-24 BUDGET

	ACTUAL 2021-22	APPROVED 2022-23	REVISED 2022-23	APPROVED 2023-24
Beginning Undesignated Balance	$5,000	$5,000	$5,000	$5,000
REVENUE				
Venue Tax	$1,232,641	$1,359,600	$1,317,270	$1,003,480
Miscellaneous Revenue	32	40	230	175
Total Revenue	$1,232,673	$1,359,640	$1,317,500	$1,003,655
Total Resources	$1,237,673	$1,364,640	$1,322,500	$1,008,655
EXPENDITURES				
Transfer to Debt Service	$105,395	$105,580	$105,580	$73,806
Frontier Texas! Operating Funds	573,365	619,568	598,713	457,388
Expo Center Operating Funds	529,260	607,299	586,857	457,388
Administrative Fee	24,653	27,193	26,350	20,073
Total Expenditures	$1,232,673	$1,359,640	$1,317,500	$1,008,655
Ending Undesignated Balance	$5,000	$5,000	$5,000	$0

ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT
INTEREST AND SINKING FUND
STATEMENT OF REVENUES & EXPENDITURES (BUDGET BASIS)
2023-24 BUDGET

	ACTUAL 2021-22	APPROVED 2022-23	REVISED 2022-23	APPROVED 2023-24
Beginning Designated Balance	$28,918	$29,067	$29,144	$30,644
REVENUE				
Transfer from Project Fund	$105,395	$105,580	$105,580	$73,806
Interest on Investments	226	150	1,500	1,000
Total Revenue	$105,621	$105,730	$107,080	$74,806
Total Resources	$134,539	$134,797	$136,224	$105,450
EXPENDITURES				
Principal	$90,000	$95,000	$95,000	$100,000
Interest	15,395	10,580	10,580	5,450
Total Expenditures	$105,395	$105,580	$105,580	$105,450
Ending Designated Balance	$29,144	$29,217	$30,644	$0

Note:				
AISD-Shotwell - Parking Lot Debt - 76.74%	$80,880	$81,022	$81,022	$80,922
Expo Debt - 23.26%	24,515	24,558	24,558	24,528
Total	$105,395	$105,580	$105,580	$105,450

Resolution Acknowledging Abilene-Taylor County Events Venue District Revised FY 2023 and Approved FY 2024 Budget

CITY OF
ABILENE
TEXAS

Resolution Acknowledging Abilene-Taylor County Events Venue District Revised FY 2023 and Approved FY 2024 Budget

- In accordance with the Venue District's bylaws their budget must be presented to the City Council.

- Funds from the District are solely from the 2% venue hotel occupancy tax. No City or County funds are received by the District

- The net collections of the District will be distributed 50% to Frontier Texas and 50% to the Expo Center for FY 2024. Based upon a joint recommendation from Frontier Texas and the Expo Center, the Venue Board lowered Frontier Texas' allocation from 50.5% to 50% and increased the Expo Center's allocation from 49.5% to 50%.

CITY OF ABILENE TEXAS

Resolution Acknowledging Abilene-Taylor County Events Venue District Revised FY 2023 and Approved FY 2024 Budget

- The Venue District will be dissolved with the last payment of the bonds outstanding on June 15, 2024. The Board has recently called for a November election to continue the Venue District beyond June 15th with a new Venue Project. The budgets presented are up to June 15, 2024. If a new Venue District is approved by voters then a new budget would need to be created.

CITY OF ABILENE TEXAS

Questions?

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Robert Hanna, City Manager**

FROM: **Mike Rains, Finance Director**

SUBJECT: **10. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Abilene Convention and Visitors Bureau FY 2024 Budget *(Mike Rains)***

GENERAL INFORMATION

The Abilene Convention and Visitors Bureau (ACVB) is the recipient of hotel occupancy taxes collected by the City under Chapter 351.202 of the Texas Tax Code. The agreement with Abilene Chamber of Commerce outlining procedures for the use of hotel occupancy taxes by the ACVB requires their annual budget to be approved by the City Council. It further states the City Manager shall review and make a recommendation to Council to approve, modify or amend the budget.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The ACVB receives reimbursement of expenses up to 49% of the hotel occupancy tax collected annually.

STAFF RECOMMENDATION

Staff recommends approval based on the City Manager's review.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution Approving the FY 2024 Abilene Convention and Visitors Bureau Budget
2. FY 23-24 ACVB Budget Proposal
3. Powerpoint - Resolution Approving the Abilene Convention and Visitors Bureau FY 2024 Budget

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE ABILENE CONVENTION AND VISITORS BUREAU FY 2024 BUDGET

WHEREAS, the agreement with the Abilene Chamber of Commerce for expenditure of hotel occupancy taxes requires the approval of City Council of the annual budget of the Abilene Convention and Visitors Bureau based on the review and recommendation of the City Manager; and

WHEREAS, the City Manager has reviewed the budget for FY 2024; and

WHEREAS, the City Manager recommends approval of the budget.

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

Part 1: The City Council of the City of Abilene, Texas has approved the budget of the Abilene Convention and Visitors Bureau for FY 2024.

ADOPTED this 24th day of August, 2023.

ATTEST:

_____
Shawna Atkinson, City Secretary

_____
Weldon Hurt, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

ABILENE CONVENTION & VISITORS BUREAU

FY 23-24 ANNUAL BUDGET

REVENUES		FY 23-24
0001	OCCUPANCY TAX	2,312,800
	TOTAL	**2,312,800**

EXPENSES

ADVERTISING		
1001	ADVERTISING	433,938
1002	CO-OP MARKETING PROGRAMS	0
	TOTAL	**433,938**
SALES INCENTIVES		
2001	CONVENTION TRANSPORTATION	2,000
2002	CONVENTION INCENTIVES	133,855
2003	SPORTS INCENTIVES	94,500
	TOTAL	**230,355**
GROUP SALES		
3001	SITE SELECTION HOSTING	7,500
3002	SALES TRIPS	15,000
3003	BID PRESENTATION TRIPS	5,000
3004	SALES TRADESHOWS	39,500
	TOTAL	**67,000**
VISITOR SERVICES		
4001	PROMOTIONAL ITEMS	40,000
4002	DELEGATE KIT MATERIALS	20,000
4003	CONVENTION SERVICES	47,603
4004	SPORTS SERVICES	56,831
4005	HOSPITALITY PROGRAMS	3,200
4006	LEISURE TRAVEL TRADESHOWS	1,000
	TOTAL	**168,634**
SPECIAL PROJECTS		
	AYSA MULTIPURPOSE FIELDS	50,000
5001	HOT HOST	5,000
5003	TAYLOR COUNTY EXPO CENTER	35,000
5005	NATIONAL TRAVEL & TOURISM WEEK	1,000
	TOTAL	**91,000**
INTERNAL COSTS		
6001	ACCOUNTING	8,400
6002	ADMINISTRATIVE FEE	115,640
6003	AUDIT & LEGAL	3,600
6004	MEETINGS	15,000
6005	AUTO EXPENSE & MILEAGE	8,600
6006	ASSOCIATION MEMBERSHIP DUES	23,894
6007	OFFICE SUPPLIES	6,500
6008	IT SERVICES	10,000
6009	TELEPHONE	12,000
6010	SOFTWARE	113,080
6011	POSTAGE	5,500
6012	PRINTING	35,000
6013	EQUIPMENT/FURNITURE	13,400
6015	PROFESSIONAL/EDUCATIONAL	31,000
	TOTAL	**401,614**

BUILDING OPERATIONS

LIABILITY & PROPERTY INSURANCE	1,600
DEPOT BUILDING RENTAL	144,000
DEPOT BUILDING FUND	18,800
TOTAL	**164,400**

MEDIA & PUBLICITY

MEDIA RELATIONS/PRESS TRIPS/FAM	10,000
TOTAL	**10,000**

PERSONNEL

SALARIES	576,896
PAYROLL TAX	44,133
GROUP MEDICAL INSURANCE	71,360
GROUP LIFE INSURANCE	6,098
401K	45,123
UNEMPLOYMENT TAX	2,249
WORKERS COMP TAX	0
TOTAL	**745,859**

DESIGNATED FUNDS	**342,355**
CONVENTION & TOURISM EXPENSES	**2,312,800**
TOTAL EXPENSES **	**2,655,155**

*** FY24 total expenses include $342,355 in expenses commited prior to FY23*

Resolution Approving the Abilene Convention and Visitors Bureau FY 2024 Budget

CITY OF ABILENE TEXAS

Resolution Approving the Abilene Convention and Visitors Bureau FY 2024 Budget

- In accordance with the agreement with the Abilene Chamber of Commerce for expenditure of hotel occupancy taxes the budget of the Abilene Convention and Visitors Bureau must be approved by City Council based on a review and recommendation by the City Manager.

- The City Manager has reviewed the FY 2024 budget and recommends approval.

CITY OF ABILENE TEXAS

Questions?

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Robert Hanna, City Manager**

FROM: **Mike Rains, Finance Director**

SUBJECT: **11. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving a Negotiated Settlement Between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division Regarding the company's 2023 Rate Review Mechanism Filing; Declaring Existing Rates to Be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attachment Establishing a Benchmark for Pension and Retiree Medical Benefits; Requiring the Company to Reimburse ACSC's Reasonable Ratemaking Expenses; Determining that this Resolution was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; and Requiring Delivery of the Resolution to the Company and the ACSC's Legal Counsel *(Mike Rains)***

GENERAL INFORMATION

The City, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute. Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC

members in 2018.

On or about March 31, 2023, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2022, entitled it to additional system-wide revenues of $165.9 million. Application of the standards set forth in ACSC's RRM Tariff reduces the Company's request to $156.1 million, $113.8 million of which would be applicable to ACSC members. After reviewing the filing and conducting discovery, ACSC's consultants concluded that the system-wide deficiency under the RRM regime should be $130.9 million instead of the claimed $156.1 million.

After several settlement meetings, the parties have agreed to settle the case for $142 million. This is a reduction of $23.9 million to the Company's initial request. This includes payment of ACSC's expenses. The settlement also includes an additional $19.5 million for the securitization regulatory asset expenses related to Winter Storm Uri. This was previously approved by the Texas Legislature and Railroad Commission. The Effective Date for new rates is October 1, 2023. The impact of the settlement on average residential rates is an increase of $6.47 on a monthly basis, or 7.31%. The increase for average commercial usage will be $24.72 or 5.19%.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution Approving Atmos Mid-Tex 2023 RRM Settlement
2. Atmos CY22 MTX RRM - Tariffs
3. Atmos CY22 MTX RRM - Pension Benchmark
4. Atmos Mid-Tex 2023 RRM Model Staff Report
5. Atmos CY22 MTX RRM - Average Bill
6. Powerpoint - Resolution Approving a Negotiated Settlement Between ACSC and Atmos Energy

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2023 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

WHEREAS, the City of Abilene, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of similarly-situated cities served by Atmos Mid-Tex ("ACSC Cities") that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program ("GRIP") process instituted by the

Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about March 1, 2023, Atmos Mid-Tex filed its 2023 RRM rate request with ACSC Cities based on a test year ending December 31, 2022; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2023 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of $142 million on a system-wide basis with an Effective Date of October 1, 2023; and

WHEREAS, ACSC agrees that Atmos' plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications; and

WHEREAS, the RRM Tariff includes Securitization Interest Regulatory Asset amount of $19.5 million;

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

Section 1. That the findings set forth in this Resolution are hereby in all things approved.

Section 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of $142 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2023 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

Section 4. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional $142 on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 5. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

Section 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2023 RRM filing.

Section 7. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

Section 8. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 10. That consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after September 30, 2023.

Section 11. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 24TH DAY OF AUGUST, 2023.

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

_____
City Attorney

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**R – RESIDENTIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2023**	

Application
Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	$ 22.25 per month
Rider CEE Surcharge	$ 0.05 per month[1]
Total Customer Charge	$ 22.30 per month
Commodity Charge – All Ccf	$0.48567 per Ccf [2]

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

[1]Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2023.
[2]The commodity charge includes the base rate amount of $0.46724 per Ccf and Securitization Regulatory Asset amounts related to financing costs in the amount of $0.01843 per Ccf until recovered.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**C – COMMERCIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2023**	

Application
Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	$ 72.00 per month
Rider CEE Surcharge	($ 0.02) per month[1]
Total Customer Charge	$ 71.98 per month
Commodity Charge – All Ccf	$ 0.18280 per Ccf [2]

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Presumption of Plant Protection Level
For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at *mdtx.plantprotection*@atmosenergy.com.

[1] Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2023.
[2] The commodity charge includes the base rate amount of $0.16437 per Ccf and Securitization Regulatory Asset amounts related to financing costs in the amount of $0.01843 per Ccf until recovered.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**I – INDUSTRIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2023**	

Application
Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 200 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 200 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	$ 1,382.00 per month
First 0 MMBtu to 1,500 MMBtu	$ 0.7484 per MMBtu[1]
Next 3,500 MMBtu	$ 0.5963 per MMBtu[1]
All MMBtu over 5,000 MMBtu	$ 0.2693 per MMBtu[1]

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee
Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index
In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees

[1] The tiered commodity charges include the base rate amounts of $0.5684, $0.4163, and $0.0893 per MMBtu, respectively, plus Securitization Regulatory Asset amounts related to financing costs in the amount of $0.1800 per MMBtu until recovered.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**I – INDUSTRIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2023**	

utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions
In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

Presumption of Plant Protection Level
For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at *mdtx.plantprotection*@atmosenergy.com.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**T – TRANSPORTATION**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2023**	

Application
Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	$ 1,382.00 per month
First 0 MMBtu to 1,500 MMBtu	$ 0.5684 per MMBtu
Next 3,500 MMBtu	$ 0.4163 per MMBtu
All MMBtu over 5,000 MMBtu	$ 0.0893 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees
All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees
Customer shall pay Company the greater of (i) $0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**T – TRANSPORTATION**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2023**	

Curtailment Overpull Fee
Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index
In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement
A transportation agreement is required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions
In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	**WNA – WEATHER NORMALIZATION ADJUSTMENT**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2023**	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the ith rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the ith schedule or classification.

HSF_i = heat sensitive factor for the ith schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

Bl_i = base load sales for the ith schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the jth customer in ith rate schedule is computed as:

$WNA_i = WNAF_i \times q_{ij}$

Where q_{ij} is the relevant sales quantity for the jth customer in ith rate schedule.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	**WNA – WEATHER NORMALIZATION ADJUSTMENT**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2023**	

Base Use/Heat Use Factors

	Residential		Commercial	
Weather Station	Base use Ccf	Heat use Ccf/HDD	Base use Ccf	Heat use Ccf/HDD
Abilene	9.51	0.1415	88.91	0.7010
Austin	8.87	0.1213	213.30	0.7986
Dallas	12.54	0.2007	185.00	0.9984
Waco	8.81	0.1325	125.26	0.7313
Wichita Falls	10.36	0.1379	122.10	0.6083

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

ATMOS ENERGY CORP., MID-TEX DIVISION
MID-TEX RATE REVIEW MECHANISM
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2022

		Shared Services		Mid-Tex Direct			
Line No.	Description	Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Post-Employment Benefit Plan	Supplemental Executive Benefit Plan	Adjustment Total
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark - Fiscal Year 2023 Willis Towers Watson Report as adjusted (1) (2) (3)	$ 1,434,339	$ (518,336)	$ 2,336,419	$ (2,678,818)	$ 267,917	
2	Allocation Factor	44.92%	44.92%	78.74%	78.74%	100.00%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	$ 644,336	$ (232,848)	$ 1,839,667	$ (2,109,267)	$ 267,917	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4)	$ 644,336	$ (232,848)	$ 1,839,667	$ (2,109,267)	$ 267,917	$ 409,804
6							
7	O&M Expense Factor (WP_F-2.3, Ln 2)	78.60%	78.60%	39.63%	39.63%	11.00%	
8							
9	Summary of Costs to Approve (1):						
10	Total Pension Account Plan	$ 506,464		$ 729,006			$ 1,235,469
11	Total Post-Employment Benefit Plan		$ (183,024)		$ (835,840)		(1,018,864)
12	Total Supplemental Executive Benefit Plan					$ 29,471	29,471
13	Total (Ln 10 + Ln 11 + Ln 12)	$ 506,464	$ (183,024)	$ 729,006	$ (835,840)	$ 29,471	$ 246,076

August 2, 2023

MODEL STAFF REPORT FOR RESOLUTION OR ORDINANCE

BACKGROUND AND SUMMARY

The City, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about March 31, 2023, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2022, entitled it to additional system-wide revenues of $165.9 million.

Application of the standards set forth in ACSC's RRM Tariff reduces the Company's request to $156.1 million, $113.8 million of which would be applicable to ACSC members. After reviewing the filing and conducting discovery, ACSC's consultants concluded that the system-wide deficiency under the RRM regime should be $130.9 million instead of the claimed $156.1 million.

After several settlement meetings, the parties have agreed to settle the case for $142 million. This is a reduction of $23.9 million to the Company's initial request. This includes payment of ACSC's expenses. The settlement also includes an additional $19.5 million for the securitization regulatory asset expenses related to Winter Storm Uri. This was previously approved by the Texas Legislature and Railroad Commission. The Effective Date for new

rates is October 1, 2023. ACSC members should take action approving the Resolution/Ordinance before September 30, 2023.

RATE TARIFFS

Atmos generated rate tariffs attached to the Resolution/Ordinance will generate $142 million in additional revenues. Atmos also prepared a Proof of Revenues supporting the settlement figures. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

BILL IMPACT

The impact of the settlement on average residential rates is an increase of $6.47 on a monthly basis, or 7.31%. The increase for average commercial usage will be $24.72 or 5.19%. Atmos provided bill impact comparisons containing these figures.

SUMMARY OF ACSC'S OBJECTION TO THE UTILITIES CODE SECTION 104.301 GRIP PROCESS

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

RRM SAVINGS OVER GRIP

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM.

Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR. When new rates become effective on October 1, 2023, ACSC residents will maintain an economic monthly advantage over GRIP and DARR rates.

Comparison to Other Mid-Tex Rates (Residential)

	Average Bill	Compared to RRM Cities
RRM Cities:	$42.62	-
DARR:	$42.55	($0.07)
ATM Cities:	$44.39	$1.77
Environs:	$44.27	$1.65

Note: ATM Cities and Environs rates are as-filed. Also note that DARR uses a test year ending in September rather than December.

EXPLANATION OF "BE IT RESOLVED" PARAGRAPHS:

1. This section approves all findings in the Resolution/Ordinance.
2. This section adopts the RRM rate tariffs and finds the adoption of the new rates to be just, reasonable, and in the public interest.
3. This section makes it clear that Cities may challenge future costs associated with gas leaks.
4. This section finds that existing rates are unreasonable. Such finding is a necessary predicate to establishment of new rates. The new tariffs will permit Atmos Mid-Tex to recover an additional $142 million on a system-wide basis.
5. This section approves an exhibit that establishes a benchmark for pensions and retiree medical benefits to be used in future rate cases or RRM filings.
6. This section requires the Company to reimburse the City for expenses associated with review of the RRM filing, settlement discussions, and adoption of the Resolution/Ordinance approving new rate tariffs.
7. This section repeals any resolution or ordinance that is inconsistent with the Resolution/Ordinance.

8. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

9. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Resolution/Ordinance. This section further directs that the remaining provisions of the Resolution/Ordinance are to be interpreted as if the offending section or clause never existed.

10. This section provides for an effective date upon passage.

11. This section directs that a copy of the signed Resolution/Ordinance be sent to a representative of the Company and legal counsel for ACSC.

CONCLUSION

The Legislature's GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex's claim that its historic cost of service should entitle it to recover $165.9 million in additional system-wide revenues, the RRM settlement at $142 million for ACSC members reflects substantial savings to ACSC cities. Settlement at $142 million is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Resolution/Ordinance before September 30, 2023. New rates become effective October 1, 2023.

ATMOS ENERGY CORP., MID-TEX DIVISION
MID-TEX RATE REVIEW MECHANISM
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2022

Line No.	Description								Current	Proposed	Change Amount	Change Percent
	(a)								(b)	(c)	(d)	(e)
1	**Rate R @ 43.6 Ccf**											
2	Customer charge								$ 21.55			
3	Consumption charge	43.6	CCF	X	$	0.36223	=		15.79			
4	Rider GCR Part A	43.6	CCF	X	$	0.63625	=		27.74			
5	Rider GCR Part B	43.6	CCF	X	$	0.41732	=		18.20			
6	Subtotal								$ 83.28			
7	Rider FF & Rider TAX		$ 83.28	X		0.06237	=		5.19			
8	Total								$ 88.47			
9												
10	Customer charge									$ 22.25		
11	Consumption charge	43.6	CCF	X	$	0.48567	=			21.18		
12	Rider GCR Part A	43.6	CCF	X	$	0.63625	=			27.74		
13	Rider GCR Part B	43.6	CCF	X	$	0.41732	=			18.20		
14	Subtotal									$ 89.37		
15	Rider FF & Rider TAX		$ 89.37	X		0.06237	=			5.57		
16	Total									$ 94.94	$ 6.47	7.31%
17												

ATMOS ENERGY CORP., MID-TEX DIVISION
MID-TEX RATE REVIEW MECHANISM
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2022

Line No.	Description								Current	Proposed	Change Amount	Change Percent
	(a)								(b)	(c)	(d)	(e)
18	**Rate C @ 356.6 Ccf**											
19	Customer charge								$ 63.50			
20	Consumption charge	356.6	CCF	X	$	0.14137	=		50.41			
21	Rider GCR Part A	356.6	CCF	X	$	0.63625	=		226.86			
22	Rider GCR Part B	356.6	CCF	X	$	0.30202	=		107.69			
23	Subtotal								$ 448.46			
24	Rider FF & Rider TAX		$ 448.46	X		0.06237	=		27.97			
25	Total								$ 476.43			
26												
27	Customer charge									$ 72.00		
28	Consumption charge	356.6	CCF	X	$	0.18280	=			65.18		
29	Rider GCR Part A	356.6	CCF	X	$	0.63625	=			226.86		
30	Rider GCR Part B	356.6	CCF	X	$	0.30202	=			107.69		
31	Subtotal									$ 471.73		
32	Rider FF & Rider TAX		$ 471.73	X		0.06237	=			29.42		
33	Total									$ 501.15	$ 24.72	5.19%
34												

ATMOS ENERGY CORP., MID-TEX DIVISION
MID-TEX RATE REVIEW MECHANISM
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2022

Line No.	Description							Current	Proposed	Change Amount	Change Percent
	(a)							(b)	(c)	(d)	(e)
35	**Rate I @ 1720 MMBTU**										
36	Customer charge							$ 1,204.50			
37	Consumption charge	1,500	MMBTU	X	$	0.4939	=	740.85			
38	Consumption charge	220	MMBTU	X	$	0.3617	=	79.64			
39	Consumption charge	0	MMBTU	X	$	0.0776	=	-			
40	Rider GCR Part A	1,720	MMBTU	X	$	6.2134	=	10,688.12			
41	Rider GCR Part B	1,720	MMBTU	X	$	0.6267	=	1,078.08			
42	Subtotal							$ 13,791.19			
43	Rider FF & Rider TAX		$13,791.19	X		0.06237	=	860.17			
44	Total							$ 14,651.36			
45											
46	Customer charge								$ 1,382.00		
47	Consumption charge	1,500	MMBTU	X	$	0.7484	=		1,122.62		
48	Consumption charge	220	MMBTU	X	$	0.5963	=		131.30		
49	Consumption charge	0	MMBTU	X	$	0.2693	=		-		
50	Rider GCR Part A	1,720	MMBTU	X	$	6.2134	=		10,688.12		
51	Rider GCR Part B	1,720	MMBTU	X	$	0.6267	=		1,078.08		
52	Subtotal								$ 14,402.12		
53	Rider FF & Rider TAX		$14,402.12	X		0.06237	=		898.28		
54	Total								$ 15,300.40	$ 649.04	4.43%
55											

ATMOS ENERGY CORP., MID-TEX DIVISION
MID-TEX RATE REVIEW MECHANISM
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2022

Line No.	Description							Current	Proposed	Change Amount	Change Percent
	(a)							(b)	(c)	(d)	(e)
56	**Rate T @ 4720 MMBTU**										
57	Customer charge							$ 1,204.50			
58	Consumption charge	1,500	MMBTU	X	$	0.4939	=	740.85			
59	Consumption charge	3,220	MMBTU	X	$	0.3617	=	1,164.50			
60	Consumption charge	0	MMBTU	X	$	0.0776	=	-			
61	Rider GCR Part B	4,720	MMBTU	X	$	0.6267	=	2,957.85			
62	Subtotal							$ 6,067.70			
63	Rider FF & Rider TAX		$ 6,067.70	X		0.06237	=	378.45			
64	Total							$ 6,446.15			
65											
66	Customer charge								$ 1,382.00		
67	Consumption charge	1,500	MMBTU	X	$	0.5684	=		852.60		
68	Consumption charge	3,220	MMBTU	X	$	0.4163	=		1,340.29		
69	Consumption charge	0	MMBTU	X	$	0.0893	=		-		
70	Rider GCR Part B	4,720	MMBTU	X	$	0.6267	=		2,957.85		
71	Subtotal								$ 6,532.74		
72	Rider FF & Rider TAX		$ 6,532.74	X		0.06237	=		407.45		
73	Total								$ 6,940.19	$ 494.04	7.66%

Resolution Approving a Negotiated Settlement Between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2023 Rate Review Mechanism Filing

CITY OF ABILENE TEXAS

Resolution Approving a Negotiated Settlement Between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2023 Rate Review Mechanism Filing

- The City, along with 181 other Mid-Texas cities served by Atmos Energy Corporation is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.
- On or about March 31, 2023, Atmos filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2022, entitled it to additional system-wide revenues of $165.9 million. Application of the standards set forth in ACSC’s RRM Tariff reduces the Company’s request to $156.1 million, $113.8 million of which would be applicable to ACSC members. After reviewing the filing and conducting discovery, ACSC’s consultants concluded that the system-wide deficiency under the RRM regime should be $130.9 million instead of the claimed $156.1 million.

CITY OF ABILENE TEXAS

Resolution Approving a Negotiated Settlement Between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2023 Rate Review Mechanism Filing

- After several settlement meetings, the parties have agreed to settle the case for $142 million. This is a reduction of $23.9 million to the Company's initial request. This includes payment of ACSC's expenses. The settlement also includes an additional $19.5 million for the securitization regulatory asset expenses related to Winter Storm Uri. This was previously approved by the Texas Legislature and Railroad Commission. The Effective Date for new rates is October 1, 2023. The impact of the settlement on average residential rates is an increase of $6.47 on a monthly basis, or 7.31%. The increase for average commercial usage will be $24.72 or 5.19%.

CITY OF ABILENE TEXAS

Questions?

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Robert Hanna, City Manager**

FROM: **Tim Littlejohn, Director of Planning & Development Services**

SUBJECT: **12. Ordinance (First Reading) CUP-2023-05: Receive a Report, Hold a Discussion and Take Action on A Request From Alan Wartes, Represented By Jovon Christophe, To Apply A Conditional Use Permit To Approximately 0.17 Acres To Allow For A Daycare Within Residential Single Family (RS-6) Zoning For Up To 12 Children. Located At 3236 Ambler Avenue. *(Tim Littlejohn)***

GENERAL INFORMATION

The subject property has been used as a single family residence since 1958. Currently the property is being used as a single family residence with the accessory use of day-care with less than six children, which is an allowed home occupation.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends **approval** subject to:

1. Compliance with the proposed Plan of Operation.
2. The issuance of any required local and state licenses for 6 additional children.
3. A copy of all required licenses shall be provided to the Building Official.
4. The issuance of a Certificate of Occupancy prior to expanding the size of the day-care for up to 12 children.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. CUP-2023-05 Ordinance
2. CUP-2023-05 Staff Report
3. application
4. plan of operations
5. Site Plan
6. CUP-2023-05 Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY APPROVING A CONDITIONAL USE PERMIT (CUP) AFFECTING A 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 23 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 Two Thousand Dollars ($2,000.00). 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 24nd day of August, 2023.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of July, 2023, 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 24nd day of August, 2023, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of September, 2023.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Approve a Conditional Use Permit (CUP) to allow for a Daycare within Residential Single Family (RS-6) zoning for up to 12 children.

The Conditional Use Permit is subject to:

1. Compliance with the proposed Plan of Operation.
2. The issuance of any required local and state licenses for 6 additional children.
3. A copy of all required licenses shall be provided to the Building Official.
4. The issuance of a Certificate of Occupancy prior to expanding the size of the day-care for up to 12 children.

Legal description being Lot 20, Block 36, Green Acres Section 2, Abilene, Taylor County, Texas.

Located at 3236 Ambler Avenue, Abilene, Taylor County, Texas.

EXHIBIT B

PLAN OF OPERATION

04/28/2023

JC's Spot for Tots Daycare
3236 Ambler Avenue
Abilene, TX 79603
325-725-6731
Jovon Christophe

Dear City of Abilene,

My name is Jovon Christophe, and I am a Registered Childcare Provider going on 14 years. I am located at 3236 Ambler Avenue, and I am interested in becoming a Licensed childcare home where I will care for no more than 12 children with ages ranging from 18 months to 12 years old. I will determine my own program services, hours, and parent fees.

My hours of operation are Monday through Friday 7:30am to 5:30pm. Parents work schedules are different, and the children usually arrive over a period of two hours in the morning, and leave during a similar period in the late afternoon. This will reduce the number of vehicles at my home at one time. Parents escort their children safely to and from their vehicles to my home. By implementing these measures, my business will not increase traffic congestion on the street.

While children are in my care, my assistant and I are responsible for the supervision at all times including indoor activities, outdoor play in a fenced in back yard 1 to 2 hours a day, on walks, or vehicle trips away from my home.

If you have questions or concerns, or if you would like to consider other impact to the neighborhood please contact me at any time. Gathering your input now will help me to better plan my program, and prevent issues that might arise in the future.

Thank you for your time,

Jovon Christophe

END

ZONING CASE CUP-2023-05
STAFF REPORT

PLANNING & DEVELOPMENT SERVICES
CITY OF ABILENE TEXAS

Scheduled Hearings
Planning & Zoning Commission: August 1, 2023
City Council 1st Reading: August 24, 2023
City Council 2nd Reading: September 14, 2023

Applicant
Owner: Alan Wartes
Agent: Jovon Christophe

Case Manager
Clarissa Ivey – Planner

Request
Apply a Conditional Use Permit to approximately 0.17 acres to allow for a Daycare within Residential Single Family (RS-6) zoning for up to 12 children.

Location
Lot 20, Block 36, Green Acres Section 2, at 3236 Ambler Avenue.

Background
The subject property has been used as a single family residence since 1958. Currently the property is being used as a single family residence with the accessory use of day-care with less than six children, which is an allowed home occupation.

Issues/Concerns

1. The property is located on an arterial street. The dropping off and picking up of children could be problematic for the safety of children and for parents backing out into Ambler Avenue and could result in congestion.
2. Since adequate off-street parking may not be available at peak drop off periods, parents may resort to parking on Ambler Avenue, which would create congestion.
3. The site plan does not satisfy the requirements of the LDC. However, the applicant does not propose any site improvements.
4. If the CUP is granted to allow six (6) additional children, a new day-care license would be required.
5. The applicant submitted a Plan of Operation to address the issues cited above.

Zoning, Existing and Proposed Land Use
The properties lies in the middle of an established Residential Single-Family (RS-6) neighborhood.

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 designates the site as Very Low Density Residential. The proposed use is consistent 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 of the subject site as a home- based daycare exceeds the limitation of 6 children being allowed in a residence.

3. **The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.**
The proposed use is compatible and preserves the character and integrity of the neighborhood. The added parking area is consistent with the neighborhood.

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.**
Although the proposed use will generate additional traffic, the applicant states that measure will be implemented to reduce the number of vehicles at the home at one time. There will be a two hour period in which the parents will need to drop off their children.

5. **The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.**
The applicant plans on implementing a two-hour window to drop-off/pick-up children, which may minimize the amount of traffic at the home at any one time.

6. **The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.**
The proposed use will not be incorporating any features that makes will make the home look different from the surrounding properties.

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 exceeds the standards for the zoning district, which only allows 6 children, but may not adversely affect the surrounding neighborhood is the Plan of Operation is followed.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval** subject to:

1. Compliance with the proposed Plan of Operation.
2. The issuance of any required local and state licenses for 6 additional children.
3. A copy of all required licenses shall be provided to the Building Official.
4. The issuance of a Certificate of Occupancy prior to expanding the size of the day-care for up to 12 children.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
RICHARDS JOSHUA	21644	3236 SANDEFER ST	
REYES MARTIN & ERICA	21767	3224 SANDEFER ST	
O NEAL KASSIE	23179	3260 SANDEFER ST	
DIAZ MOSAIC &	23311	3248 SANDEFER ST	
FAUGHT COLLENE	24224	3173 SANDEFER ST	
BURGER DONALD L	24353	3201 SANDEFER ST	
BALLOU SHERRY	24481	3213 SANDEFER ST	
ZACHRY BARBARA J CASSELBERRY	24614	3225 SANDEFER ST	
WHITAKER JIMMIE R &	24745	3237 SANDEFER ST	
UNIQU3 SOLUTIONS LLC	24866	3249 SANDEFER ST	
EDWARDS CARLA	24988	3261 SANDEFER ST	
JIMENEZ JUAN	25112	3273 SANDEFER ST	
RODRIGUEZ SYLVIA	25228	3285 SANDEFER ST	
RICKARD FORREST GENE & TRISTEN MARIE	25348	3284 AMBLER AV	
FAUGHT JOHNNY MARK	25492	3272 AMBLER AV	
WALLS ROBIN C ET AL	25634	3260 AMBLER AV	
LOZA VICTOR &	25753	3248 AMBLER AV	
WARTES ALAN	25871	3236 AMBLER AV	
LARSEN VIRGINIA LF EST	25999	3224 AMBLER AV	
HERRERA JACQUELINE	26119	3212 AMBLER AV	
FAUGHT COLLENE	26238	3200 AMBLER AV	
SUDDENDORF LONNY D LF EST	26356	3172 AMBLER AV	
CABALLERO DANIEL & CANO MARIA	52602	2157 MIMOSA DR	
BABER SCOT &	52730	2168 WESTVIEW DR	
LOPEZ EDWARD	52867	2152 WESTVIEW DR	
BUTLER EGYPT ROBERTA	57455	2159 WESTVIEW DR	
BECKER STACI M	57570	2169 WESTVIEW DR	
PENNS TIMOTHY &	57703	2168 BRIARWOOD ST	

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
BABER SCOT &	52730	2168 WESTVIEW DR	
BALLOU SHERRY	24481	3213 SANDEFER ST	
BECKER STACI M	57570	2169 WESTVIEW DR	
BURGER DONALD L	24353	3201 SANDEFER ST	
BUTLER EGYPT ROBERTA	57455	2159 WESTVIEW DR	
CABALLERO DANIEL & CANO MARIA	52602	2157 MIMOSA DR	
DIAZ MOSAIC &	23311	3248 SANDEFER ST	
EDWARDS CARLA	24988	3261 SANDEFER ST	
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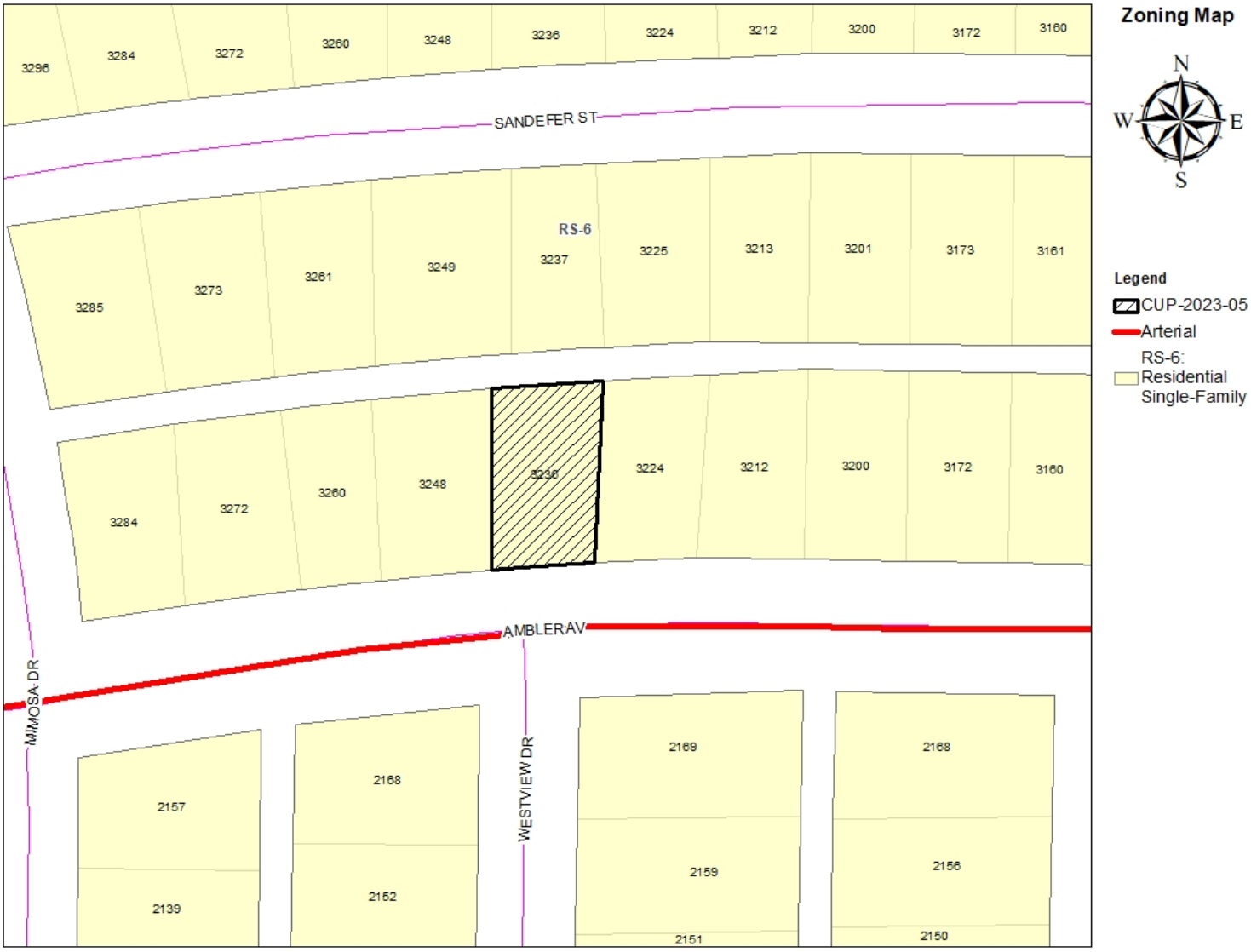
WALLS ROBIN C ET AL	25634	3260 AMBLER AV	
WARTES ALAN	25871	3236 AMBLER AV	
WHITAKER JIMMIE R &	24745	3237 SANDEFER ST	
ZACHRY BARBARA J CASSELBERRY	24614	3225 SANDEFER ST	

LOCATION MAP

ZONING MAP


Zoning Map
N
W
E
S
Legend
CUP-2023-05
Arterial
RS-6:
Residential
Single-Family
SANDEFER ST
AMBLER AV
MIMOSA DR
WESTVIEW DR
RS-6
3296
3284
3272
3260
3248
3236
3224
3212
3200
3172
3160
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3273
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3225
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3212
3200
3172
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Exhibit 1

*Staff requested a more detailed site plan. The attached plan is the best applicant could provide.

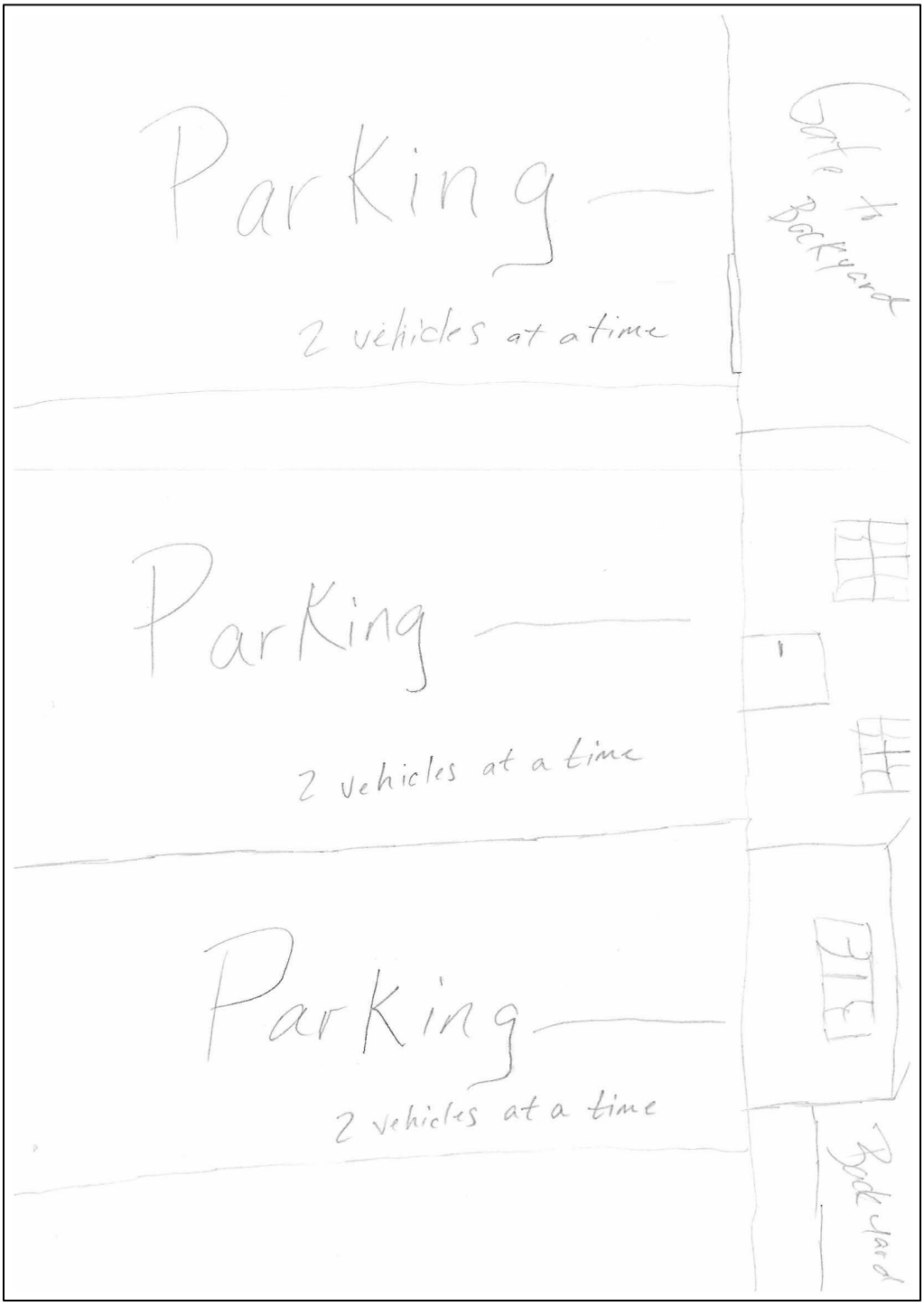


Exhibit 2

Parking area is adequate for four vehicles. The added spaces to west do not have a curb cut/ approach onto the street.

2023 Development Application

Zoning Application Page 1 of 3

Planning

- [x] Conditional Use
- [ ] Special Exceptions
- [ ] Rezoning
- [ ] Variance
- [ ] PDD Amendment
- [ ] Street Name Change
- [ ] Thoroughfare Abandonment
- [ ] Easement Release

Relief Procedures

- [ ] Petition for Relief
- [ ] Proportionality Appeal
- [ ] Vested Rights Petition
- [ ] Appeal

Other:

Project Name: Expanding Childcare Patio

Address: 3236 Amblee Ave Number of Lots: Acreage:

Legal Description: Green Acres Section 2

Subdivision Name: Willow Brook, Green Acres Block: 36 Lot 20 Lot:

Current Zoning: RS6 Proposed Zoning (if applicable):

OWNER AND AUTHORIZATION

Owner Name: ALAN WARTES

Address: 41 TAMARISK Circle

City, State, Zip: Abilene TX 79606 Fax:

Phone: 325-665-8942 Email: airitout1990@gmail.com

Agent Name:

Address:

City, State, Zip: Fax:

Phone: Email:

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature of Owner: Alan Wartes Date: 4-27-23

FOR OFFICE USE ONLY

Received:	Fee: $	Receipt No.:
Case No.:		Reviewed By:

2023 Development Application

Zoning Application Page 2 of 3

Existing Zoning

☐ AO	Agricultural Open Space	☐ GR	General Retail
☐ RR	Rural Residential RR-5 & RR-1	☐ MU	Medical Use
☐ RS-12	Residential Single-Family – 12,000 sq. ft lots	☐ CB	Central Business
☐ RS-8	Residential Single-Family – 8,000 sq. ft lots	☐ MX	Mixed Use
☒ RS-6	Residential Single-Family – 6,000 sq. ft lots	☐ GC	General Commercial
☐ PH	Single-Family Residential Patio Home	☐ HC	Heavy Commercial
☐ TH	Residential Townhouse	☐ LI	Light Industrial
☐ MD	Residential Medium Density	☐ HI	Heavy Industrial
☐ MH	Manufactured/Mobile Home	☐ PD	Planned Development District
☐ CU	College & University	☐	Empowerment Overlay
☐ NO	Neighborhood Office		
☐ O	Office		
☐ NR	Neighborhood Retail		

Reason for Zoning Change

_____

_____

_____

Fees

FOR DEVELOPMENT FEES CTRL & CLICK LINK BELOW AND CHOOSE "Z"

https://abilenetx.gov/563/Fee-Schedule

Fees can be paid online with credit card.

2023 Development Application

Zoning Application Page 3 of 3

Zoning Impact Analysis

Please answer these questions in order to assist staff with the processing of your zoning request.

1. Does the proposed zoning map amendment implement the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map?

N/A, No changes to existing Landscape or property

2. Is the use permitted by the proposed change in the zoning district's classification? Are the standards applicable to such uses appropriate in the immediate area of the land to be reclassified?

N/A, Childcare use still in effect, Only to increase chidcare availibility.

3. Are the proposed changes in agreement with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area?

No / N/A

4. Are there other factors that will substantially affect the public health, safety, morals, or general welfare?

No / N/A

Other Required Forms - Disclosure of Interest (See Attached)

2023 Development Application

Owner Authorization and Representative Designation

Property Description

Subdivision: _____ Total Number of Acres: _____
Zoning Classification(s): _____ Total Number of Lots: _____
Location: _____

Property Owner Information & Authorization

Name/Company: ALAN WARTES
Address: 41 Tamarisk Circle
City: Abilene State: TX Zip Code: 79606
Phone: 325-665-8942 Email: airitnut1990@gmail.com

Project Representation (check one):

☐ I will represent the application myself; OR

☒ I hereby designate Joron Christophe (*name of project representative*) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Abilene.

Property Owner's Signature: Alan Wartes **Date:** 4-27-23

STATE OF: TEXAS

COUNTY OF: Taylor

BEFORE ME, a Notary Public, on this day personally appeared Alan Wartes (*printed property owner's name*) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 27th day of April, 2023

ESTHER OLIVA NOTARY PUBLIC STATE OF TEXAS ID# 124270975 EXP. 06/

Esther Oliva
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other(*specify*): _____

Name: _____ Company: _____
Address: _____ City: _____ State: _____
Zip Code: _____ Number: _____ Email: _____

2023 Development Application

Disclosure of Interest

Disclosure Questions

Every question must be answered. If the question is not applicable, answer with "N/A".

***NOTE:** If the Project Representative is not the Property Owner, this form must be filled out by **both** the Property Owner and the Project Representative.*

A. Do you believe that a City official* or City employee** may have a conflict of interest in the property or application referenced on the reverse side? O Yes ☑ No

B. If so, state the name of each City official or employee of the City of Abilene known by you that may have a conflict of interest in the property or application referenced on reverse side.

N/A

C. State all information upon which you base the belief (use additional paper, if necessary).

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Abilene, Texas, as changes occur.

Name of Certifying Person *(print)*: _____

Property Owner ☐ Project Representative ☐

Signature of Certifying Person: _____

*Mayor, City Council members, Planning and Zoning Commission members, and Zoning Board of Adjustment members

**City Manager, City Secretary, City Attorney, and all department heads

2023 Development Application

Recommendations

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of $120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____

DATE: 5-2-23

04/28/2023

JC's Spot for Tots Daycare
3236 Ambler Avenue
Abilene, TX 79603
325-725-6731
Jovon Christophe

Dear City of Abilene,

My name is Jovon Christophe, and I am a Registered Childcare Provider going on 14 years. I am located at 3236 Ambler Avenue, and I am interested in becoming a Licensed childcare home where I will care for no more than 12 children with ages ranging from 18 months to 12 years old. I will determine my own program services, hours, and parent fees.

My hours of operation are Monday through Friday 7:30am to 5:30pm. Parents work schedules are different, and the children usually arrive over a period of two hours in the morning, and leave during a similar period in the late afternoon. This will reduce the number of vehicles at my home at one time. Parents escort their children safely to and from their vehicles to my home. By implementing these measures, my business will not increase traffic congestion on the street.

While children are in my care, my assistant and I are responsible for the supervision at all times including indoor activities, outdoor play in a fenced in back yard 1 to 2 hours a day, on walks, or vehicle trips away from my home.

If you have questions or concerns, or if you would like to consider other impact to the neighborhood please contact me at any time. Gathering your input now will help me to better plan my program, and prevent issues that might arise in the future.

Thank you for your time,

Jovon Christophe

Parking

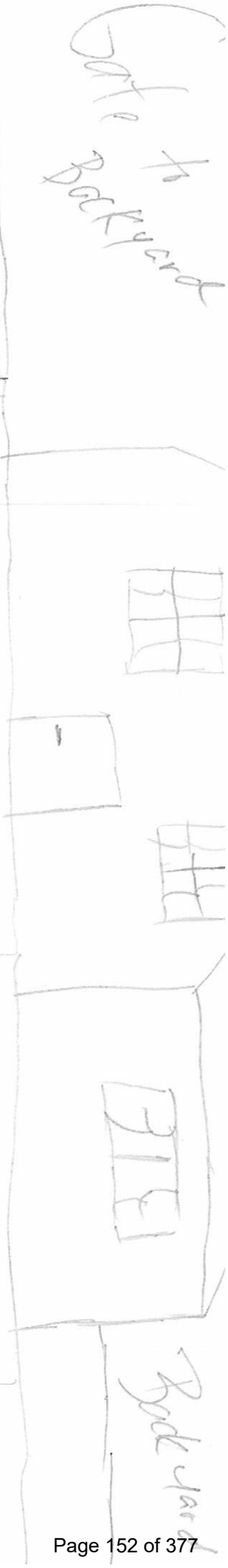
2 vehicles at a time

Parking

2 vehicles at a time

Parking

2 vehicles at a time



CONDITIONAL USE PERMIT

Case:	CUP-2023-05
Owner:	Alan Wartes
Agent:	Jovon Christophe
Request:	A CUP to allow a Daycare for up to 12 children.
Location:	3236 Ambler Avenue
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	August 1, 2023
Council Hearing:	August 24, 2023
	September 14, 2023

CITY OF ABILENE TEXAS

AERIAL LOCATION MAP

Aerial Map

N
W E
S

Legend

CUP-2023-05

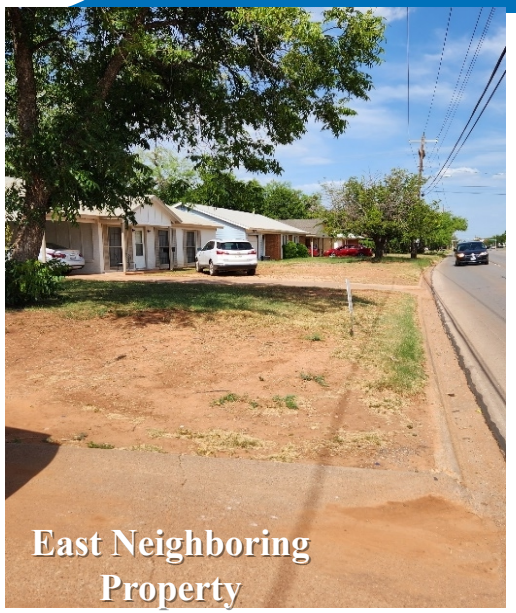
CourierParcels

CITY OF ABILENE TEXAS

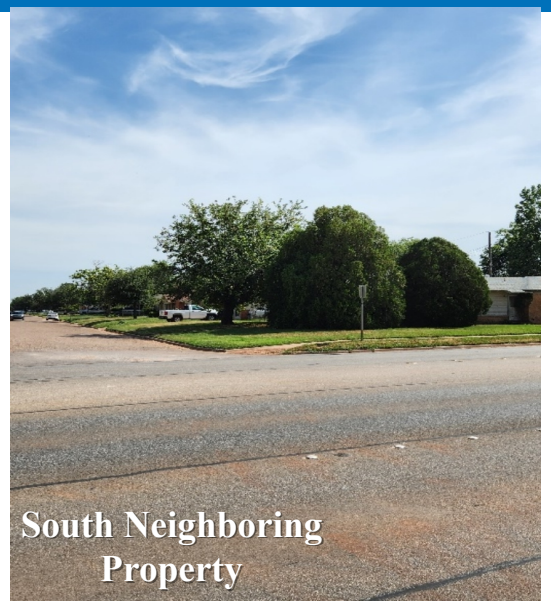
ZONING MAP

CITY OF ABILENE TEXAS

VIEWS OF SUBJECT PROPERTY


East Neighboring Property

West Neighboring Property


South Neighboring Property

Subject Property

Subject Property

Subject Property

CITY OF ABILENE TEXAS

NOTIFICATION AREA MAP

Notification Map

N
W E
S

Legend

Notification Area

CUP-2023-05

0- In Favor-

0- 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:

1. Compliance with the proposed Plan of Operation.
2. The issuance of any required local and state licenses for six additional children.
3. A copy of all required licenses shall be provided to the Building Official.
4. The issuance of a Certificate of Occupancy prior to expanding the size of the day-care for up to 12 children.

CITY OF ABILENE TEXAS

Questions?

CITY OF
ABILENE
TEXAS

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Robert Hanna, City Manager**

FROM: **Tim Littlejohn, Director of Planning & Development Services**

SUBJECT: **13. Ordinance (First Reading) Z-2023-24: Receive a Report, Hold a Discussion and Take Action on A Request From Amazing Grace True Grit, LLC, Represented By Sara Trammel, To Change The Zoning Of Approximately 0.68 Acres From Residential Single Family (RS-12) To A Planned Development District (PDD-183) To Allow For A Medical Spa. Located At 642 Sayles Boulevard. *(Tim Littlejohn)***

GENERAL INFORMATION

The applicant originally requested the rezoning of 0.68 acre from Residential Single Family (RS-12/H) to Neighborhood Office (NO/H). The applicant now requests the rezoning of this property to PD-183, with a base zoning district of RS-12/H, with a medical spa.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends **approval,** subject to the following conditions:

1. The base zoning shall be PD-183/H, with a medical spa being a permitted use, subject to the attached Plan of Operation.
2. A Certificate of Occupancy (CO) shall be obtained from the Building Inspection Division prior to commencing business.
3. The property may continue to be used as a bed and breakfast and event center until a CO

is issued to allow the proposed medical spa. Upon the issuance of the CO, the use of the property as a bed and breakfast or an event center shall be prohibited.

4. The exterior appearance of the home shall not be altered in a manner that diminishes the historic character of the home.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Ordinance
2. Staff Report
3. concept plan
4. 633 Sayles
5. 601 Highland Ave.
6. 702 Sayles Drive
7. 740 Sayles_1
8. 642 Sayles Blvd.
9. Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING A CERTAIN PROPERTY; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars ($2,000.00). 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 24th day of August, 2023.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of July, 2023, 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 24th day of August, 2023, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of September, 2023.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land from a Single Family Residential-12 (RS-12/H) District with Historic Overlay to a Planned Development (PDD-183) District with Historic Overlay subject to the requirements set out in Exhibit B and the concept plan set out in Exhibit C.

Legal description being the East 26' of Lot A and all of lots B and C, Block 9, Highland Addition, Abilene, Taylor County, Texas.

Located at 642 Sayles Boulevard, Abilene, Taylor County, Texas.

ORDINANCE NO. _____

EXHIBIT B

Proposed Base Zoning District, Land Uses, and Plan of Operation

Base Zoning: Single-Family Residential (RS-12) and Historic Overlay (HO), subject to all RS-12 district development standards.

Permitted Uses: All uses permitted by right in the Single-Family Residential (RS-12) and a Medical Spa, which shall operate in accordance with the following conditions, and per the Plan of Operation, shall be permitted.

1. A Certificate of Occupancy (CO) shall be obtained prior to commencing business as a medical spa.
2. The residence may continue to be used as a bed and breakfast and event center until a CO is issued to allow the use of the residence as a medical spa.
3. Upon the issuance of the CO for a medical spa, the use of the residence as a bed and breakfast and event center shall be prohibited.
4. All medical spa services shall be located within the residence and in, and around, the outdoor swimming pool, patio and backyard garden.

Plan of Operation:

Business Hours: By appointment only, Monday – Saturday, 9:00 a.m. – 6:00 p.m.

License Required: The medical spa shall maintain all cosmetic licenses required by the State of Texas for the services offered at the medical spa.

Services Provided:

1. Laser treatments and other minimally invasive techniques, such as laser hair removal, facial laser treatments, and peels.
2. Non-surgical treatments, which include injectables such as Botox and fillers.
3. Wellness services, such as sauna treatments, dietary consultations, and vitamin injections.
4. Tattooing only to provide permanent makeup of eyebrows and lips.
5. Up to two (2) customer appreciation days/seminars per year that would begin after 6:00 p.m. and conclude by 10:00 p.m. to thank customers and to introduce, and demonstrate, new products and services available at the medical spa.

Concept Plan: New site improvements are not proposed. The existing home, patio, and swimming pool areas are depicted in the in the following image.

642 Sayles Blvd. - PD-183 Concept Plan

7/12/2023, 12:02:35 PM

Road Centerlines

Courier Parcels

1:564

0 0 0.01 0.02 mi

0 0.01 0.01 0.02 km

City of Abilene, Taylor County , Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

ArcGIS Web AppBuilder
City of Abilene, Taylor County , Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

END

ZONING CASE Z-2023-24
STAFF REPORT - AMENDED

PLANNING & DEVELOPMENT SERVICES
CITY OF ABILENE TEXAS

Scheduled Hearings

Planning & Zoning Commission:	July 5, 2023
	August 1, 2023
City Council 1st Reading:	August 24, 2023
City Council 2nd Reading:	September 14, 2023

Applicant
Owner: Amazing Grace True Grit, LLC
Agent: Sara Trammell

Case Manager
Mason Teegardin – Planner

Request
The applicant originally requested the rezoning of 0.68 acre from Residential Single Family (RS-12/H) to Neighborhood Office (NO/H). The applicant now requests the rezoning of this property to PD-184, with a base zoning district of RS-12/H, with a medical spa.

Location
Located within the Highland Addition Subdivision, the east 26' of Lot A and all of lots B and C, Block 9, at 642 Sayles Boulevard, Abilene, Taylor County, Texas.

Background
The subject property is located within the Highland Addition. The lot has been used as a residential lot since 1889. The residence is currently being used as a Bed and Breakfast (Ordinance No. 53-2011), as well as an event space. This property was zoned Historic Overlay (H) in July 1985.

At the July 5, 2023 Commission meeting, a neighbor testified that the current use of the property as a bed and breakfast and event center was having an adverse impact on the surrounding neighborhood due to noise, late hours of operation, and guest parking/traffic in the neighborhood. The applicant testified that the bed and breakfast/event center would no longer operate if the request is approved.

New notice was published and provided to the surrounding owners entitled to notice.

Zoning, Existing and Proposed Land Use
The surrounding properties are all zoned residential, with a mix of RS-6 and RS-12 districts. zoning. No surrounding property has Historic Overlay zoning (HO), there are properties across Sayles Boulevard and South 7th Street that are zoned HO. The applicant proposes to use the home as a med-spa to offer injectable services, laser hair removal, facials, body care, and lash and brow services.

A proposed Plan of Operation was submitted by the applicant describing the proposed use and how it will operate. A key provision of the plan is that the business would by appointment only between 9:00 a.m. to 6:00 p.m. on Monday through Saturday.

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 proposed request is not consistent with the Comprehensive Plan or the Future Land Use Map. The Future Land Use Map proposes this area as "very low density residential", which is consistent with the existing zoning of the subject site. However, limited commercial uses were allowed at this location when a CUP was approved to allow a bed and breakfast and event center. If this request is approved to allow a medical spa, the intensity of use of this site would be reduced.

(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.

All of the surrounding properties have historically been utilized for single-family residential purposes. Businesses and commercial zoning is not located in the vicinity of this site. Limited commercial use of this site was introduced when the CUP described above was granted. If the request is approved, the bed and breakfast/event center would no longer be permitted. The proposed use, per the Plan of Operation, should be less intensive than the current use.

(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 access to all required utilities.

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

None known.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval,** subject to the following conditions:

1. The base zoning shall be PD-183/H, with a medical spa being a permitted use, subject to the attached Plan of Operation.
2. A Certificate of Occupancy (CO) shall be obtained from the Building Inspection Division prior to commencing business.
3. The property may continue to be used as a bed and breakfast and event center until a CO is issued to allow the proposed medical spa. Upon the issuance of the CO, the use of the property as a bed and breakfast or an event center shall be prohibited.
4. The exterior appearance of the home shall not be altered in a manner that diminishes the historic character of the home.

Proposed Plan of Operation

Proposed use of space for 642 Sayles Blvd as a Medical Spa

My goal is to maintain the home and property in its current state. As a current homeowner in the Sayles Corridor, I value the history of this area, and I want to maintain the historic overlay, not altering the outside appearance of the structure. It will serve as my established medical aesthetic practice and day spa.

Our general classification as a medical spa would include the following:

- We function by appointment only Monday- Saturday 9 am – 6 pm.
- Our general practice has a cosmetic licensure for facial treatments.
- We perform laser treatments and other minimally invasive techniques, such as: laser hair removal, facial laser treatments, and peels. Other non-surgical treatments include injectables, such as Botox and fillers.
- We offer wellness services such as sauna treatments, dietary consultations, vitamin injections.
- We do have a tattoo license for permanent makeup of eyebrows and lips.
- We do not propose to use the residence as a bed and breakfast or an event center after all scheduled events are concluded, which will be approximately November 2023.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
AMAZING GRACE TRUE GRIT LLC	22507	642 SAYLES BL	F
AMAZING GRACE TRUE GRIT LLC	22507	626 SAYLES BL	
BILES JOE GRADY & AMANDA BELLE	23159	602 SAYLES BL	
CONLEY EDWARD A &	18669	633 SAYLES BL	F
DAVID MARIA LF EST	18323	601 SAYLES BL	
FULLER KRISTI R	22377	2142 S 7TH ST	
GARRETT BRYANT & DAWN	18553	625 1/2 SAYLES BL	
GARRETT BRYANT & DAWN	18553	625 SAYLES BL	
HALL GLEN D & CAROL K	76313	740 SAYLES DR	O
HALL MICHAEL	23281	618 SAYLES BL	
HISCOCK CAREY C & SLINA M	18776	641 SAYLES BL	
KAPPEL MARK T & JANA S	76197	718 SAYLES DR	
KEY CITY MANAGEMENT LLC	23826	543 HIGHLAND AV	
MC NEILL DAN STEVEN & TRACY A MORGAN	76070	702 SAYLES DR	O
MILLER BONNIE H LF EST	25615	618 HIGHLAND AV	
SNOW JOSEPH H III &	23687	601 HIGHLAND AV	O
TAMCKE JAIDEN D & VICTORIA M	23560	609 HIGHLAND AV	
TEMPLIN BONELL	18207	541 SAYLES BL	
VALERIO HECTOR	27008	624 HIGHLAND AV	

PROPERTY ID

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
TEMPLIN BONELL	18207	541 SAYLES BL	
DAVID MARIA LF EST	18323	601 SAYLES BL	
GARRETT BRYANT & DAWN	18553	625 1/2 SAYLES BL	
GARRETT BRYANT & DAWN	18553	625 SAYLES BL	
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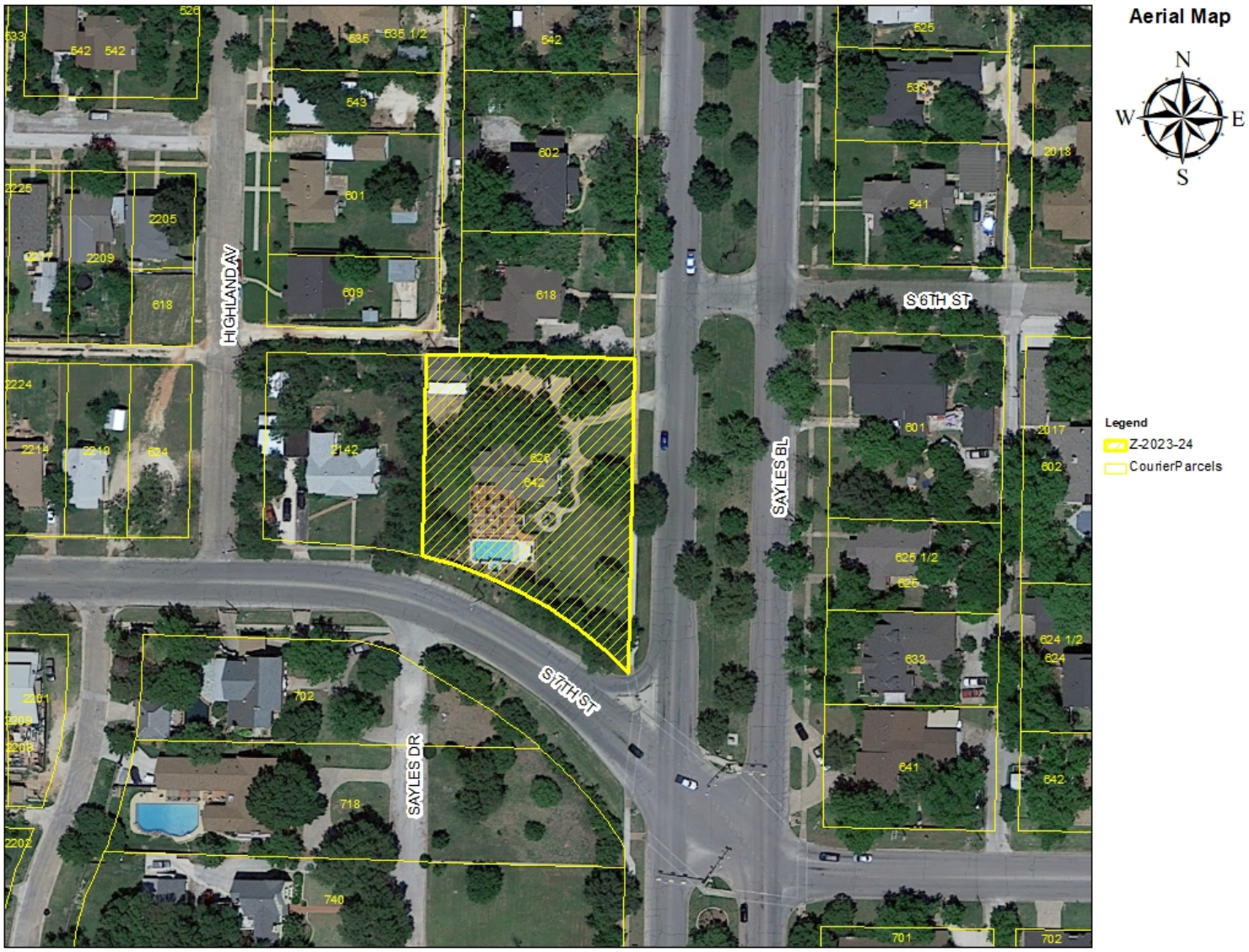
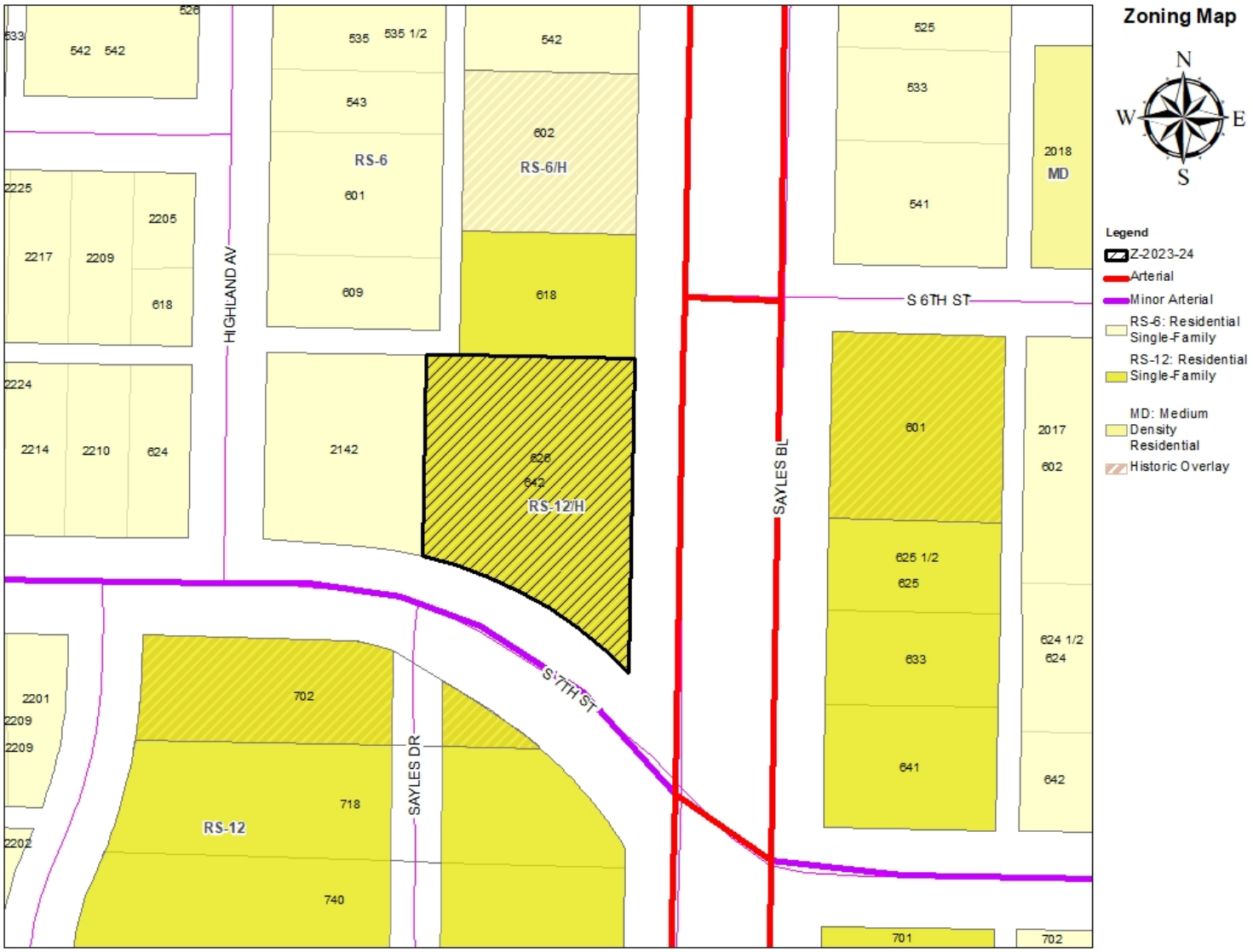
MC NEILL DAN STEVEN & TRACY A MORGAN	76070	702 SAYLES DR	O
KAPPEL MARK T & JANA S	76197	718 SAYLES DR	
HALL GLEN D & CAROL K	76313	740 SAYLES DR	O

LOCATION MAP



ZONING MAP



Case # Z-2023-24
July 11, 2023

642 Sayles Blvd. - PD-183 Concept Plan

7/12/2023, 12:02:35 PM

Road Centerlines

Courier Parcels

1:564

0 0 0.01 0.02 mi

0 0.01 0.01 0.02 km

City of Abilene, Taylor County , Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

ArcGIS Web AppBuilder

City of Abilene, Taylor County , Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Conley Law Firm

Attorney and Mediator

July 27, 2023

Planning and Zoning Services
P.O. Box 60
Abilene, Texas 79604-0060

RE: Zoning Application Number Z-2023-24
Amazing Grace True Grit, LLC / Sara Trammel

To The Honorable Commission:

642 Sayles Blvd, "The Sayles Home" is a treasure to this neighborhood and to the entire city. Its use as a bed and breakfast then a "venue" failed.

My wife, Mary Lou Robertson and I urge you to change the zoning to Planned Development District (PDD)-183.

Sara Trammel is a neighbor and will maintain and improve this historical home. The housing of a medical spa will in no way interfere with the quiet enjoyment of this neighborhood. Neither will traffic be impaired as there is ample off street parking..

Cordially,

Mary Lou Robertson

Mary Lou Robertson
Edward Conley

JUL 28 PM 3:37

633 Sayles Blvd, Abilene, Texas 79605
Phone: 325-513-5572 / Facsimile: 325-690-0012
edconley18@gmail.com www.edconleylaw.com

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2023-24

JUL 27 AM 8:52

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: SNOW JOSEPH H III &
Parcel I.D.: 23687
Address: 601 HIGHLAND 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: Joe Snow

our letter was dated - 7/13/2023
we got it 7/24/2023

short notice with 8/1 deadline

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

JUN 28 AM 9:46

CASE #: Z-2023-24

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: MC NEILL DAN STEVEN & TRACY A MORGAN

Parcel I.D.: 76070
Address: 702 SAYLES DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☐ I am opposed ☒

Additional Comments:

Signature: Tracy A Morgan McNeill

The house is already being used as a B&B. If it's Not zoned for a business ? why is this being allowed ? We've already had to contact the police on several occasions.

My name is Carol Hall. I reside at 740 Sayles Drive as I have for the last 25 years. We bought an old house in a beautiful old, established, historic residential neighborhood.

Several years later, the Dr.'s Trammel moved into the house next door at 758 Sayles Drive.

Years later, Dr. Sara Trammel established a business called the Beauty Bus. This medical spa business did not have a permanent home, but rather an old airstream trailer from which she conducted her traveling business.

Her business boomed, and she moved the business to two of her outbuildings at her residence. She has several employees who do not reside at 758 Sayles Drive and many clients who park behind our residence. She does not have a business trash receptacle but uses our shared residential trash can. The airstream is parked right on the other side of our shared fence.

I object wholeheartedly to establishing another commercial enterprise separated from us by only two houses on the north. We will then be surrounded by her commercial enterprises. I fear letting her establish a spa there as well as at her residence will tip the neighborhood into a commercial one rather than residential, which would be detrimental to the neighborhood. That has potential to mar the to beauty of the city as well as the Sayles Blvd. residential area which is presently one of the most beautiful in the city. I fear for the welfare of our beautiful, historic neighborhood.

Please do not allow this to happen. There are other buildings and offices which are available now and certainly able to be converted to the beauty business/medical spa offices. She should seek a different location to expand her business.

Thank you,

Carol Hall 325-668-3795

Carol K Hall

JUL 27 AM 9:00

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2023-24

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: AMAZING GRACE TRUE GRIT LLC
Parcel I.D.: 22507
Address: 642 SAYLES BL

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:

JUL 26 AM10:36

REZONE REQUEST

Case:	Z-2023-24
Owner:	Amazing Grace True Grit, LLC
Agent:	Sara Trammell
Request:	Rezone from RS-12/H to PDD-183/H
Location:	642 Sayles Boulevard
Notification:	1 in Favor, 3 Opposed
Planning & Zoning:	July 5, 2023
	August 1, 2023
Council Hearing:	August 24, 2023
	September 14, 2023

CITY OF ABILENE TEXAS

AERIAL LOCATION MAP

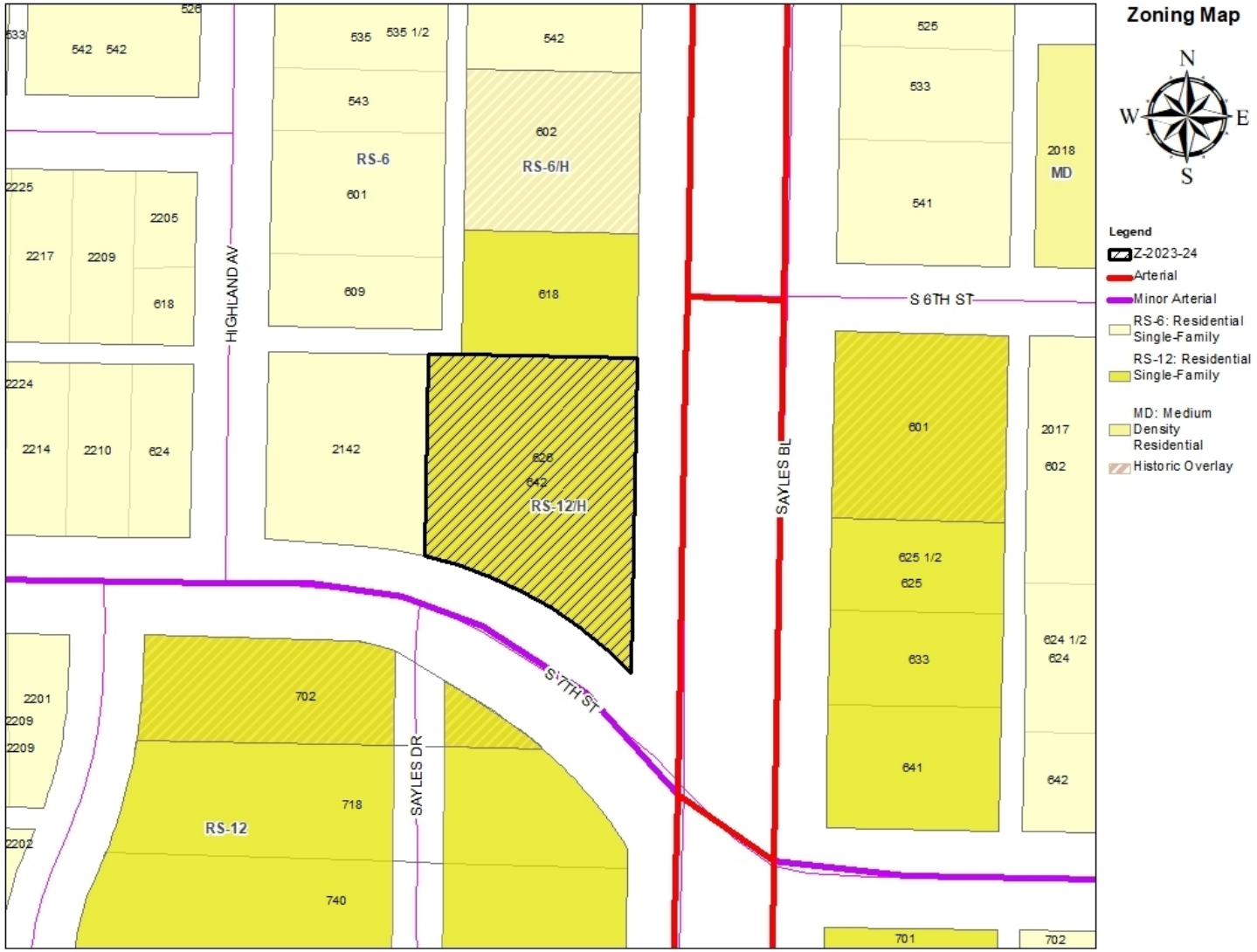
Aerial Map

N
W E
S

Legend
Z-2023-24
CourierParcels

CITY OF ABILENE TEXAS

ZONING MAP



CITY OF ABILENE TEXAS

VIEWS OF SUBJECT PROPERTY

CITY OF
ABILENE
TEXAS

PERMITTED USES IN RESIDENTIAL ZONING

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

P	Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

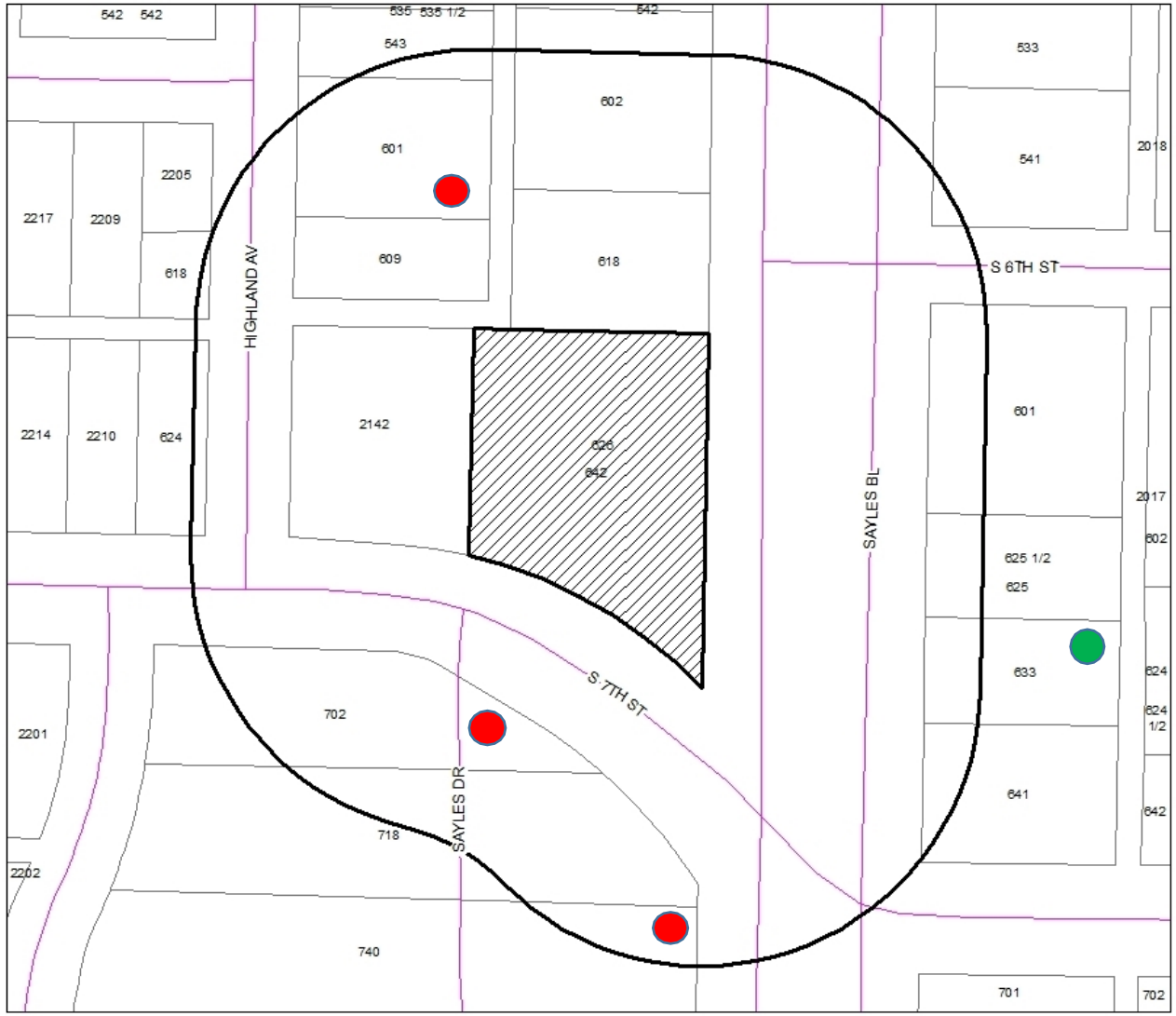
P	Petroleum or Gas Well
P	Urban Garden

LEGEND

P	**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**

CITY OF ABILENE TEXAS

NOTIFICATION AREA MAP



Notification Map

N
W E
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Legend

Notification Area

Z-2023-24

1- In Favor-

3- Opposed-

12.04 % OPPOSITION

CITY OF ABILENE TEXAS

P&Z FINDINGS

The proposed request is consistent with:

- Comprehensive Plan;
- The surrounding uses and zoning and is a less intensive use than the B&B/Event Center.
- Generally accepted planning principals; or
- The Criteria for Approval in the LDC.

CITY OF ABILENE TEXAS

RECOMMENDATION

P&Z Recommendation: **Approval**, subject to the following conditions:

1. The base zoning shall be PD-183/H, with a medical spa being a permitted use, subject to the attached Plan of Operation.
2. A Certificate of Occupancy (CO) shall be obtained from the Building Inspection Division prior to commencing business.
3. The property may continue to be used as a bed and breakfast and event center until a CO is issued to allow the proposed medical spa. Upon the issuance of the CO, the use of the property as a bed and breakfast or an event center shall be prohibited.
4. The exterior appearance of the home shall not be altered in a manner that diminishes the historic character of the home.

CITY OF ABILENE TEXAS

Questions?

CITY OF
ABILENE
TEXAS

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Robert Hanna, City Manager**

FROM: **Tim Littlejohn, Director of Planning & Development Services**

SUBJECT: **14. Ordinance (First Reading) Z-2023-26: Receive a Report, Hold a Discussion and Take Action on A Request From KKP Investments, LLC, Represented By Jacob & Martin, To Amend The Terms Of Planned Development District 172 To Allow Single-Family Residential Uses With No Through Connection To East Stamford Street. Located At 2668 Garfield Avenue. *(Tim Littlejohn)***

GENERAL INFORMATION

The applicant proposes to amend PDD-172 by:

- Changing the base zoning of Tract 1 from Medium Density (MD) to Single Family Residential (RS-6); and
- Eliminating the "Development Regulation" cited above and replacing it "No road connection between Garfield Avenue and East Stamford Street".

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Ordinance
2. original ordinance redline from JM
3. Staff Report
4. 41069 - New Notice
5. 2632 Rountree Drive
6. 2644 Rountree Dr
7. 2550 N Judge Ely
8. 2636 Roundtree Dr.
9. 2689 Garfield Ave
10. 2693 Garfield Ave
11. Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PDD-172 AND ORDINANCE NO. 38-2021 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23 of the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 38-2021, 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 Two Thousand Dollars ($2,000.00). 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 24th day of August, 2023.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of July, 2023, 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 24th day of August, 2023, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of September, 2023.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

1st Amendment to Ordinance No. 38-2021

Location:

2668 Garfield Avenue, in the Hillcrest Addition Subdivision, Section 4, Block 10, Lots 4 and 5;
Hillcrest Addition Section 4, Block 11 and;
12.04 acres out of Survey 84, T&P Railway Company, Block 14, Abilene, Taylor County, Texas.

AMEND: PART 6: Purpose.

DELETE: The purpose of this Planned Development (PD) request is to allow for Residential Single-Family base zoning on both Tracts 2 and 3 and Medium Density base zoning on Tract 1.

ADD: The purpose of this Planned Development (PD) request is to allow for Single Family Residential (RS-6) base zoning on Tracts 1, 2, and 3.

AMEND: PART 7: Specific Modifications.

DELETE: 1. Development Regulations:

a. No street connection shall be allowed between Tract 1 Medium Density (MD) boundaries and Tract 2 and 3 Residential Single-Family (RS-6) boundaries.

ADD: 1. Development Regulations:

a. There will be no street connection between Garfield Avenue and East Stamford Street.

ZONING CONCEPT PLAN

CONCEPT PLAN

END

ORDINANCE NO. 38-2021

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-172 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

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

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

PASSED ON FIRST READING this 29th day of July, 2021.

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 19th day of June, 2021, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 12th day of August, 2021, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 12th day of August, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Exhibit
"A"

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

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

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

PART 4: Zoning. That the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: from Planned Development (PD) 144 to Planned Development (PD) District 172.

That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PART 5: Legal Description

TRACT 1

BEING a 14.478-acre tract comprised of a 12.04-acre tract out of Fractional Section 84, Block No. 14, T&P Railway Company Lands in Taylor County, Texas, conveyed to Abilene Independent School District and recorded on Page 132 in Volume 542 of Deed Records for Taylor County, Texas (legal description does not form a mathematically closed figure) together with Lots 4 and 5, Block 10 and all of Block 11, Section 4 on the Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas, conveyed to Abilene Independent School District by deed recorded on Page 461 in Volume 542 of Deed Records for Taylor County, Texas, said 14.478-acre tract being more particularly described as follows:

BEGINNING at a found 3/8-inch iron rod in concrete at the northwest corner of right-of way for Campus Court, on the south line of said 12.04-acre tract, for the northeast corner of the said Block 11;

THENCE South 21° 01' 41" West, along the west right-of-way line of Campus Court, for a distance of 220.77 feet (called 221.8') to a found, damaged 3/8-inch iron rod at the intersection of the west line of right-of-way for Campus Court and the north line of right-of-way for Garfield Avenue, for the southeast corner of the said Block 11;

THENCE North 69° 07' 40" West, along the north line of right-of-way for Garfield Avenue, for a distance of 32.77 feet, to a found 3/8-inch iron rod for a point-of-curvature;

THENCE along the north right-of-way for Garfield Avenue, being along a curve to the left having a radius of 950.00 feet (called 929.3') and an arc length of 335.25 feet (called 332.7') being subtended by a chord bearing North 79° 14' 15" West for a distance of 333.51 feet to a found 3/8-inch iron rod for a point-of-tangency;

THENCE North 89° 20' 50" West along the north line of right-of-way for Garfield Avenue, for a distance of 157.33 feet to a found 3/8-inch iron rod, for a point-of-curvature;

THENCE along the north line of right-of-way for Garfield Avenue, being along a curve to the left having a radius of 530.00 feet and an arc length of 135.80 feet, being subtended by a chord bearing South 83°18' 44" West for a distance of 135.43 feet, to a set ½-inch iron rod with cap stamped "H&T" for the southwest corner of Lot 4 in Block 10 of said Hillcrest Addition, same being the southeast corner of Lot 102 in A Replat of Lots 1, 2 and 3, Section 4, Hillcrest Addition to the City of Abilene, Taylor County, Texas and recorded on Slide 289D in Cabinet 2 of Plat Records for Taylor County, Texas;

THENCE North 11° 58' 00" West for a distance of 138.66 feet (called 140') to a set ½-inch iron rod with cap stamped "H&T" on the south line of a 20' wide alley, for the northwest corner of said Lot 4 and from where a found 3/8-inch iron rod bears 1.71 feet South 74° 55' 26" West;

THENCE South 89° 16' 40" East along the south line of a 20-foot-wide alley, for a distance of 159.14 feet (called 160.68') to a set ½-inch iron rod with cap stamped "H&T" at the southeast corner of a 20-foot-wide alley, for the northeast corner of Lot 5 in Block 10 of said Hillcrest Addition;

THENCE North 00° 13' 20" East for a distance of 20.00 feet to a set ½-inch iron rod with cap stamped "H&T" at the northeast corner of a 20' wide alley and on the south line of said 12.04-acre tract, for the northwest corner of the said Block 11;

THENCE North 89° 16' 40" West for a distance of 166.55 feet to a found 3/8-inch iron rod in concrete for the southwest corner of said 12.04-acre tract, same being the southeast corner of a 3.25-acre tract conveyed to the First Baptist Church of Abilene, Texas and recorded on Page 569 in Volume 604 of Deed Records for Taylor County, Texas;

THENCE North 23°18' 16" East for a distance of 92.02 feet (called 92.5') to a found 3/8-inch iron rod in concrete, for an angle point in the west line of said 12.04-acre tract;

THENCE North 24° 20' 44" East for a distance of 883.01 feet to a found 3/8-inch iron rod in concrete for the northwest corner of said 12.04-acre tract, same being an angle point in the south line of a 12.12-acre tract conveyed to Southwest Housing Providers, LLC and recorded on Page 644 in Volume 2893 of Official Public Records of Real Property (O.P.R.R.P.) in Taylor County, Texas;

THENCE South 51° 51' 16" East for a distance of 725.00 feet (called 725.3') to a found ½-inch iron rod on the west line of a 30-foot-wide right-of-way dedicated by The Grove Addition, Abilene, Taylor County, Texas and recorded on Slide 3453 in Cabinet 2 of Plat Records for Taylor County, Texas, for the northeast corner of said 12.04-acre tract;

THENCE South 21° 00' 00" West (being the Reference Bearing for this description) along the west line of said 30-foot-wide right-of-way for a distance of 483.48 feet to a found ½-inch iron rod on the north end of right-of-way for Campus Court, for the southeast corner of said 12.04-acre tract;

THENCE North 89° 04' 03" West for a distance of 31.94 feet to the Point of Beginning and containing 14.478 acres or 630,642 square feet of land;

SAVE AND EXCEPT for all of Block 11 as well as Lots 4 and 5 in Block 10, Section 4, as said lots and blocks are shown on a Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, and which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas.

TRACT 2

BEING all of Block 11 in Section 4, as said block is shown on a Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, and which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas.

include tracts 1, 2, and 3 here as residential single family (RS-6)

TRACT 3

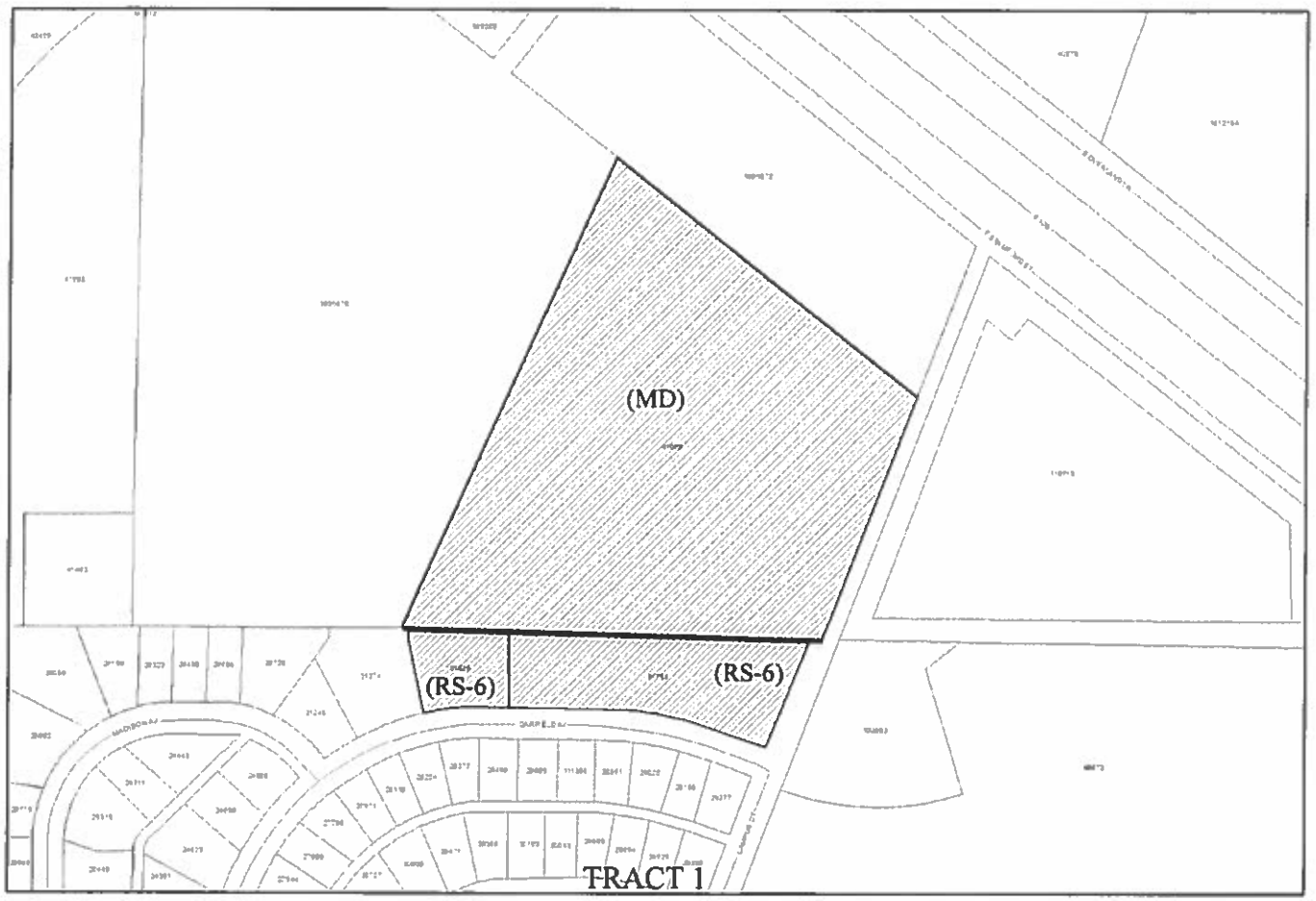
BEING all of Lots 4 and 5 in Block 10, Section 4, as said lots and block are shown on the Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, and which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas.

PART 6: Purpose. The purpose of this Planned Development (PD) request is to allow for Residential Single-Family base zoning on ~~both~~ TRACTS 2 and 3 ~~and Medium Density base zoning on TRACT 1~~

PART 7: Specific Modifications.

1. Development Regulations:
   a. ~~No street connection shall be allowed between Tract 1 Medium Density (MD) boundaries and Tract 2 and 3 Residential Single-Family (RS-6) boundaries.~~

Strike modification 1(a) entirely and replace with "No road connection between Garfield Ave and E Stamford St"



Location: 2668 Garfield Ave and the approximately 12.04 Acres to the north

TRACT 2

TRACT 3

ZONING CASE Z-2023-26
STAFF REPORT

PLANNING & DEVELOPMENT SERVICES
CITY OF ABILENE TEXAS

Scheduled Hearings
Planning & Zoning Commission: August 1, 2023
City Council 1st Reading: August 24, 2023
City Council 2nd Reading: September 14, 2023

Applicant
Owner: KKP Investments, LLC
Agent: Jacob & Martin

Case Manager
Mason Teegardin – Planner

Request
Amend the terms of PDD-172 by allowing Single Family Residential (RS-6) as a permitted use within Tract 1. There will also be no through connection to East Stamford Street.

Location
2668 Garfield Avenue, in the Hillcrest Addition Subdivision, Section 4, Block 10, Lots 4 and 5; Hillcrest Addition Section 4, Block 11 and; 12.04 acres out of Survey 84, T&P Railway Company, Block 14, Abilene, Taylor County, Texas.

Background
In 2021, Planned Development District Number 172 (PDD-172) was approved by Ordinance No. 38-2021 to allow for Single Family Residential (RS-6) zoning on Tracts 2 and 3 and Medium Density (MD) zoning on Tract 1 with a "Development Regulation" that prohibits any street connection between the boundaries Tract 1 the boundaries of Tract 2 and 3. Ordinance 38-2021 is included in the P&Z packet.

Existing Uses/Zoning
Properties to the east are zoned Multi-Family (MF) and Single Family Residential (RS-6). Properties to the south are zoned Single Family Residential (RS-6). Properties to the west are located in a Planned Development District (PDD-148), which allows an RV Park. To the north is General Commercial (GC) zoning.

Proposed Modification
The applicant proposes to amend PDD-172 by:

- Changing the base zoning of Tract 1 from Medium Density (MD) to Single Family Residential (RS-6); and
- Eliminating the "Development Regulation" cited above and replacing it "No road connection between Garfield Avenue and East Stamford Street".

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, as amended.

The proposed changes are consistent with the Comprehensive Plan and Future Land Use Map and the intent of PDD-172, which was to allow residential development without any connection to the interstate frontage road (East Stamford Street).

(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 amendment to the base zoning to RS-6 in Tract 1 would be compatible with the surrounding neighborhoods.

(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 area will require a Final Plat to be approved, with streets and utilities provided.

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

None known.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval.**

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

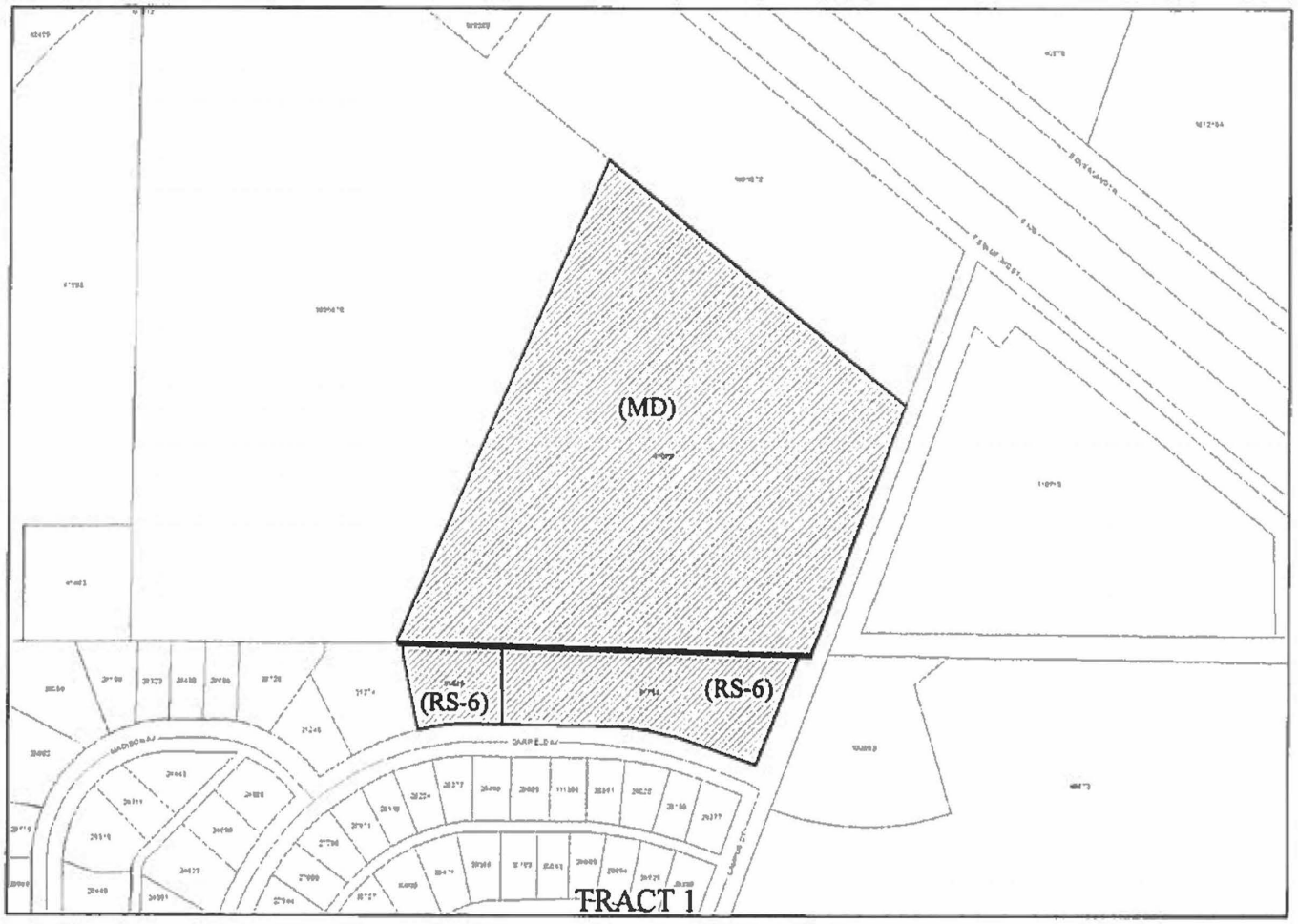
PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
ABILENE CHRISTIAN SCHOOLS	100563		
ABILENE CHRISTIAN SCHOOLS	46673	2550 N JUDGE ELY BL	F
ALLISON REBECCA ANN	30471	2632 ROUNTREE DR	O
BD INVESTMENTS LLC SERIES 1	29277	2693 GARFIELD AV	F
BD INVESTMENTS LLC SERIES 2	29150	2689 GARFIELD AV	F
CAMPUS CREST AT ABILENE LP	110513	2702 N JUDGE ELY BL	
CARTER TIMOTHY	29889	2652 ROUNTREE DR	
CARTER TIMOTHY G	29396	2660 ROUNTREE DR	
CLARK DONALD W	30163	2644 ROUNTREE DR	O
COCO MALCOLM P & JUDY	28115	2655 GARFIELD AV	
JACKSON DELTON J & JOYCE	30043	2648 ROUNTREE DR	
JOY HUT LLC	30308	2636 ROUNTREE DR	F
JOY HUT LLC	28851	2681 GARFIELD AV	
KISER DAVID F	28254	2661 GARFIELD AV	
KKP INVESTMENTS LLC	41069		F
KKP INVESTMENTS LLC	31753	2668 GARFIELD AV	F
KKP INVESTMENTS LLC	31625	2660 GARFIELD AV	F
LITTLE BETTY ANN	26720	2690 MADISON AV	
NGOTT LLC	31245	2650 GARFIELD AV	
NUGGET DOG VENTURES LP	111388	2677 GARFIELD AV	
PLOCHECK RUSSELL E & SHIRLENE J	31374	2654 GARFIELD AV	
RICHARDSON NANCY	29529	2656 ROUNTREE DR	
SOUTHWEST HOUSING PROVIDERS LLC	1005072	721 X E STAMFORD ST	
THOMAS TOMMY FAY	29694	2654 ROUNTREE DR	
VILLAFRANCA RODOLFO M &	28609	2673 GARFIELD AV	
WALKER EDWARD & TAMMY	28377	2665 GARFIELD AV	
WHISTLE STOP RV RESORT LLC	1005070	597 E STAMFORD ST	
WHITWELL JAMES L	27971	2649 GARFIELD AV	
WILSON EMILY N	29025	2685 GARFIELD AV	
YOUNG AARON & ELIZABETH	28490	2669 GARFIELD AV	

NOTIFICATIONS BY PROPERTY ID

Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
LITTLE BETTY ANN	26720	2690 MADISON AV	
WHITWELL JAMES L	27971	2649 GARFIELD AV	
COCO MALCOLM P & JUDY	28115	2655 GARFIELD AV	
KISER DAVID F	28254	2661 GARFIELD AV	
WALKER EDWARD & TAMMY	28377	2665 GARFIELD AV	
YOUNG AARON & ELIZABETH	28490	2669 GARFIELD AV	
VILLAFRANCA RODOLFO M &	28609	2673 GARFIELD AV	
JOY HUT LLC	28851	2681 GARFIELD AV	
WILSON EMILY N	29025	2685 GARFIELD AV	
BD INVESTMENTS LLC SERIES 2	29150	2689 GARFIELD AV	F
BD INVESTMENTS LLC SERIES 1	29277	2693 GARFIELD AV	F
CARTER TIMOTHY G	29396	2660 ROUNTREE DR	
RICHARDSON NANCY	29529	2656 ROUNTREE DR	
THOMAS TOMMY FAY	29694	2654 ROUNTREE DR	
CARTER TIMOTHY	29889	2652 ROUNTREE DR	
JACKSON DELTON J & JOYCE	30043	2648 ROUNTREE DR	
CLARK DONALD W	30163	2644 ROUNTREE DR	O
JOY HUT LLC	30308	2636 ROUNTREE DR	F
ALLISON REBECCA ANN	30471	2632 ROUNTREE DR	O
NGOTT LLC	31245	2650 GARFIELD AV	
PLOCHECK RUSSELL E & SHIRLENE J	31374	2654 GARFIELD AV	
KKP INVESTMENTS LLC	31625	2660 GARFIELD AV	F
KKP INVESTMENTS LLC	31753	2668 GARFIELD AV	F
KKP INVESTMENTS LLC	41069		F
ABILENE CHRISTIAN SCHOOLS	46673	2550 N JUDGE ELY BL	F
ABILENE CHRISTIAN SCHOOLS	100563		
CAMPUS CREST AT ABILENE LP	110513	2702 N JUDGE ELY BL	
NUGGET DOG VENTURES LP	111388	2677 GARFIELD AV	
WHISTLE STOP RV RESORT LLC	1005070	597 E STAMFORD ST	
SOUTHWEST HOUSING PROVIDERS LLC	1005072	721 X E STAMFORD ST	

ORIGINAL CONCEPT PLAN

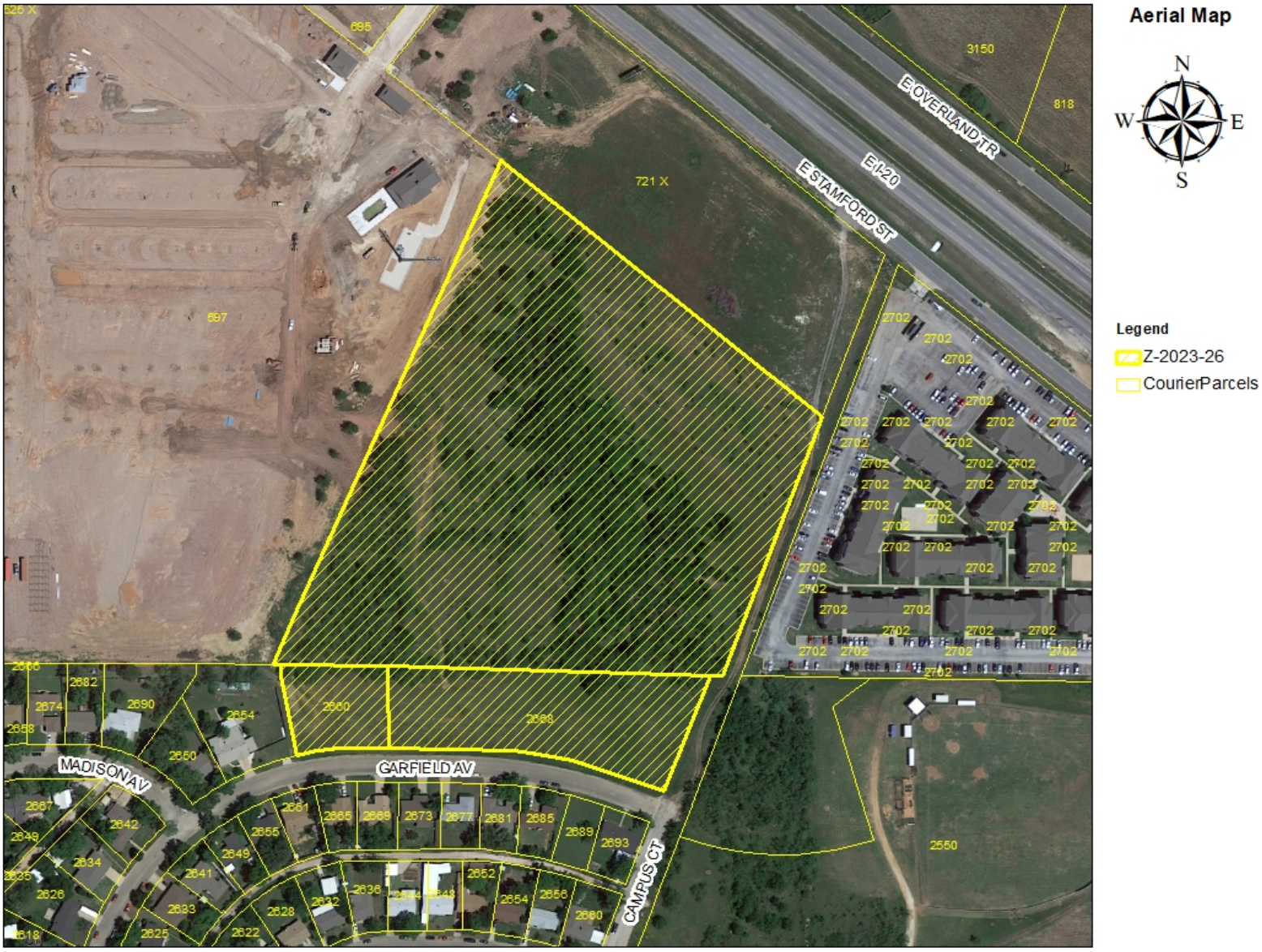


Location: 2668 Garfield Ave and the approximately 12.04 Acres to the north

PROPOSED ZONING CONCEPT PLAN

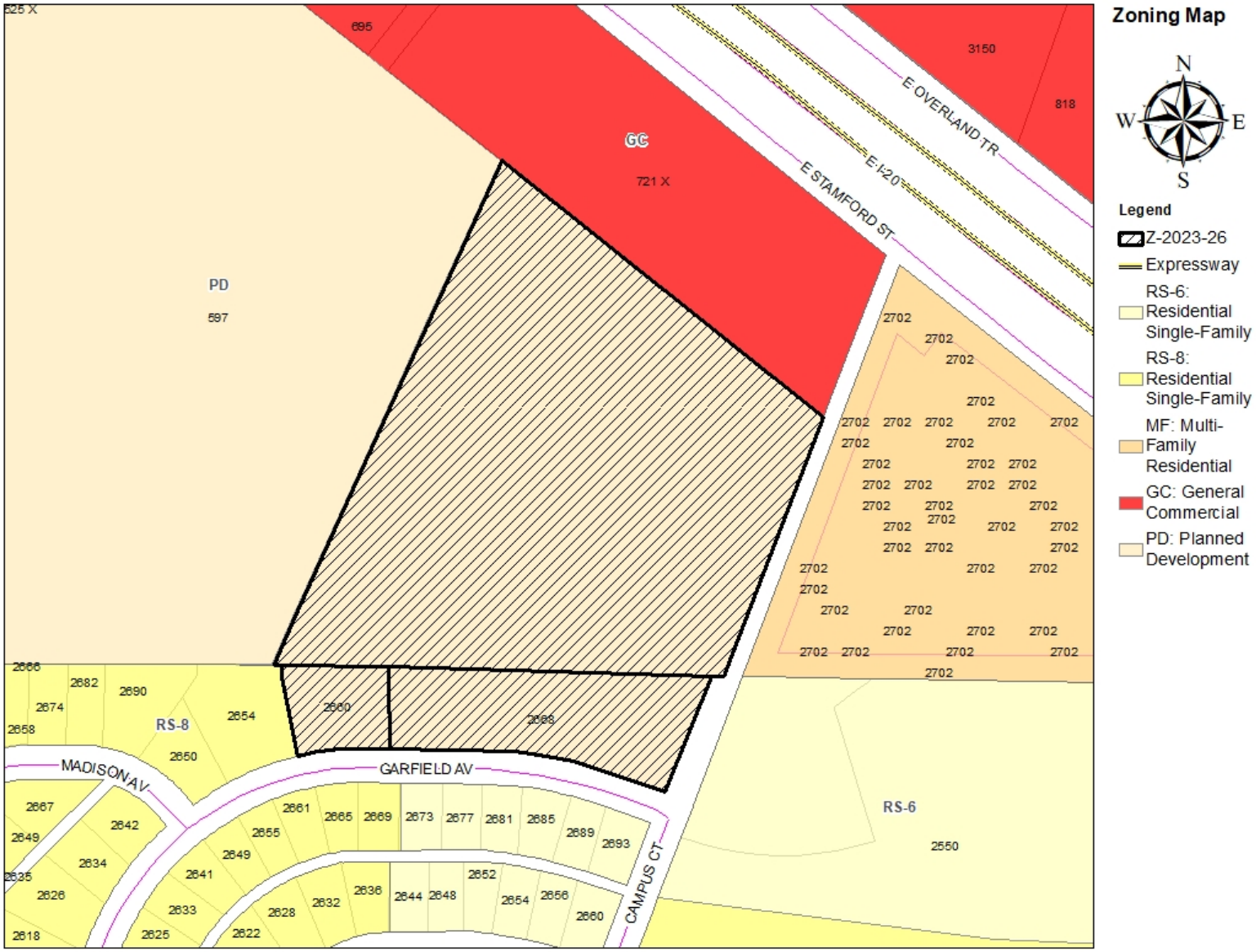
PROPOSED CONCEPT PLAN

LOCATION MAP



Case # Z-2023-26
June 27, 2023

ZONING MAP


Zoning Map
N
W
E
S
Legend
Z-2023-26
Expressway
RS-6: Residential Single-Family
RS-8: Residential Single-Family
MF: Multi-Family Residential
GC: General Commercial
PD: Planned Development
GC
PD
RS-8
RS-6
E OVERLAND TR
E I-20
E STAMFORD ST
MADISON AV
GARFIELD AV
CAMPUS CT

CITY OF ABILENE TEXAS

KKP INVESTMENTS LLC
3409 S 14TH ST STE 204
ABILENE, TX 79605-4956

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-26 **7/13/2023**

The Planning and Zoning Commission will hold a public hearing on **August 1, 2023** 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 KKP Investments, LLC, represented by Jacob & Martin, to amend the terms of Planned Development District 172 to allow single-family residential uses with no through connection to East Stamford Street. Located at 2668 Garfield Avenue. Legal description being the Hillcrest Addition Section 4, Block 10, Lots 4 and 5, Hillcrest Addition Section 4, Block 11, and 12.04 acres out of Survey 84, T&P Railway Company, Block 14, 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.

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If you have any questions, please contact Mason Teegardin at telephone 325-676-6490 or by email address planning@abilenetx.gov

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For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2023-26
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: KKP INVESTMENTS LLC
Parcel I.D.: 41069
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: _____

For the PLANNING & ZONING COMMISSION
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CASE #: Z-2023-26

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Name: ALLISON REBECCA ANN
Parcel I.D.: 30471
Address: 2632 ROUNTREE DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☐ I am opposed ☑

Additional Comments:

Signature:

AUG 1 AM 9:20

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2023-26
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Name: CLARK DONALD W
Parcel I.D.: 30163
Address: 2644 ROUNTREE DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☐ I am opposed ☒
Additional Comments:

Signature: Donald W Clark

CITY OF ABILENE TEXAS

ABILENE CHRISTIAN SCHOOLS
2550 N JUDGE ELY BLVD
ABILENE, TX 79601-2111

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-26 **6/20/2023**

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If you have any questions, please contact Mason Teegardin at telephone 325-676-6490 or by email address planning@abilenetx.gov

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For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

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Name: ABILENE CHRISTIAN SCHOOLS
Parcel I.D.: 46673
Address: 2550 N JUDGE ELY BL

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: Fritz Wade President

CITY OF ABILENE TEXAS

JOY HUT LLC
107 UHL RD
RED OAK, TX 75154-3985

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-26 **7/13/2023**

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Name: JOY HUT LLC
Parcel I.D.: 30308
Address: 2636 ROUNTREE DR

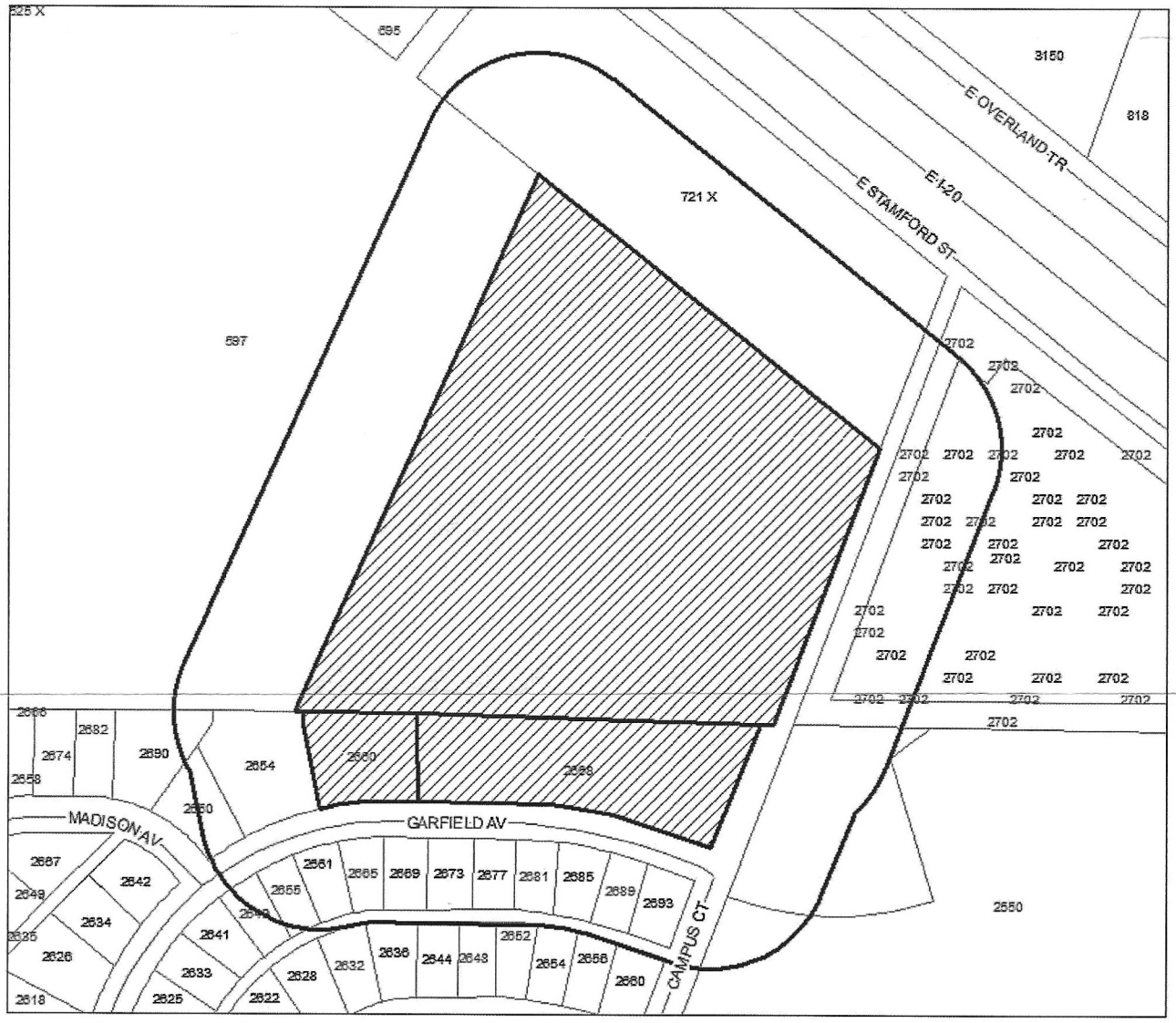
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: Brent Yeldell Yeldell LLC

Z-2023-26


Notification Map
N
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Legend
Notification Area
Z-2023-26
E OVERLAND TR
E I-20
E STAMFORD ST
MADISON AV
GARFIELD AV
CAMPUS CT
721 X
597
695
3150
818
2550
2660
2666

CITY OF ABILENE TEXAS

BD INVESTMENTS LLC SERIES 2
PO BOX 703
FRISCO, TX 75034-0012

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-26 **6/20/2023**

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For the PLANNING & ZONING COMMISSION
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Name: BD INVESTMENTS LLC SERIES 2
Parcel I.D.: 29150
Address: 2689 GARFIELD 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: [illegible]
BD Investments LLC
Series 2
P.O. Box 703
Frisco, TX 75034

CITY OF ABILENE TEXAS

BD INVESTMENTS LLC SERIES 1
PO BOX 703
FRISCO, TX 75034-0012

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-26 **6/20/2023**

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---

For the PLANNING & ZONING COMMISSION
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CASE #: Z-2023-26
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Name: BD INVESTMENTS LLC SERIES 1
Parcel I.D.: 29277
Address: 2693 GARFIELD 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: Dan Witherow

BD Investments LLC Series 1
P.O. Box 703
Frisco, TX 75034

PLANNED DEVELOPMENT AMENDMENT

Case:	Z-2023-26
Owner:	KKP Investments, LLC
Agent:	Jacob & Martin
Request:	Amend PDD-172 to allow RS-6 base zoning and a condition specifying “No through connection to East Stamford Street”.
Location:	2668 Garfield Avenue
Notification:	4 in Favor, 2 Opposed
Planning & Zoning:	August 1, 2023
Council Hearing:	August 24, 2023
	September 14, 2023

CITY OF ABILENE TEXAS

AERIAL LOCATION MAP

Aerial Map

N
W E
S

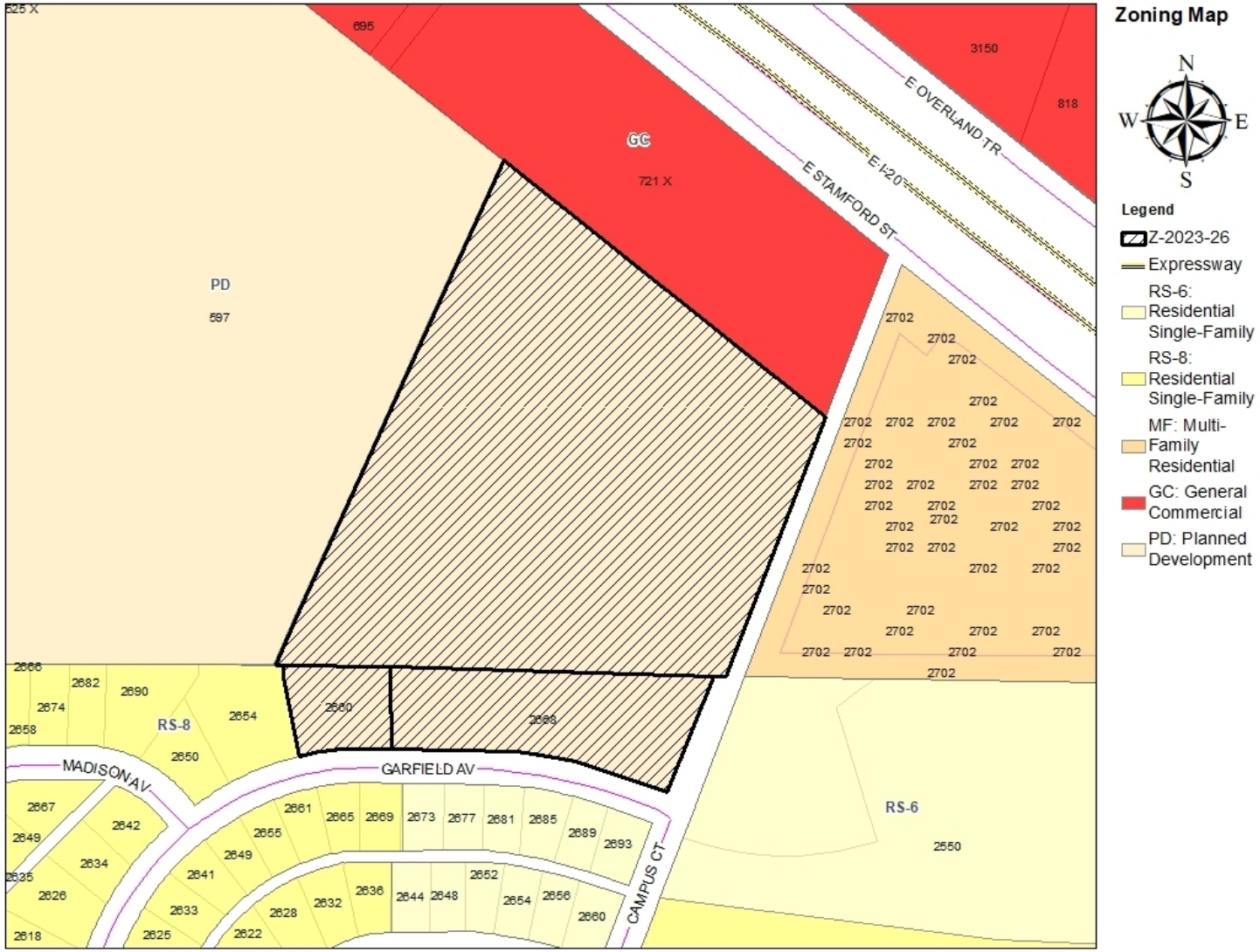
Legend

Z-2023-26

CourierParcels

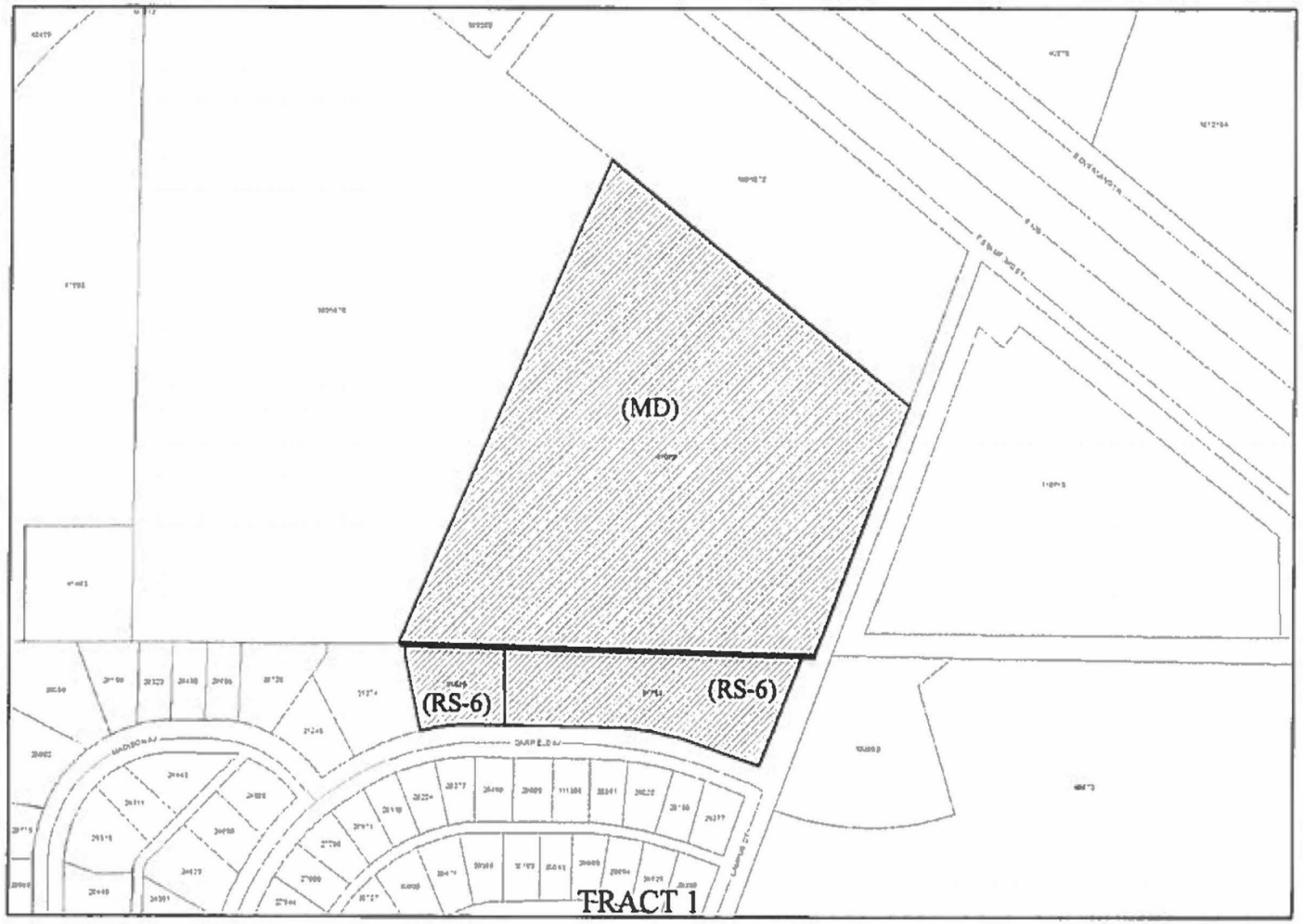
CITY OF ABILENE TEXAS

ZONING MAP



CITY OF ABILENE TEXAS

EXISTING CONCEPT PLAN



Location: 2668 Garfield Ave and the approximately 12.04 Acres to the north

CITY OF ABILENE TEXAS

PROPOSED ZONING CONCEPT PLAN

CITY OF ABILENE TEXAS

PROPOSED CONCEPT PLAN

CITY OF ABILENE TEXAS

USES IN MEDIUM DENSITY ZONING

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

P	Community Home
P	Fire/Police Station
C	Homeless/Emergency Shelter
C	Rehabilitation Facility
C	Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

P	Church or Place of Worship
C	Day-Care Operation - Center-Based
P	School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

P	Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well
P	Urban Garden

LEGEND

P	**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**

CITY OF ABILENE TEXAS

USES IN SINGLE FAMILY RESIDENTIAL ZONING

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

P	Accessory Structure (Also see Division 4 of this article)
P	Antenna, Non-Commercial/Amateur
P/C	Day Care Operation – Home-Based
P	Dwelling – Accessory
TP	Field Office or Construction Office (temporary)
P	Garage Sale
P	Home Occupation
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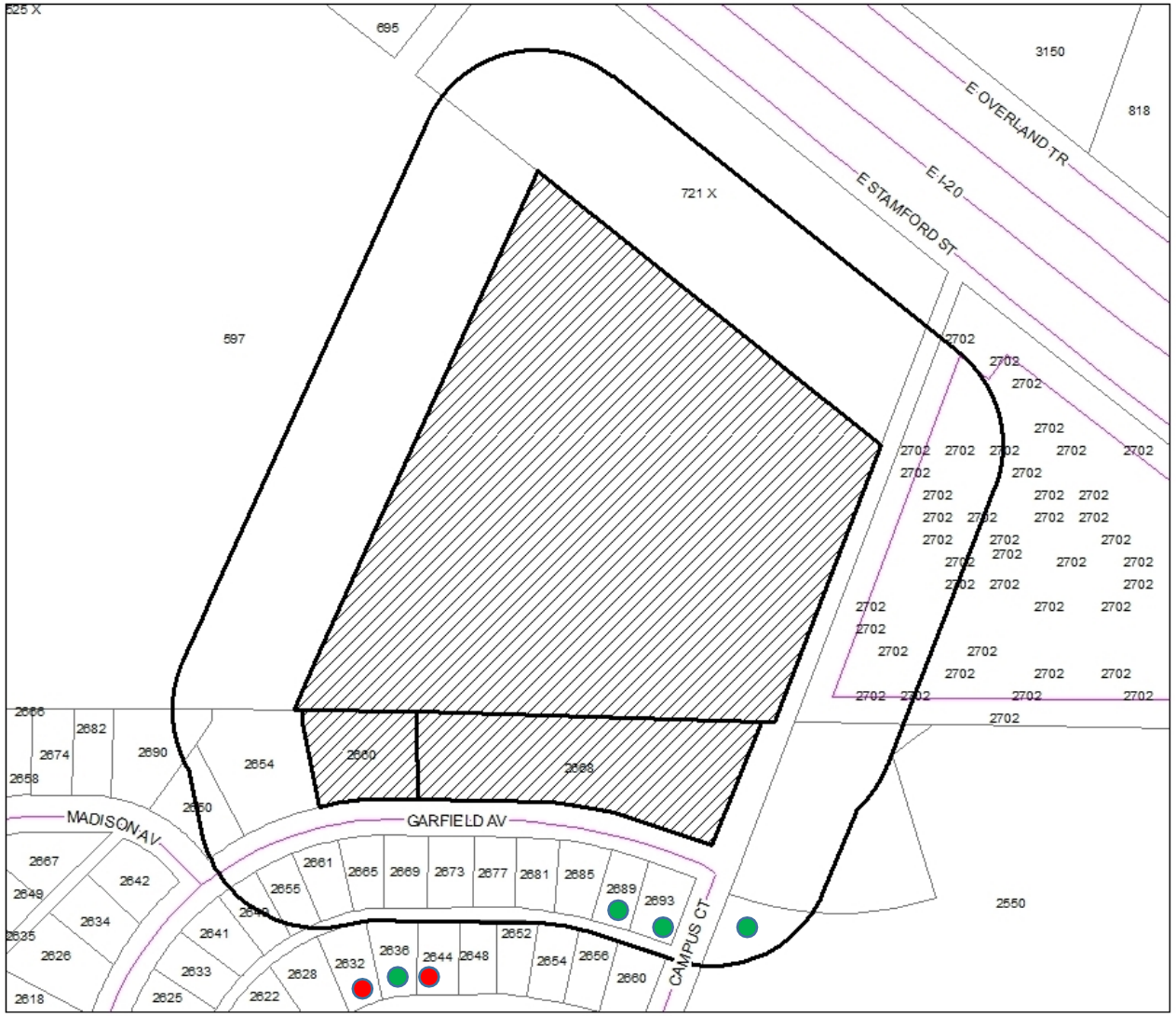
CITY OF ABILENE TEXAS

VIEWS OF SUBJECT PROPERTY

CITY OF ABILENE TEXAS

NOTIFICATION AREA MAP



Notification Map

N
W E
S

Legend

Notification Area

Z-2023-26

4- In Favor-

2- Opposed-

0.02 % OPPOSITION

CITY OF ABILENE TEXAS

FINDINGS AND RECOMMENDATIONS

The proposed request is consistent with:

- The *Comprehensive Plan;*
- The surrounding uses and zoning;
- The spirit and intent PD-172;
- Generally accepted planning principals; and
- The Criteria for Approval in the LDC.

Staff Recommendation: **Approval**

CITY OF ABILENE TEXAS

Questions?

CITY OF
ABILENE
TEXAS

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Robert Hanna, City Manager**

FROM: **Tim Littlejohn, Director of Planning & Development Services**

SUBJECT: **15. Ordinance (First Reading) Z-2023-28: Receive a Report, Hold a Discussion and Take Action on a request from Darin Albergucci, represented by e-HT, to change the zoning of approximately 4.80 acres from Light Industrial (LI) to General Commercial (GC). Located at 910 Bandera Park. *(Tim Littlejohn)***

GENERAL INFORMATION

Change the zoning of approximately 4.80 acres from Light Industrial (LI) to General Commercial (GC). The subject property has remained vacant since it's annexation in 1964.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2023-28 Ordinance
2. Z-2023-28 Staff Report

3. application
4. 3140 E. Hwy. 80
5. 7450 Lantana Ave
6. 2101 E. Hwy. 80
7. 39403
8. Mobile Home Concepts
9. Z-2023-28 Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING A CERTAIN PROPERTY; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars ($2,000.00). 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 24th day of August, 2023.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of July, 2023, 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 24th day of August, 2023, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of September, 2023.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land from the Light Industrial (LI) District to the General Commercial (GC) District.

Legal description being Lot 21-23, Block B, Section 3, Continuation No. 2, H&W Tool Company Addition, Abilene, Taylor County, Texas.

Located at 910 Bandera Park Drive, Abilene, Taylor County, Texas.

END

ZONING CASE Z-2023-28
STAFF REPORT

PLANNING & DEVELOPMENT SERVICES
CITY OF ABILENE TEXAS

Scheduled Hearings
Planning & Zoning Commission: August 1, 2023
City Council 1st Reading: August 24, 2023
City Council 2nd Reading: September 14, 2023

Applicant
Owner: Darin Albergucci
Agent: e-HT

Case Manager
Clarissa Ivey – Planner

Request
Change the zoning of approximately 4.80 acres from Light Industrial (LI) to General Commercial (GC).

Location
Lot 21-23, Block B, Section 3, Continuation No. 2, H&W Tool Company Addition, at 910 Bandera Park Drive.

Background
The subject property has remained vacant since it's annexation in 1964.

Zoning, Existing and Proposed Land Use
The properties directly to the north are zoned General Commercial (GC) and Heavy Industrial (HI). The zoning of properties to the south, east, and west are Light Industrial (LI) and Heavy Industrial (HI).

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 proposed request is not consistent with the Comprehensive Plan and Future Land Use Map (FLUM), which both recommend Heavy Industrial uses at this location due the proximity of this site to regional highway (US 80) and railroad access.

(2) Whether the uses permitted by the proposed change in zoning classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.
The proposed use of a baseball training facility is compatible with the current uses in the immediate area. Those uses are mostly retail, non-intensive uses, and vacant properties. There are other properties zoned GC in the immediate vicinity of 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.
This property has access to all required utilities.

(4) Any other factors, which will substantially affect the public health, safety, morals, or general welfare.
None known.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval.**

ADDENDUM

An additional letter in opposition to this request was received after the P&Z meeting. That letter of opposition, combined with other letters of opposition, exceed the 20% threshold, which will require a super majority vote of City Council to approve this request.

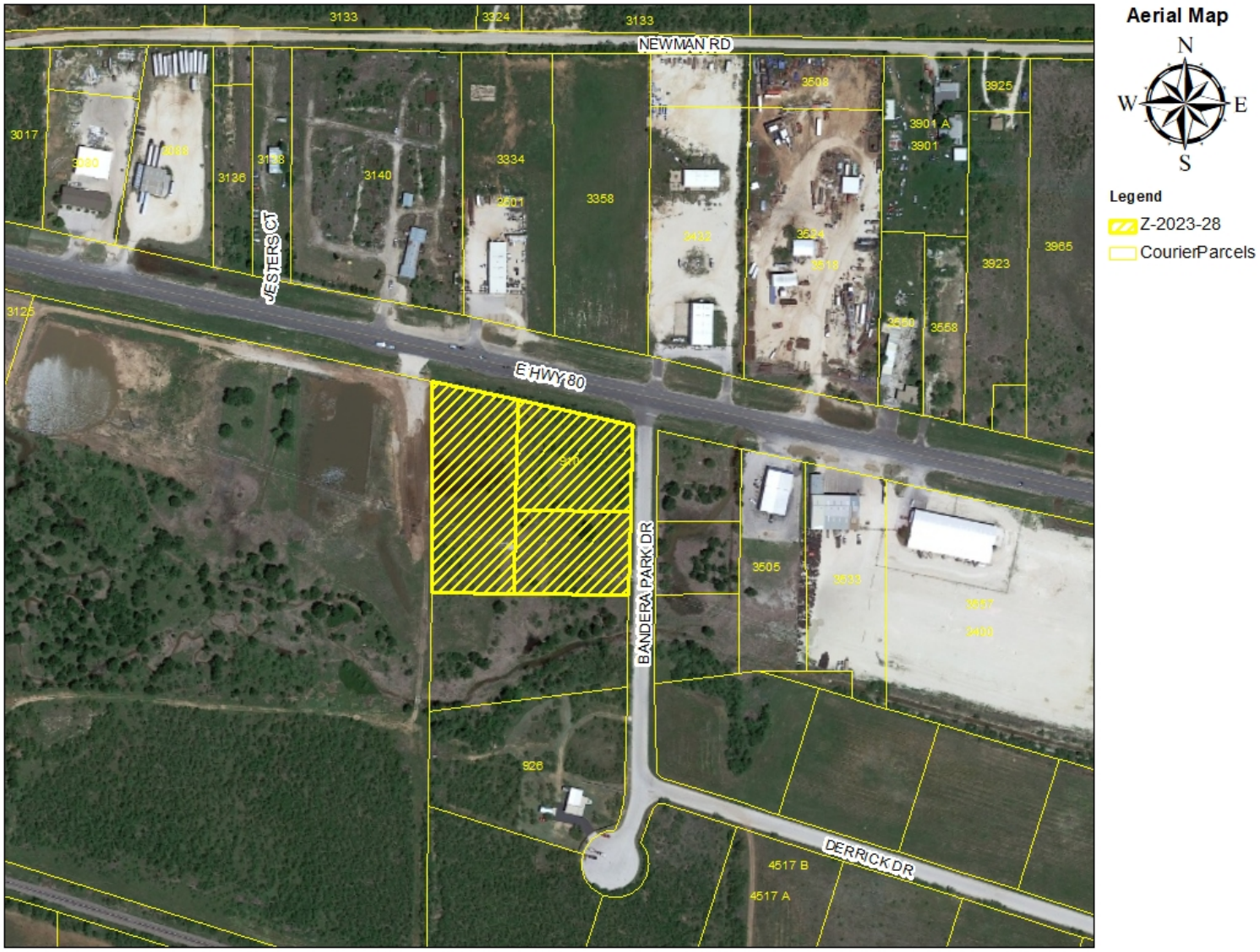
NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

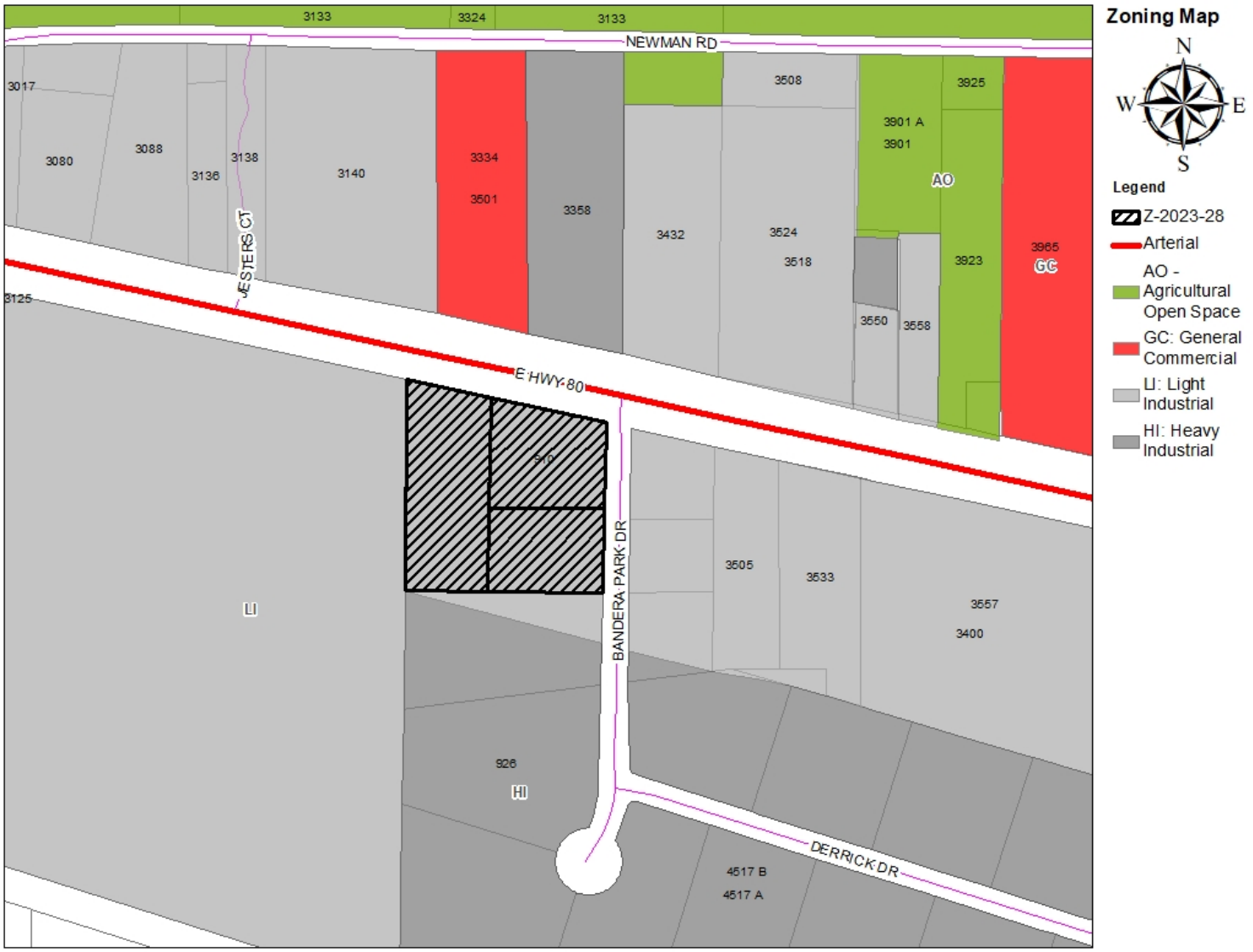
PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
CSS PROPERTIES LLC	15290	3140 E HWY 80	O
MOBILE HOME CONCEPTS	38939		F
MOBILE HOME CONCEPTS	39058		F
ALBERGUCCI DARIN	39403		F
ALBERGUCCI DARIN	39517	910 BANDERA PARK DR	F
ALBERGUCCI DARIN	39629		F
JOHNSON BOB WAYNE	54976		O
SMITHWICK DONALD	54980	3358 E HWY 80	
~~CITY OF ABILENE~~	~~57337~~		~~X~~
~~CITY OF ABILENE~~	~~57337~~		~~X~~
KEY CITY SEPTIC SERVICE INC	58241	3432 E HWY 80	
GOLF CARS OF WEST TEXAS LLC	112028	3501 NEWMAN RD	
GOLF CARS OF WEST TEXAS LLC	112028	3334 E HWY 80	

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
ALBERGUCCI DARIN	39403		F
ALBERGUCCI DARIN	39517	910 BANDERA PARK DR	F
ALBERGUCCI DARIN	39629		F
~~CITY OF ABILENE~~	~~57337~~		~~X~~
~~CITY OF ABILENE~~	~~57337~~		~~X~~
CSS PROPERTIES LLC	15290	3140 E HWY 80	O
GOLF CARS OF WEST TEXAS LLC	112028	3501 NEWMAN RD	
GOLF CARS OF WEST TEXAS LLC	112028	3334 E HWY 80	
JOHNSON BOB WAYNE	54976		O
KEY CITY SEPTIC SERVICE INC	58241	3432 E HWY 80	
MOBILE HOME CONCEPTS	38939		F
MOBILE HOME CONCEPTS	39058		F
SMITHWICK DONALD	54980	3358 E HWY 80	

LOCATION MAP



ZONING MAP


Zoning Map
N
W
E
S
Legend
Z-2023-28
Arterial
AO - Agricultural Open Space
GC: General Commercial
LI: Light Industrial
HI: Heavy Industrial
NEWMAN RD
E HWY 80
WESTERS CT
BANDERA PARK DR
DERRICK DR
3133
3324
3133
3017
3080
3088
3136
3138
3140
3334
3501
3358
3432
3508
3524
3518
3901 A
3901
3925
3923
3965
GC
AO
3550
3558
3125
LI
3505
3533
3557
3400
926
HI
4517 B
4517 A

Development Application

Zoning Application Page 1 of 3

Planning

- ☐ Conditional Use
- ☐ Special Exceptions
- ☒ Rezoning
- ☐ Variance
- ☐ PDD Amendment
- ☐ Street Name Change
- ☐ Thoroughfare Abandonment
- ☐ Easement Release
- ☐ Historic Certification of Appropriateness
- ☐ Historic Project Tax Reduction

Relief Procedures

- ☐ Petition for Relief
- ☐ Proportionality Appeal
- ☐ Vested Rights Petition
- ☐ Appeal

Other: _____

Project Name: Baseball Training Facility - E HWY 80

Address: Baseball Training Facility - E HWY 80 No. of lots: 3 Acreage: 4.805

Legal Description: Lot 21-23, Block B, Section 3, Continuation No. 2, H&W Tool Company Addition

Subdivision Name: H&W Tool Company Addition Block: Block B Lot: 21, 22, and 23

Current Zoning: Light Industrial (LI) Proposed Zoning (if applicable): General Commercial (GC)

OWNER AND AUTHORIZATION

Owner Name: Darin Albergucci

Address: 2101 E HWY 80

City, State, Zip: Abilene, TX, 79601 Fax: _____

Phone: (325) 665-4289 Email: Noah@AlberguccISED.com

Agent Name: _____

Address: _____

City, State, Zip: _____ Fax: _____

Phone: _____ Email: _____

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: _____ Date: _____

FOR OFFICE USE ONLY

Received: _____	Fee: $ _____	Receipt No.: _____
Case No.: _____		Reviewed By: _____

2022 Development Application

Zoning Application-Page 2 of 3

Existing Zoning

☐	AO	Agricultural Open Space	☐	GR	General Retail
☐	RR	Rural Residential RR-5 & RR1	☐	MU	Medical Use
☐	RS-12	Residential Single-Family – 12,000 lots	☐	CB	Central Business
☐	RS-8	Residential Single-Family - 8,000 lots	☐	MX	Mixed Use
☐	RS-6	Residential Single-Family - 6,000 lots	☐	GC	General Commercial
☐	PH	Single-Family Residential Patio Home	☐	HC	Heavy Commercial
☐	TH	Residential Townhouse	☒	LI	Light Industrial
☐	MD	Residential Medium Density	☐	HI	Heavy Industrial
☐	MH	Manufactured/Mobile Home			
☐	CU	College & University	☐	PD	Planned Development District
☐	NO	Neighborhood Office			
☐	O	Office	☐		Empowerment Overlay
☐	NR	Neighborhood Retail			

Reason for Zoning Change

Baseball Training Facility is not authorized for use in current Light Industrial (LI) zoning. Development is authorized for use under proposed General Commercial (GC

Fees

FOR DEVELOPMENT FEES CTRL & CLICK LINK BELOW AND CHOOSE "Z"

https://abilenetx.gov/563/Fee-Schedule

Fees can be paid online with credit card.

2022 Development Application

Zoning Application-Page 3 of 3

ZONING IMPACT ANALYSIS

Please answer these questions in order to assist Staff with the processing of your Zoning request.

1. Is 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?

YES

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

YES

3. Is 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?

YES. Private Baseball Training Facility is provided access from Adjacent Bandera Park Dr. from E HWY 80 Frontage Road. Adjacent roadways do not require improvements for development. Existing Utilities extend beyond the extents of property boundary and do not require improvements for development.

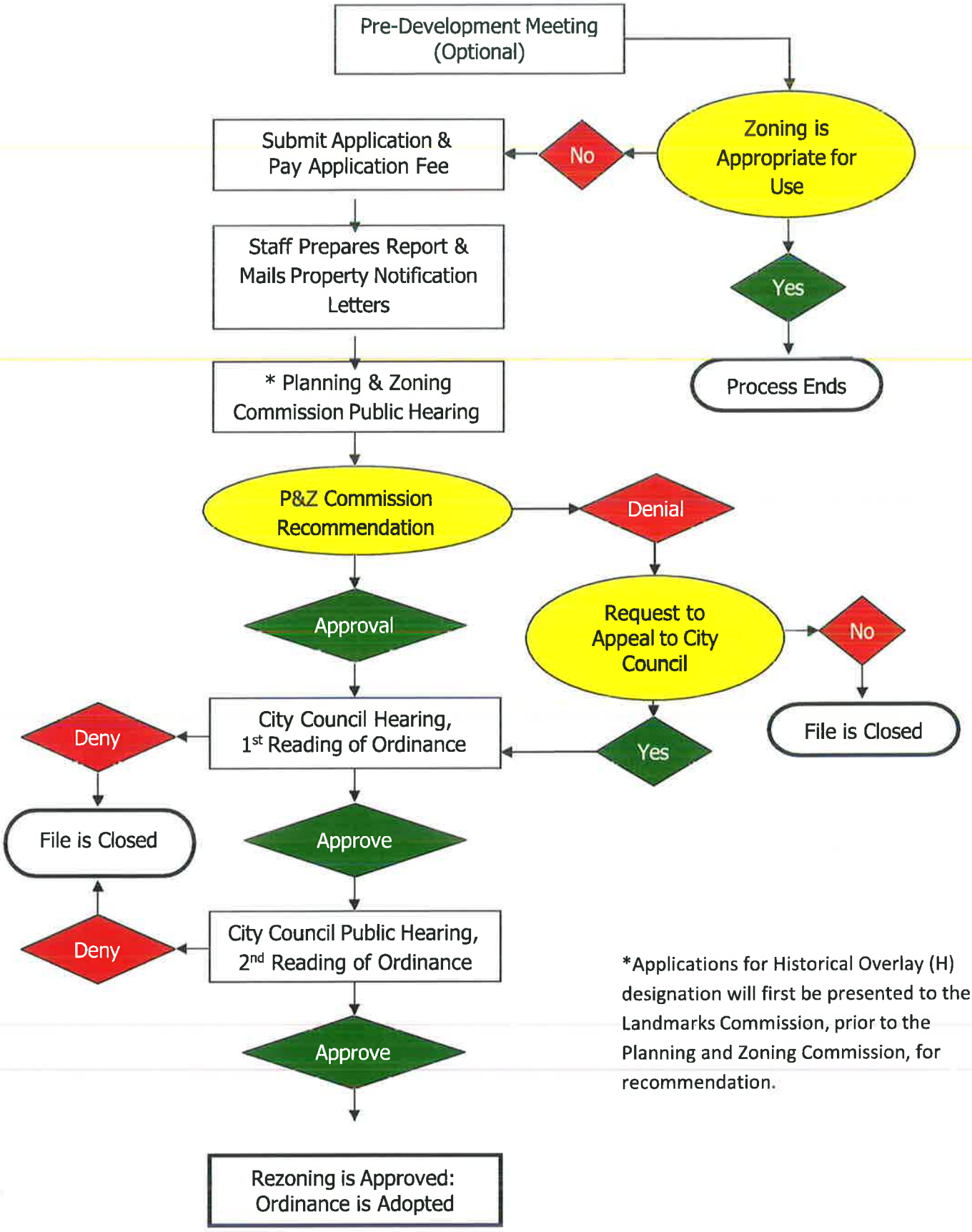
4. Are there other factors which will substantially affect the public health, safety, morals, or general welfare? No

Other Required Forms – Disclosure of Interest (See Attached)

Development Application

Zoning • Conditional Use • PDD Amendment • Street Name Change • Thoroughfare Abandonment

Flowchart



*Applications for Historical Overlay (H) designation will first be presented to the Landmarks Commission, prior to the Planning and Zoning Commission, for recommendation.

Development Application

Plats and Other submittals Page 1 of 1

Submittal

☐	Preliminary Plat/Replat	☐	Civil Plans
☐	Final Plat/Replat	☒	Site Plan/Revised Site Plan
☐	Combination Preliminary and Final Plat*	☐	Landscape Plan
☐	Amended Plat	☐	Tree Preservation
☒	Minor Plat/Replat	☐	Lighting Plan
☐	Development Plat	☐	Concept Plan

**Prior approval required*

Submittal Type

☐ Pre-Submittal: all required documents are present excluding fees. I understand that the project information presented to the City at this time is not filed, and therefore the City is not required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority. This Pre-Submittal will be changed to a Submittal following the receipt of written notice and payment of fees. I am requesting this of my own volition and not at the request of the City of Abilene.

☒ Submittal: all required documents are present including fees. I understand that the project information presented to the City at this time is filed and therefore, the City is required to approve, approve with conditions, or disapprove the plat(s) within 30 days by the approval authority.

Acreage

Round decimals up to the nearest whole number. Appx 5 acre(s)

Fees

FOR DEVELOPMENT FEES CTRL & CLICK LINK BELOW AND CHOOSE "P"

https://abilenetx.gov/563/Fee-Schedule

Fees can be paid online with credit card.

The application fee of $ 2,000, to be paid to the City of Abilene within 5 days of being accepted.

NOTE: *Additional costs may accrue during review by City consultants of any facilities agreement and/or civil construction plans.*

Submittals

- Site plans or conceptual site plans, plats, except Engineering Construction Sets, shall be 24" x 36" and folded, with two (2) hard copies. If applicable, please provide survey plat of property. Plats and Engineering plans shall be GEO Referenced and in DWG format.

Other required Documents Required are attached (Owner Authorization, and Disclosure of Interest)

Development Application

Owner Authorization and Representative Designation

Property Description

Subdivision: H&W Tool Co, SEC 3, CONT 2 Total Number of Acres: 4.805

Zoning Classification(s): LI Rezoned to GC Total Number of Lots: 3 Replat into 1

Location: E HWY 80 Frontage Road and Bandera Park Drive

Property Owner Information & Authorization

Name/Company: Darin Albergucci

Address: 2101 E HWY 80

City: Abilene State: TX Zip Code: 79601

Phone: (325) 665-4289 Email: Noah@AlberguccisED.com

Project Representation (check one):

☐ I will represent the application myself; OR

☒ I hereby designate e-HT *(name of project representative)* to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Abilene.

Property Owner's Signature: _____ Date: _____

STATE OF: TEXAS

COUNTY OF: TAYLOR

BEFORE ME, a Notary Public, on this day personally appeared Darin Albergucci *(printed property owner's name)* the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 22nd day of May, 20 23

ELIZABETH BEAM
Notary ID #131732339
My Commission Expires
September 21, 2026

Elizabeth Beam
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

Engineer ☒ Purchaser ☐ Tenant ☐ Preparer ☐ Other *(specify)*: _____

Name: Jake Gravell Company: e-HT

Address: 402 Cedar Street City: Abilene State: Texas

Zip Code: 79601 home: (325) 998-6137 Email: jake.gravell@e-ht.com

Development Application

CITY OF ABILENE

Disclosure of Interest

Every question must be answered. If the question is not applicable, answer with "N/A".

NOTE: *If the Project Representative is not the Property Owner, this form must be filled out by* ***both*** *the Property Owner and the Project Representative.*

Disclosure Questions

A. Do you believe that a City official* or City employee** may have a conflict of interest in the property or application referenced on the reverse side? Yes ☐ No ☒

B. If so, state the name of each City official or employee of the City of Abilene known by you that may have a conflict of interest in the property or application referenced on reverse side.

_____

_____

C. State all information upon which you base the belief (use additional paper, if necessary).

_____

_____

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Abilene, Texas, as changes occur.

Name of Certifying Person *(print)*: Jake Gravell

Property Owner ☐ Project Representative ☒

Signature of Certifying Person: Jake Gravell Digitally signed by Jake Gravell DN: C=US, E=jake.gravell@e-ht.com, CN=Jake Gravell Date: 2023.05.10 11:05:47-05'00'

*Mayor, City Council members, Planning and Zoning Commission members, and Zoning Board of Adjustment members.

**City Manager, City Secretary, City Attorney, and all department heads

Development Application

BOARD OF ADJUSTMENT

The Board of Adjustment is organized to have all the powers and authority as set forth in the Charter of the City of Abilene, Texas, and as authorized by Chapter 211 of the Texas Local Government Code.

The Board of Adjustment has authority of applications to decide the following types of applications:

1. An application for a Special Exception pursuant to Section 1.4.4.1;
2. An application for a Variance pursuant to Section 1.4.4.2;
3. A sign permit or an interpretation of Sign Regulations related to development within the City limits (refer to Chapter 4, Article 1, Division 3, Section 4.1.3.6 or Chapter 4, Article 2, Division 8, respectively); and
4. An application for a change in the status of a non-conformity pursuant to Section 1.4.4.3.

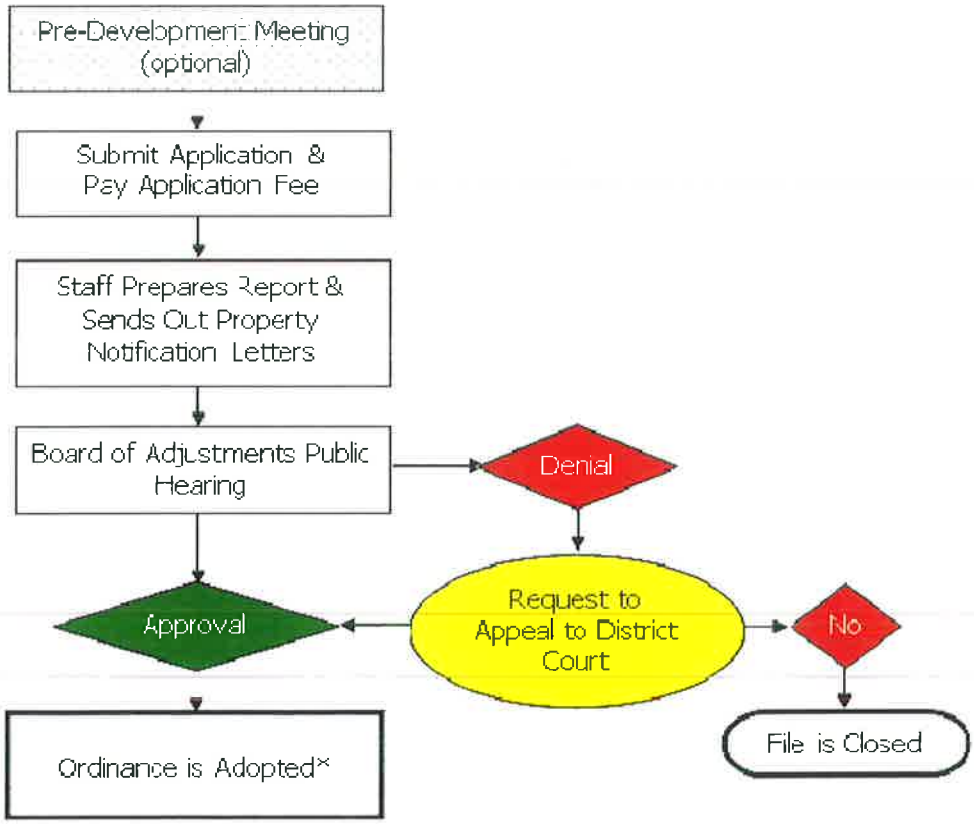
The Board of Adjustment shall finally decide appeals on the following matters of an appeal of any official's interpretation of the requirements of Chapters 2 or 4 of this LDC in which the requirement applies to development within the City limits of Abilene, unless a separate appeals process is otherwise defined within this LDC.

The authority delegated to the Board of Adjustment under this Land Development Code shall not be construed to affect any of the following:

1. Approval of a petition for a zoning map amendment;
2. Approval of a Conditional Use Permit; and
3. Authorization of a use not authorized in the zoning district in which the applicant's property is located, except to the extent necessary to decide a special exception or a petition for a change in status of a non-conformity.

Also, the Board of Adjustment shall not render any decision on an application, appeal or relief petition while a petition for a zoning amendment, application for a Conditional Use Permit, or plat application for the same land is pending and until such petition or application has been finally decided pursuant to procedures in Chapter 1 of the LDC.

Special Exception • Variance Flowchart



*If the request is approved, the owner or agent will have 180 days from the hearing date to obtain a building permit, if one is required.

Development Application

CITY OF ABILENE

Special Exception • Variance

Please answer these questions in order to assist Staff with the processing of your Special Exception or Variance request. Please use additional sheet(s), if necessary.

1. **Fully describe the unique circumstances or peculiarities of the land or improvements in question that do not allow the desired use to conform to the provisions in the Ordinance and the intent.**

2. **Are there other locations on the property that could accommodate the use while still complying with the Ordinance and, if so, why have you chosen the proposed location?**

Development Application

The City Council created the Landmarks Commission in 1983 with the purpose of administering the provisions of the City Code relating to the protection and preservation of structures and lands deemed by the Abilene community to be of unique historical, architectural, and cultural value. The Landmarks Commission has the following powers and duties regarding development applications:

- Review all completed applications for designation of a Historic Overlay zoning district and forward its recommendations to the Planning and Zoning Commission;
- Review and approve or deny all completed applications for Certificates of Appropriateness in accordance with Section 2.3.4.4(f) of the Land Development Code;
- Review and approve or deny all completed applications requesting a Historic Project Tax Reduction in accordance with Section 30-41 of the City Code.

Historic Overlay (H) District

The City of Abilene, Texas, recognizes the importance of historically, architecturally and culturally significant sites and structures to the community. Regulations of the Historic Overlay (H) District are intended for the enhancement, perpetuation and use of areas, sites, structures, buildings, properties, and objects which typify the community's past through recognizable characteristics. The City of Abilene further declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public.

It is recognized that the City of Abilene represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. It is further recognized that the unapproved demolition of historic resources could constitute a public nuisance.

Certificate of Appropriateness

The Landmarks Commission shall determine, from the data submitted and other pertinent information made available at the public hearing, the appropriateness of all undertakings for which a Certificate of Appropriateness is required. The Landmarks Commission shall have the power to approve or deny an application for Certificate of Appropriateness, or to approve a request with such conditions as the Landmarks Commission deems necessary to carry out the purposes of the Historic Overlay District.

In considering an application for a Certificate of Appropriateness, the Landmarks Commission shall be guided by the *District Standards*, any adopted design guidelines, and where applicable, the Secretary of the Interior's *"Standards for the Rehabilitation of Historic Buildings."* A copy of the *District Standards*, any adopted design guidelines, and the Secretary of the Interior's Standards shall be made available to the property owner(s) of historic landmarks or within a Historic Overlay District upon request.

Historic Project Tax Reduction

The City Council offers a reduction in the city property taxes when a project is done that improve a property in the Historic Overlay (H) zoning district. The historic project tax reduction is a financial incentive for property owners who place their property in (H) zoning and undertake project in accordance with a certificate of appropriateness required by the (H) zoning. For these projects that improve a historic property, the City compensates the property owner for part of the eligible costs by reducing the owner's property taxes for a period of up to a maximum of ten (10) years.

The Landmarks Commission shall determine if the completed project is substantially in compliance with the property proposal or the Certificate of Appropriateness. The Commission may postpone the public hearing on an application if additional information is necessary. The Landmarks Commission shall have the authority to approve or disapprove an application for a project tax reduction, or to approve a request with such conditions as the Commission deems necessary for compliance.

Development Application

CITY OF ABILENE

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of $120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: Jake Gravell Digitally signed by Jake Gravell DN: C=US, E=jake.gravell@e-ht.com, CN=Jake Gravell Date: 2023.05.10 11:07:37-05'00' DATE: 05/10/2023

Development Application

THE STATE OF TEXAS)
)
COUNTY OF TAYLOR)

Know all men by these presents that the undersigned owner of the real property described on the reverse side hereof, has made, constituted and appointed, and by these presents does make, constitute and appoint, my true and lawful attorney, for me in my name, place and stead, to (1) file an application for a zone change, plat, street closure, alley closure, (appeal to the Board of Adjustment)* concerning such property and (2) appear on my behalf at all necessary meetings of the appropriate board or commission or City Council, as the case may be; and the undersigned further agrees that this power of attorney may be voluntarily revoked only by written revocation filed with the Planning & Development Services Division for the City of Abilene, Texas.

Witness my hand this day of May 22, 2023

ELIZABETH BEAM
Notary ID #131732339
My Commission Expires
September 21, 2026

Elizabeth Beam

*(cross out the inapplicable phrase)

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2023-28

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: CSS PROPERTIES LLC
Parcel I.D.: 15290
Address: 3140 E HWY 80

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:

This area is not family ~~fnd~~ friendly.
It would be an odd fit with surroundings.

Signature: Carolyn Smith
CSS Properties LLC

JUL 27 AM 10:33

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2023-28

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: JOHNSON BOB WAYNE
Parcel I.D.: 54976
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: Bob Wayne Johnson

7450 Lantana
Abilene TX 79606

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2023-28

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: ALBERGUCCI DARIN
Parcel I.D.: 39403
Address: 2101 E. Hwy 80
Abilene, TX. 79601

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 ☐

Signature: _____

Additional Comments:

I think this facility would be great for the younger kids growing up in Abilene. It is needed to improve our city.

JUL 27 AM 9:00

CITY OF ABILENE TEXAS

ALBERGUCCI DARIN
2101 US HIGHWAY 80 E
ABILENE, TX 79601-6306

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-28

7/18/2023

The Planning and Zoning Commission will hold a public hearing on **August 1, 2023** 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 Darin Albergucci represented by e-HT to change the zoning of approximately 4.80 acres from Light Industrial (LI) to General Commercial (GC). Located at 910 Bandera Park Dr. Legal description being Lot 21-23, Block B, Section 3, Continuation No. 2, H&W Tool Company Addition, 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 **September 14, 2023 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Clarissa Ivey at telephone 325-676-6382 or by email address planning@abilenetx.gov

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For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2023-28
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: ALBERGUCCI DARIN
Parcel I.D.: 39403
Address: 2101 E. Hwy 80 Abilene, TX. 79601

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: [signature]

I think this facility would be great for the younger kids growing up in Abilene. It is needed to improve our city.

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2023-28

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: MOBILE HOME CONCEPTS
Parcel I.D.: 38939
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:

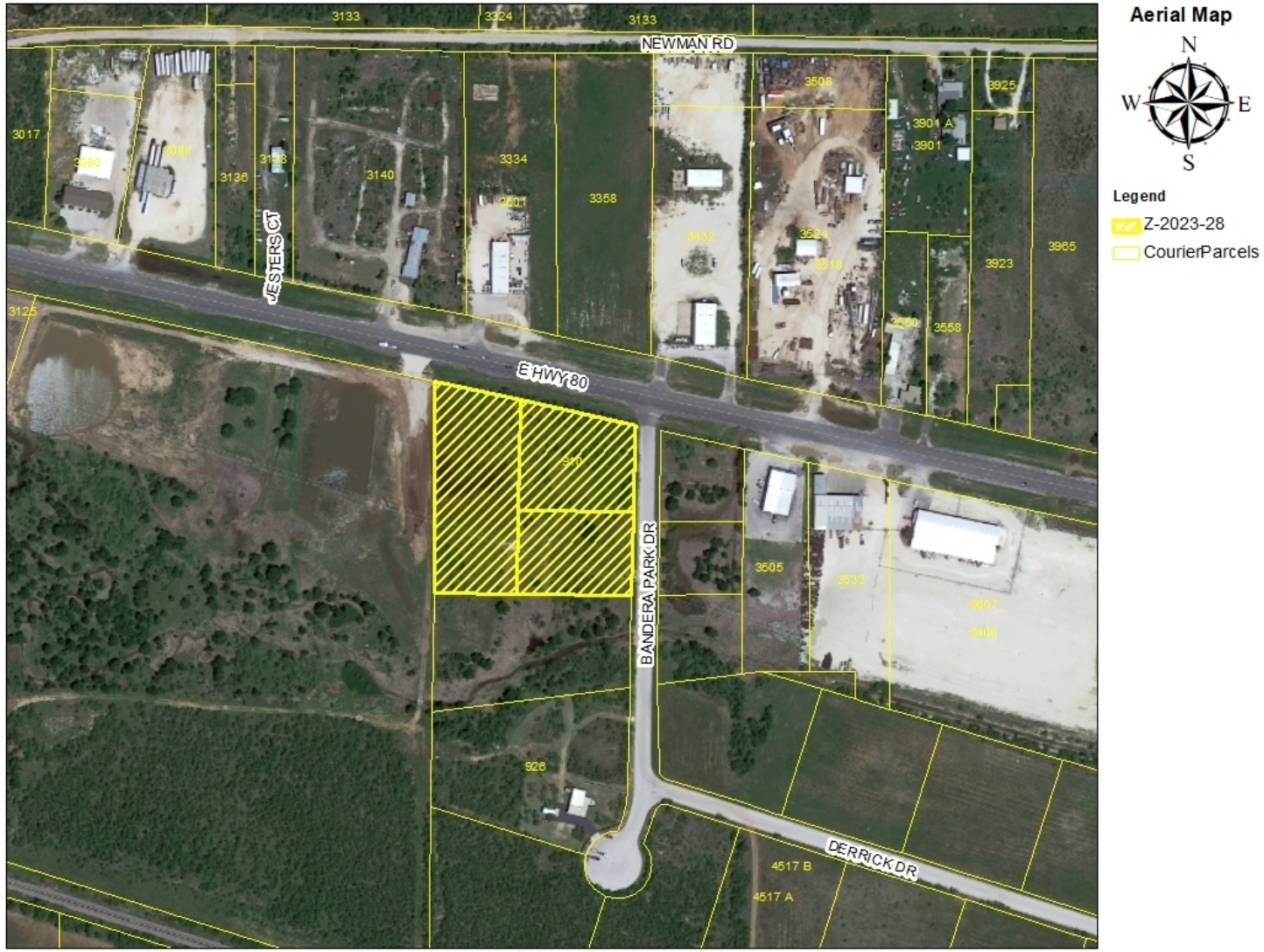
JUL 26 AM 10:36

REZONE REQUEST

Case:	Z-2023-28
Owner:	Darin Albergucci
Agent:	e-HT
Request:	Rezone from LI to GC
Location:	910 Bandera Park Drive, Lots 21-23
Notification:	2 in Favor, 2 Opposed
Planning & Zoning:	August 1, 2023
City Council Hearing:	August 24, 2023
	September 14, 2023

CITY OF ABILENE TEXAS

AERIAL LOCATION MAP



Aerial Map

N
W E
S

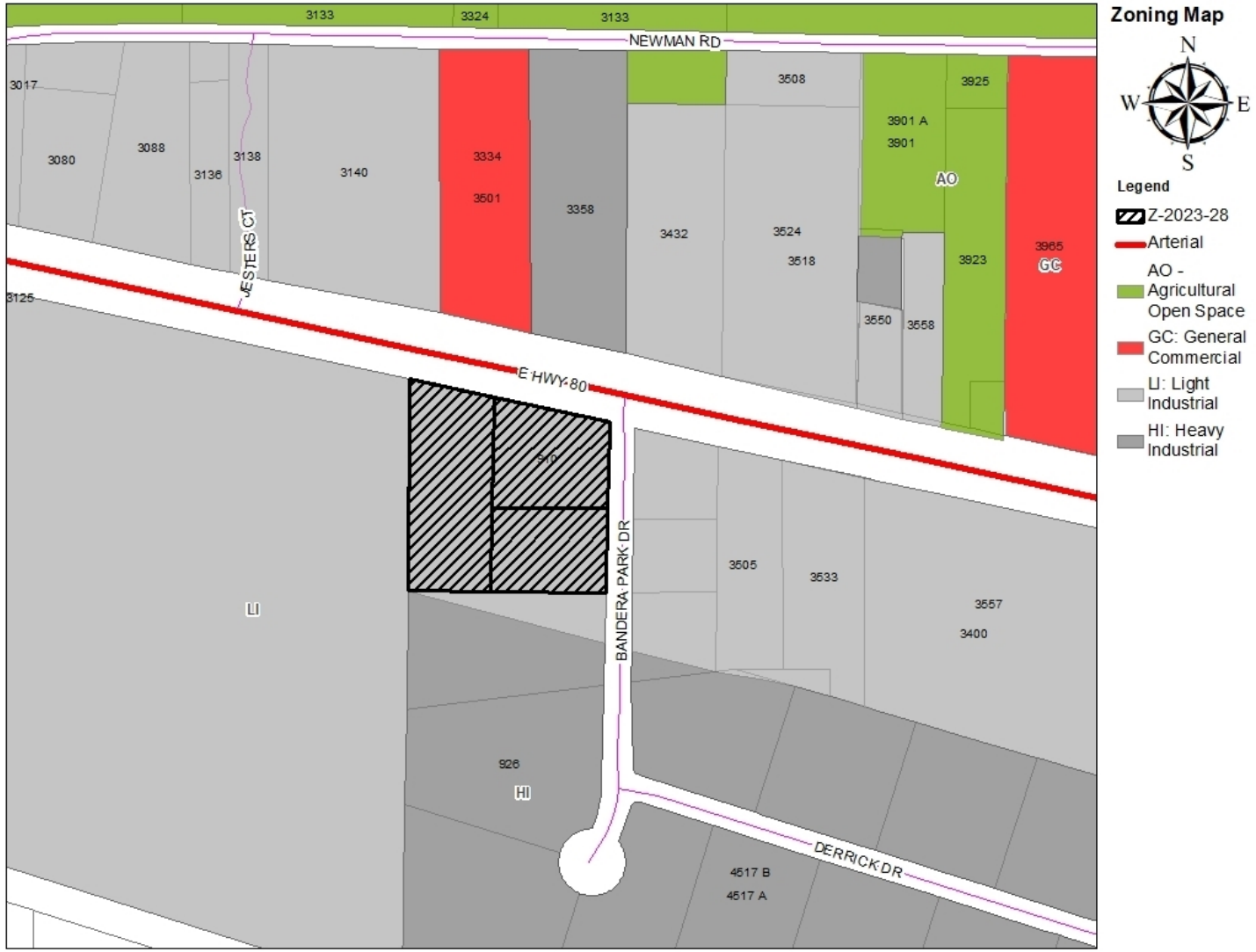
Legend

Z-2023-28

CourierParcels

CITY OF ABILENE TEXAS

ZONING MAP



CITY OF ABILENE TEXAS

PERMITTED USES IN LI ZONING

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

P	Adult Entertainment Enterprise
C	Cultural Facilities
P	Drive-in Theater
C	Motorized Racing
P	Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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	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
C	Livestock – Wholesale or Auction
P	Wholesaling and Storage (indoor)
P	Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

P	Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
P	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
P	Railroad Switching and Marshaling Yard
P	Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

C	Mining
P	Petroleum or Gas Well
P	Liquor
P	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**

CITY OF ABILENE TEXAS

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)

RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well
P	Urban Garden

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

CITY OF ABILENE 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**

VIEWS OF SUBJECT PROPERTY

Subject Property

Property to the East

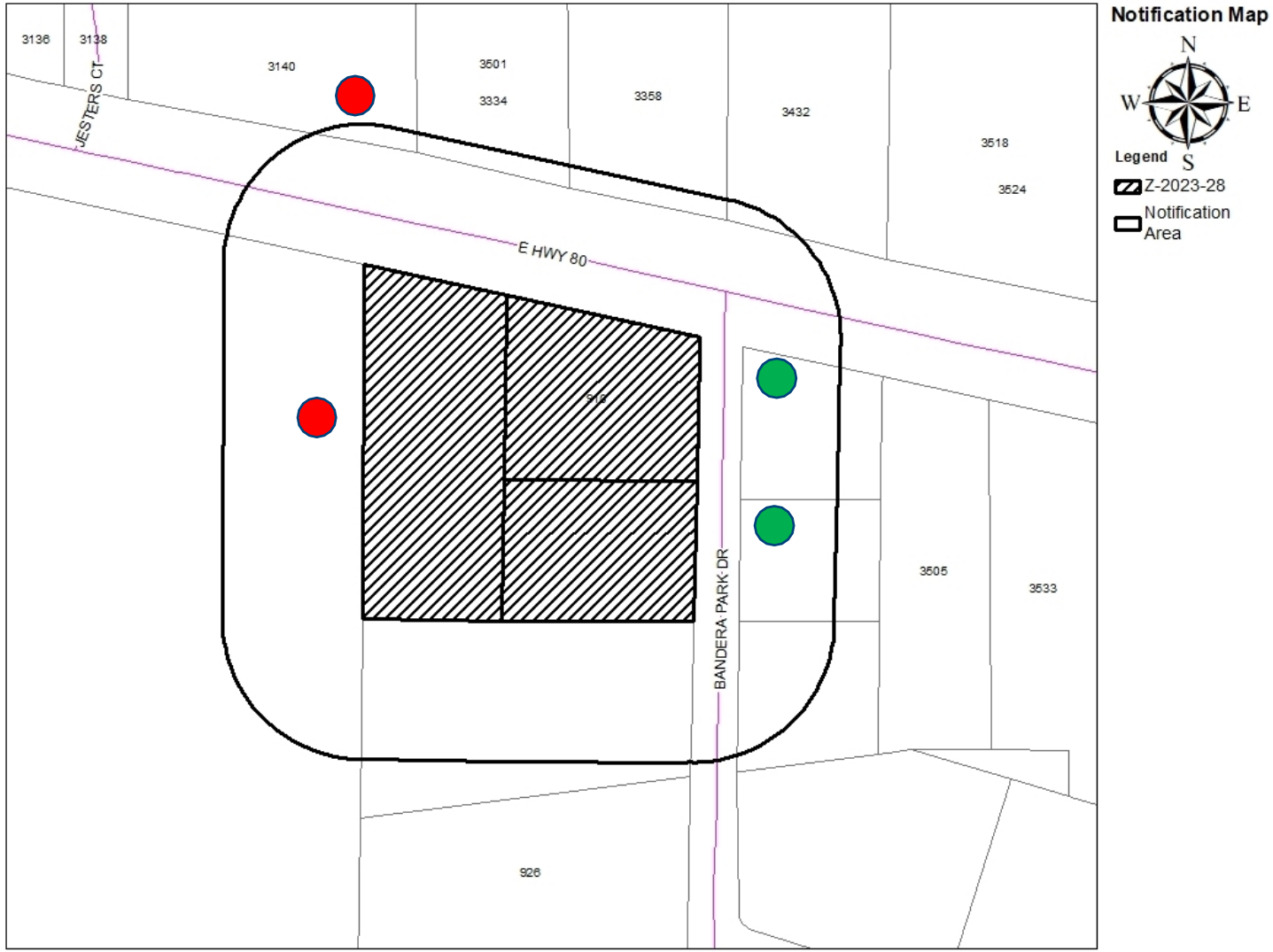
Property to the North

Property to the West

Property to the South

CITY OF ABILENE TEXAS

NOTIFICATION AREA MAP



2- In Favor-

2- Opposed-

27.92% Opposed

CITY OF ABILENE TEXAS

FINDINGS AND RECOMMENDATIONS

The proposed request for GC rezoning 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**

Super Majority Vote Required:

Two letters opposed this request were received that comprise 27.92% of the receiving notice; exceeding the 20% threshold set out in of TLGC 211 to force a super majority vote to approve this request.

CITY OF ABILENE TEXAS

Questions?

CITY OF
ABILENE
TEXAS

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Robert Hanna, City Manager**

FROM: **Tim Littlejohn, Director of Planning & Development Services**

SUBJECT: **16. Ordinance (First Reading) Z-2023-29: Receive a Report, Hold a Discussion and Take Action on a request from Moore Abilene Holdings, LP, represented by Alex Moore, to change the zoning of approximately 0.64 acres from Heavy Industrial (HI) to Heavy Commercial (HC).Located at 2222, 2234, 2250 Butternut Street. *(Tim Littlejohn)***

GENERAL INFORMATION

The subject property was previously used for warehousing/retail sales. The owner proposes to expand the permitted uses for these properties by down zoning the lots to less intensive HC zoning classification.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2023-29 Ordinance
2. Z-2023-29 Staff Report
3. Z-2023-29 Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING A CERTAIN PROPERTY; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars ($2,000.00). 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 24th day of August, 2023.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of July, 2023, 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 24th day of August, 2023, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of September, 2023.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land from the Heavy Industrial (HI) District to the Heavy Commercial (HC) District.

Legal description being Lots 3-6, Block 6, Bowyer Addition, Abilene, Taylor County, Texas.

Located at 2222, 2234, and 2250 Butternut Street, Abilene, Taylor County, Texas.

END

ZONING CASE Z-2023-29
STAFF REPORT

PLANNING & DEVELOPMENT SERVICES
CITY OF ABILENE TEXAS

Scheduled Hearings
Planning & Zoning Commission: August 1, 2023
City Council 1st Reading: August 24, 2023
City Council 2nd Reading: September 14, 2023

Applicant
Owner: Moore Abilene Holdings, LP
Agent: Alex Moore

Case Manager
Adam Holland – Planner

Request
Change the zoning of four lots from Heavy Industrial (HI) to Heavy Commercial (HC).

Location
2222, 2234, and 2250 Butternut Street Lots 3-6, Block 6, Bowyer Addition.

Background
The subject property was previously used for warehousing/retail sales. The owner proposes to expand the permitted uses for these properties by down zoning the lots to less intensive HC zoning classification.

Existing Uses/Zoning
- Property to the north is zoned Heavy Industrial (HI) and used for retail sales and for repair and maintenance services.
- Property to the east is zoned Heavy Commercial (HC).
- General Commercial (GC) and HI zoning districts are south of the subject property.
- Properties to the west, across an alley, are zoned Residential Single-Family (RS-6).

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, as amended.

The Comprehensive Plan identifies the subject property as being located in a transitional character area where retail/light industrial uses are recommended. The Future Land Use Map (FLUM) recommends retail use and lower intensity commercial use. The proposed request is consistent with the recommendations of the FLUM and 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 zone change would be less intense than the existing Heavy Industrial zoning and would be more appropriate adjoining residential zoning to the west and adjacent commercial zoning districts.

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

This area is adequately served by utilities.

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

None known.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval.**

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

Owner

Owner	Property ID	Situs	Response
CAF REALTY LLC	980411	2326 BUTTERNUT ST	
CAF REALTY LLC	980411	2318 BUTTERNUT ST	
CAMARILLO BRIDGET	44500	2249 POPLAR ST	
CAMARILLO BRIDGET	44628	2233 POPLAR ST	
DIMAS DE LA TORRE JOSE TOMAS	42088	1354 S 22ND ST	
HALL PAUL A & DEVEN M	43945	2202 BUTTERNUT ST	
HIT VENTURES LLC	109554	2258 S TREADAWAY BL	
MARTIN TIMOTHY BLAZE	45004	2209 POPLAR ST	
MARTINEZ RAYMOND R	45190	2201 POPLAR ST	
MC COOL SELENA	44868	2217 POPLAR ST	
MOORE ABILENE HOLDINGS LP	44381	2250 BUTTERNUT ST	
MOORE ABILENE HOLDINGS LP	44137	2222 BUTTERNUT ST	
MOORE ABILENE HOLDINGS LP	44257	2232 BUTTERNUT ST	
PHOENIX COLLISION INC.	41962	2150 BUTTERNUT ST	
RIVERA MARIANNA ARRAZOLA	44751	2225 POPLAR ST	
SITZES APB LP	46658	1222 S 23RD ST	
XTERRA CONSTRUCTION LLC	45458	1410 S 24TH ST	
XTERRA CONSTRUCTION LLC	45458	2364 BUTTERNUT ST	

Property ID

Owner	Property ID	Situs	Response
PHOENIX COLLISION INC.	41962	2150 BUTTERNUT ST	
DIMAS DE LA TORRE JOSE TOMAS	42088	1354 S 22ND ST	
HALL PAUL A & DEVEN M	43945	2202 BUTTERNUT ST	
MOORE ABILENE HOLDINGS LP	44137	2222 BUTTERNUT ST	
MOORE ABILENE HOLDINGS LP	44257	2232 BUTTERNUT ST	
MOORE ABILENE HOLDINGS LP	44381	2250 BUTTERNUT ST	
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CAMARILLO BRIDGET	44628	2233 POPLAR ST	
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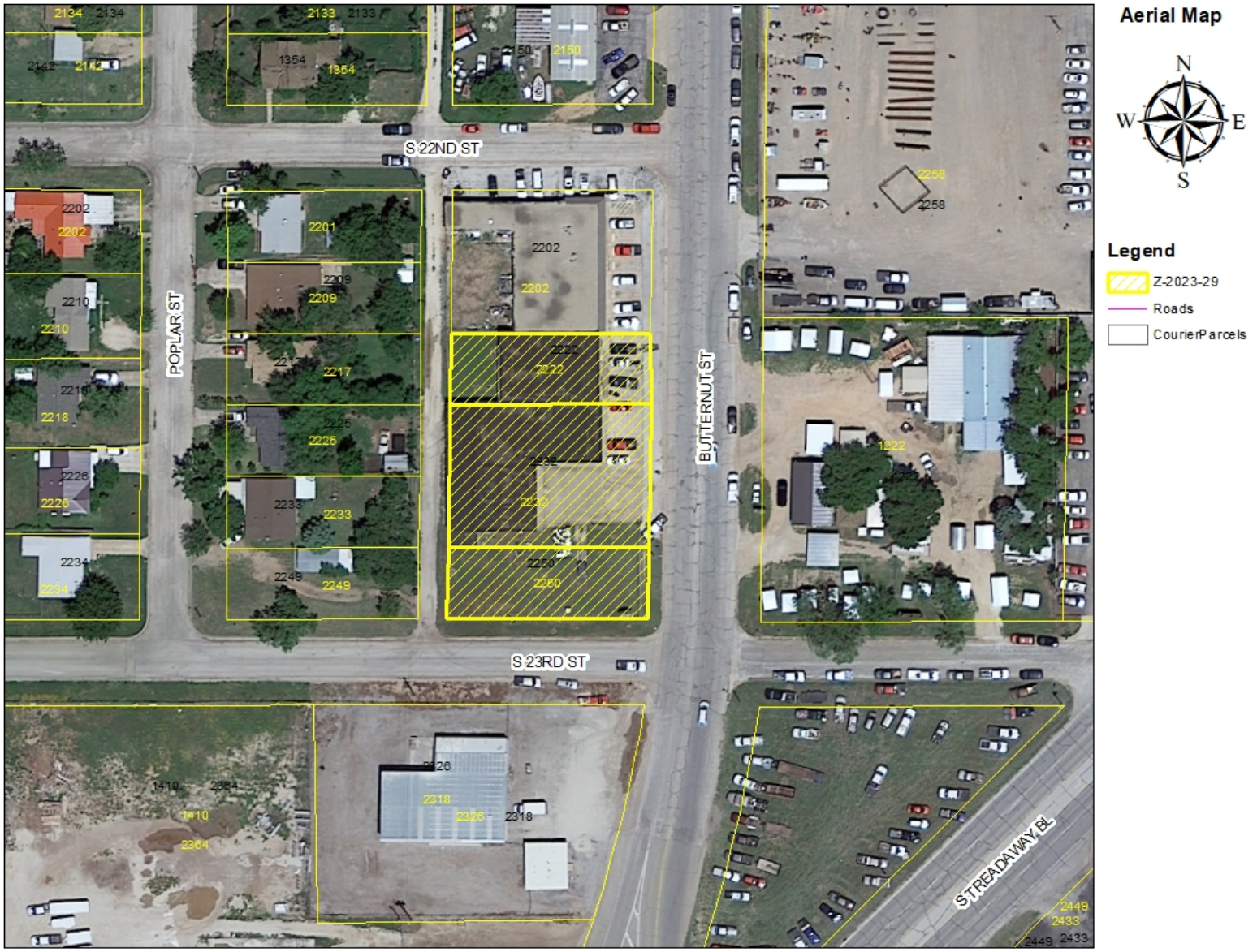
HIT VENTURES LLC	109554	2258 S TREADAWAY BL	
CAF REALTY LLC	980411	2326 BUTTERNUT ST	
CAF REALTY LLC	980411	2318 BUTTERNUT ST	

LOCATION MAP



ZONING MAP

Zoning Map
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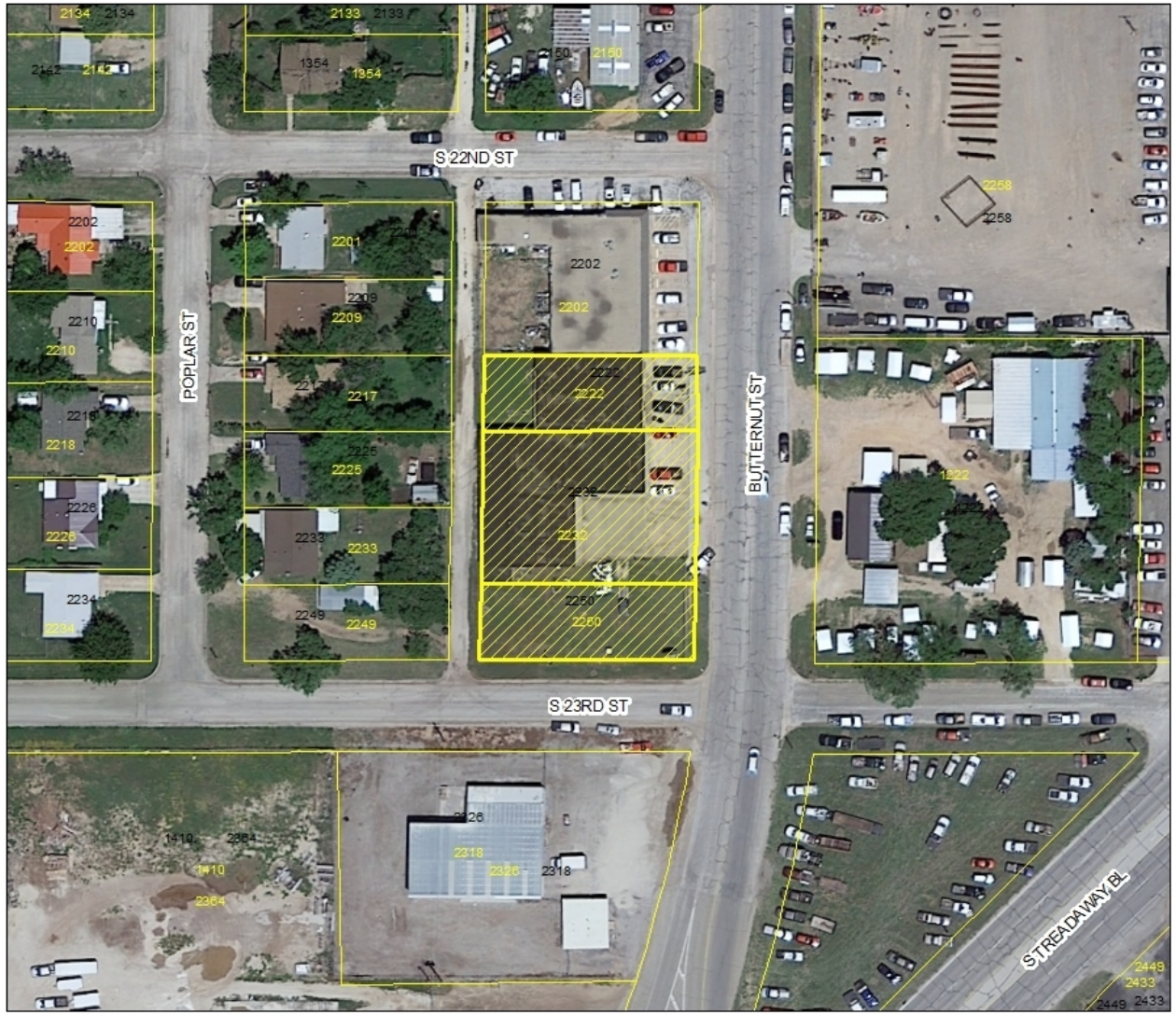
Legend
Z-2023-29
Roads
CourierParcels
2134
2142
2133
MD
1354
2150
S 22ND ST
2258
HI
2202
2210
2218
2226
2234
POPLAR ST
2201
2209
2217
RS-6
2225
2233
2249
2202
2222
2232
2250
BUTTERNUT ST
1222
HC
S 23RD ST
1410
2364
2318
2326
GC
STREADAWAY BL
2449
2433
LI

REZONE REQUEST

Case:	Z-2023-29
Owner:	Moore Abilene Holdings, LP
Agent:	Alex Moore
Request:	Rezone from HI to HC
Location:	2222, 2234, and 2250 Butternut Street
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	August 1, 2023
City Council Hearing:	August 24, 2023
	September 14, 2023

CITY OF ABILENE TEXAS

AERIAL LOCATION MAP



Aerial Map

N
W E
S

Legend

- Z-2023-29
- Roads
- CourierParcels

CITY OF ABILENE TEXAS

ZONING MAP

Zoning Map

N
W E
S

Legend

- Z-2023-29
- Roads
- CourierParcels

CITY OF ABILENE TEXAS

Existing Uses in HI Zoning

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
TP Field Office or Construction Office (temporary)
P Freight Container
P Manufacturing (incidental)
C Mobile Home (permanent security residence)
TP Mobile Home (temporary security residence)
P Recreation Building, Multipurpose
P Recycling Collection Point
P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

P Adult Entertainment Enterprise
C Motorized Racing

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

P Fire/Police Station
P Homeless/Emergency Shelter
P Post Office
P Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

P Church or Place of Worship
P Educational and Scientific Research
P School: Public/Private

SERVICE

P Contractor Services
P Recycling Collection and Processing Center
P Scales (public)
P Wrecker/Towing

TRADE – RETAIL USES

P Head Shop
C Scrap and Waste Material

TRADE – WHOLESALE USES

C Livestock – Wholesale or Auction
P Wholesaling and Storage (indoor)
P Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

P Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
P Antenna Tower - Commercial
P Automobile Parking Lot or Structure - Commercial
P Pressure Control Station
P Public Utility Facility
P Railroad Switching and Marshaling Yard
P Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

P Mining
P Petroleum or Gas Well
P Liquor
P Manufacturing (light)
P Manufacturing (heavy)
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**

CITY OF ABILENE TEXAS

Permitted Uses in HC Zoning

RESIDENTIAL USES:

C	Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

P	Accessory Structure (Also see Division 4 of this article)
P	Antenna, Non-Commercial/Amateur
P	ATM's, Self-Serve Kiosks, and Similar Facilities
P	Drive-Through Facility
TP	Field Office or Construction Office (temporary)
P	Freight Container
P	Fuel Sales
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P	Manufacturing (incidental)
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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
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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:

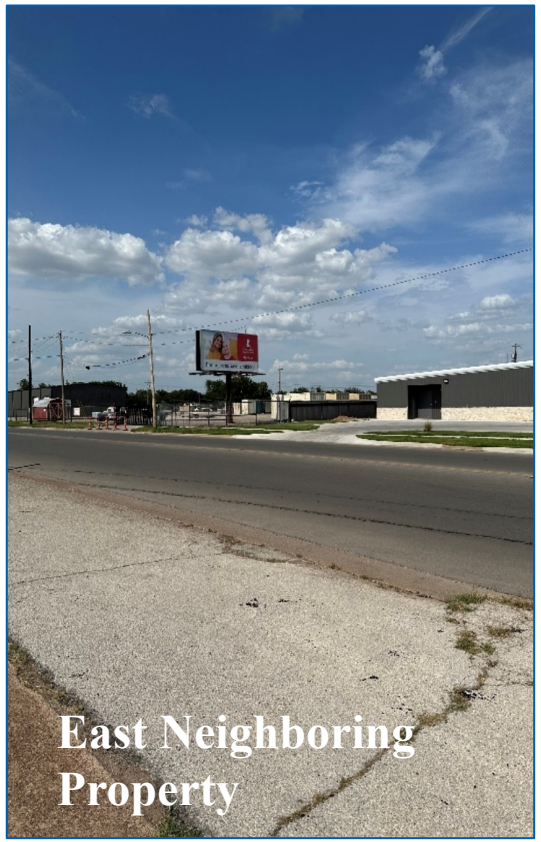
P	Petroleum or Gas Well
C	Manufacturing (light)
P	Urban Garden

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**

CITY OF ABILENE TEXAS

VIEWS OF SUBJECT PROPERTY



CITY OF ABILENE TEXAS

NOTIFICATION AREA MAP

Notification Map

N
W E
S

Legend

- Notification Area
- Z-2023-29
- Roads
- CourierParcels

0- In Favor-

0- Opposed-

0% Opposed

CITY OF ABILENE TEXAS

FINDINGS AND RECOMMENDATIONS

The proposed request for HC rezoning 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**

CITY OF ABILENE TEXAS

Questions?

CITY OF
ABILENE
TEXAS

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Robert Hanna, City Manager**

FROM: **Max Johnson, Director of Public Works**

SUBJECT: **17. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article VII., "Stop, Yield Intersections," Article X, "Stopping, Standing, and Parking," and Article XIII, "Schedules," of the Abilene Municipal Code, By Amending Certain Sections As Set Out Below, Providing A Severability Clause; And Declaring A Penalty *(Max Johnson)***

GENERAL INFORMATION

Revisions to Abilene's Municipal Code are recommended when growth and development within the City create incomplete or conflicting guidance to citizens.

The existing Code contains more detail in regards to certain traffic schedules than required by State or Federal laws. The proposed revisions bring our Code to conformity with other city ordinances throughout the State of Texas by simplifying and listing only those schedules that remain necessary.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

No fiscal impact is expected from these ordinance modifications.

STAFF RECOMMENDATION

Recommend approval to simplify and remove unnecessary detail in the ordinance.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Ordinance Revision for Chapter 18 Motor Vehicle and Traffic
2. Ord Exh A with Recommended Modifications for Stop Yield and Parking
3. Ordinance Motor Vehicle and Traffic (powerpoint)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC," ARTICLE VII., "STOP, YIELD INTERSECTIONS," ARTICLE X., "STOPPING, STANDING AND PARKING," AND ARTICLE XIII, "SCHEDULES," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

WHEREAS, due to the growth and development within the City of Abilene, the current traffic schedules within the code of ordinances are incomplete; and

WHEREAS, there is no requirement to list certain traffic schedules within the code of ordinances; and,

WHEREAS, in conformity with other city ordinances throughout Texas, there is a need to simplify and update the code of ordinances by listing only those schedules that remain necessary.

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

PART 1: That Chapter 18, Article VII, Sections 18-128, and 18-129 of the Abilene Municipal Code be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That Chapter 18, Article X, Division I, Section 18-178, and Division 4., Sections 18-230 and 18-231 of the Abilene Municipal Code be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 3: That Chapter 18, Article XIII, Sections 18-291, 18-292, 18-293, 18-294, 18-294.1, 18-295, 18-296, 18-297, 18-299, 18-301, 18-302, 18-303, and 18-304 of the Abilene Municipal Code be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 4: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

PART 5: That any persons, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine in accordance with Chapter 1 (Section 1-9) of this Code. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 24th day of August, 2023.

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 10th day of September, 2023, 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 7th day of September, 2023, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 7th day of September, 2023.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

Exhibit A

ARTICLE VII. STOP, YIELD INTERSECTIONS

Sec. 18-128. ~~Through Streets designated.~~ Reserved.

~~Those streets and parts of streets described in section 18-291 are hereby declared to be through streets for the purpose of this chapter.~~

Sec. 18-129. - ~~Authority to erect s~~Stop and yield signs.

a. Whenever any provision of this Code or ordinance designates and describes a through street it shall be the duty of the Director of Public Works or designee ~~Traffic and Transportation~~ to place and maintain a stop sign or yield right-of-way sign on each and every street intersecting such through street or intersecting that portion thereof described and designated as such unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of such streets as may be determined by the Director of Public Works or designee ~~Traffic and Transportation~~ upon the basis of an engineering and traffic study.

b. When signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection where stop signs are erected, and shall yield the right-of-way at every intersection where yield right-of-way signs are erected, before entering any of the street or portion of street.

ARTICLE X. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 18-178. - Angle parking permitted in certain locations.

(a)~~Upon those streets and parts of streets described in section 18-292, n~~No person shall park or stand a vehicle other than at an angle to the curb when signs or markings are in place indicating that angle parking is required.

(b) All vehicles parked at an angle shall be parked entirely within the marked stall for such parking and shall have one (1) of the front tires at rest against the curb or within six

(6) inches thereof. No vehicle with an overall length greater than twenty (20) feet shall be angle parked at the locations provided in this section at any time.

DIVISION 4. LIMITED ON CERTAIN STREETS

Sec. 18-230. - Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any ~~of the~~ street~~s~~, or segments of streets, where such sign is erected. ~~described in section 18-293~~.

Sec. 18-231. - Parking prohibited during certain hours on certain streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours and on days of the week, as specified by said sign. ~~in section 18-294, of any day except Sundays and legal holidays within the district or upon any of the streets described in section 18-294.~~

ARTICLE XIII. SCHEDULES

Sec. 18-291. - ~~Through streets; stop, yield intersections.~~ Reserved.

~~In accordance with the provisions of this chapter, and when signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection where stop signs are erected, and shall yield the right-of-way at every intersection where yield right-of-way signs are erected, before entering any of the following streets or portions of streets, except as modified by other sections hereof:~~

~~Street~~	~~Intersection or extent~~
~~North 1st St.~~	~~From Walnut St. to west dead end~~
~~South 1st St.~~	~~From west City limits to Treadaway Blvd.~~
~~North 2nd St.~~	~~From Grape St. to Treadaway Blvd.~~
	~~From North Jefferson Dr. to Danville Dr.~~

~~**Street**~~	~~**Intersection or extent**~~
~~South 2nd St.~~	~~From Chestnut St. to Butternut St.~~
	~~At Carl St.~~
	~~At Santos St.~~
~~North 3rd St.~~	~~From Bois d' Arc. St. to Willis St.~~
	~~From Clack St. to Wall St.~~
~~South 3rd St.~~	~~From Treadaway Blvd. to Riverside Blvd.~~
	~~At San Jose Dr.~~
~~North 4th St.~~	~~From Grape St. to Treadaway Blvd.~~
~~South 4th St.~~	~~From Treadaway Blvd. to Butternut St.~~
~~East South 5th St.~~	~~From T & P Lane to Carver St.~~
~~North 5th St.~~	~~From Victoria St. to Bois d' Arc St.~~
~~South 5th St.~~	~~At Jeanette St.~~
	~~From Treadaway Blvd. to Oak St.~~
	~~From Sayles Blvd. to Ross St.~~
	~~From Mockingbird Lane to Willis St.~~
	~~From Sycamore St. to Butternut St.~~
~~North 6th St.~~	~~From Bois d' Arc St. to Leggett Dr.~~
~~South 6th St.~~	~~At Amarillo St.~~
	~~At Meander St.~~
	~~From Treadaway Blvd. to Butternut St.~~

~~**Street**~~	~~**Intersection or extent**~~
~~North 7th St.~~	~~At Mulberry St.~~
	~~From Cockerell Dr. to Walnut St.~~
	~~From Pioneer Dr. to Danville Dr.~~
~~South 7th St.~~	~~From Carver St. to Arnold Blvd.~~
~~North 8th St.~~	~~From Treadaway Blvd. to Park St.~~
~~South 8th St.~~	~~At Davis St.~~
	~~From Treadaway Blvd. to Sayles Blvd.~~
~~North 9th St.~~	~~At Graham St.~~
	~~At Plaza St.~~
	~~At Victoria St.~~
	~~At Lillius St.~~
~~South 9th St.~~	~~At Meander St.~~
	~~At Palm St.~~
	~~At Poplar St.~~
	~~At Jeanette St.~~
~~North 10th St.~~	~~From railroad to Loop 322~~
	~~From railroad to Marigold St.~~
~~South 10th St.~~	~~At Albany St.~~
	~~At Highland Ave.~~
	~~At Portland St.~~

~~Street~~	~~Intersection or extent~~
	~~At Santos St.~~
~~North 11th St.~~	~~At Mesquite St.~~
	~~At Mulberry St.~~
	~~From Grape St. to Park St.~~
~~South 11th St.~~	~~From east City limits to Elmwood Dr.~~
~~North 12th St.~~	~~From Pine St. to Glendale Dr.~~
~~South 12th St.~~	~~At Albany St. At Amarillo St. At Blair St. At Highland Ave. At Marshall St. A~~
~~East North 13th St.~~	~~At Avenue F~~
~~North 13th St.~~	~~From College Dr. to Grape St.~~
~~South 13th St.~~	~~At Cherry St. At China St. At Marshall St. At Santos St. At Sunset St. From E~~
~~North 14th St.~~	~~At Mulberry St. From Grape St. to Lillius St. From Park Ave. to Richland Dr.~~
~~South 14th St.~~	~~From Maple St. to west City limits~~
~~North 15th St.~~	~~From Park Avenue to Westview Dr. From Westview Dr. to Roanoak Dr.~~
~~South 15th St.~~	~~At Ballinger St. From Barrow St. to Ross Ave.~~
~~East North 16th St.~~	~~From College Dr. to Griffin Rd.~~
~~North 16th St.~~	~~At Cedar St. At Mulberry St. At Orange St. At Plum St. At Swenson St.~~
~~South 16th St.~~	~~At Poplar St. At Portland St. At Woodard St. From Barrow St. to Ross Ave.~~
~~North 17th St.~~	~~At Simmons St.~~
~~South 17th St.~~	~~At Amarillo St. At Jeanette St. At Palm St. At Peach St. At Poplar St. At Vine~~
~~North 18th St.~~	~~From Treadaway Blvd. to North Danville Dr.~~

~~**Street**~~	~~**Intersection or extent**~~
~~South 18th St.~~	~~At Amarillo Dr.~~
~~North 19th St.~~	~~At Beech St. At Cedar St.~~
~~South 19th St.~~	~~At Amarillo St. At Grand St. At Highland Ave. At Portland St. At Santos St.~~
~~North 20th St.~~	~~At Beech St. At Green St. From Grape St. to Park St.~~
~~South 20th St.~~	~~From Treadaway Blvd. to Brook Hollow Dr.~~
~~North 21st St.~~	~~At Beech St. At Cedar St.~~
~~South 21st St.~~	~~At Meander St. At Palm St.~~
~~South 22nd St.~~	~~At Columbia Dr.~~
~~South 23rd St.~~	~~At Vine St. From Buffalo Gap Rd. to Post Oak Rd.~~
~~South 25th St.~~	~~At Woodridge Dr.~~
~~South 27th St.~~	~~From Southwest Dr. to Oldham Lane~~
~~South 32nd St.~~	~~From east dead end to Santa Monica Dr.~~
~~South 35th St.~~	~~At Highland Ave.~~
~~South 36th St.~~	~~From Treadaway Blvd. to Sayles Blvd.~~
~~South 38th St.~~	~~At Erie St.~~
~~South 39th St.~~	~~At Erie St.~~
~~South 40th St.~~	~~At Erie St.~~
~~South 41st St.~~	~~At Erie St.~~
~~Alameda Rd.~~	~~From Steffens St. to Springbrook Dr.~~
~~Alamo Dr.~~	~~From Corsicana Ave. to Clack St.~~

~~**Street**~~	~~**Intersection or extent**~~
~~Amarillo St.~~	~~At South 9th St. At South 13th St. At South 29th St. At College St. At Chimn~~
~~Ambler Ave.~~	~~From I-20 to Winters Freeway~~
~~Andy St.~~	~~From Corsicana St. to Hartford St.~~
~~Anson Ave.~~	~~From Old Anson Rd. to West Lake Rd.~~
~~Arlington Ave.~~	~~At Oaklawn Dr.~~
~~Arnold Blvd.~~	~~From I-20 to Hartford St.~~
~~Arrowhead Dr.~~	~~From Buffalo Gap Road to South Clack Dr.~~
~~Avenue D~~	~~From East North 16th St. to Ambler Ave.~~
~~Avenue E~~	~~From East North 10th St. to East North 16th St.~~
~~Avenue F~~	~~From Piedmont Dr. to East North 16th St.~~
~~Ballinger St.~~	~~From South 14th St. to South 20th St.~~
~~Barrow St.~~	~~From Mockingbird Lane to South 32nd St.~~
~~Beech St.~~	~~At North 7th St. At North 14th St. At North 17th St. At Parramore St. At Stat~~
~~Belmont Blvd.~~	~~From Butternut St. to South 21st St.~~
~~Berry Lane~~	~~From Maple St. to Oldham Lane~~
~~Blue Quail Dr.~~	~~From Quail Run to Corsicana Ave.~~
~~Bois d' Arc St.~~	~~At North 5th St. At North 6th St.~~
~~Booker T. Washington St.~~	~~From East South 7th St. to north dead end~~
~~Brentwood Dr.~~	~~From South Danville Dr. to South 23rd St.~~
~~Brook Hollow Dr.~~	~~From South 20th St. to South 27th St.~~

~~**Street**~~	~~**Intersection or extent**~~
~~Bruce Dr.~~	~~From Rebecca Lane to Chimney Rock~~
	~~From Rolling Green Dr. To Rebecca Lane~~
~~Buccaneer St.~~	~~At Monticello St. At Potomac Ave.~~
~~Buffalo Gap Rd.~~	~~From Highland St. to south City limits~~
~~Burger St.~~	~~At North 19th St.~~
~~Butternut St.~~	~~From South 1st St. to Treadaway Blvd.~~
~~Buttonwillow Dr.~~	~~From Buffalo Gap Rd. to Robertson Dr.~~
~~Buttonwillow Parkway~~	~~From Chimney Rock to Robertson Dr.~~
~~Byrd Dr.~~	~~At Scott Place~~
~~Campus Court~~	~~From East North 16th St. to north dead end~~
~~Capital Ave.~~	~~At Plaza St.~~
~~Carver Dr.~~	~~At East North 8th St.~~
~~Carver St.~~	~~From East South 5th St. to East South 7th St.~~
~~Castle Dr.~~	~~At Rexie Circle~~
~~Catclaw Dr.~~	~~From Southwest Dr. to Rebecca Ln. From Rebecca Ln. to Chimney Rock Rd.~~
~~Cedar St.~~	~~At North 7th St. At Wilson St.~~
~~Cedar Crest Dr.~~	~~From East North 10th St. to Ambler Ave.~~
~~Chaucer Dr.~~	~~South 11th St. to Friar's St.~~
~~Cherry St.~~	~~At Dimmitt St.~~
~~Chestnut St.~~	~~From South 1st St. to Treadaway Blvd.~~

~~**Street**~~	~~**Intersection or extent**~~
~~Chimney Rock~~	~~From Buffalo Gap Rd. to east dead end~~
~~China St.~~	~~From Treadaway Blvd. to South 7th St.~~
~~Chriswood Dr.~~	~~From Musken Rd. to Kenwood Dr.~~
~~Clack St., North~~	~~From North 1st St. to West Stamford St. From West Overland Trail to North~~
~~Clack St., South~~	~~From Steffens St. to Antilley Rd.~~
~~Clark's Dr.~~	~~From Judge Ely Blvd. to Pardoner's Rd.~~
~~Clinton St.~~	~~At North 9th St. At North 15th St. At North 16th St. At North 19th St. At Nor~~
	~~From Anson Ave. to Stamford St.~~
~~Clyde St.~~	~~At Russell St.~~
~~Cockerell Dr.~~	~~E. Hwy. 80 to East North 10th St.~~
~~College Dr.~~	~~East North 13th St. to Campus Court~~
~~Corsicana Ave.~~	~~From Health Center Dr. to Lamesa Ave.~~
~~Countryside Dr.~~	~~At Mourning Dove Lane~~
~~Cypress St.~~	~~At North 8th St. At Wilson St.~~
~~Danville Dr., North~~	~~From North 1st St. to West Stamford St. From West Overland Trail to north~~
~~Danville Dr., South~~	~~From South 1st St. to Treadaway Blvd.~~
~~Davis Dr.~~	~~At Ward Dr.~~
~~Delaware Rd.~~	~~At Jennings Dr.~~
~~Denton St.~~	~~At Burbank Dr.~~
~~Don Juan St.~~	~~From Whittier St. to Danville Dr.~~

~~**Street**~~	~~**Intersection or extent**~~
~~Edgemont Dr.~~	~~From Nonesuch Rd. to Clack St. From Waverly Ave. to Santa Monica Dr.~~
~~Elm St.~~	~~At South 9th St. At South 12th St. At South 13th St.~~
~~Elmwood Dr.~~	~~From South 7th St. to River Oaks Rd.~~
~~South Elmwood Dr.~~	~~From Elmwood Dr. to Brook Hollow Dr.~~
~~Estates Dr.~~	~~From Lytle Way to East South 11th St.~~
~~Fairmont St.~~	~~From Danville Dr. to Lexington Ave.~~
~~Fairway Oaks Blvd.~~	~~From Antilley Rd. to Woodlake Dr.~~
~~Fannin St.~~	~~At North 19th St.~~
~~Friar's St.~~	~~From Judge Ely Blvd. to Chaucer Dr.~~
~~Garfield Ave.~~	~~At Bacon Dr. At Hillcrest Dr.~~
~~Gill Dr.~~	~~From Green Valley Dr. to South dead end~~
~~Glen Abbey Ct.~~	~~From Antilley Road north to dead end~~
~~Glendale Dr.~~	~~From North 10th St. to North 14th St.~~
~~Grand Ave.~~	~~At South 18th St. From South 7th St. to South 14th St. From Sayles Blvd. to~~
~~Graham St.~~	~~At North 2nd St. At North 5th St.~~
~~Grape St.~~	~~From South 1st St. to North Pine St.~~
~~Green St.~~	~~At North 20th St.~~
~~Green Valley Dr.~~	~~From East North 10th St. south to dead end~~
~~Grove St.~~	~~At South 8th St. At South 9th St.~~
~~Hardy St.~~	~~At Sandifer St.~~

~~**Street**~~	~~**Intersection or extent**~~
~~Hartford St.~~	~~From South Clack St. to FM 3438~~
	~~From Buccaneer Dr. to Danville Dr.~~
~~Henderson St.~~	~~From East South 7th St. north to dead end~~
~~Heritage Lane~~	~~From Bruce Dr. east to dead end~~
~~Hickory St.~~	~~From North 1st St. to Ambler Ave.~~
~~Highland St.~~	~~At South 13th St. At South 18th St. At South 29th St. At College St.~~
~~High Meadows Dr.~~	~~From Shepherd St. to Brentwood Dr.~~
~~Huckleberry Lane~~	~~At Clinton St.~~
~~Hunt St.~~	~~At Portland St. At Sewell St. From Barrow St. to Ross Ave.~~
~~Hollis Dr.~~	~~At South 12th St.~~
~~Hoylake Dr.~~	~~From Antilley Rd. to Innisbrook Dr.~~
~~Idlewild St.~~	~~At Highland St.~~
~~Industrial Blvd.~~	~~From Jake Roberts Freeway to Danville Dr.~~
~~Jake Roberts Freeway~~	~~From north City limits to south City limits~~
~~Jameson St.~~	~~At Victoria St.~~
~~Jeanette St.~~	~~At South 6th St. At South 10th St. From South 14th St. to Treadaway Blvd.~~
~~Jennings Dr.~~	~~At Delaware Rd.~~
~~Judge Ely Blvd.~~	~~From East South 11th St. to Stamford St.~~
~~Kenwood Dr.~~	~~From East North 10th St. to Musken Rd.~~
~~Kirkwood St.~~	~~At North 5th St. At North 7th St. At Kansas St. At Parramore St.~~

~~**Street**~~	~~**Intersection or extent**~~
~~Laguna Ave.~~	~~At Corsicana Ave.~~
~~Lake Fort Phantom Rd., West~~	~~From Ambler Ave. to North City limits~~
~~Leggett Dr.~~	~~From North 6th St. to South 14th St.~~
~~Lexington Ave.~~	~~From Stratford St. to Russell Ave.~~
~~Ligustrum Dr.~~	~~At South Elmwood Dr.~~
~~Lillius St.~~	~~At North 7th St. At North 14th St. At North 15th St. At Parramore St.~~
~~Lincoln Dr.~~	~~From College Dr. to Ambler Ave.~~
~~Locust St.~~	~~At South 2nd St. From South 11th St. to South 14th St.~~
~~Lowden St.~~	~~From Grape St. to Pine St.~~
~~Lynbrook Drive~~	~~From Chimney Rock Rd. to Memorial Drive~~
~~Lytle Shores Dr.~~	~~At Willow Wren~~
~~Lytle Trail~~	~~From Lytle Way to Edgewater Rd. From Oldham Lane to Shoreline Dr.~~
~~Lytle Way~~	~~From East South 11th St. to Expo Dr.~~
~~Madison St.~~	~~At Bacon Dr. At Hillcrest Dr.~~
~~Main St.~~	~~Crossover (on Loop 355) at Steffens St.~~
~~Maple St.~~	~~At South 27th St. From South 11th St. to south City limits~~
~~Marshall St.~~	~~From South 14th St. to South 32nd St. At Hunt St.~~
~~Matador St.~~	~~At South 12th St. At South 13th St. At South 19th St. From South 14th St. to~~
~~Meander St.~~	~~At South 8th St. From South 11th St. to South 14th St. At Ildewild St. At Ove~~
~~Merchant St.~~	~~At North 9th St. At North 19th St. At North 21st St. At Sandifer St.~~

~~Street~~	~~Intersection or extent~~
~~Merion St.~~	~~At Augusta Dr.~~
~~Mesquite St.~~	~~At North 9th St. At North 14th St.~~
~~Miller St.~~	~~At South 2nd St.~~
~~Mimosa Dr.~~	~~From Ambler Ave. to Vogel~~
~~Minda St.~~	~~From T & P Lane to Judge Ely Blvd.~~
~~Minter Lane~~	~~At North 14th St.~~
~~Mockingbird Lane~~	~~From Barrow St. to Vogel Ave.~~
~~Northway Dr.~~	~~At Pasadena Dr.~~
~~Nottingham Rd.~~	~~From Lytle Way to Lancelot Rd.~~
~~Oak St.~~	~~From South 1st St. to Treadaway Blvd.~~
~~Old Anson Rd.~~	~~From Ambler Ave. to north City limits~~
~~Oldham Lane~~	~~From East South 11th St. to south City limits~~
~~Orange St.~~	~~At North 7th St. At North 9th St. At North 14th St. At North 17th St. From N~~
~~Over St.~~	~~At Meander St.~~
~~Overland Trail, East~~	~~From east City limits to Pine St.~~
~~Overland Trail, West~~	~~From Pine St. to North Danville Dr. From North Clack St. to west City limits~~
~~Palm St.~~	~~From South 1st St. to South 8th St. From South 22nd St. to South 24th St.~~
~~Park Ave.~~	~~At South 20th St.~~
~~Peach St.~~	~~At South 9th St. At South 10th St. From South 1st St. to South 7th St. From S~~
~~Pecan St.~~	~~From South 11th St. to South 14th St.~~

~~**Street**~~	~~**Intersection or extent**~~
~~Peppermill Lane~~	~~From Innisbrook Drive to Willow Wood Drive~~
~~Pickard St.~~	~~From East South 7th St. north to dead end~~
~~Piedmont Dr.~~	~~From Gill St. to Kenwood Dr.~~
~~Pioneer Dr.~~	~~From North Danville Dr. to South 14th St.~~
~~Pine St.~~	~~From N. 1st St. to US 83/277~~
~~Plaza St.~~	~~From North 1st St. to North 10th St.~~
~~Poplar St.~~	~~From South 1st St. to South 7th St. At South 21st St. At South 22nd St.~~
~~Portland St.~~	~~At South 5th St. At South 12th St. At South 13th St. At South 15th St. At Sou~~
~~Post Oak Rd.~~	~~From South 20th St. to Bob-O-Link Dr.~~
~~Potomac Ave.~~	~~From Danville Dr. to Lexington Ave.~~
~~Presidio Dr.~~	~~From Lamesa Ave. to South 7th St. From Waldemer St. to Shenandoah Dr.~~
~~Primose Dr.~~	~~From Bruce Dr. east to dead end~~
~~Pueblo Dr.~~	~~At Presidio St.~~
~~Quail Run~~	~~From Texas Ave. north and west to dead end~~
~~Rebecca Lane~~	~~From Buffalo Gap Rd. west to U.S. Hwy. 277~~
~~Redwood Dr.~~	~~From Westwood Dr. to North 10th St.~~
~~Richland Dr.~~	~~From North 10th St. to North 11th St.~~
~~Richmond St.~~	~~From Lexington Ave. to Danville Dr.~~
~~Rio Mesa Dr.~~	~~Buffalo Gap Rd. to west end~~
~~Riverside Dr.~~	~~At South 5th St. At South 6th St.~~

~~**Street**~~	~~**Intersection or extent**~~
~~Robertson Dr.~~	~~From Buffalo Gap Rd. east and south to dead end~~
~~Rolling Green Dr.~~	~~From Ridgemont Dr. to Catclaw Dr.~~
~~Ross Ave.~~	~~South 1st St. to Edgemont Dr.~~
~~Ruidosa St.~~	~~From South 7th St. to Steffens St.~~
~~Russell Ave.~~	~~At Carl St. At Miller St.~~
~~Ruswood Dr.~~	~~From Judge Ely Blvd. to Kenwood Dr.~~
~~Sammons St.~~	~~At South 2nd St. At Russell St. At South 5th St.~~
~~Sandifer St.~~	~~At Walnut St.~~
~~San Jose Dr.~~	~~From South 3rd St. to Richmond St.~~
~~San Jose Dr.~~	~~At Waldemar St.~~
~~Santa Monica Dr.~~	~~At Edgemont Dr. From Willis St. (at San Miguel Dr.) to Kensington Dr.~~
~~Santos St.~~	~~At South 6th St. At South 18th St. At College St. At Over St. At Russell St.~~
~~Sayles Blvd.~~	~~From North 1st St. to South Danville Dr.~~
~~Scott Place~~	~~At Radford Dr.~~
	~~At Russell Ave.~~
~~Sewell St.~~	~~At South 15th St. At South 16th St. At South 22nd St. At College St.~~
~~Shelton St.~~	~~At North 19th St. At North 20th St. At University Blvd.~~
~~Shepherd St.~~	~~At High Meadows Dr.~~
~~Sherry Ln.~~	~~Willis St. to Yorktown Dr.~~
~~Shoreline Dr.~~	~~From Lytle Trail to Lytle Way~~

~~**Street**~~	~~**Intersection or extent**~~
~~Simmons Ave.~~	~~At North 21st St. At Vogel Ave.~~
~~Southmoor Dr.~~	~~From Corsicana Ave. to Bishop Rd.~~
~~Southwest Dr.~~	~~From South 27th St. to Clack St.~~
	~~From Clack St. to Rebecca Ln.~~
~~Stafford Ave.~~	~~From East South 7th St. north to dead end~~
~~Stamford St., East~~	~~From east City limits to Pine St.~~
~~Stamford St., West~~	~~From Pine St. to North Danville Dr. From North Clark St. to west City limits~~
~~State St.~~	~~At Westmoreland St. From Grape St. to North Danville Dr.~~
~~Steffens St.~~	~~From Clack St. to Vapor Trail From Pioneer to Danville Dr.~~
~~Stratford St.~~	~~From Pioneer to Leggett Dr.~~
~~Sunset Dr.~~	~~At South 4th St. At South 5th St. At South 13th St. At College St.~~
~~Swenson St.~~	~~At North 17th St. At North 19th St. At North 20th St. At North 21st St. At Sa~~
~~Sycamore~~	~~At South 9th St.~~
~~Sylvan Dr.~~	~~At Edgewood Dr. At Green Meadows Rd. At Woodridge Rd.~~
~~T & P Lane~~	~~From E. Hwy. 80 to East South 11th St.~~
~~Tanglewood Dr.~~	~~At Inwood Dr.~~
~~Taos Dr.~~	~~At Corsicana Ave.~~
~~Texas Ave.~~	~~From US 277 to Dub Wright Blvd.~~
~~Treadaway Blvd.~~	~~From US 83/84 and Loop 322 interchange to Pine St.~~
~~University Blvd.~~	~~At Hardy St. At Merchant St. At Swenson St. At Walnut St.~~

~~**Street**~~	~~**Intersection or extent**~~
~~U.S. 80 East~~	~~From east City limits to Treadaway Blvd.~~
~~Victoria St.~~	~~From North 14th St. to Ambler Ave. At Kansas St.~~
~~Vine St.~~	~~At South 10th St. At South 17th St. At South 19th St. At South 21st St. At So~~
~~Vogel Ave.~~	~~From Danville Dr. to Treadaway Blvd.~~
~~Waldemar St.~~	~~From Danville Dr. to Lexington Ave.~~
~~Walnut St.~~	~~From North 1st St. to Ambler Ave.~~
~~Washington Blvd.~~	~~From E. Hwy. 80 to East North 16th St.~~
~~Westchester Dr.~~	~~From Buffalo Gap Rd. west to dead end~~
~~Westmoreland St.~~	~~At North 5th St. At North 20th St. At University Blvd. At Sandifer St.~~
~~Westridge Dr.~~	~~At Monticello Dr.~~
~~Westview Dr.~~	~~At North 15th St.~~
~~Westway Dr.~~	~~From Oak St. to Butternut St.~~
~~Westwood Dr.~~	~~From Redwood Dr. to Vogel Ave.~~
~~Willis St.~~	~~From West Stamford to South Danville Dr.~~
~~Winters Freeway~~	~~From north City limits to south City limits~~
~~Woodard St.~~	~~At South 15th St.~~
	~~At South 25th St.~~
	~~At Hunt St.~~
~~Woodlake Dr.~~	~~From Buffalo Gap Rd. to Meadow Lake~~
~~Woodland Trail~~	~~At Inwood Lane~~

~~Street~~	~~Intersection or extent~~
~~Woodridge Dr.~~	~~At Green Meadows Dr.~~
~~Yale Dr.~~	~~From Willis St. to Westwood Dr.~~
~~Yorktown Dr.~~	~~At North 15th St.~~
	~~At Sherry Lane~~
~~Unnamed connector street~~	~~From western continuation of North 3rd St. at Grape St. to North 3rd St. at M~~
~~Unnamed connector street~~	~~From North 4th St. at Mulberry St. to western continuation of North 3rd St. at~~
~~Unnamed connector street~~	~~From North 6th St. at Lillius St. to North 5th St. at the northern continuation~~

Sec. 18-292. - ~~Angle parking~~. Reserved

~~In accordance with the provisions of this chapter, and when signs are erected or pavement markings are in place giving notice thereof, no person shall at any time park or stand a vehicle other than at the designated angle to the curb on the following streets or portions of streets on the indicated side:~~

~~Street~~	~~Side~~	~~Extent~~
~~North 2nd Street~~	~~Both~~	~~From Walnut St. to Hickory St.~~
~~South 2nd Street~~	~~North~~	~~From Oak St. to Chestnut St.~~
~~North 3rd Street~~	~~North~~	~~From Hickory St. to Walnut St.~~
	~~South~~	~~From alley east of Hickory St. to Walnut St.~~
~~South 3rd Street~~	~~North~~	~~From Pecan St. to alley west of Pecan St.~~
	~~South~~	~~From Pecan St. to Oak St.~~

~~Street~~	~~Side~~	~~Extent~~
~~North 4th Street~~	~~North~~	~~From Walnut St. to Hickory St.~~
	~~South~~	~~From Walnut St. to Cypress St.~~
	~~South~~	~~From Cedar St. to Hickory St.~~
~~North 5th Street~~	~~North~~	~~From Hickory St. to Walnut St.~~
	~~South~~	~~From Hickory St. to Mesquite St.~~
~~South 5th Street~~	~~North~~	~~From alley east of Oak St. to Oak St.~~
~~North 6th Street~~	~~North~~	~~From Plum St. to alley west of Mesquite St.~~
	~~North~~	~~From alley east of Pine St. to Hickory St.~~
	~~South~~	~~From Hickory St. to Cedar St.~~
	~~South~~	~~From alley west of Pine St. to Walnut St.~~
~~Cedar St.~~	~~East~~	~~From North 1st St. to 200 feet north of North 3rd S~~
	~~East~~	~~From 150 feet north of North 5th St. to North 6th S~~
	~~West~~	~~From 80 feet north of North 5th St. to North 1st St.~~
~~Chestnut Street~~	~~East~~	~~From 200 feet south of South 1st St. to South 2nd S~~
	~~West~~	~~From South 1st St. to South 6th St.~~
~~Cypress Street~~	~~Both~~	~~From North 1st St. to North 4th St.~~
	~~East~~	~~From 150 feet north of North 4th St. to North 5th S~~
	~~West~~	~~From 150 feet north of North 4th St. to North 6th S~~
~~Hickory Street~~	~~Both~~	~~From North 3rd St. to North 6th St.~~
	~~West~~	~~From North 1st St. to North 2nd St.~~

~~Street~~	~~Side~~	~~Extent~~
~~Oak Street~~	~~East~~	~~From South 2nd St. to South 1st St.~~
	~~West~~	~~From South 5th St. to South 2nd St.~~
~~Pine Street~~	~~East~~	~~From North 1st St. to North 5th St.~~
	~~West~~	~~From North 1st St. to 200 feet north of North 4th S~~
~~Walnut Street~~	~~East~~	~~From 150 feet north of North 1st St. to 250 feet nor~~
	~~East~~	~~From North 2nd St. to North 6th St.~~
	~~West~~	~~From North 6th St. to 100 feet south of North 5th S~~
	~~West~~	~~From North 5th St. to 70 feet south of North 2nd St~~

Sec. 18-293. - ~~Parking prohibited—At all times.~~ Reserved.

~~In accordance with the provisions of this chapter, and when signs are erected giving notice thereof, no person shall at any time park a vehicle upon the indicated side of any of the following streets or portions of streets:~~

-

~~Street~~	~~Side~~
~~North 1st St.~~	~~Both~~
	~~South~~
	~~South~~

~~**Street**~~	~~**Side**~~
	~~South~~
	~~North~~
	~~North~~
~~South 1st St.~~	~~Both~~
~~North 2nd St.~~	~~Both~~
	~~Both~~
~~North 2nd St.~~	~~North~~
~~South 2nd St.~~	~~South~~
~~North 3rd St.~~	~~North~~
	~~South~~
	~~South~~
	~~North~~
~~South 3rd St.~~	~~North~~
~~North 4th St.~~	~~North~~
	~~North~~

~~**Street**~~	~~**Side**~~
	~~South~~
	~~Both~~
~~South 4th St.~~	~~South~~
	~~South~~
	~~South~~
	~~South~~
~~North 5th St.~~	~~North~~
	~~North~~
	~~North~~
	~~South~~
	~~South~~
~~South 5th St.~~	~~North~~
	~~North~~
	~~North~~
	~~South~~

~~**Street**~~	~~**Side**~~
	~~Both~~
~~North 6th St.~~	~~Both~~
	~~North~~
	~~North~~
	~~South~~
	~~South~~
	~~South~~
	~~Both~~
~~South 6th St.~~	~~North~~
	~~North~~
	~~South~~
~~North 7th St.~~	~~North~~
	~~North~~
~~South 7th St.~~	~~North~~
	~~North~~

~~**Street**~~	~~**Side**~~
	~~North~~
	~~North~~
	~~South~~
~~South 9th St.~~	~~South~~
~~North 10th St.~~	~~North~~
	~~South~~
	~~Both~~
	~~Both~~
	~~Both~~
	~~Both~~
~~East North 10th St.~~	~~Both~~
	~~North~~
~~East North 10th St.~~	~~North~~
~~North 11th St.~~	~~North~~
~~South 11th St.~~	~~Both~~

~~**Street**~~	~~**Side**~~
	~~South~~
~~East South 11th St.~~	~~Both~~
~~North 12th St.~~	~~North~~
	~~South~~
~~South 13th St.~~	~~South~~
~~South~~	~~Both~~
~~North 15th St.~~	~~North~~
	~~South~~
	~~North~~
~~East North 16th St.~~	~~Both~~
	~~Both~~
	~~North~~
	~~South~~
~~South 17th Street~~	~~North~~
	~~North~~

~~**Street**~~	~~**Side**~~
	~~South~~
	~~South~~
~~East North 18th St.~~	~~South~~
	~~North~~
	~~South~~
~~North 18th St.~~	~~South~~
	~~Both~~
~~South 18th St.~~	~~South~~
~~East North 19th St.~~	~~North~~
	~~South~~
~~North 19th St.~~	~~Both~~
~~South 19th St.~~	~~South~~
~~N. 20th St.~~	~~North~~
	~~South~~
~~South 20th St.~~	~~North~~

~~**Street**~~	~~**Side**~~
~~North 21st St.~~	~~North~~
	~~South~~
	~~South~~
~~South 23rd~~	~~South~~
~~South 27th St.~~	~~North~~
	~~Both~~
	~~North~~
	~~Both~~
	~~South~~
~~South 32nd St.~~	~~North~~
	~~South~~
	~~North~~
	~~North~~
	~~North~~
~~South 41st St.~~	~~South~~

~~Street~~	~~Side~~
~~Airport Blvd.~~	~~Both~~
~~Alameda Rd.~~	~~East~~
	~~West~~
	~~Both~~
~~Amarillo St.~~	~~West~~
	~~Both~~
	~~West~~
	~~East~~
	~~West~~
	~~East~~
	~~West~~
	~~West~~
	~~East~~
~~Ambler Ave.~~	~~Both~~
	~~Both~~

~~**Street**~~	~~**Side**~~
	~~South~~
	~~Both~~
	~~South~~
	~~Both~~
	~~North~~
	~~Both~~
	~~North~~
	~~South~~
~~Antilley Rd.~~	~~Both~~
~~Arnold Blvd.~~	~~Both~~
~~Arrow Point~~	~~West~~
~~Avenue E~~	~~West~~
	~~East~~
~~Avenue F~~	~~West~~
	~~West~~

~~Street~~	~~Side~~
	~~West~~
~~Barrow St.~~	~~Both~~
	~~Both~~
	~~Both~~
	~~Both~~
	~~East~~
	~~West~~
~~Bel Air Dr.~~	~~East~~
	~~West~~
~~Beltway South~~	~~Both~~
	~~North~~
~~Ben Richey Dr.~~	~~South~~
~~Bickley St.~~	~~South~~
~~Bishop Rd.~~	~~Both~~
~~Bowie Dr.~~	~~Both~~

~~**Street**~~	~~**Side**~~
~~Bruce Way~~	~~West~~
	~~East~~
~~Buccaneer Dr.~~	~~West~~
	~~West~~
~~Buffalo Gap Rd.~~	~~Both~~
~~Butternut St.~~	~~Both~~
~~Butternut St.~~	~~East~~
	~~West~~
~~Buttonwillow Ave.~~	~~Both~~
~~Campus Court~~	~~East~~
	~~East~~
	~~East~~
	~~East~~
	~~East~~
	~~West~~

~~**Street**~~	~~**Side**~~
	~~East~~
	~~East~~
~~Carver St.~~	~~Both~~
~~Catclaw Drive~~	~~Both~~
~~Cedar St.~~	~~Both~~
	~~East~~
	~~West~~
~~Cedar Crest Dr.~~	~~South-west~~
~~Cedar Run Rd.~~	~~Both~~
	~~North~~
	~~South~~
~~Chestnut St.~~	~~East~~
	~~West~~
	~~West~~
	~~West~~

~~**Street**~~	~~**Side**~~
~~Clack Street~~	~~West~~
~~Cockerell Dr.~~	~~East~~
	~~West~~
	~~Both~~
~~College Dr.~~	~~South~~
~~Colonial Drive~~	~~Both~~
~~Compere Blvd.~~	~~Both~~
	~~Both~~
~~Cottonwood St.~~	~~East~~
~~Corsicana Ave.~~	~~Both~~
	~~Both~~
	~~Both~~
~~Crossroads Dr.~~	~~East~~
~~Curry Lane~~	~~Both~~
~~Cypress St.~~	~~East~~

~~Street~~	~~Side~~
	~~East~~
	~~West~~
~~Danville Drive~~	~~East~~
~~Davis Dr.~~	~~Both~~
~~Denton St.~~	~~East~~
~~Director's Parkway~~	~~Both~~
~~Dub Wright Blvd.~~	~~Both~~
~~East Highway 80~~	~~South~~
~~East Lake Rd.~~	~~Both~~
~~Elm St.~~	~~East~~
~~Enterprise Drive~~	~~Both~~
~~Eplen Court~~	~~Both~~
~~Expo Dr.~~	~~Both~~
~~Fairway Oaks Blvd.~~	~~Both~~
~~Forrest Ave.~~	~~East~~

~~**Street**~~	~~**Side**~~
~~Forrest Hill Rd.~~	~~North~~
~~Forrest Hill Rd.~~	~~South~~
~~Frenchman's Creek Road~~	~~South-west~~
~~Friars Street~~	~~Both~~
~~Gann Street~~	~~Both~~
~~Grand Ave.~~	~~West~~
	~~West~~
~~Grape St.~~	~~Both~~
	~~West~~
~~Hampton Hills St.~~	~~Both~~
~~Hartford St.~~	~~North~~
	~~Both~~
~~Hickory St.~~	~~Both~~
	~~Both~~
~~Highland Ave.~~	~~West~~

~~**Street**~~	~~**Side**~~
~~Hunt St.~~	~~North~~
	~~South~~
~~Industrial Blvd.~~	~~Both~~
	~~Both~~
	~~Both~~
	~~Both~~
~~Jake Roberts Freeway~~	~~Both~~
~~Jeanette St.~~	~~East~~
	~~West~~
	~~West~~
~~Jeffries St.~~	~~South~~
~~Jennings Dr.~~	~~South~~
~~John Knox Dr.~~	~~West~~
	~~Both~~
~~Judge Ely Blvd.~~	~~Both~~

~~**Street**~~	~~**Side**~~
~~Kirkwood St.~~	~~West~~
	~~East~~
~~Lance Dr.~~	~~North & East~~
~~Larkin St.~~	~~West~~
~~Leggett Dr.~~	~~West~~
	~~Both~~
~~Little League Rd.~~	~~Both~~
~~Lynwood Ln.~~	~~North~~
~~Marshall Ave.~~	~~East~~
	~~East~~
	~~West~~
	~~West~~
~~Mesquite St.~~	~~East~~
	~~East~~
	~~West~~

~~**Street**~~	~~**Side**~~
~~Military Dr.~~	~~Both~~
	~~Both~~
~~Mockingbird Blvd.~~	~~Both~~
~~Mockingbird Lane~~	~~Both~~
~~Morris St.~~	~~East~~
~~Mulberry St.~~	~~West~~
~~Musgrave Blvd.~~	~~Both~~
~~Musken Rd.~~	~~South~~
	~~Both~~
~~Nelson Dr.~~	~~Both~~
~~Oak St.~~	~~East~~
	~~East~~
	~~West~~
	~~West~~
~~Old Anson Rd.~~	~~Both~~

~~**Street**~~	~~**Side**~~
	~~West~~
~~Park Ave.~~	~~Both~~
~~Peach St.~~	~~Both~~
~~Pecan St.~~	~~West~~
~~Pecan St.~~	~~East~~
~~Pine St.~~	~~Both~~
	~~East~~
	~~West~~
	~~West~~
	~~West~~
	~~West~~
~~Pioneer Dr., South~~	~~Both~~
	~~Both~~
~~Pioneer Dr., North~~	~~Both~~
~~Poplar St.~~	~~West~~

~~**Street**~~	~~**Side**~~
~~Portland Ave.~~	~~West~~
	~~East~~
~~Portland St.~~	~~East~~
~~Potomac Ave.~~	~~North~~
~~Prof Bynum Way~~	~~Both~~
~~Quail Run~~	~~Both~~
~~Rebecca Lane~~	~~Both~~
~~Redbud Cir.~~	~~Both~~
	~~North~~
	~~South~~
	~~East~~
	~~West~~
~~Redwood Dr.~~	~~Both~~
~~Richland Dr.~~	~~Both~~
~~Ridgemont Dr.~~	~~Both~~

~~**Street**~~	~~**Side**~~
~~Ridgway St.~~	~~West~~
~~Rolling Green Dr.~~	~~Both~~
~~Ross Ave.~~	~~East~~
	~~East~~
~~Russwood Dr.~~	~~Both~~
	~~North~~
~~Sammons St.~~	~~East~~
	~~East~~
~~San Jacinto Dr.~~	~~Both~~
~~San Jose Dr., North~~	~~Both~~
	~~Both~~
	~~North~~
	~~East~~
~~Sandefer St.~~	~~South~~
~~Sandy St.~~	~~North~~

~~**Street**~~	~~**Side**~~
~~Santos St.~~	~~East~~
	~~East~~
~~Sayles Blvd.~~	~~East~~
	~~West~~
	~~Both~~
	~~West~~
	~~West~~
	~~East~~
	~~West~~
	~~East~~
	~~East~~
	~~West~~
	~~West~~
	~~West~~
	~~East~~

~~Street~~	~~Side~~
	~~East~~
	~~West~~
	~~West~~
	~~East~~
	~~North-west~~
	~~North-west~~
	~~Both~~
~~Shelton St.~~	~~West~~
~~Sierra Sunset~~	~~Both~~
~~Simmons Ave.~~	~~West~~
	~~West~~
	~~West~~
	~~East~~
~~Simmons St.~~	~~East~~
~~Southwest Drive~~	~~Both~~

~~**Street**~~	~~**Side**~~
~~State St.~~	~~South~~
~~State St.~~	~~Both~~
	~~From Mockingbird Lane west a distance of 200 feet~~
	~~North~~
	~~South~~
~~Sugarberry Ave.~~	~~Both~~
~~Sycamore St.~~	~~East~~
	~~West~~
~~Texas Ave.~~	~~South~~
	~~North~~
	~~North~~
~~Tracy Lynn Dr.~~	~~Both~~
~~Treadaway Blvd.~~	~~Both~~
~~E. Hwy. 80~~	~~Both~~
~~Vapor Tr.~~	~~Both~~

~~Street~~	~~Side~~
~~Victoria St.~~	~~East~~
	~~West~~
~~Vogel Ave.~~	~~North~~
	~~South~~
	~~South~~
	~~North~~
~~Wall St.~~	~~East~~
	~~West~~
~~Washington Blvd.~~	~~East~~
	~~East~~
	~~East~~
	~~West~~
~~Westchester Dr.~~	~~Both~~
~~W. Stamford St.~~	~~South~~
~~Westmoreland St.~~	~~West~~

~~**Street**~~	~~**Side**~~
~~Willis St.~~	~~Both~~
	~~Both~~
	~~East~~
	~~East~~
	~~West~~
	~~West~~
	~~Both~~
	~~Both~~
~~Wyndham Ct.~~	~~North~~
	~~South~~
~~Yeoman's Rd.~~	~~Both~~
~~Unnamed connector road from South 1st St. to the unnamed connector road from Oak St. to Pine St.~~	~~Both~~
~~EN 8th St.~~	~~Both~~
~~E-S alley between US 80E and Sandy St.~~	~~South~~
~~E-W alley between North 3rd St. and North 6th St.~~	~~Both~~

~~Street~~	~~Side~~
	~~Both~~
	~~Both~~
~~E-W alley between North 1st St. and North 2nd St.~~	~~South~~
	~~Both~~
~~E-W alley between North 18th St. and North 19th St.~~	~~Both~~
~~E-W alley south~~	~~South~~
~~E-W alley between US 80E and Sandy St.~~	~~South~~
~~E-W alley between US 80E and Sandy St.~~	~~North~~
~~E-W alley north of Texas Ave.~~	~~North~~
~~N-S alley between Campus Court and Avenue D~~	~~Both~~
~~N-S alley east of Hickory St.~~	~~Both~~
~~N-S alley between Fannin St. and Mockingbird Lane~~	~~East~~
~~N-S alley between Hickory St. and Cedar St.~~	~~Both~~
~~N-S alley between N. Jefferson Dr. and N. LaSalle Dr.~~	~~West~~
~~N-S alley between Mockingbird Ln. and Woodlawn Dr.~~	~~East~~

~~Street~~	~~Side~~
~~N-S alley between Pine St. and Cypress St.~~	~~East~~
~~N-S alley between Pine St. and Cypress St.~~	~~West~~
~~N-S alley between Pine St. and Cyprus St.~~	~~Both~~
~~N-S alley between Pine St. and Cypress St.~~	~~Both~~
~~N-S alley between Pine St. and Walnut St.~~	~~West~~
~~N-S alley west of Plum St.~~	~~East~~
~~N-S alley west of Plum St.~~	~~East~~
~~N-S alley between Walnut St. and Mesquite St.~~	~~West~~
~~N-S alley west of Washington Blvd.~~	~~West~~
~~N-S alley between Elm St. and Sycamore St.~~	~~East~~

~~Sec. 18-294. - Same—During certain hours.~~ Reserved

~~In accordance with the provisions of this chapter, and when signs are erected giving notice thereof, no person shall park a vehicle during the times specified in this schedule on the indicated sides of the following streets or portions of streets:~~

~~(1)~~

~~6:00 a.m. to 7:00 a.m.; 9:00 a.m. to 10:00 a.m.; and 3:00 p.m. to 4:00 p.m., except Sundays and legal holidays:~~

~~**Street**~~	~~**Side**~~	~~**Extent**~~
~~Simmons Avenue~~	~~East~~	~~From North 21st Street to Compere Boulevar~~
~~Simmons Avenue~~	~~West~~	~~From North 21st Street to the alley south of N~~

-

~~(2)~~

~~7:00 a.m. to 2:00 p.m., on Tuesday and Friday:~~

~~**Street**~~	~~**Side**~~	~~**Extent**~~
~~East North 10th Street~~	~~South~~	~~From Green Valley Drive wes~~

-

~~(3)~~

~~7:30 a.m. to 8:30 a.m. and 2:00 p.m. to 4:00 p.m., on school days only:~~

~~**Street**~~	~~**Side**~~	~~**Extent**~~
~~North 17th Street~~	~~South~~	~~From Beech Street to Simmons Street~~
~~South 20th Street~~	~~South~~	~~From Vine Street east a distance of 150 fee~~
~~Beech Street~~	~~West~~	~~From North 17th Street to North 18th Stree~~
~~Potomac Avenue~~	~~South~~	~~From Buccaneer Street to 500 feet east of V~~

-

~~(4)~~

~~8:00 a.m. to 4:00 p.m., on school days only:~~

~~**Street**~~	~~**Side**~~	~~**Exte**~~
~~E-W alley between Moore and South 38th Street~~	~~Both~~	~~From~~
~~N. 6th St.~~	~~South~~	~~From~~
	~~South~~	~~From~~
~~S. 39th Street~~	~~South~~	~~From~~
~~Shelton Street~~	~~East~~	~~From~~

-

~~(5)~~

~~8:00 a.m. to 5:00 p.m.:~~

~~**Street**~~	~~**Side**~~	~~**Extent**~~
~~Compere Blvd.~~	~~North~~	~~From Hickory Street to Simmons Av.~~
~~Compere Blvd.~~	~~South~~	~~From Hickory Street west a distance o~~
~~Simmons Ave.~~	~~East~~	~~From Compere Blvd. south a distance~~

-

~~(6)~~

~~6:30 p.m. to 5:30 a.m.:~~

~~**Street**~~	~~**Side**~~	~~**Extent**~~
~~North 1st Street~~	~~Both~~	~~From Plaza Street west to th~~

-

~~(7)~~

~~Reserved.~~

~~(8)~~

~~11:00 p.m. to 6:00 a.m.:~~

~~**Street**~~	~~**Side**~~	~~**Extent**~~
~~Capitol Ave.~~	~~Both~~	~~River Bend to Pioneer Dr.~~
~~State St.~~	~~Both~~	~~River Bend to Pioneer Dr.~~
~~N. 7th St.~~	~~Both~~	~~River Bend to Pioneer Dr.~~
~~River Bend~~	~~Both~~	~~Capitol Ave. to N. 7th St.~~
~~Stafford St.~~	~~Both~~	~~From Ash St. to Treadaway Blvd.~~
~~N. 15th St.~~	~~North~~	~~From alley west of Pine St. to Cypr~~
~~N. 15th St.~~	~~South~~	~~From Pine St. to Cypress St.~~

~~**Sec. 18-294.1. - Parking and standing prohibited at all times.**~~**Reserved.**

~~In accordance with the provisions of this chapter, and when signs are erected giving notice thereof, no person shall at any time park or stand a vehicle upon the indicated portion of the following streets or segments of streets:~~

~~Street~~	~~Side~~	~~Ext~~
~~North Frontage of S. 1st Street~~	~~Both~~	~~Fro~~
~~South 1st St.~~	~~North Parkway~~	~~Fro~~

Sec. 18-295. ~~– Shopping areas or medical center complex-designation—Prohibited parking.~~ Reserved.

~~In accordance with the terms of this chapter, and when signs are erected as approved by the Director of Traffic and Transportation, no person shall at any time park a vehicle within any area or areas indicated as no parking areas on the following described shopping center or retail sales areas, [medical center complex] more particularly shown on site plan or plans on file in the office of the Director of Traffic and Transportation:~~

~~Mall of Abilene~~

~~Hendrick Medical Center complex~~

~~Westgate Mall [as established by Ordinance 126-1983]~~

Sec. 18-296. ~~– Same—Erection of signs.~~ Reserved.

~~The expense of obtaining, preparing, erecting and installing signs, curb painting, or other related material and procedure as necessitated by section 18-295 above, shall be borne in its entirety by the owner or owners, as their interests may appear, of the shopping center or retail sales area [or medical center complex] designated as a prohibited parking zone according to said section 18-295. The method and arrangements for obtaining, preparing, erecting or installing signs, curb painting, or other related material shall be as approved by the City Director of Traffic and Transportation provided that the City shall be compensated for any expense it incurs hereby within thirty (30) days of the completion of any such obtaining, preparing, erecting or installing signs, curb painting, or other related materials or said erected and installed signs may be removed by the City. Further, if the City is not compensated within thirty (30) days, as set out above, for any expenses incurred herein, the City Council may repeal the prohibited parking designation from that shopping center or retail sales area [or medical center complex] for which the above-said failure to pay expenses has occurred.~~

Sec. 18-297. - ~~Stopping, standing and parking prohibited.~~ Reserved.

~~In accordance with the terms of this chapter, and when signs are erected giving notice thereof, no person shall stand, stop or park a vehicle during the times specified in this schedule on the indicated sides of the following streets or portions of streets:~~

~~(1)~~

~~At all times (Sundays and legal holidays included):~~

~~Street~~	~~Side~~	~~Extent~~
~~N. 2nd St.~~	~~South~~	~~From Hickory St. west a distance o~~
~~East 27th St.~~	~~Both~~	~~From Shoreline Dr. west 920 feet~~
~~N-S alley west of Grape St.~~	~~Both~~	~~From North 1st St. to North 2nd St.~~
~~State Street~~	~~Both~~	~~From Forrest Ave. east 110 feet~~
~~W. Stamford St.~~	~~North~~	~~From Victoria St. west a distance o~~
~~W. Stamford St.~~	~~South~~	~~From 130 feet west of Victoria St.~~
~~East North 10th St.~~	~~North~~	~~From 965 feet east of Griffith Rd. t~~
~~East North 10th St.~~	~~South~~	~~From 1,400 feet east of Griffith Rd~~

-

~~(2)~~

~~7:30 a.m. to 8:30 a.m. and 2:00 p.m. to 4:00 p.m. on school days:~~

~~Street~~	~~Side~~	~~Extent~~
~~Presidio Dr.~~	~~Both~~	~~From 50 feet north of Hartford St. to 350 feet north o~~
~~North 12th St.~~	~~North~~	~~From 25 feet east of Bel Air Dr. to 75 feet west of Be~~
~~North 12th St.~~	~~South~~	~~From Bel Air Dr. west 100 feet~~
~~South 20th St.~~	~~North~~	~~From Jeannette St. west to Vine St.~~

Sec. 18-299. - ~~Parking time limited.~~Reserved.

~~In accordance with the terms of this chapter, and when signs are erected giving notice thereof, no person shall stand, stop or park a vehicle in excess of the indicated period of time specified in this schedule on the indicated days on the indicated sides of the following streets or portions of streets. Each consecutive increment of the time limit during which a vehicle remains continuously parked shall be deemed to be a separate offense.~~

~~(1)~~

~~Two hour limit: 8:00 a.m. to 5:00 p.m., Monday through Friday:~~

~~Street~~	~~Side~~	~~Extent~~
~~North 2nd St.~~	~~Both~~	~~From Walnut St. to Hickory St.~~
~~North 3rd St.~~	~~Both~~	~~From Pine St. to Hickory St.~~
	~~South~~	~~From Walnut St. to Pine St.~~
~~North 4th St.~~	~~Both~~	~~From Pine St. to Cedar St.~~
	~~North~~	~~From Walnut St. to Pine St.~~

~~**Street**~~	~~**Side**~~	~~**Extent**~~
	~~South~~	~~From alley between Cedar St. and Hickory St. to H~~
~~North 5th St.~~	~~Both~~	~~From Walnut St. to Hickory St.~~
~~North 6th St.~~	~~Both~~	~~From Walnut St. to Cypress St.~~
	~~Both~~	~~From Cedar St. to Hickory St.~~
~~Cedar St.~~	~~Both~~	~~From North 1st St. to North 5th St.~~
~~Cypress St.~~	~~Both~~	~~North 1st St. to North 6th St.~~
~~Hickory St.~~	~~East~~	~~From North 3rd St. to North 4th St.~~
~~Pine St.~~	~~West~~	~~From North 1st St. to North 6th St.~~
	~~East~~	~~From North 1st St. to North 3rd St.~~
	~~East~~	~~From North 4th St. to North 6th St.~~
~~Walnut~~	~~Both~~	~~From North 2nd St. to North 5th St.~~

-

~~(2)~~

~~One hour limit: 8:00 a.m. to 5:00 p.m., Monday through Friday:~~

~~**Street**~~	~~**Side**~~	~~**Extent**~~
~~North 3rd St.~~	~~North~~	~~From Pine St. to Walnut St~~

~~**Street**~~	~~**Side**~~	~~**Extent**~~
~~North 4th St.~~	~~South~~	~~From Pine St. to Walnut St~~
~~Pine St.~~	~~East~~	~~From North 3rd St. to Nort~~

-

~~(3)~~

~~One hour limit: 8:00 a.m. to 4:00 p.m., school days only:~~

~~**Street**~~	~~**Side**~~	~~**Extent**~~
~~North 5th St.~~	~~South~~	~~From Shelton St. to alley east of Shelton St.~~
~~North 6th St.~~	~~North~~	~~150 feet east of Fannin St. to 70 feet east of Burger St.~~
~~South 38th St.~~	~~North~~	~~From Sayles Blvd. west 260 feet~~
	~~South~~	~~From Sayles Blvd. west 240 feet~~
~~North 19th St.~~	~~North~~	~~Burger St. to alley west of Burger St.~~
~~Burger St.~~	~~West~~	~~From North 3rd St. to North 6th St.~~
	~~East~~	~~From 150 feet north of North 3rd St. to North 6th St.~~
~~Cooke St.~~	~~North~~	~~From Sayles Blvd. west a distance of 360 feet~~
	~~South~~	~~From Sayles Blvd. west a distance of 270 feet~~
~~Fannin St.~~	~~West~~	~~From 70 feet north of North 3rd St. to North 6th St.~~

~~**Street**~~	~~**Side**~~	~~**Extent**~~
	~~East~~	~~From North 6th St. to alley south of North 6th St.~~
	~~East~~	~~From 120 feet south of the alley south of North 6th St. to 190 fe~~
~~Grand Ave.~~	~~East~~	~~From 300 feet south of South 35th St. to Sayles Blvd.~~
	~~West~~	~~From Moore St. to alley north of Cooke St.~~
~~Green St.~~	~~West~~	~~From 180 feet north of North 3rd St. to North 6th St.~~
~~Green St.~~	~~East~~	~~From 120 feet north of North 3rd St. to alley south of North 6th~~
~~Highland Ave.~~	~~East~~	~~From Sayles Blvd. to south 35th St.~~
~~Highland Ave.~~	~~West~~	~~From Sayles Blvd. north 250 feet~~
~~Moore St.~~	~~Both~~	~~From Sayles Blvd. to Erie St.~~
~~Shelton St.~~	~~East~~	~~From North 6th St. north a distance of 280 feet~~

-

~~(4)~~

~~Forty-five minute limit: 8:00 a.m. to 5:00 p.m., Monday through Friday:~~

~~**Street**~~	~~**Side**~~	~~**Extent**~~
~~Campus Court~~	~~West~~	~~From point 150 feet north of East North 16th St. to a point 100 feet~~
~~College Dr.~~	~~Both~~	~~From Campus Court to an alley west of Campus Court~~

-

~~(5)~~

~~Thirty-minute limit: At any time: (Reserved).~~

~~(6) - (10)~~

~~Reserved.~~

~~(11)~~

~~One hour limit: 8:00 a.m. to 5:00 p.m., Sunday through Saturday:~~

~~**Street**~~	~~**Side**~~
~~South 4th St.~~	~~South~~
~~South 5th St.~~	~~North~~

Sec. 18-301. - Through trucks prohibited.

When signs are erected giving notice thereof, no person shall operate any truck exceeding seven thousand (7,000) pounds empty weight at any time upon any ~~of the following~~ street~~s~~ or portion~~s~~ of street~~s~~ where any sign gives notice, except for the purpose of making pickups or deliveries~~.~~

~~**Street**~~	~~**Extent**~~
~~South 20th St.~~	~~From Highland St. to Brook Hollow Dr.~~
~~South 23rd St.~~	~~From Buffalo Gap Rd. to Post Oak Rd.~~
~~Avenue D~~	~~From East North 16th St. to Ambler Ave.~~
~~Edgemont Dr.~~	~~From Buffalo Gap Rd. to Treadaway Blvd.~~
~~Elmwood Dr.~~	~~From South 7th St. to Brook Hollow Dr.~~

~~Street~~	~~Extent~~
~~Leggett Dr.~~	~~From Russell St. to South 14th St.~~
~~Lincoln Dr.~~	~~From Ambler Ave. to College Dr.~~
~~Lytle Way~~	~~From East South 11th St. to Play St.~~
~~Old Andy Rd.~~	~~Andy Road to Hartford St.~~
~~Pioneer Dr.~~	~~From North 10th St. to Danville Dr.~~
~~Post Oak Rd.~~	~~From Danville Dr. to South 20th St.~~
~~Sayles Blvd.~~	~~From South 1st St. to South 20th St.~~
~~Shoreline Dr.~~	~~From Lytle Way to Lytle Trail~~
~~Washington Blvd.~~	~~From East North 16th St. to E. Hwy. 80~~
~~Westwood Dr.~~	~~From North 6th St. to Ambler Ave.~~

Sec. 18-302. ~~- Signalized intersections.~~ Reserved.

~~In accordance with the terms of this chapter, signalized intersections are hereby established, and the movement of traffic or pedestrians through the following intersections shall be controlled by a traffic signal selected by the Director of Traffic and Transportation:~~

~~North 1st St. and~~	~~Ceda~~
	~~Grah~~

	~~Grap~~
	~~Hick~~
	~~Legg~~
	~~Mocl~~
	~~Oran~~
	~~Pine~~
	~~Pione~~
	~~Shelt~~
	~~West~~
	~~Willi~~
~~South 1st St. and~~	~~Butte~~
	~~Grap~~
	~~Legg~~
	~~Oak~~
	~~Pione~~
	~~Sayle~~

	~~Shelt~~
	~~Treac~~
	~~Willi~~
	~~Wint~~
	~~Wint~~
~~North 2nd St. and~~	~~Ceda~~
	~~Cypr~~
	~~Hick~~
	~~Pine~~
	~~Waln~~
~~North 3rd St. and~~	~~Ceda~~
	~~Cypr~~
	~~Grap~~
	~~Hick~~
	~~Mocl~~
	~~Pine~~

	~~Waln~~
	~~Willi~~
~~South 3rd St. and~~	~~Sayle~~
~~North 4th St. and~~	~~Ceda~~
	~~Cypr~~
	~~Hick~~
	~~Pine~~
	~~Waln~~
~~North 5th St. and~~	~~Ceda~~
	~~Cypr~~
	~~Grap~~
	~~Hick~~
	~~Pine~~
	~~Waln~~
~~North 6th St. and~~	~~Ceda~~
	~~Grap~~

	~~Hick~~
	~~Mock~~
	~~Pine~~
	~~Waln~~
	~~West~~
	~~Willi~~
~~North 7th St. and~~	~~Treac~~
~~South 7th St. and~~	~~Arno~~
	~~Butte~~
	~~Ches~~
	~~Clack~~
	~~Danv~~
	~~Legg~~
	~~Mock~~
	~~Oak~~
	~~Pione~~

	~~Sayle~~
	~~Treac~~
	~~Willi~~
~~North 8th St. and~~	~~Grap~~
	~~Hicke~~
	~~Pine~~
~~East North 10th St. and~~	~~Judge~~
~~North 10th St. and~~	~~Grap~~
	~~Hicke~~
	~~Minte~~
	~~Mock~~
	~~Pine~~
	~~Pione~~
	~~Treac~~
	~~Willi~~
~~East South 11th St. and~~	~~Judge~~

	~~Oldh~~
~~South 11th St. and~~	~~Barre~~
	~~Butte~~
	~~Ches~~
	~~Oak S~~
	~~Sayle~~
	~~Treac~~
	~~Willi~~
~~North 12th St. and~~	~~Grap~~
	~~Mocl~~
	~~Willi~~
~~North 13th St. and~~	~~Hicke~~
	~~Pine~~
	~~Treac~~
~~South 14th St. and~~	~~Barre~~
	~~Butte~~

	~~Clack~~
	~~Danv~~
	~~Elmw~~
	~~Legg~~
	~~Oak S~~
	~~Pione~~
	~~Ross~~
	~~Sayle~~
	~~Texa~~
	~~Treac~~
	~~Willi~~
~~East North 16th St. and~~	~~Judge~~
~~North 18th St. and~~	~~Grap~~
	~~Hicke~~
	~~Mock~~
	~~Pine~~

	~~Willi~~
~~South 20th St. and~~	~~Barre~~
	~~Butte~~
	~~Sayle~~
	~~Willi~~
~~South 23rd St. and~~	~~Barre~~
	~~Willi~~
~~South 27th St.~~	~~Barre~~
	~~Buffa~~
	~~Sayle~~
	~~Treac~~
	~~Willi~~
~~South 32nd St. and~~	~~Buffa~~
~~Ambler Ave. and~~	~~Camp~~
	~~Grap~~
	~~Hicke~~

	~~Judge~~
	~~Mock~~
	~~Old A~~
	~~Over~~
	~~Pine~~
	~~Stam~~
	~~Treac~~
	~~Willi~~
~~Antilley Rd. and~~	~~Direc~~
	~~Fairv~~
~~Buffalo Gap Rd. and Chimney Rock Rd.~~	~~Clack~~
	~~Danv~~
	~~Rebe~~
	~~Robe~~
	~~Antil~~
~~Industrial Blvd. and~~	~~Sayle~~

	~~Treac~~
~~Treadaway Blvd. and~~	~~E. Hv~~
~~Rebecca Ln. and~~	~~Catel~~
	~~Ridge~~
~~Southwest Dr. and~~	~~Catel~~
	~~Clacl~~
	~~Danv~~
~~Texas Ave. and~~	~~Corsi~~
~~E. Hwy. and~~	~~Judge~~
	~~T & I~~
~~FM 3438 and~~	~~Hartf~~

Sec. 18-303. ~~- Pedestrian actuated school crossing signals.~~ <u>Reserved.</u>

~~In accordance with the terms of this chapter, pedestrian actuated school crossing signals are hereby established at the following locations, and the movement of traffic or pedestrians at such locations shall be controlled by a traffic signal selected by the Director of Traffic and Transportation:~~

~~EN 10th St.~~	~~at Avenue F~~
~~North 10th St.~~	~~at North San J~~

~~South 20th St.~~	~~at Jeanette St.~~
~~Ambler Ave.~~	~~at Yorktown D~~
~~Mockingbird Lane~~	~~at Abilene Hig~~
~~Pioneer Dr.~~	~~at Potomac St~~
~~S. Willis St.~~	~~at Sherry Lane~~

Sec. 18-304. ~~- Parking designated for the disabled.~~ Reserved.

~~(a)~~

~~In accordance with the terms of this chapter, and when notice thereof is given by designating the parking spaces and areas in compliance with state law, parking spaces and areas are hereby established specifically for the disabled within the district or upon those streets or parts of streets set out in the schedule that follows:~~

~~**Street**~~	~~**Side**~~	~~**Location**~~
~~N. 2nd St.~~	~~North~~	~~From Cedar St. to 60 feet west of Cedar St.~~
	~~North~~	~~On the north parkway from 125 feet west of Hickory St. to 175 feet~~
	~~South~~	~~From 170 feet west of Cypress St. to 215 feet west of Cypress St.~~
~~N. 3rd St.~~	~~North~~	~~From Pine St. east 55 feet~~
~~N. 3rd St.~~	~~North~~	~~From Cedar St. east 50 feet~~
~~N. 8th St.~~	~~North~~	~~From 65 feet east of Cypress St. to 86 feet east of Cypress St.~~

~~Cedar St.~~	~~West~~	~~From 80 feet north of N. 2nd St. to 115 feet north of N. 2nd St.~~
~~Cypress St.~~	~~West~~	~~From North 3rd St. north 60 feet~~
	~~West~~	~~From North 4th north a distance of 50 feet~~
~~Pine St.~~	~~East~~	~~From North 2nd St. north 50 feet~~
	~~East~~	~~From North 5th St. south 55 feet~~
	~~West~~	~~From 120 feet north of North 1st St. to 150 feet north of North 1st S~~
	~~West~~	~~From North 2nd St. north a distance of 45 feet~~
~~Walnut St.~~	~~East~~	~~From 40 feet south of North 5th St. south a distance of 60 feet~~
	~~East~~	~~From North 5th St. north a distance of 54 feet~~
	~~West~~	~~From North 2nd St. north a distance of 50 feet~~

Ordinance (First Reading): Amending Chapter 18, “Motor Vehicles and Traffic” of the Abilene Municipal Code

(Max Johnson)

Ordinance: Amending Chapter 18 of the Abilene Municipal Code

- Growth and Development within the City of Abilene has created an incomplete traffic schedule within the Municipal Code
- No specific requirement to list certain traffic schedules in Abilene's current Code
- Recommended modifications simplify and update the Code, bringing Abilene into conformity with other city ordinances throughout Texas

CITY OF ABILENE TEXAS

Questions?

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Robert Hanna, City Manager**

FROM: **Annette Lerma, Director**

SUBJECT: **18. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the City Code by Adding Chapter 13, Health & Sanitation, Article VI. "Public Swimming Pools and Spas"** ***(Annette Lerma)***

GENERAL INFORMATION

When Planning updated their codes in January 2023, the TAC giving public health the authority to regulate public swimming pools, spas and interactive water features was inadvertently left out. This is adding the adoption of 25 TAC 265 Subchapters L & M so environmental health inspectors can resume regulation of all public water features.

SPECIAL CONSIDERATIONS

n/a

FUNDING/FISCAL IMPACT

Proposed fee for FY24 is $200 per pool/spa/water feature annually

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

n/a

ATTACHMENTS:

1. 2023 Pool Enacting Ordinance_8.24.23
2. Chapter 13 Health and Sanitation
3. City Council Presentation_Public Pool Ordinance_8.10.23

ORDINANCE NO. _____

AN ORDINANCE ADDING CHAPTER 13, "HEALTH AND SANITATION," ARTICLE VI., "PUBLIC SWIMMING POOLS AND SPAS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

WHEREAS, the Swimming Pool and Spa Code division of the City of Abilene construction codes has been amended to adopt the International Swimming Pool and Spa Code; and,

WHEREAS, the adopted International Swimming Pool and Spa Code does not regulate the sanitation, operation, management, water quality and other safety standards that may be enforceable by the Environmental Health Division of the Health Department; and,

WHEREAS, for the health and safety of the public, it is necessary to immediately adopt the Texas Administrative Code standards as the City of Abilene Public Swimming Pools and Spas Standards within Chapter 13 Health and Sanitation; and,

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

PART 1: That Chapter 13, Article VI, "Public Swimming Pools and Spas," Sections 13-80 through 13-86 of the Abilene Municipal Code be added as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

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

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

APPROVED ON FIRST READING the 10th day of August, 2023.

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 20th day of August, 2023, 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 24th day of August, 2023, to permit the public to be heard.

APPROVED AND PASSED ON FINAL READING this 24th day of August, 2023.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

EXHIBIT A

Chapter 13 Health and Sanitation

Article VI. Public Swimming Pools and Spas

Section 13-80. Purpose and scope.

The purpose of this article is to provide standards for the operation, management, water quality and safety standards of public pools, spas and interactive water features and fountains within the City of Abilene. The City of Abilene Public Health Department, Environmental Health Division shall have the enforcement responsibility of this article and may be referenced throughout this article as the "health department."

Section 13-81. Design and construction of swimming pools.

The design and construction of swimming pools and spas is governed by section 8-620 of this code of ordinances.

Section 13-82. Operation, management, water quality and safety standards unrelated to design and construction, signage and enclosures.

Title 25, Chapter 265, Subchapter L of the Texas Administrative Code, "Standards for Public Pools and Spas," as amended, and Title 25, Chapter 265, Subchapter M of the Texas Administrative Code, "Public Interactive Water Features and Fountains," as amended, are hereby adopted by reference as the "City of Abilene Public Swimming Pools and Spas Standards." The City of Abilene Public Swimming Pools and Spas Standards establish minimum sanitation standards for the operation, management, water quality and safety standards of public pools, spas and interactive water features within the city of Abilene.

Section 13-83. Permit required.

A person may not operate a public swimming pool, spa or interactive water feature without a current permit issued by the City of Abilene Public Health Department, Environmental Services Division.

(a) Each year before the expiration date of a current permit or before the seasonal opening of a swimming pool, spa, or interactive water feature, the owner or operator shall apply for a permit, pay the permit fee and contact the health department to schedule an inspection.
(b) The city may issue a permit after receipt of the permit fee and completion of an inspection.
(c) The fee for a swimming pool, spa or interactive water feature permit shall be determined from time to time and placed on file in the office of the City Secretary.
(d) A permit shall expire one year from the date of issuance, or upon the seasonal closure of swimming pool, spa or interactive water feature, whichever occurs earlier.
(e) A valid permit must be posted at every establishment or facility regulated by this article.

Section 13-84. Suspension or revocation of permit.

(a) If a determination is made that the public swimming pool, spa, or interactive water feature does not comply with the provisions of this article, the health department shall notify the permit holder of the violations. If the health department determines that the condition of the pool, spa or interactive water feature is hazardous to the health or safety of the swimmers or of the general public, the pool, spa or interactive water feature shall be immediately closed and the permit suspended until all required repairs and modifications are completed and approved by the health department. A reinspection will be conducted during the regular working hours of the health department at the request of the permit holder. If compliance has been achieved and the reinspection fee paid, the permit holder shall be notified that the pool, spa, or interactive water feature may be opened and the permit reinstated.

(b) When the health department has ordered that a pool, spa or interactive water feature be closed due to noncompliance with any provision of this article, the permit holder shall not allow the pool, spa or interactive water feature to be used for swimming, diving or bathing purposes. Use of the pool or spa after the health department has ordered such pool or spa to be closed shall be deemed prima facie evidence that the permit holder of the pool or spa has knowingly allowed the pool or spa to be used for such purposes.

(c) The director of the health department may revoke a permit to operate a swimming pool, spa or interactive water feature, which includes the suspension of any and all use of said pool spa, or interactive water feature, if any of the following exist:

    (1) The annual permit fee and any other required fees are not paid;
    (2) The condition of a pool or spa is hazardous to the health or safety of the general public;
    (3) The permit holder fails to keep all pool or spa equipment and devices working properly;
    (4) The permit holder fails to maintain City of Abilene Public Swimming Pools and Spas Standards for two or more consecutive days;
    (5) The permit holder fails to correct minor violations by the next routine inspection or by any written notice issued under this article.

(d) The revocation shall continue until the cause of revocation is corrected and a reinspection fee to the health department is paid.

(e) Any appeal of the decision by the director of the health department to revoke a permit may be appealed to the city manager if said appeal is in writing and made within ten days of the decision of the director. The city manager may either uphold, reverse, or modify the decision of the director. The decision of the city manager is final.

Section 13-85. Criminal penalties.

(a) Any person who violates any provision of this article shall be guilty of a misdemeanor, punishable by a fine as set forth in section 1-9 of this code.

(b) Each day a violation occurs shall constitute a separate offense.

Section 13-86. Civil remedies.

The city attorney may enforce any regulation, order, or ruling promulgated under this article by seeking injunction, declaratory relief, or other action at law or in equity.

Pool Code Ordinance

August 10, 2023

CITY OF
ABILENE
TEXAS

PUBLIC SWIMMING POOLS/SPAS/PIWF

Background:

- Environmental Health Division was previously under Planning & Development's Building Inspection Division. Chapter 29.5 was the previous ordinance that EH operated under to conduct public pool/spa/PIWF regulation activities.
- Planning initiated the City ordinance Chapter 8, Article VI, Division 12, Swimming Pool & Spa Code. It passed in Jan 2023 which adopted the International Swimming Pool & Spa Code 2021 but left out portions of TAC.
- In order for Public Health to have authority to perform inspections, it is necessary to also adopt 25 TAC 265 Subchapters L & M

CITY OF ABILENE TEXAS

Request

- Adopt 25 TAC 265 Subchapter L, Standards for Public Pools and Spas
- Adopt 25 TAC 265 Subchapter M, Public Interactive Water Features and Fountains
- Critical items included in the TAC include requiring public pools to have a certified pool operator & certain signage
- Adopt ordinance giving PH the authority to revoke a permit for non-compliance on critical safety issues

CITY OF ABILENE TEXAS

PUBLIC SWIMMING POOLS/SPAS/PIWF

- Without adopting 25 TAC 265, Subchapter L & Subchapter M, the City of Abilene does not have the authority to inspect and regulate public swimming pools, spas, and Public Interactive Water Features.
- This code is what gives the City of Abilene the authority for compliance inspections, investigations, and enforcement.

CITY OF ABILENE TEXAS

DANGERS OF NO REGULATION

- Drowning due to entrapment from malfunctioning equipment, enclosures not meeting requirements, decreased water clarity
- Cryptosporidium- microscopic parasite that can cause respiratory and gastrointestinal illness which can be fatal in some cases.
- Legionella- a bacteria that causes legionellosis including a pneumonia type illness (legionnaires disease).
- Over exposure to hazardous chemicals

CITY OF ABILENE TEXAS

POSSIBLE IMPACT OF NO REGULATION

- The city of Arlington settled a lawsuit with the family of a boy who died after visiting a splash park in 2021.
- Around 65 people were sickened at a Houston-area water park in 2021
- 12 people hospitalized after apparent ‘over-chlorination’ of Houston lazy river pool in June 2023
- We want to prevent these type of occurrences in Abilene

CITY OF ABILENE TEXAS

Questions?

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

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

FROM: **Stanley Smith, City Attorney**

SUBJECT: **19. 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. 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
4. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
5. 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
6. 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
7. 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
8. 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
9. Richard Scheriger, et al. v. City of Abilene; Cause No. CV33253, In the 90th Judicial District Court, Stephens County, Texas, filed April 21, 2023
10. The Woodlands Pride, Inc., et al. v. Angela Colmenero, Interim Attorney General of Texas, et al., Case No. 4:23-cv-02847, In the United States District Court, Southern District of Texas, Houston Division, filed August 2, 2023
11. Eminent Domain lawsuits - North First & Leggett Streets intersection

B. 551.072 (Deliberations about Real Property)
1. 810 N 6th Street

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

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

E. 551.076 (Deliberations about Security Devices)

F.551.087 (Business Prospect/Economic Development)
1. 505 Pine Street

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None

City Council
Agenda Memo

City Council Meeting Date: 8/24/2023

TO: **Honorable Mayor & Members of City Council**

FROM: **Misty Mayo, CEO Development Corporation of Abilene**

SUBJECT: **20. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Creating the GLC Enterprise Zone Designation *(Misty Mayo)***

GENERAL INFORMATION

Approval of Creating the GLC Enterprise Zone Designation

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None.

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. DCoA TX EZ Tab 7 Nominating Resolution DRAFT 2023-08-02

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE NOMINATION OF GREAT LAKES CHEESE CO., INC. AS AN ENTERPRISE PROJECT PURSUANT TO CHAPTER 2303, SUBCHAPTER F OF THE TEXAS ENTERPRISE ZONE ACT, TEXAS GOVERNMENT CODE ("ACT"); FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 24, 2018 the City of Abilene, Texas ("City") has previously passed Ordinance No. 28-2018 electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as those outlined in Ordinance 28-2018; and,

WHEREAS, the Office of the Governor Economic Development and Tourism ("EDC") through the Economic Development Bank ("Bank") will consider Great Lakes Cheese Co., Inc. as an enterprise project pursuant to a nomination and an application made by the City.

WHEREAS, the City desires to create the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and,

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), Great Lakes Cheese Co., Inc. has applied to the City for designation as an Enterprise Project; and,

WHEREAS, the City finds that Great Lakes Cheese Co., Inc. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Great Lakes Cheese Co., Inc. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals or veterans; and,

2. There has been and will continue to be a high level of cooperation between the public, private, and neighborhood entities within the area; and,

3. The designation of Great Lakes Cheese Co., Inc. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Great Lakes Cheese Co., Inc. meets the criteria for tax relief and other incentives adopted by the City and nominates Great Lakes Cheese Co., Inc. for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and,

WHEREAS, the City finds that it is in the best interest of the City to nominate Great Lakes Cheese Co., Inc. as an enterprise project pursuant to the Act;

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

SECTION 1. The findings of the City and its actions approving this resolution taken at the council meeting are hereby approved and adopted.

SECTION 2. Great Lakes Cheese Co., Inc. is a "qualified business," as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act.

SECTION 3. The enterprise project shall take effect on the date of designation of the enterprise project by the agency and terminate five (5) years after the date of designation.

SECTION 4. This Resolution shall take effect immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, ON THIS THE 24TH DAY OF AUGUST 2023.

APPROVED:

_____

Weldon Hurt, MAYOR

ATTEST:

_____

Shawna Atkinson, TRMC, CMC, CITY SECRETARY