



City of Abilene City Council Agenda

Kyle McAlister, Mayor Pro-tem
Travis Craver, Deputy Mayor Pro-tem
Shane Price, Council Member
Lynn Beard, Councilmember
Robert Hanna, City Manager

Weldon Hurt, Mayor

Blaise Regan, Council Member
Brian Yates, 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 May 23, 2024, at 8:30 a.m., at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

INVOCATION

1. Councilmember Lynn Beard

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. **Proclamations:**

- Economic Development Week
- Public Works Week

CONSENT AGENDA AND PUBLIC COMMENTS

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

After the Council Members have requested any item on the consent Agenda be considered separately, the public comment period will be held. The public comment section of the consent agenda allows members of the public to present any ideas or information to the City Council and staff, and also allows for public comment on the consent agenda items not otherwise pulled for separate consideration. Neither the City

Council nor staff will engage in discussion with the public during the public comments unless the item is listed on the Council agenda.

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

3. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on May 9, 2024 **(Shawna Atkinson)**
4. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter **(Shawna Atkinson)**
 - Parks & Recreation Board
 - Senior Citizens Advisory Board
5. **Resolution:** Receive a Report, Hold a Discussion, and Take Action on Awarding the Bid to Vector Controls LLC for the Transmission Line Large Valve Equipment **(Rodney Taylor)**
6. **Resolution:** Receive a Report, Hold a Discussion and Take Action to Approve an Extended Term Street Use License with Sojourner Drilling Corporation located at 2801 Vogel Avenue to 2902 Vogel Avenue **(Max Johnson)**
7. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving an Economic Development Agreement with West Texas Custom Builders for 1417 Locust St. **(Tim Littlejohn)**
8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving an Economic Development Agreement with West Texas Custom Builders for 1425 Locust St. **(Tim Littlejohn)**
9. **Ordinance (First Reading) Z-2024-08:** Receive a Report, Hold a Discussion, and Take Action on A Request From The Owner, Represented By CJ Chaney, To Change The Zoning Of Approximately 0.29 Acres From Heavy Industrial (HI) To Light Industrial (LI). Located At 917 & 919 S Treadaway Blvd. **(Tim Littlejohn)**
10. **Ordinance (First Reading) Z-2024-09:** Receive a Report, Hold a Discussion, and Take Action on A Request From The Owner, Represented By CJ Chaney, To Change The Zoning Of Approximately 0.08 Acres From Heavy Industrial (HI) To Light Industrial (LI). Located On The East Side Of The 2500 Block Of N Treadaway Blvd. **(Tim Littlejohn)**
11. **Ordinance (First Reading) Z-2024-10:** Receive a Report, Hold a Discussion, and Take Action on A Request From The Owner, To Change The Zoning Of Approximately 0.35 Acres Zoned General Retail (GR) To General Commercial (GC). Located At 542 E. Ambler Avenue. **(Tim Littlejohn)**
12. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Take Action on amending Chapter 3 Subdivision Regulation, Article 1. Subdivision Procedures, Division 4. Plat Approval Procedure **(Tim Littlejohn)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

13. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approval of a Commercial Lease of Approximately 2.596 acres, 4300 Southwest Drive, Located in Southwest Drive Complex Park, to Chick-fil-A, Inc. **(Robert Hanna)**

EXECUTIVE SESSION

14. **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. 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
2. 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
3. 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
4. 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
5. 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
6. Richard Scheriger, et al. v. City of Abilene; Cause No. CV33253, In the 90th Judicial District Court, Stephens County, Texas, filed April 21, 2023
7. The Woodlands Pride, Inc., et al. v. Ken Paxton, 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
8. PFAS Litigation
9. Ginger Robertson v. City of Abilene and Abilene Zoological Society; Cause No. 13179-D, In the 350th Judicial District Court, Taylor County, Texas; filed December 5, 2023
10. City of Dallas, et al, v. Disney DTC, LLC, et al., Cause No. DC-22-09128, In the 14th Judicial District Court, Dallas County, Texas, filed August 3, 2022
11. Patricia Anderson v. City of Abilene; Cause No. 51867-A, IN the 42nd Judicial District Court, Taylor County, Texas; filed March 1, 2024
12. Mary Lou Gonzales v. City of Abilene, Board of Building Standards; Cause No. 29156-B; In the District Court, 104th Judicial District, Taylor County, Texas; filed April 10, 2024

B. 551.072 (Deliberations about Real Property)

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

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

E. 551.076 (Deliberations about Security Devices)

F. 551.087 (Business Prospect/Economic Development)

RECONVENE

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 17th day of May, 2024, at 1:40 p.m.

Shawna Atkinson, TRMC, CMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 5/23/2024

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: **3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on May 9, 2024 (Shawna Atkinson)**

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting Held on May 9, 2024

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 05-09-2024 Minutes - Regular - Morning

CITY COUNCIL MEETING
May 9, 2024 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 May 9, 2024, 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.

Councilmember Blaise Regan delivered the invocation.

Leah Craver, Ford Bellah, and Greer Bellah, all 5th graders from Austin Elementary, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

- Service Awards:
 - Don Green – 20 Years – Transportation Services
- Presentations & Recognition:
 - Vexus Gigabit City Presentation
 - Wylie ISD Destination Imagination Teams
- Proclamation: Bicycle Safety Month & Ride of Silence – accepted by E’Lisa Smentana from the Abilene Metropolitan Planning Organization, and the Steamboat Mountain Cycling Club.
- Councilmembers Shane Price, Place 1, and Lynn Beard, Place 2 were given their oaths of office and presented with their certificates of election.
- City Secretary Shawna Atkinson presented Council with their annual salary checks.

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 7-20. No items were pulled for individual consideration.

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 7-20. 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

Deputy Mayor Pro-tem Beard had a conflict of interest on item 11 and abstained from voting on that item. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary’s office. The vote for item 11 alone was:

AYES (6): Mayor Hurt, Mayor Pro-tem Price and Councilmembers Regan, Yates, McAlister and Craver
 NAYS (0): None
 ABSTAIN (1): Deputy Mayor Pro-tem Beard

7. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on April 25, 2024
8. Resolution: Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter
[ASSIGNED RESOLUTION NO. 105-2024]

Board	Term End Date
<i>Airport Development Board</i>	
Mark Perkins [New]	November 2024 [unexpired term]
<i>Street Maintenance Advisory & Appeals Board</i>	
Brock Isbell [New]	March 2026
Antonio Pallarez [Reappointment]	March 2026

9. Resolution: Receive a Report, Hold a Discussion and Take Action to Authorize the City Manager to Enter a Master Lease Agreement with D&M Leasing
[ASSIGNED RESOLUTION NO. 106-2024]
10. Resolution: Receive a Report, Hold a Discussion and Take Action to Authorize Leasing Three (3) Police Administration Vehicles under the Master Lease Agreement with D&M Leasing and using Buyboard Contract 652-21
[ASSIGNED RESOLUTION NO. 107-2024]
11. Resolution: Receive a Report, Hold a Discussion, and Take Action to Approve Amendment Five to the Ground Lease with Abilene Aero for an Above Ground Fuel Farm
[ASSIGNED RESOLUTION NO. 108-2024]
12. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing Contracts for Texas Courts and Windscreens that Cumulatively are Over \$50,000
[ASSIGNED RESOLUTION NO. 109-2024]
13. Resolution: Receive a Report, Hold a Discussion, and Take Action on Amending Section 3.1.3(d) and Section 3.4 in the Governing Principles, Rules of Procedures, and Council Policies
[ASSIGNED RESOLUTION NO. 110-2024]
14. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager and City Attorney to Access Police Department and Fire Department Personnel Files
[ASSIGNED RESOLUTION NO. 111-2024]
15. Resolution: Receive a Report, Hold a Discussion, and Take Action on Approving the 2024 Water Conservation Plan Update and Affirming the Drought Contingency Plan Ordinance as Adopted
[ASSIGNED RESOLUTION NO. 112-2024]
16. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving an Economic Development Agreement with Chowning Realty LLC for 1438 N 6th St.
[ASSIGNED RESOLUTION NO. 113-2024]

17. Resolution: Receive a Report, Hold a Discussion and Take Action on approving an Economic Development Agreement with Salazar Custom Homes on 766 Jeanette St.
[ASSIGNED RESOLUTION NO. 114-2024]
18. Resolution: Receive a Report, Hold a Discussion and Take Action on the Approval to Purchase Various Software and Services from Sigma Surveillance Inc DBA STS360 BuyBoard Contract # 654-21
[ASSIGNED RESOLUTION NO. 115-2024]
19. Resolution: Receive a Report, Hold a Discussion, and Take Action on Awarding Bid# CB-2432 Piping Rock Dr. Alley Rehabilitation to Raydon, Inc.
[ASSIGNED RESOLUTION NO. 116-2024]
20. Resolution: Receive a Report, Hold a Discussion and Take Action to Approve an Extended Term Street Use License with Don and Cindy Terhune located at 4002 Forrest Creek Court
[ASSIGNED RESOLUTION NO. 117-2024]

REGULAR AGENDA

21. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 18, “MOTOR VEHICLES AND TRAFFIC,” ARTICLE XIII, “SCHEDULES,” SECTION 18-289.1, “ONE-WAY STREETS – CERTAIN TIMES,” of the Abilene Municipal Code to Change Traffic Restrictions at Bonham Elementary
[ASSIGNED ORDINANCE NO. 21-2024]

Max Johnson, Director of Public Works, presented the item. Adoption of the item would eliminate the “do not enter” signs from the intersection of Buccaneer and Potomac.

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

22. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Enter into a Professional Services Pre-Development Agreement with Garfield Public/Private, LLC for Capital Improvements to the City of Abilene Convention Center Located at 1100 N 6th Street **[ASSIGNED RESOLUTION NO. 118-2024]**

Robert Hanna, City Manager, presented the item. Adoption of the item would authorize a professional services pre-development agreement with Garfield Public/Private for Capital Improvements to the Abilene Convention Center.

Mayor Hurt left Council Chambers during the presentation, leaving Mayor Pro-tem Price presiding over the item.

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

Mayor Hurt returned to Council Chambers and resumed presiding.

Councilmember Regan 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

23. Ordinance (Final Reading) CUP-2024-03: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, To Apply A Conditional Use Permit To Approximately .16 Acres Zoned Residential Single Family (RS-6) To Allow For A Counseling Ministry, Located At 526 Highland Ave.

[ASSIGNED ORDINANCE NO. 22-2024]

Randy Anderson, Assistant Director of Planning & Development Services, presented the item. Adoption of the item would approve a conditional use permit (CUP) to allow for a counseling ministry at the above referenced property.

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 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

24. Ordinance (Final Reading) CUP-2024-04: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, To Apply A Conditional Use Permit To Approximately .19 Acres Zoned Residential Single Family (RS-6) To Allow For A Duplex, Located At 1902 Bridge Avenue
[ASSIGNED ORDINANCE NO. 23-2024]

Randy Anderson, Assistant Director of Planning & Development Services, presented the item. Adoption of the item would approve a conditional use permit (CUP) at the above referenced property, to allow for a duplex.

Mayor Hurt opened the public hearing. The following spoke in opposition to CUP-2024-04:

- Angel Seca

The following spoke in favor of CUP-2024-04:

- Johnny Bevels

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

Deputy Mayor Pro-tem Beard 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

25. Ordinance (Final Reading) TC-2024-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, Represented By Gospel Restoration Church, To Abandon The Entire Length Of An “L” Shaped Alley Located Between Oakland Drive And Forrest Avenue, Adjacent To 2317 Forrest Avenue
[ASSIGNED ORDINANCE NO. 24-2024]

Randy Anderson, Assistant Director of Planning & Development Services, presented the item. Adoption of the item would abandon the entire length of an “L” shape alley at the above referenced location.

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 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

EXECUTIVE SESSION

Mayor Hurt recessed into Executive Session at 9:22 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. A.551.071 (Consultation with Attorney)
 - 1. Patricia Anderson v. City of Abilene
 - 2. Mary Lou Gonzalez v. City of Abilene, Board of Building Standards
- 26.D.551.074 (Personnel Matters)
 - 1. City Manager
- 26. F.551.087 (Business Prospect/Economic Development)
 - 1. Project Prism

Mayor Hurt left the meeting at the conclusion of Executive Session. Mayor Pro-tem Price presided.

The Executive Session ended at 10:21 a.m. and reconvened to Open Session. Mayor Pro-tem Price reported no votes or action were taken in Executive Session.

REGULAR AGENDA

27. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Appointing a Mayor Pro-tem & Deputy Mayor Pro-tem
[ORAL RESOLUTION]

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

Deputy Mayor Pro-tem Beard moved to appoint Kyle McAlister as Mayor Pro-tem, and Travis Craver as Deputy Mayor Pro-tem. 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

ADJOURNMENT

There being no further business, the meeting adjourned at 10:23 a.m.

Shawna Atkinson
City Secretary

Weldon Hurt
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 5/23/2024

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 4.

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

- **Parks & Recreation Board**
- **Senior Citizens Advisory Board**

GENERAL INFORMATION

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

SPECIAL CONSIDERATIONS

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

FUNDING/FISCAL IMPACT

No cost consideration to the city.

STAFF RECOMMENDATION

(Re)Appointment

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

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

RESOLUTION NO. _____

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

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

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

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

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

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

PASSED this 23rd day of May, 2024.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____
EXHIBIT "A"

Board	Term End Date
<i>Parks & Recreation Board</i>	
David Pittman [Reappointment]	May 2027
Gary Grubbs [Reappointment]	May 2027
<i>Senior Citizens Advisory Board</i>	
Robin Walls [Reappointment]	May 2026
Dorothy Drones [Reappointment]	May 2026
Leroy King [Reappointment]	May 2026



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

- Parks & Recreation Board
- Senior Citizens Advisory Board





City Council Agenda Memo

City Council Meeting Date: 5/23/2024

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: 5. Resolution: Receive a Report, Hold a Discussion, and Take Action on Awarding the Bid to Vector Controls LLC for the Transmission Line Large Valve Equipment (Rodney Taylor)

GENERAL INFORMATION

Water Utilities Staff is recommending that the Abilene City Council award the bid to Vector Controls LLC (Vector) of Plano, TX in the amount of \$153,644.83 for the Transmission Line Large Valve Equipment, CB-2434. The bid was advertised in the Abilene Reporter News on March 10th and 17th, 2024. Two bids were received on April 26th, 2024. The bids were evaluated for compliance with the bid specifications. Vector submitted the only qualifying bid that met the bid specifications. City staff recommends awarding the bid to the sole qualifying bidder, Vector.

SPECIAL CONSIDERATIONS

Water Utilities staff has recognized the need to focus on the replacement of large diameter valves utilized throughout the raw water and potable water transmission systems. Replacement of large valves is now an annually budgeted line item in the Capital Improvements Program. Many large valves are aged and non-functioning. Functional valves are critical for the isolation and management of water flows, particularly when making leak repairs or performing maintenance on the pipeline systems. The bid includes three 48" diameter butterfly valves and two 30" diameter butterfly valves.

FUNDING/FISCAL IMPACT

The purchase of large valves will utilize funds designated for Water Utilities capital improvements.

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council award the bid for purchase of Transmission Line Large Valve Equipment to the sole qualifying bidder Vector Controls, LLC for the amount of \$153,644.83.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. CB2434 BID TAB
2. WrittenResolution-WtrDpt-Award Bid-Vector Controls LLC-Transmission Line Large Valve Equipment-5-23-2024
3. Presentation-Award Bid-Vector Controls LLC-Transmission Line Large Valve Equipment-5-23-2024

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

PAGE
1 OF 1

DEPARTMENT: WATER
BID NO.: CB-2434
TIME OF OPENING: 2:00 P.M.
DATE OF OPENING: MARCH 26, 2024

VECTOR CONTROLS LLC
PLANO, TX

DC EXPORT LLC
HOUSTON, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	48" DIAMETER AWWA BUTTERFLY VALVE	3	EA	37,345.93	*112,037.79		DOES NOT MEET SPECS								
2.	30" DIAMETER AWWA BUTTERFLY VALVE	2	EA	20,803.52	*41,607.04		DOES NOT MEET SPECS								
BASE BID					*153,644.83										
DISCOUNT															
TOTAL BID					*153,644.83										

*NOTES: INDICATES RECOMMENDED AWARD

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AWARDING THE BID TO VECTOR CONTROLS LLC FOR THE TRANSMISSION
LINE LARGE VALVE EQUIPMENT.**

WHEREAS, the City of Abilene (Abilene) owns and operates a Public Water Supply System that includes both raw water and potable water transmission pipelines; and

WHEREAS, large valves are utilized to isolate sections and/or divert flows of transmission pipelines and it is imperative that the valve function properly and completely when needed; and

WHEREAS, Water Utilities staff have identified many large transmission valves which are aged, broke, or non-functional and in need of replacement, and a funding source for large valve replacement has been established in the City's Water Utilities Capital Improvement Program; and

WHEREAS, City staff solicited bids for the purchase of three 48-inch diameter butterfly valves and two 30-inch diameter butterfly valves for separate installation by City crews or private contractors; and

WHEREAS, staff recommends awarding the bid for the Transmission Line Large Valve Equipment to the sole qualifying bidder Vector Controls, LLC for the amount of \$153,644.83; 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 Transmission Line Large Valve Equipment from Vector Controls, LLC for the amount of \$153,644.83.

ADOPTED this 23rd day of May, 2024.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley E. Smith, City Attorney

Award the bid to Vector Controls LLC
for the Purchase of Transmission Line Large Valve Equipment





Transmission Line Large Valve Equipment

- Award bid to Vector Controls LLC for the purchase of Transmission Line Large Valve Equipment.
- Bid price of \$153,644.83.
- Vector Controls LLC submitted the only bid for butterfly valves that meets all specifications of the bid document.
- The bid provides for the purchase of three 48-inch diameter butterfly valves and two 30-inch diameter butterfly valves for separate installation by City crews or private contractors.





Transmission Line Large Valve Equipment



Water Utilities personnel installing a new 30-inch valve on the City's Lake Fort Phantom Hill raw water pipeline system in April 2024.



Award the bid to Vector Controls LLC
for the Purchase of Transmission Line Large Valve Equipment

QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 5/23/2024

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Take Action to Approve an Extended Term Street Use License with Sojourner Drilling Corporation located at 2801 Vogel Avenue to 2902 Vogel Avenue (Max Johnson)

GENERAL INFORMATION

Sojourner Drilling Corporation has submitted an application for an Extended Term Street Use License. The applicant wishes to bore under Vogel Avenue, south to north, with a starting location at 2801 Vogel Avenue to 2902 Vogel Avenue, to place two 2 inch flow lines for the transportation of crude oil and water from a newly drilled oil well to Licensee's tank battery located north of the Town & Country Drive-In.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff has reviewed this request and recommends that the City Council authorize the City Manager to execute the attached Extended Term Street Use License with Sojourner Drilling Corporation to bore under Vogel Avenue, south to north, for the transportation of crude oil and water.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution
2. Street Use License Extended Term Application
3. Street Use License Agreement Extended Term
4. Floodplain Permit Application
5. SLIDE PRESENTATION

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE THE EXTENDED TERM STREET USE
LICENSE WITH SOJOURNER DRILLING CORPORATION**

WHEREAS, the applicant has submitted an Extended Term Street Use License application to bore under Vogel Avenue, south to north, with a starting location at 2801 Vogel Avenue to 2902 Vogel Avenue, to place two 2 inch flow lines for the transportation of crude oil and water from a newly drilled oil well to Licensee's tank battery located north of the Town & Country Drive-In; and

WHEREAS, this application and Extended Term Street Use License have been reviewed and approved by City Staff.

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

PART 1: That the City Manager is hereby authorized to execute the Extended Term Street Use License with Sojourner Drilling Corporation

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

ADOPTED this _____ day of _____, 2024.

ATTEST:

Shawna Atkinson, City Secretary

ATTEST:

Robert Hanna, City Manager

APPROVED:

Stanley Smith, City Attorney



STREET USE LICENSE AGREEMENT
EXTENDED TERM

APPLICATION

Applicant: Sojourner Drilling Corporation Phone: 325-672-2832
Address: 8001 US Highway 277 Abilene, TX 79601
Agent: Elma Bernal Phone: 325-672-2832

Description of Public Right-of-Way to be used: _____
Vogel St. immediately West of Burger St.

Owner of adjacent property: Glenda Thornton Williams, Oscar Schkade Et Al

Proposed use of public right-of-way: _____
Road bore crossing North-South under Vogel St. just West of Burger St.

Reasons for the request: To lay a crude petroleum pipeline from a newly drilled oil well to the tank battery located North of the Town & Country Drive In.

Application is not complete unless all of the following are included:

- Application fee- \$300
- Certificate or other evidence of insurance
- A dimensioned drawing showing existing and proposed features in the public right-of-way and on adjacent property (sidewalks, curbs, fire hydrants, buildings, fences, etc.)

Elma Bernal

Signature of Applicant or Agent

2-19-2024
Date

Return Application to:
Public Works Dept.
City of Abilene
PO Box 60
Abilene TX 79604

THE STATE OF TEXAS

STREET USE LICENSE AGREEMENT
EXTENDED TERM

COUNTY OF TAYLOR

THIS STREET USE LICENSE AGREEMENT, hereinafter referred to as "License", executed this ____ day of _____, 2024 by and between the CITY OF ABILENE, a municipal corporation situated in Taylor and Jones Counties, Texas, hereinafter referred to as "City", and SOJOURNER DRILLING CORPORATION, hereinafter referred to as "Licensee".

WITNESSETH:

That City, pursuant to Chapter 29, "Streets and Sidewalks", Article V, "Street Use License", does hereby grant to Licensee the privilege of using the following described public property, to-wit:

Vogel Avenue from the south right-of-way line at 2801 Vogel Avenue to the north right-of-way line at 2902 Vogel Avenue

For and in consideration of THREE HUNDRED AND NO/100 (\$300.00) DOLLARS commencing the date of execution unless otherwise specified, and upon the conditions and covenants set forth in this License and in Exhibit A incorporated by reference for all purposes herein.

I. Purpose:

The purpose of this License is to permit Licensee to:

Bore under Vogel Avenue, south to north, with a starting location at 2801 Vogel Avenue north to 2902 Vogel Avenue, to place two 2 inch flow lines for the transportation of crude oil and water from a newly drilled oil well to Licensee's tank battery located north of the Town & Country Drive-In (see attached map).

II. 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.

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

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

"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:

injury, damage, or death to any person or entity

attorneys fees, witness fees, expert witness fees and expenses, and

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 part that is unmixed with the fault of any other person or entity.

B. Indemnity

The Licensee agrees to indemnify, hold harmless, and defend the City from and against liability for any claims arising out of the Licensee's occupancy or use of the premises described above and/or activities conducted in connection with this License.

Licensee must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of Licensee'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 Licensee or Licensee's employees.

The City assumes no responsibility or liability for damages which are directly or indirectly attributable to premise defects which may now exist or which may hereafter arise on the premises, whether or not caused in whole or in part by improvements constructed by the Licensee. Responsibility for all such defects is expressly assumed by the Licensee.

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

BOTH CITY AND LICENSEE EXPRESSLY INTEND THIS LICENSE'S INDEMNITY PROVISION TO REQUIRE LICENSEE 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.

III. Insurance

Licensee agrees to secure and maintain the following types and amounts of insurance, for the term of this license:

<u>Type</u>	<u>Amount</u>
Comprehensive General Liability to include (but not limited to) the following:	\$250,000 -----Per Person
a) Premises/Operations Coverage	\$500,000 -----Per Occurrence for Bodily Injury, and
a) Contractual Liability Coverage	\$100,000 -----Per Occurrence for Property Damage

The preceding insurance requirements notwithstanding, the City reserves the right to revise the types and amounts of insurance required by this License prior to the approval of the License or if License is in effect, to be effective thirty (30) days after notice is sent to the address provided herein.

All insurance policies or certificates shall contain the following provisions:

- a. That the City of Abilene, Texas, is named as an additional insured.
- b. That such insurance shall not be cancelled or materially changed without a minimum of thirty (30) day's advance notice in writing to the City.

All insurance policies shall be subject to the examination and approval of the Office of the City Attorney, City of Abilene, Texas, for their adequacy as to form and content, form of protection, and insurance company. Licensee shall furnish to City Secretary for her License file certificates or copies of the policies, plainly and clearly evidencing such insurance at the time of application, and thereafter new certificates prior to the expiration date of any prior certificate.

Licensee understands that it is its sole responsibility to provide this necessary information and that failure to timely comply with the requirements of this article shall be a cause for termination of this License.

IV. License Requirements and Restrictions:

1. During the term of this License, Licensee shall maintain the premises licensed herein in a good and safe condition at all times. If the street surface, parkway, or facilities in the parkway, including landscaping, are damaged or disturbed by any activity associated with this License, the Licensee shall at its expense, restore the same to as good a condition as before the activity, to the satisfaction of the Director of Public Works or designee.

2. The construction signing and barricading requirements of the Texas Manual On Uniform Traffic Control Devices shall be met for all work done in the public right-of-way.

3. The Licensee shall be responsible for locating, protecting, and repairing (if damaged) all utilities within the area permitted and shall pay all costs associated with adjustments to utilities including street lights that are necessitated by the permitted use.

4. Permitted facilities shall be installed in accordance with all applicable laws, regulations, and codes.

5. The Licensee shall relocate its facilities at its own expense to accommodate public improvements in the right-of-way.

6. In the performing or permitting of work consistent with its normal course of duty within the right-of-way, the City shall not be liable for any damages to the Licensee's facilities or equipment or injury to Licensee, all such claim for damage or injury being expressly waived by Licensee.

7. If Street Use License regulations change, the Licensee shall agree to any new requirements or shall remove all constructed facilities from the right-of-way.

8. Upon termination the Licensee shall restore the property at its expense, to a good workmanlike condition and in a manner satisfactory to the Director of Public Works or designee.

9. The City Manager, Police Chief, Fire Chief, or a designee of such officials, shall have the authority to order immediate removal of any objects or materials placed on the premises by Licensee if, in the City's opinion, removal is necessary to protect the health, safety, or welfare of the public. If the Licensee fails to comply with the order, the City shall remove the materials, and the Licensee shall reimburse the City for the cost of compliance. The Licensee may appeal the removal order to the Abilene City Council by filing written notice with the City Secretary within 5 days of the order; provided, however that ANY APPEAL SHALL NOT STAY THE OFFICIAL'S ORDER OR THE REMOVAL PROCEDURE.

V. Termination

1. This License shall automatically terminate 20 years from the date of execution.

2. The City shall have the right to cancel this License at any time by giving Licensee thirty (30) days notice of its cancellation. The notice shall be in writing delivered to Licensee by certified mail.

3. In the event Licensee shall permit any City of Abilene, Abilene Independent School District, West Central Texas Municipal Water District, or any other taxes assessed against it to become delinquent, this License shall automatically terminate and become null and void.

4. This License may not be assigned or conveyed; any attempt by Licensee to do either shall automatically terminate the License. In the event Licensee should sell the property adjacent to the area for which the License has been granted, this License shall automatically terminate.

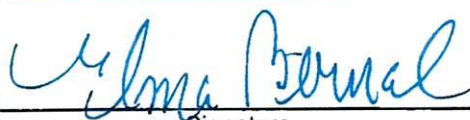
CITY OF ABILENE, TEXAS

NAME OF LICENSEE:

City Manager

Sojourner Drilling Corporation

ATTEST:

By: 
Signature

City Secretary

Elma Bernal, Land Manager
Printed Name and Title

APPROVED:

Business Address:

City Attorney

8001 US Highway 277, Abilene, TX 79601

EXHIBIT "A"
STREET USE LICENSE AGREEMENT
WITH
SOJOURNER DRILLING CORPORATION

CONDITIONS AND COVENANTS

The Street Use License Agreement is subject to the following conditions and covenants:

1. The Licensee shall contact the city's Engineering Division (325-676-6281) prior to commencing any work in the right-of-way.
2. The Licensee shall submit a traffic control plan to the City Engineer's office (325-676-6281) for approval before beginning any work that will result in blocking traffic lanes.
3. The Licensee shall contact the Traffic Signal Shop (325-676-6066) or the City Engineer's office (325-676-6281) for location of traffic signal facilities and shall contact the Water Utilities Department (325-676-6425) for location of water and sewer lines before beginning excavation in the right-of-way.
4. The Licensee shall contact the City of Abilene Building Inspections (325-676-6232) regarding any necessary permits for the installation of the requested facility.
5. The Licensee shall ensure all underground utilities are identified and marked prior to any excavation.
6. The Licensee shall barricade any excavation in the right-of-way to prevent pedestrian and/or vehicular access while excavation is unattended. Any barricades left in the right-of-way overnight must be lighted.
7. The Licensee shall promptly repair all signs, pavement markings, and other traffic control devices damaged by its work in the right-of-way.
8. If the City determines that the subject right-of-way is needed for purposes that would be adversely impacted by the permitted facility, the Licensee shall remove the permitted facility within sixty (60) days notice of cancellation.

FLOODPLAIN/FLOODWAY DEVELOPMENT PERMIT/APPLICATION

Application No. 24-084

Date: 5/1/2024

TO THE ADMINISTRATOR: The undersigned hereby makes application for a permit to develop in a floodplain. The work to be performed, including flood protection works, is as described below and in attachments hereto. The undersigned agrees that all such work shall be in accordance with the requirements of the Land Development Code and with all other applicable county/city ordinances, federal programs, and the laws and regulations of the State of Texas.

Sojourner Drilling Corporation	04/30/2024	Sojourner Drilling Corporation	04/30/2024
Owner or Agent	Date	Builder	Date
PO Box 3234 Abilene, TX 79604		PO Box 3234 Abilene, TX 79604	
Address		Address	
325-672-2832		325-672-2832	
Phone		Phone	

SITE DATA

- Legal Description: _____
Street Address 2482 Burger Street Abilene, TX 79603
- Type of Development: Filling _____ Grading _____ Excavation _____ Minimum Improvement _____
Routine Maintenance _____ Substantial Improvement _____ New Construction X Other _____
- Description of Development: Installation of a pumpjack / Boring for Street
- Premises: Structure Size 50 ft. By 20 ft. Area of Site 31,000 sq. ft.
Principal Use Oil Drilling / Production Accessory Uses (storage, parking, etc.) _____
- Value of Improvement (fair market) \$ 20,000 Pre-Improvement/Assessed Value of Structure N/A
- Property Located in a Designated FLOODWAY? Yes _____ No X

IF ANSWERED YES, CERTIFICATION MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A PERMIT TO DEVELOP, THAT THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE BASE (100-YEAR) FLOODWAY ELEVATIONS.

- Property Located in a Designated Floodplain FRINGE? Yes X No _____
- Elevation of the 100-Year Flood (ID source) Zone AO (1' Depth) 48441 CC 202 F NGVD/NAVD
- Elevation of the Proposed Development Site 1691.5 well site Pad - 1693.5 Pad Elevation NGVD/NAVD
- Local Ordinance Elevation/Floodproofing Requirement 1 ft above NGVD/NAVD
- Other Floodplain Elevation Information (ID and describe source) _____

- Other Permits Required?

Corps of Engineer 404 Permit:	Yes _____	No _____	Provided _____
State Department of Natural Resources 401 Permit:	Yes _____	No _____	Provided _____
Environmental Protection Agency NPDES Permit:	Yes _____	No _____	Provided _____

All Provisions of Ordinance Number 3.2.11.5.1.D.C. the "Floodplain Management Ordinance", shall be in Compliance.

PERMIT APPROVAL/DENIAL

Plans and Specifications Approved/Denied this 1st Day of May, 2024

Elma Bernal
Signature of Developer/Owner

Elma Bernal, Land Manager
Print Name and Title

Michael Miller
Authorizing Official

Michael Miller, CFM Floodplain Administrator
Print Name and Title

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT FLOOR) OF ANY NEW OR SUBSTANTIALLY IMPROVED RESIDENTIAL BUILDING WILL BE ELEVATED _____ FOOT/FEET ABOVE THE BASE FLOOD ELEVATION. IF THE PROPOSED DEVELOPMENT IS A NON-RESIDENTIAL BUILDING, THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY IMPROVED NON-RESIDENTIAL BUILDING WILL BE ELEVATED OR FLOODPROOFED _____ FOOT/FEET ABOVE THE BASE FLOOD ELEVATION.

THIS PERMIT IS USED WITH THE CONDITION THAT THE DEVELOPER/OWNER WILL PROVIDE CERTIFICATION BY A REGISTERED ENGINEER, ARCHITECT, OR LAND SURVEYOR OF THE "AS-BUILT" LOWEST FLOOR (INCLUDING BASEMENT) ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.

*The flood proofing requirement was waived by the Board of Adjustments.

(CITY OF ABILENE)
November 9, 2011

Approval of Extended Term Street Use License with Sojourner Drilling Corporation located at 2801 Vogel Avenue to 2902 Vogel Avenue

(Max Johnson)





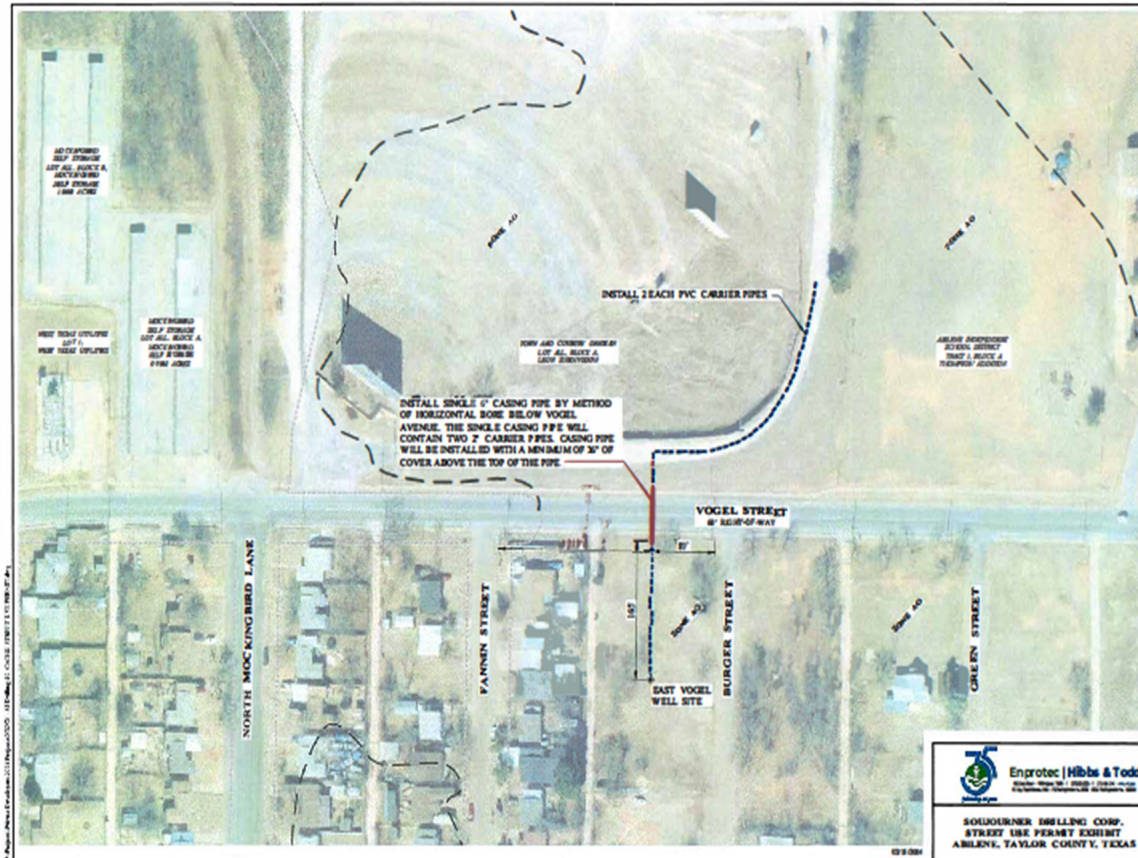
Extended Street Use License – Nugent/Beltway North

- Sojourner Drilling Corporation submitted an application for an Extended Term Street Use License to bore under Vogel Avenue, south to north, with a starting location at 2801 Vogel Avenue to 2902 Vogel Avenue, to place two 2 inch flow lines for the transportation of crude oil and water from a newly drilled oil well to Licensee's tank battery located north of the Town & Country Drive-In.
- Staff reviewed and found application to be complete
- Staff recommends approval of the Extended Term Street Use License





Extended Street Use License – 2801 to 2902 Vogel Avenue



SITE PLAN



CITY OF
ABILENE
TEXAS



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 5/23/2024

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving an Economic Development Agreement with West Texas Custom Builders for 1417 Locust St. (Tim Littlejohn)

GENERAL INFORMATION

West Texas Custom Builders is proposing to build a new single family home located at 1417 Locust St. as part of the RebuildAbi program. The home meets the criteria of the program.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

\$30,450 plus allowable benefits (trash, abatement etc.)

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 1417 Locust St RESOLUTION

2. 1417 Locust Agreement
3. Exhibit A
4. 1417 Locust presentation

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING
A CHAPTER 380 AGREEMENT BETWEEN THE CITY OF ABILENE AND WEST TEXAS
CUSTOM BUILDERS**

This Economic Development Agreement (“Agreement”) is effective as of the 23rd day of May, 2024 (“Effective Date”), by and between West Texas Custom Builders Homes, ("Developer"), and the CITY OF ABILENE, TEXAS, a home rule city and municipal corporation ("City"), for the purposes and considerations stated below.

WHEREAS, the City of Abilene adopted Resolution 192-2023 creating an Economic Development Program authorized by Chapter 380 of the Texas Local Government Code; and

WHEREAS, the City has adopted Resolution No. 192-2023 which created the Rebuild ABI program; and

WHEREAS, the Developer intends to acquire, or has acquired, fee simple ownership of 1417 Locust St., in Abilene, Taylor County, Texas (the “Project Area”); and

WHEREAS, the governing body of the City of Abilene adopted Resolution 49-2016 and Resolution 129-2023 creating an Economic Development Program authorized by Chapter 380 of the Texas Local Government Code; and

WHEREAS, the governing body of the City of Abilene adopted Resolution 192-2023 and has created Rebuild ABI as an infill development incentive for new residential construction in certain target areas throughout the City; and

WHEREAS, the City desires to enter into this Agreement with the Developer in order to implement the Rebuild ABI economic development program developed by the City to enhance and expand the City’s commercial, economic and employment base to the long-term interest and benefit of the City and the State of Texas; and

WHEREAS, it is anticipated that the development of the Project Area will have a direct and positive economic benefit to the City; and

WHEREAS, the City hereby finds that this Agreement embodies an eligible “project” and clearly promotes economic development in the City and, as such, meets the requisites under Chapter 380 of the Texas Local Government Code and is in the best interests of the City.

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

PART 1: That the City of Abilene approves the Rebuild ABI economic development agreement upon the terms and conditions as set forth in Exhibit A attached hereto.

PART 2: That this Resolution becomes effective immediately upon adoption.

ADOPTED on the 23rd day of May, 2024.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

**NEW CONSTRUCTION ECONOMIC DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF ABILENE AND**

WEST TEXAS CUSTOM BUILDERS

This Economic Development Agreement ("Agreement") is effective as of the 23 day of MAY, 2024 ("Effective Date"), by and between WEST TEXAS CUSTOM BUILDERS ("Developer"), and the CITY OF ABILENE, TEXAS, a home rule city and municipal corporation ("City"), for the purposes and considerations stated below.

RECITALS

WHEREAS, the Developer intends to acquire, or has acquired, fee simple ownership of 1417 LOCUST, in Abilene, Taylor County, Texas (the "Project Area"); and

WHEREAS, the governing body of the City of Abilene adopted Resolution 49-2016 and Resolution 129-2023 creating an Economic Development Program authorized by Chapter 380 of the Texas Local Government Code; and

WHEREAS, the governing body of the City of Abilene adopted Resolution 192-2023 and has created Rebuild ABI as an infill development incentive for new residential construction in certain target areas throughout the City; and

WHEREAS, the City desires to enter into this Agreement with the Developer in order to implement the Rebuild ABI economic development program developed by the City to enhance and expand the City's commercial, economic and employment base to the long-term interest and benefit of the City and the State of Texas; and

WHEREAS, it is anticipated that the development of the Project Area will have a direct and positive economic benefit to the City; and

WHEREAS, the City hereby finds that this Agreement embodies an eligible "project" and clearly promotes economic development in the City and, as such, meets the requisites under Chapter 380 of the Texas Local Government Code and is in the best interests of the City; and

NOW THEREFORE, in consideration of the foregoing premises and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is hereby agreed as follows:

I. AUTHORITY

- 1.01 The Agreement is authorized by state law, including but not limited Chapter 380 of the Texas Local Government Code, and is within the authority of the City and constitutes a legal and binding obligation of the City.
- 1.02 The Developer's execution and performance of this Agreement constitutes a valid and binding obligation of the Developer.
- 1.03 The factual recitals and findings set forth above are found to be true and correct for all purposes, and are incorporated into this Agreement.

II. DEFINITIONS

- 2.01. **Program** means the economic development program identified in Article IV herein and established by the City pursuant to this Agreement.
- 2.02. **Developer** means WEST TX CUSTOM BUILDERS, its successors or assigns.

III. TERM

- 3.01 This Agreement shall be effective as of the date of execution of both parties. This Agreement shall remain in full force and effect until the earlier of: (A) each party hereto has completed their respective obligations hereunder; or (B) twelve months from the Effective Date ("**Term**").

IV. ECONOMIC DEVELOPMENT PROGRAM

- 4.01 Upon Developer's completion of its obligations and duties set forth in this Agreement, the City shall pay the Developer the following incentives:
 - a. Payable at the time of closing of the interim construction financing to the participating eligible lender, on behalf of the Developer, a ten (10%) percent equity contribution of the total interim financing needed for the single-family construction. Lender eligibility is based solely on City accepting the lender into the Rebuild ABI program.
 - b. Payable at the time of closing of the final buyer, a five (5%) percent completion grant will be paid to the Developer, such grant being equal to five(5%) percent of the amount

of the sales price of the home, and the home sales price shall not exceed a maximum price of \$203,000.00.

- c. In addition to the equity contribution and completion grant authorized above, the City shall provide without cost to the Developer, at the sole discretion of the City, one or more the following: (1) waiver of construction related City permits and fees, (2) utility taps, (3) sidewalks, (4) roll-off containers and two tips, and (4) demolition of existing structures.
- 4.02 In the event the Developer chooses not to use a participating eligible lender, the Developer is eligible to receive a fifteen (15%) percent incentive, payable at the time of closing of the final buyer. Additionally, the Developer is eligible to receive the incentives listed in 4.01(c).

V. DEVELOPER'S OBLIGATIONS AND DUTIES

The Developer shall perform, or cause to be performed, the construction of the improvements set forth in **Exhibit A – "Public and Private Improvements"** on or before the expiration of this agreement. Additionally::

- 5.01 The Developer shall be a member of the Big Country Home Builder's Association as of the effective date of this Agreement, and during the term of this Agreement.
- 5.02 The Developer shall construct, at its expense, the improvements identified on **Exhibit A – "Public and Private Improvements"** in accordance with all applicable laws and regulations, including but not limited to the City's current residential building code and residential energy code.
- 5.03 The Developer shall purchase all building materials from a business located within the corporate boundaries of the City of Abilene, and pay all applicable local sales and use taxes to the City of Abilene. Upon request of the City, Developer shall promptly provide written documentation of compliance with this requirement, such written documentation being receipts or other documentation as agreed to by the City.
- 5.04 The Developer shall require the final buyer of the residence to sign an affidavit at closing that the buyer intends to occupy the residence as their legal homestead in the State of Texas and that it shall serve as their primary residence for a period of 2 years following closing.

- 5.05 The Developer shall construct the new construction within the existing Neighborhood Empowerment Zones of the City, or shall receive written approval from the City Manager, or his or her designee to build the home on a specific lot north of South 27th Street.

VI. CITY OBLIGATIONS AND DUTIES

- 6.01 Pay the Economic Incentives to Developer pursuant to the terms and conditions of this Agreement.

VII. DEFAULT

- 7.01 If any party should default upon any terms or obligations with respect to this Agreement (“**Defaulting Party**”), the other party (“**Complaining Party**”) shall provide written notice of the default and shall reasonably include the actions required to cure such default. If the Defaulting Party cures the default within thirty (30) days after notice of default is received (“**Cure Period**”), or commences to cure default within said thirty (30) days and diligently pursues the cure to its conclusion, then this Agreement shall continue as if no default occurred.
- 7.02 In the event that the Defaulting Party fails to cure the default as required by Section 7.01 above, the Complaining Party may, by action or proceeding at law or in equity, be awarded damages and/or specific performance for such default, including reasonable attorney’s fees and costs.

VIII. GENERAL PROVISIONS

- 8.01 **DEVELOPER COVENANTS AND AGREES TO AND DOES HEREBY FULLY INDEMNIFY, HOLD HARMLESS AND DEFEND THE CITY, ITS OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES FROM ALL CLAIMS, SUITS OR CAUSES OF ACTION OF ANY NATURE WHATSOEVER WHETHER REAL OR ASSERTED, BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES TO PERSONS OR PROPERTY, INCLUDING DEATH, RESULTING FROM OR IN ANY WAY CONNECTED WITH THIS AGREEMENT OR THE CONSTRUCTION OF THE PUBLIC IMPROVEMENTS. IN ADDITION, DEVELOPER COVENANTS TO INDEMNIFY, HOLD HARMLESS AND DEFEND THE CITY, ITS OFFICERS, AGENTS, SERVANTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, SUITS OR CAUSES OF ACTION OF ANY NATURE WHATSOEVER, BROUGHT FOR OR ON ACCOUNT OF INJURIES OR DAMAGES TO PERSONS OR PROPERTY,**

INCLUDING DEATH, RESULTING FROM THE FAILURE OF DEVELOPER OR ITS CONTRACTORS AND SUBCONTRACTORS TO PROPERLY SAFEGUARD THE WORK, ON ACCOUNT OF ANY ACTS, INTENTIONAL OR OTHERWISE, NEGLIGENCE OR MISCONDUCT OF DEVELOPER, ITS CONTRACTORS, SUBCONTRACTORS, AGENTS, SERVANTS OR EMPLOYEES.

- 8.02 If any provision of this Agreement, or a portion thereof, or the application thereof to any person or circumstances shall to any extent be held invalid, inoperative or unenforceable, the remainder of this Agreement, or the application of such provision or portion thereof to any other persons or circumstances, shall not be affected thereby. It shall not be deemed that any such invalid provision affects the consideration for this Agreement, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- 8.03 This Agreement shall be construed in accordance with the laws of the State of Texas. Venue for any action brought under this Agreement shall be in Taylor County, Texas.
- 8.04 Developer shall not assign this Agreement without the express written consent of the City.
- 8.05 Nothing in this Agreement shall be construed to make the parties hereto partners or joint venturers or render any of said parties liable for the debts or obligations of any other of said parties.
- 8.06 Except as otherwise expressly provided herein, this Agreement may only be amended, modified or terminated by a declaration in writing, executed and acknowledged by all the parties to this Agreement.
- 8.07 This Agreement constitutes the entire agreement of the parties with respect to the matters set forth herein, and supersedes all prior discussions and agreements between the parties.
- 8.08 This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives, successors and assigns.
- 8.09 In the event any legal proceeding is commenced to enforce or interpret provisions of this Agreement, the prevailing party in any such legal action shall be entitled to recover its reasonable attorney's fees and expenses incurred by reason of such action.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE
FOLLOWS.]

AGREED:

DEVELOPER

WEST TX CUSTOM BUILDERS
286 Pilgrim Rd. Abilene, Tx 79602
325-665-5327
wtcb@suddenlink.net

By: 

Name: TIM AKINS

Its: Principle

CITY OF ABILENE

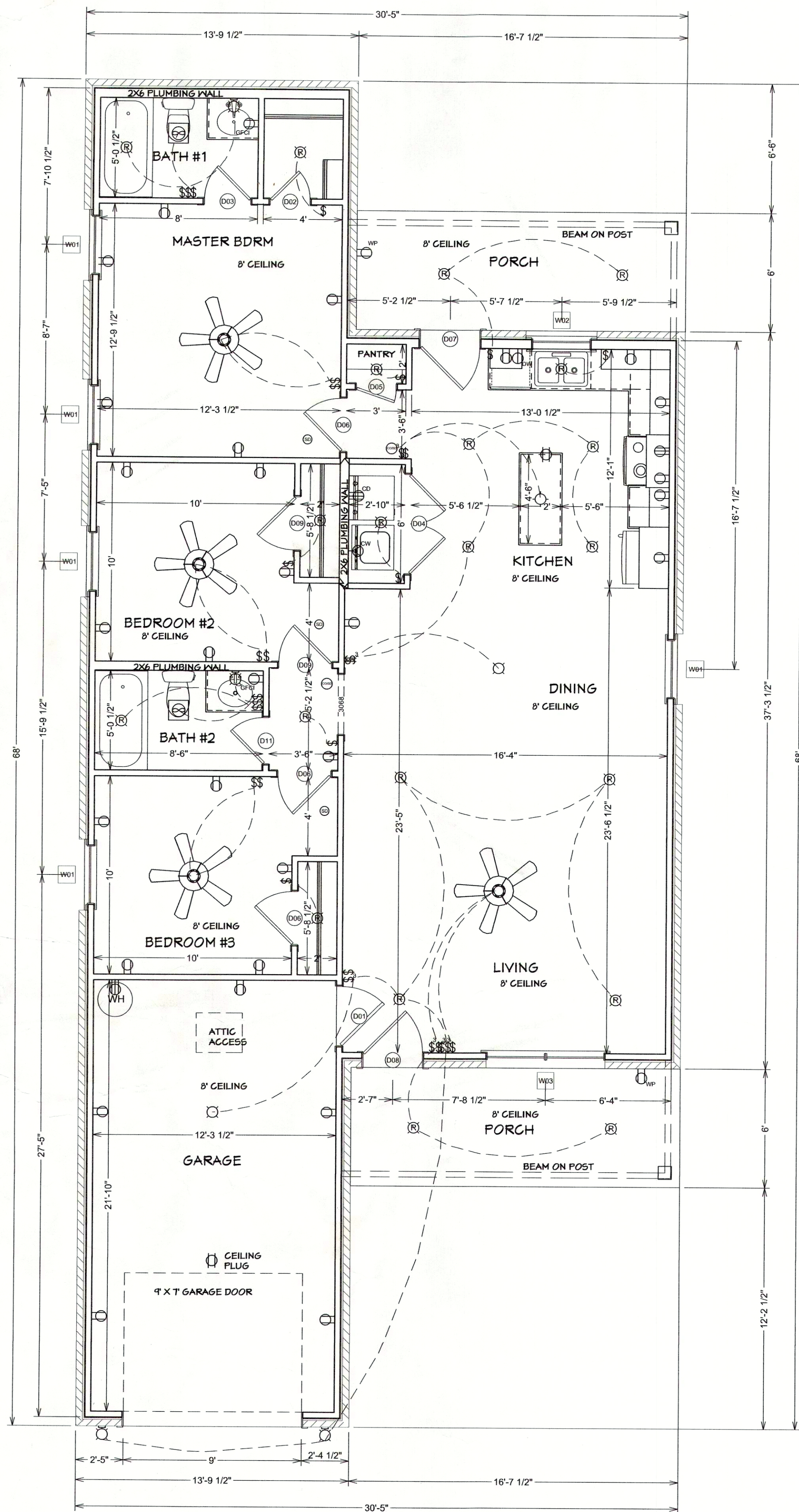
ATTEST:

City Manager

City Secretary

APPROVED AS TO FORM:

City Attorney



DOOR SCHEDULE						
LABEL	SIZE	TYPE	THICKNESS	COMMENTS	QTY	
D01	3068 R EX	HINGED	1 3/4"	FIRE-RATED	1	
D02	2068 L IN	HINGED	1 3/8"		1	
D03	2468 R IN	HINGED	1 3/8"		1	
D04	5068 L/R IN	DOUBLE HINGED	1 3/8"		1	
D05	2068 R IN	HINGED	1 3/8"		1	
D06	2868 L IN	HINGED	1 3/8"		3	
D07	3068 R EX	HINGED	1 3/8"	GLASS	1	
D08	3068 L EX	HINGED	1 3/8"	FRONT ENTRY	1	
D09	2868 R IN	HINGED	1 3/8"		2	
D11	2468 L IN	HINGED	1 3/8"		1	

WINDOW SCHEDULE					
LABEL	QTY	SIZE	TOP	COMMENTS	TYPE
W01	5	3050	84"		SINGLE HUNG
W02	1	3030	84"		SINGLE HUNG
W03	1	6050	84"		TWIN

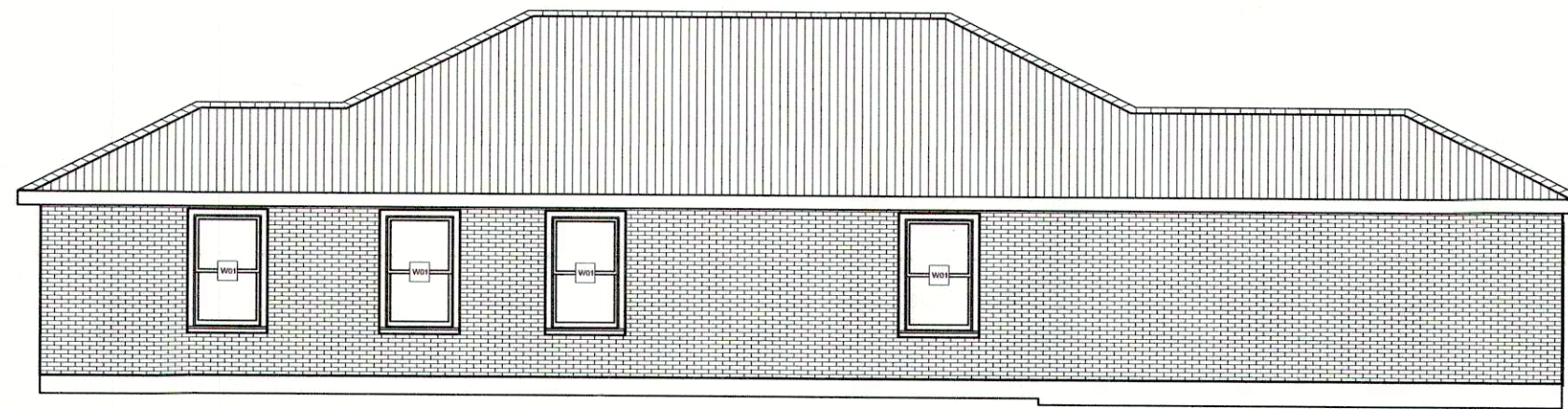
FLOOR PLAN 1/4 in = 1 ft

NOTES:

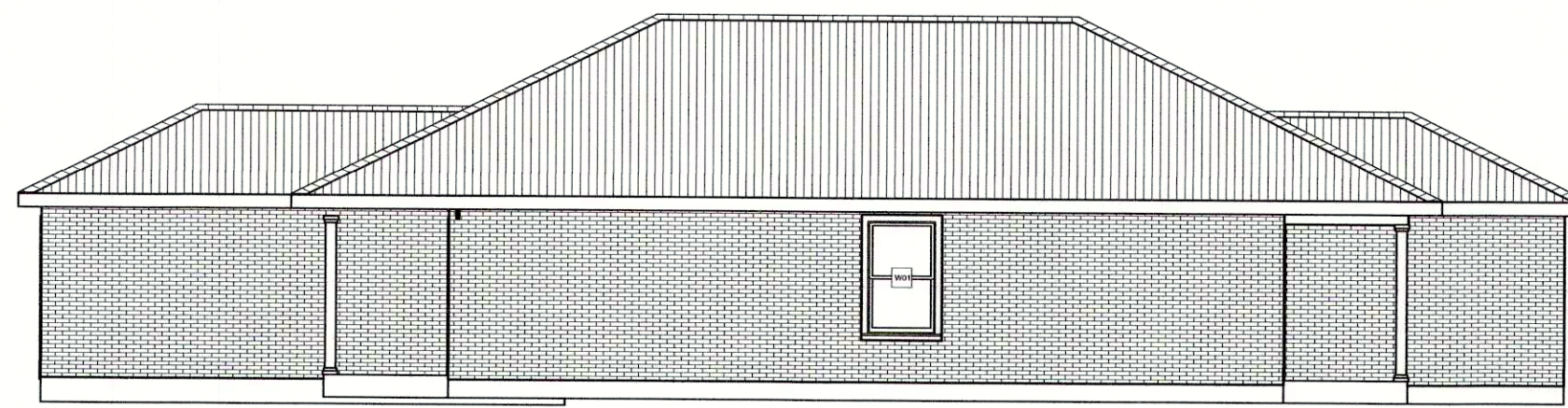
- ALL 8" PLATES EXCEPT WHERE OTHERWISE NOTED.
- STEEL LINTELS OVER APPLICABLE OPENINGS TO SUPPORT/BRICK ROCK.
- HVAC IN ATTIC.
- 2X6 WALLS DIMENSIONED AT 5-1/2". 2X4 WALLS DIMENSIONED AT 3-1/2".
- VERIFY ALL DIMENSIONS, NOTATIONS, AND DESIGN FOR ACCURACY BEFORE BEGINNING CONSTRUCTION.

TOTAL SQUARE FOOTAGE: 1250
 PORCHES: 199
 GARAGE: 308
 TOTAL SLAB SQ FT: 1757

REAR ELEVATION 1/8 in = 1 ft



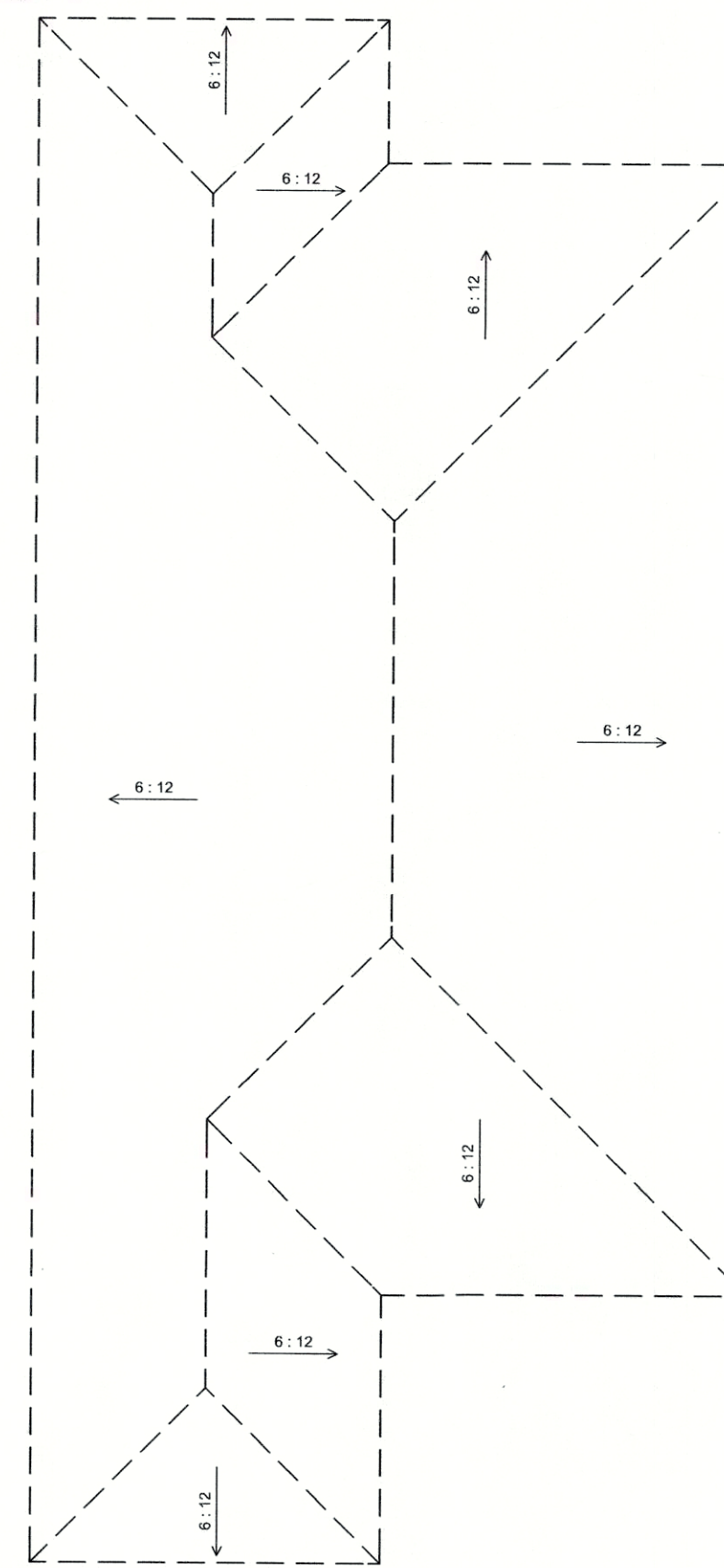
LEFT ELEVATION



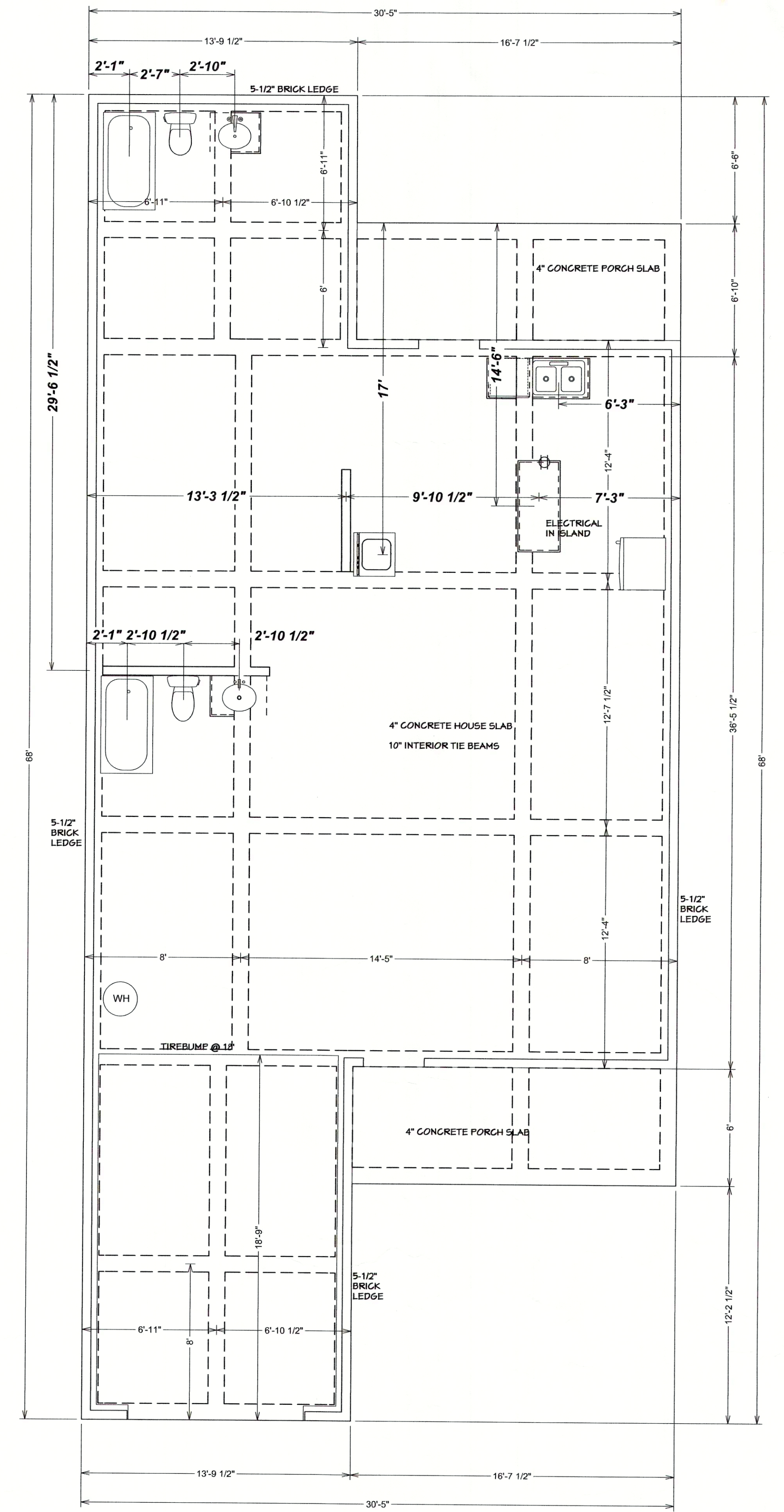
RIGHT ELEVATION



FRONT ELEVATION 1/8 in = 1 ft



ROOF PLAN 1/8 in = 1 ft



CONCRETE AREA
 1757 SQ FT

WEST TEXAS CUSTOM BUILDERS

Date: JAN 2024 Scale: 1/4" = 1' 1250 Sq. Ft. gpr

FLOOR, ROOF, FOUNDATION PLAN & ELEVATIONS

Page #: 1 OF 1 Drawing #: WTCB-24-1250

City Council Meeting

Economic Development Agreement

1417 Locust St.





- West Texas Custom Builders is proposing to build a newly constructed affordable home located at 1417 Locust St.
- Home is approximately 1250 sq.ft.
- 3 bedroom, 2 bathroom, and 1 car garage
- Estimated sales price will not be above \$203,000





QUESTIONS





**City Council
Agenda Memo**

City Council Meeting Date: 5/23/2024

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: 8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving an Economic Development Agreement with West Texas Custom Builders for 1425 Locust St. **(Tim Littlejohn)**

GENERAL INFORMATION

West Texas Custom Builders is proposing to build a new single family home at 1425 Locust St. as part of the RebuildAbi program. This home meets all the criteria of the program.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

\$30,450 plus allowable benefits (trash, abatement etc.)

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 1425 Locust St RESOLUTION

2. 1425 Locust Agreement
3. Exhibit A
4. 1425 Locust presentation

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING
A CHAPTER 380 AGREEMENT BETWEEN THE CITY OF ABILENE AND WEST TEXAS
CUSTOM BUILDERS**

This Economic Development Agreement (“Agreement”) is effective as of the 23rd day of May, 2024 (“Effective Date”), by and between West Texas Custom Builders, ("Developer"), and the CITY OF ABILENE, TEXAS, a home rule city and municipal corporation ("City"), for the purposes and considerations stated below.

WHEREAS, the City of Abilene adopted Resolution 192-2023 creating an Economic Development Program authorized by Chapter 380 of the Texas Local Government Code; and

WHEREAS, the City has adopted Resolution No. 192-2023 which created the Rebuild ABI program; and

WHEREAS, the Developer intends to acquire, or has acquired, fee simple ownership of 1425 Locust St., in Abilene, Taylor County, Texas (the “Project Area”); and

WHEREAS, the governing body of the City of Abilene adopted Resolution 49-2016 and Resolution 129-2023 creating an Economic Development Program authorized by Chapter 380 of the Texas Local Government Code; and

WHEREAS, the governing body of the City of Abilene adopted Resolution 192-2023 and has created Rebuild ABI as an infill development incentive for new residential construction in certain target areas throughout the City; and

WHEREAS, the City desires to enter into this Agreement with the Developer in order to implement the Rebuild ABI economic development program developed by the City to enhance and expand the City’s commercial, economic and employment base to the long-term interest and benefit of the City and the State of Texas; and

WHEREAS, it is anticipated that the development of the Project Area will have a direct and positive economic benefit to the City; and

WHEREAS, the City hereby finds that this Agreement embodies an eligible “project” and clearly promotes economic development in the City and, as such, meets the requisites under Chapter 380 of the Texas Local Government Code and is in the best interests of the City.

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

PART 1: That the City of Abilene approves the Rebuild ABI economic development agreement upon the terms and conditions as set forth in Exhibit A attached hereto.

PART 2: That this Resolution becomes effective immediately upon adoption.

ADOPTED on the 23rd day of May, 2024.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

**NEW CONSTRUCTION ECONOMIC DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF ABILENE AND
WEST TEXAS CUSTOM BUILDERS**

This Economic Development Agreement ("Agreement") is effective as of the 23 day of MAY, 2024 ("Effective Date"), by and between WEST TX CUSTOM BUILDERS ("Developer"), and the CITY OF ABILENE, TEXAS, a home rule city and municipal corporation ("City"), for the purposes and considerations stated below.

RECITALS

WHEREAS, the Developer intends to acquire, or has acquired, fee simple ownership of 1425 LOCUST, in Abilene, Taylor County, Texas (the "Project Area"); and

WHEREAS, the governing body of the City of Abilene adopted Resolution 49-2016 and Resolution 129-2023 creating an Economic Development Program authorized by Chapter 380 of the Texas Local Government Code; and

WHEREAS, the governing body of the City of Abilene adopted Resolution 192-2023 and has created Rebuild ABI as an infill development incentive for new residential construction in certain target areas throughout the City; and

WHEREAS, the City desires to enter into this Agreement with the Developer in order to implement the Rebuild ABI economic development program developed by the City to enhance and expand the City's commercial, economic and employment base to the long-term interest and benefit of the City and the State of Texas; and

WHEREAS, it is anticipated that the development of the Project Area will have a direct and positive economic benefit to the City; and

WHEREAS, the City hereby finds that this Agreement embodies an eligible "project" and clearly promotes economic development in the City and, as such, meets the requisites under Chapter 380 of the Texas Local Government Code and is in the best interests of the City; and

NOW THEREFORE, in consideration of the foregoing premises and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is hereby agreed as follows:

I. AUTHORITY

- 1.01 The Agreement is authorized by state law, including but not limited Chapter 380 of the Texas Local Government Code, and is within the authority of the City and constitutes a legal and binding obligation of the City.
- 1.02 The Developer's execution and performance of this Agreement constitutes a valid and binding obligation of the Developer.
- 1.03 The factual recitals and findings set forth above are found to be true and correct for all purposes, and are incorporated into this Agreement.

II. DEFINITIONS

- 2.01. **Program** means the economic development program identified in Article IV herein and established by the City pursuant to this Agreement.
- 2.02. **Developer** means West TX Custom Builders, its successors or assigns.

III. TERM

- 3.01 This Agreement shall be effective as of the date of execution of both parties. This Agreement shall remain in full force and effect until the earlier of: (A) each party hereto has completed their respective obligations hereunder; or (B) twelve months from the Effective Date ("Term").

IV. ECONOMIC DEVELOPMENT PROGRAM

- 4.01 Upon Developer's completion of its obligations and duties set forth in this Agreement, the City shall pay the Developer the following incentives:
 - a. Payable at the time of closing of the interim construction financing to the participating eligible lender, on behalf of the Developer, a ten (10%) percent equity contribution of the total interim financing needed for the single-family construction. Lender eligibility is based solely on City accepting the lender into the Rebuild ABI program.
 - b. Payable at the time of closing of the final buyer, a five (5%) percent completion grant will be paid to the Developer, such grant being equal to five(5%) percent of the amount

of the sales price of the home, and the home sales price shall not exceed a maximum price of \$203,000.00.

- c. In addition to the equity contribution and completion grant authorized above, the City shall provide without cost to the Developer, at the sole discretion of the City, one or more the following: (1) waiver of construction related City permits and fees, (2) utility taps, (3) sidewalks, (4) roll-off containers and two tips, and (4) demolition of existing structures.
- 4.02 In the event the Developer chooses not to use a participating eligible lender, the Developer is eligible to receive a fifteen (15%) percent incentive, payable at the time of closing of the final buyer. Additionally, the Developer is eligible to receive the incentives listed in 4.01(c).

V. DEVELOPER'S OBLIGATIONS AND DUTIES

The Developer shall perform, or cause to be performed, the construction of the improvements set forth in **Exhibit A – "Public and Private Improvements"** on or before the expiration of this agreement. Additionally::

- 5.01 The Developer shall be a member of the Big Country Home Builder's Association as of the effective date of this Agreement, and during the term of this Agreement.
- 5.02 The Developer shall construct, at its expense, the improvements identified on **Exhibit A – "Public and Private Improvements"** in accordance with all applicable laws and regulations, including but not limited to the City's current residential building code and residential energy code.
- 5.03 The Developer shall purchase all building materials from a business located within the corporate boundaries of the City of Abilene, and pay all applicable local sales and use taxes to the City of Abilene. Upon request of the City, Developer shall promptly provide written documentation of compliance with this requirement, such written documentation being receipts or other documentation as agreed to by the City.
- 5.04 The Developer shall require the final buyer of the residence to sign an affidavit at closing that the buyer intends to occupy the residence as their legal homestead in the State of Texas and that it shall serve as their primary residence for a period of 2 years following closing.

- 5.05 The Developer shall construct the new construction within the existing Neighborhood Empowerment Zones of the City, or shall receive written approval from the City Manager, or his or her designee to build the home on a specific lot north of South 27th Street.

VI. CITY OBLIGATIONS AND DUTIES

- 6.01 Pay the Economic Incentives to Developer pursuant to the terms and conditions of this Agreement.

VII. DEFAULT

- 7.01 If any party should default upon any terms or obligations with respect to this Agreement (“**Defaulting Party**”), the other party (“**Complaining Party**”) shall provide written notice of the default and shall reasonably include the actions required to cure such default. If the Defaulting Party cures the default within thirty (30) days after notice of default is received (“**Cure Period**”), or commences to cure default within said thirty (30) days and diligently pursues the cure to its conclusion, then this Agreement shall continue as if no default occurred.
- 7.02 In the event that the Defaulting Party fails to cure the default as required by Section 7.01 above, the Complaining Party may, by action or proceeding at law or in equity, be awarded damages and/or specific performance for such default, including reasonable attorney’s fees and costs.

VIII. GENERAL PROVISIONS

- 8.01 **DEVELOPER COVENANTS AND AGREES TO AND DOES HEREBY FULLY INDEMNIFY, HOLD HARMLESS AND DEFEND THE CITY, ITS OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES FROM ALL CLAIMS, SUITS OR CAUSES OF ACTION OF ANY NATURE WHATSOEVER WHETHER REAL OR ASSERTED, BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES TO PERSONS OR PROPERTY, INCLUDING DEATH, RESULTING FROM OR IN ANY WAY CONNECTED WITH THIS AGREEMENT OR THE CONSTRUCTION OF THE PUBLIC IMPROVEMENTS. IN ADDITION, DEVELOPER COVENANTS TO INDEMNIFY, HOLD HARMLESS AND DEFEND THE CITY, ITS OFFICERS, AGENTS, SERVANTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, SUITS OR CAUSES OF ACTION OF ANY NATURE WHATSOEVER, BROUGHT FOR OR ON ACCOUNT OF INJURIES OR DAMAGES TO PERSONS OR PROPERTY,**

INCLUDING DEATH, RESULTING FROM THE FAILURE OF DEVELOPER OR ITS CONTRACTORS AND SUBCONTRACTORS TO PROPERLY SAFEGUARD THE WORK, ON ACCOUNT OF ANY ACTS, INTENTIONAL OR OTHERWISE, NEGLIGENCE OR MISCONDUCT OF DEVELOPER, ITS CONTRACTORS, SUBCONTRACTORS, AGENTS, SERVANTS OR EMPLOYEES.

- 8.02 If any provision of this Agreement, or a portion thereof, or the application thereof to any person or circumstances shall to any extent be held invalid, inoperative or unenforceable, the remainder of this Agreement, or the application of such provision or portion thereof to any other persons or circumstances, shall not be affected thereby. It shall not be deemed that any such invalid provision affects the consideration for this Agreement, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- 8.03 This Agreement shall be construed in accordance with the laws of the State of Texas. Venue for any action brought under this Agreement shall be in Taylor County, Texas.
- 8.04 Developer shall not assign this Agreement without the express written consent of the City.
- 8.05 Nothing in this Agreement shall be construed to make the parties hereto partners or joint venturers or render any of said parties liable for the debts or obligations of any other of said parties.
- 8.06 Except as otherwise expressly provided herein, this Agreement may only be amended, modified or terminated by a declaration in writing, executed and acknowledged by all the parties to this Agreement.
- 8.07 This Agreement constitutes the entire agreement of the parties with respect to the matters set forth herein, and supersedes all prior discussions and agreements between the parties.
- 8.08 This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives, successors and assigns.
- 8.09 In the event any legal proceeding is commenced to enforce or interpret provisions of this Agreement, the prevailing party in any such legal action shall be entitled to recover its reasonable attorney's fees and expenses incurred by reason of such action.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE
FOLLOWS.]

AGREED:

DEVELOPER

WestTx Custom BUILDERS
286 Pilgrim Rd. Abilene TX 79602
325-665-5327
wtcb@suddenlink.net

By: 

Name: Tim Akens

Its: Principle

CITY OF ABILENE

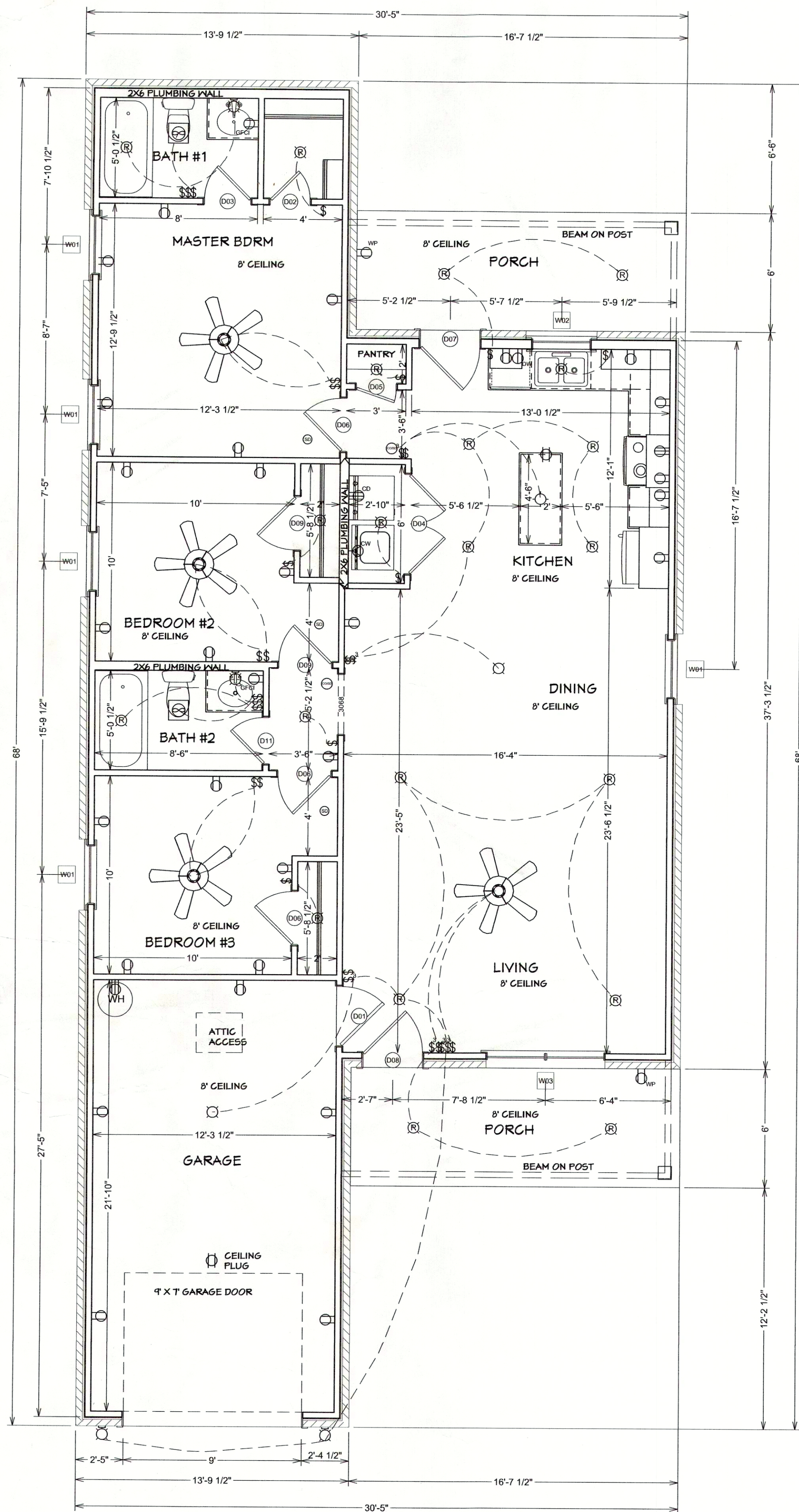
ATTEST:

City Manager

City Secretary

APPROVED AS TO FORM:

City Attorney



DOOR SCHEDULE						
LABEL	SIZE	TYPE	THICKNESS	COMMENTS	QTY	
D01	3068 R EX	HINGED	1 3/4"	FIRE-RATED	1	
D02	2068 L IN	HINGED	1 3/8"		1	
D03	2468 R IN	HINGED	1 3/8"		1	
D04	5068 L/R IN	DOUBLE HINGED	1 3/8"		1	
D05	2068 R IN	HINGED	1 3/8"		1	
D06	2868 L IN	HINGED	1 3/8"		3	
D07	3068 R EX	HINGED	1 3/8"	GLASS	1	
D08	3068 L EX	HINGED	1 3/8"	FRONT ENTRY	1	
D09	2868 R IN	HINGED	1 3/8"		2	
D11	2468 L IN	HINGED	1 3/8"		1	

WINDOW SCHEDULE					
LABEL	QTY	SIZE	TOP	COMMENTS	TYPE
W01	5	3050	84"		SINGLE HUNG
W02	1	3030	84"		SINGLE HUNG
W03	1	6050	84"		MULLED UNIT

FLOOR PLAN 1/4 in = 1 ft

NOTES:

- ALL 8" PLATES EXCEPT WHERE OTHERWISE NOTED.
- STEEL LINTELS OVER APPLICABLE OPENINGS TO SUPPORT/BRICK ROCK.
- HVAC IN ATTIC.
- 2X6 WALLS DIMENSIONED AT 5-1/2". 2X4 WALLS DIMENSIONED AT 3-1/2".
- VERIFY ALL DIMENSIONS, NOTATIONS, AND DESIGN FOR ACCURACY BEFORE BEGINNING CONSTRUCTION.

TOTAL SQUARE FOOTAGE: 1250
PORCHES: 199
GARAGE: 308
TOTAL SLAB SQ FT: 1757

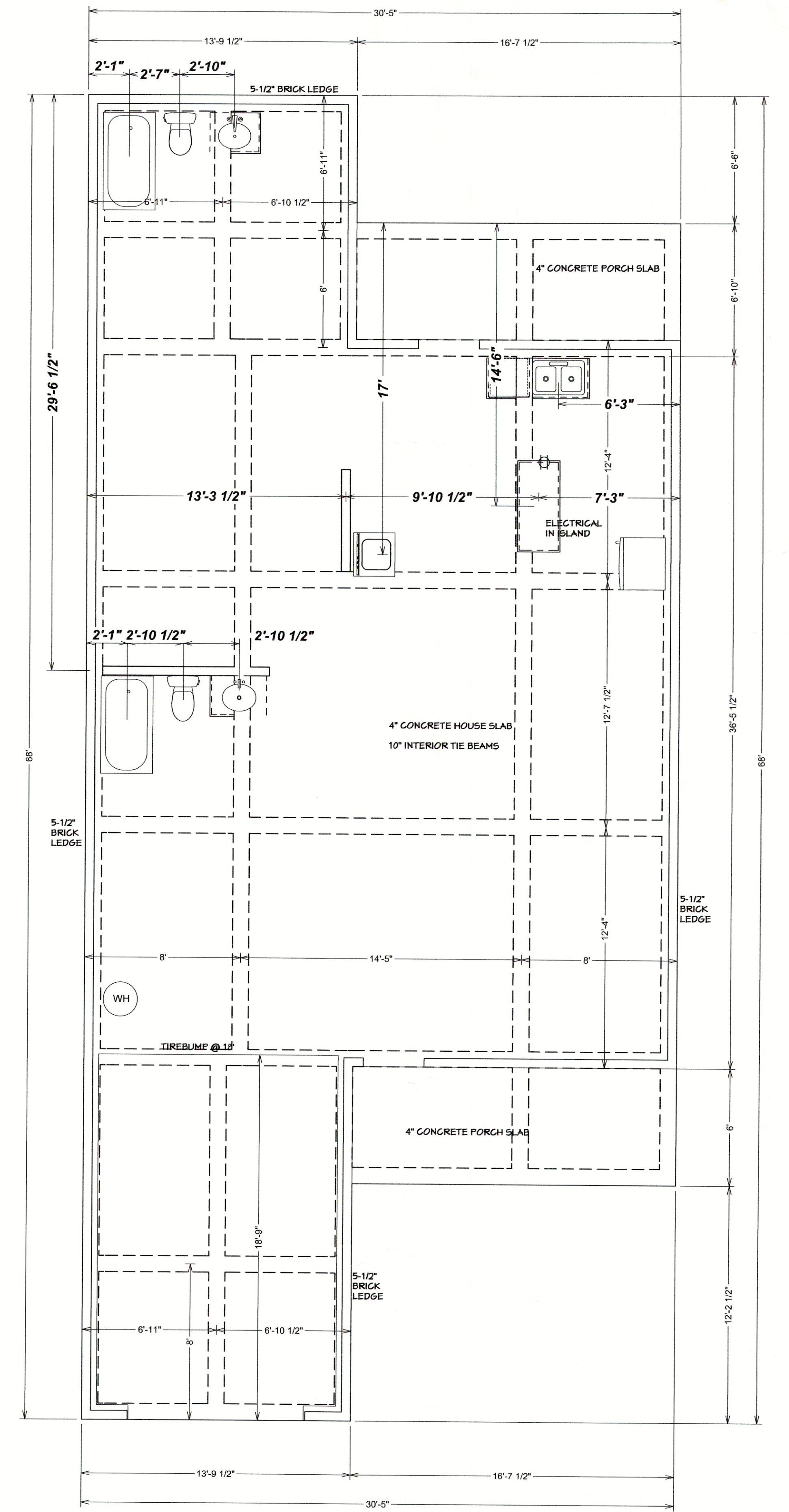
REAR ELEVATION 1/8 in = 1 ft

LEFT ELEVATION

RIGHT ELEVATION

FRONT ELEVATION 1/8 in = 1 ft

ROOF PLAN 1/8 in = 1 ft



CONCRETE AREA
1757 SQ FT

WEST TEXAS CUSTOM BUILDERS

Date: JAN 2024 Scale: 1/4" = 1' 1250 Sq. Ft. gpr

FLOOR, ROOF, FOUNDATION PLAN & ELEVATIONS

Page #: 1 OF 1 Drawing #: WTCB-24-1250

City Council Meeting

Economic Development Agreement

1425 Locust St.





- West Texas Custom Builders is proposing to build a newly constructed affordable home located at 1425 Locust St.
- Home is approximately 1250 sq.ft.
- 3 bedroom, 2 bathroom, and 1 car garage
- Estimated sales price will not be above \$203,000





QUESTIONS





**City Council
Agenda Memo**

City Council Meeting Date: 5/23/2024

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: 9. Ordinance (First Reading) Z-2024-08: Receive a Report, Hold a Discussion, and Take Action on A Request From The Owner, Represented By CJ Chaney, To Change The Zoning Of Approximately 0.29 Acres From Heavy Industrial (HI) To Light Industrial (LI). Located At 917 & 919 S Treadaway Blvd. (Tim Littlejohn)

GENERAL INFORMATION

The subject property houses a two-tenant building. One of the tenants provides contractor services. The applicant proposes to utilize the second tenant space for kenneling and dog grooming in the available suite. The proposed use is not permitted in the Heavy Industrial (HI) district, but is permitted in the Light Industrial (LI). Contractor services are permitted in the LI district.

SPECIAL CONSIDERATIONS

Properties to the north, east, and south are zoned Heavy Industrial (HI). The use of those properties are heavy commercial and light industrial. The property to the west is zoned Heavy Commercial (HC). The Future Land Use Map designates this location as 'Light Industrial'.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of 5-0.

ATTACHMENTS:

1. Ordinance
2. Staff Report
3. Presentation

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 23rd day of May, 2024.

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 April, 2024, 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 13th day of June, 2024, 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 13th day of June, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning of approximately 0.29 acres from Heavy Industrial (HI) to Light Industrial (LI)

Legal description being Original Town Abilene, Block 190, Lot 2 & 3, Abilene, Taylor County, Texas.

Located at 917 & 919 S Treadaway Blvd.



END

ZONING CASE Z-2024-08

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: May 7, 2024
City Council 1st Reading: May 23, 2024
City Council 2nd Reading: June 13, 2024

Applicant

Owner: BAB Group Holdings LLC
Agent: CJ Chaney

Case Manager

Mason Teegardin – Planner

Request

Change the zoning of approximately 0.29 acres from Heavy Industrial (HI) to Light Industrial (LI).

Location

Legal description being Original Town Abilene, Block 190, Lot 2 & 3, Abilene, Taylor County, Texas. Located at 917 & 919 S. Treadaway Boulevard.

Background

The subject property houses a two-tenant building. One of the tenants provides contractor services. The applicant proposes to utilize the second tenant space for kenneling and dog grooming in the available suite. The proposed use is not permitted in the Heavy Industrial (HI) district, but is permitted in the Light Industrial (LI). Contractor services are permitted in the LI district.

Zoning, Existing and Proposed Land Use

Properties to the north, east, and south are zoned Heavy Industrial (HI). The use of those properties are heavy commercial and light industrial. The property to the west is zoned Heavy Commercial (HC). The Future Land Use Map designates this location as 'Light Industrial'.

Criteria Assessment

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

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

The proposed request is consistent with the Comprehensive Plan and Future Land Use Map.

- (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 zoning would be appropriate as most of surrounding businesses are utilized for heavy commercial and light industrial purposes.

- (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.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval**.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
PARKS GREGORY L	17199	842 S TREADAWAY BL	
LONE STAR RAILROAD INC	15610	825 S TREADAWAY BL	
ACUNA DAVID	18093	925 S TREADAWAY BL	
HWY	18211	937 S TREADAWAY BL	
DAVIS H E FAMILY PARTNERSHIP	18444	941 S TREADAWAY BL	
BAB GROUP HOLDINGS LLC	16098	919 S TREADAWAY BL	
THORSEN ROSALIE REV LIV TRU	20021	928 S TREADAWAY BL	
BEARING SUPPLY CO	18557	949 S TREADAWAY BL	
HOEMKE PROPERTY LLC	18327	933 S TREADAWAY BL	
SEALS CHARLES O	19627	1002 S TREADAWAY BL	
LONE STAR RAILROAD INC	1087267	901 S TREADAWAY BL	
902 S TREADAWAY LLC	16218	910 S TREADAWAY BL	
BETHEL ROBERT	20152	926 S TREADAWAY BL	
WEST TEXAS UTILITIES CO	15733	841 S TREADAWAY BL	

LOCATION MAP

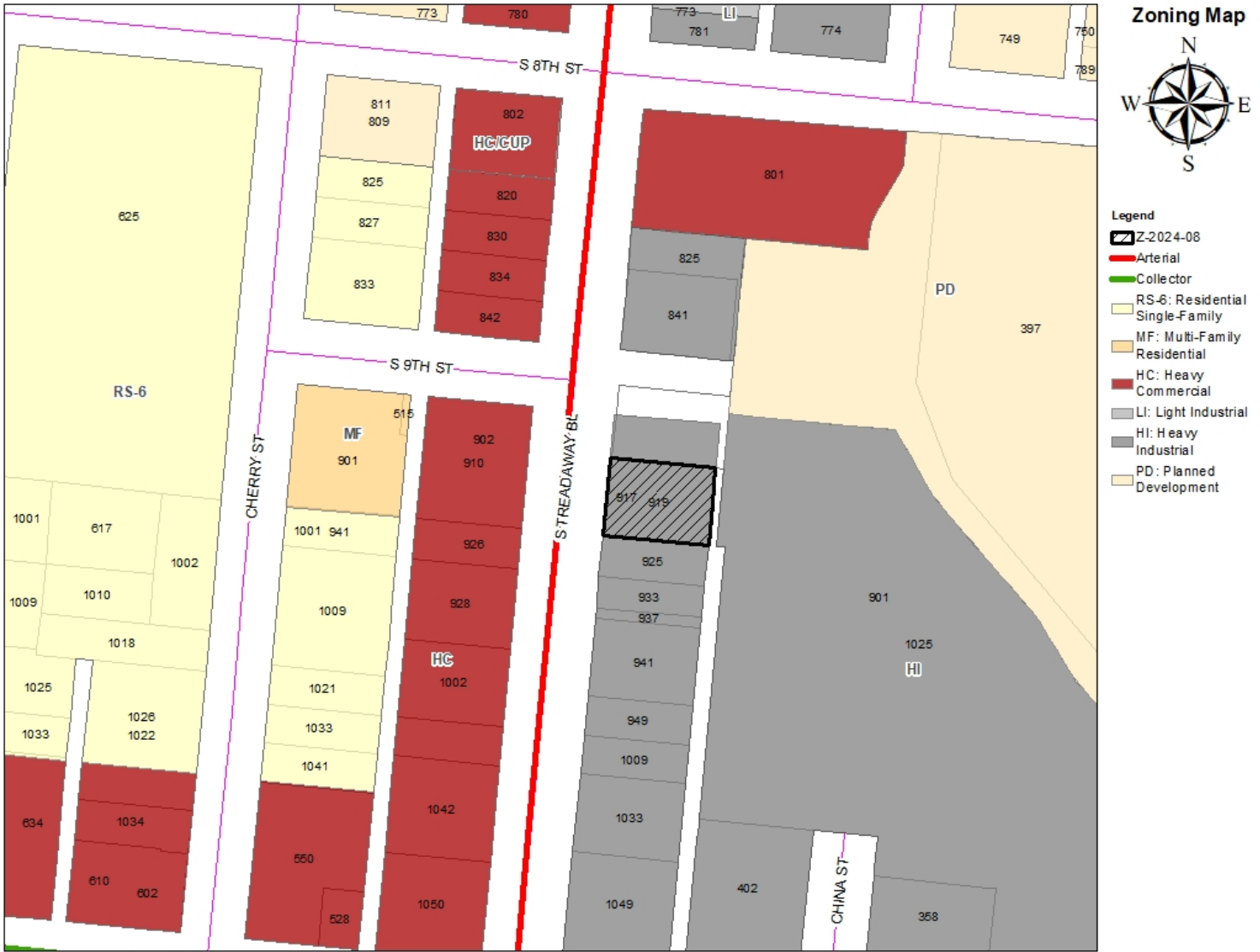


Aerial Map

Legend

- Z-2024-08
- Courier Parcels

ZONING MAP





REZONE REQUEST

Case: Z-2024-08

Agent: CJ Chaney

Request: Change the zoning of approximately 0.29 acres from Heavy Industrial (HI) to Light Industrial (LI).

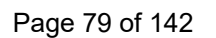
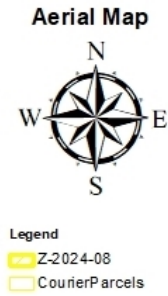
Location: Located at 917 & 919 S Treadaway Blvd.

Notification: 0 in Favor, 0 Opposed

Planning & Zoning: May 7, 2024

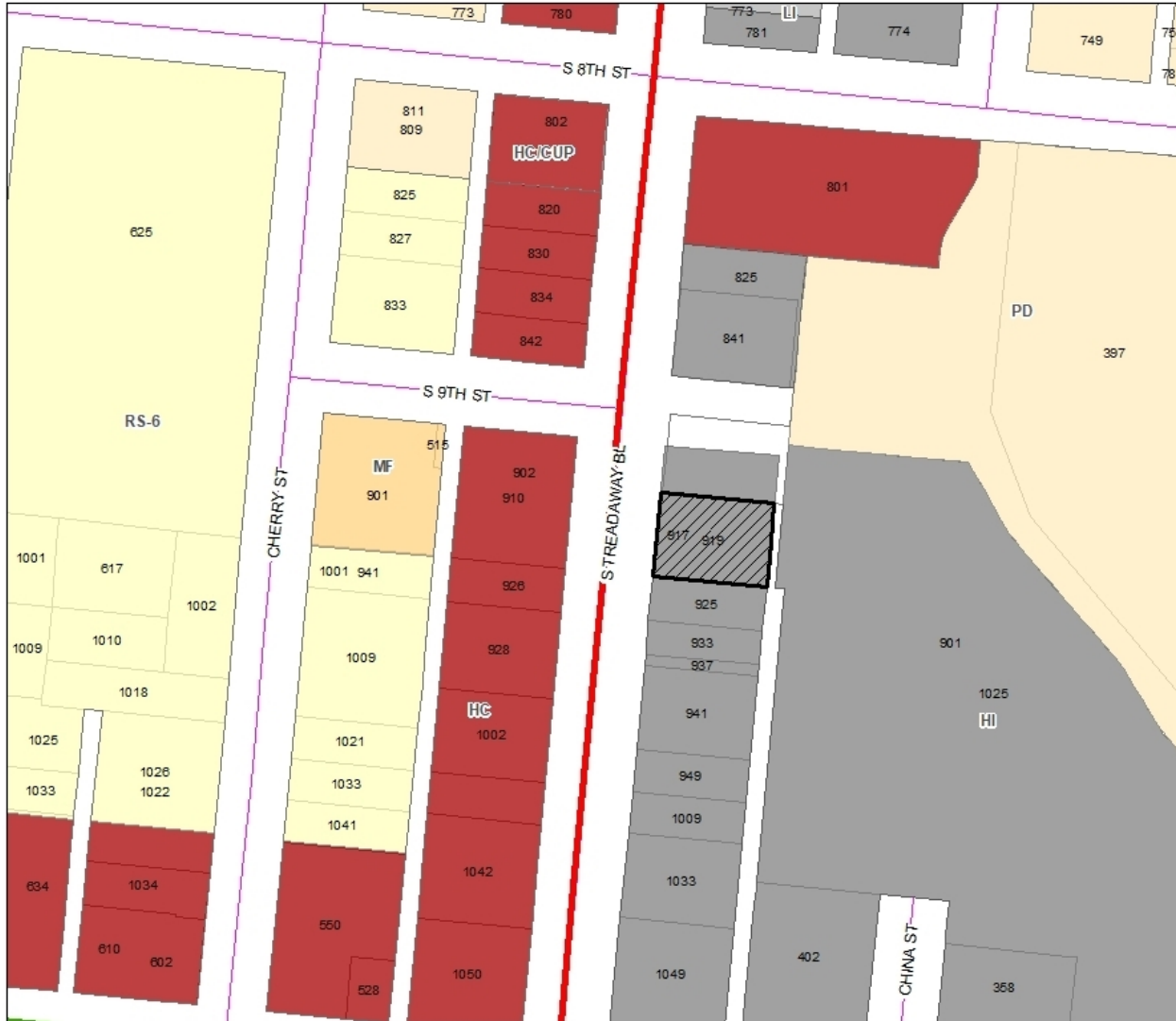
Council Hearing: May 23, 2024
June 13, 2024



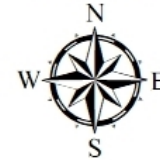




ZONING MAP

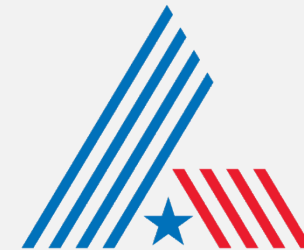


Zoning Map



Legend

- Z-2024-08
- Arterial
- Collector
- RS-6: Residential Single-Family
- MF: Multi-Family Residential
- HC: Heavy Commercial
- LI: Light Industrial
- HI: Heavy Industrial
- PD: Planned Development



CITY OF
ABILENE
TEXAS



PROPERTY VIEWS





PERMITTED USES IN HEAVY INDUSTRIAL 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

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

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





PERMITTED USES IN LIGHT INDUSTRIAL 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





NOTIFICATION AREA MAP

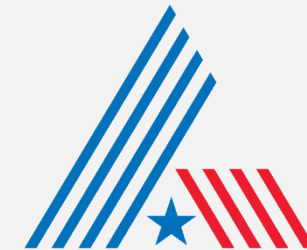


Notification Map



Legend
Z-2024-08
Notification Area

0 - In Favor- 
0 - Opposed- 



CITY OF
ABILENE
TEXAS



FINDINGS AND RECOMMENDATIONS

The request is consistent with:

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

P&Z Recommendation: **Approval**





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 5/23/2024

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **10. Ordinance (First Reading) Z-2024-09: Receive a Report, Hold a Discussion, and Take Action on A Request From The Owner, Represented By CJ Chaney, To Change The Zoning Of Approximately 0.08 Acres From Heavy Industrial (HI) To Light Industrial (LI). Located On The East Side Of The 2500 Block Of N Treadaway Blvd. *(Tim Littlejohn)***

GENERAL INFORMATION

The subject property is currently vacant. The owner proposes to rezone the property to expand the number of uses permitted by the LI zoning district.

SPECIAL CONSIDERATIONS

Properties to the north, east, and south are zoned Heavy Industrial (HI). The use of the property to the north is industrial. The property to the west is zoned Heavy Commercial (HC). The Future Land Use Map designates this location as 'Light Industrial'.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 5-0.

ATTACHMENTS:

1. Ordinance
2. Staff Report
3. Presentation

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 23rd day of May, 2024.

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 April, 2024, 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 13th day of June, 2024, 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 13th day of June, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

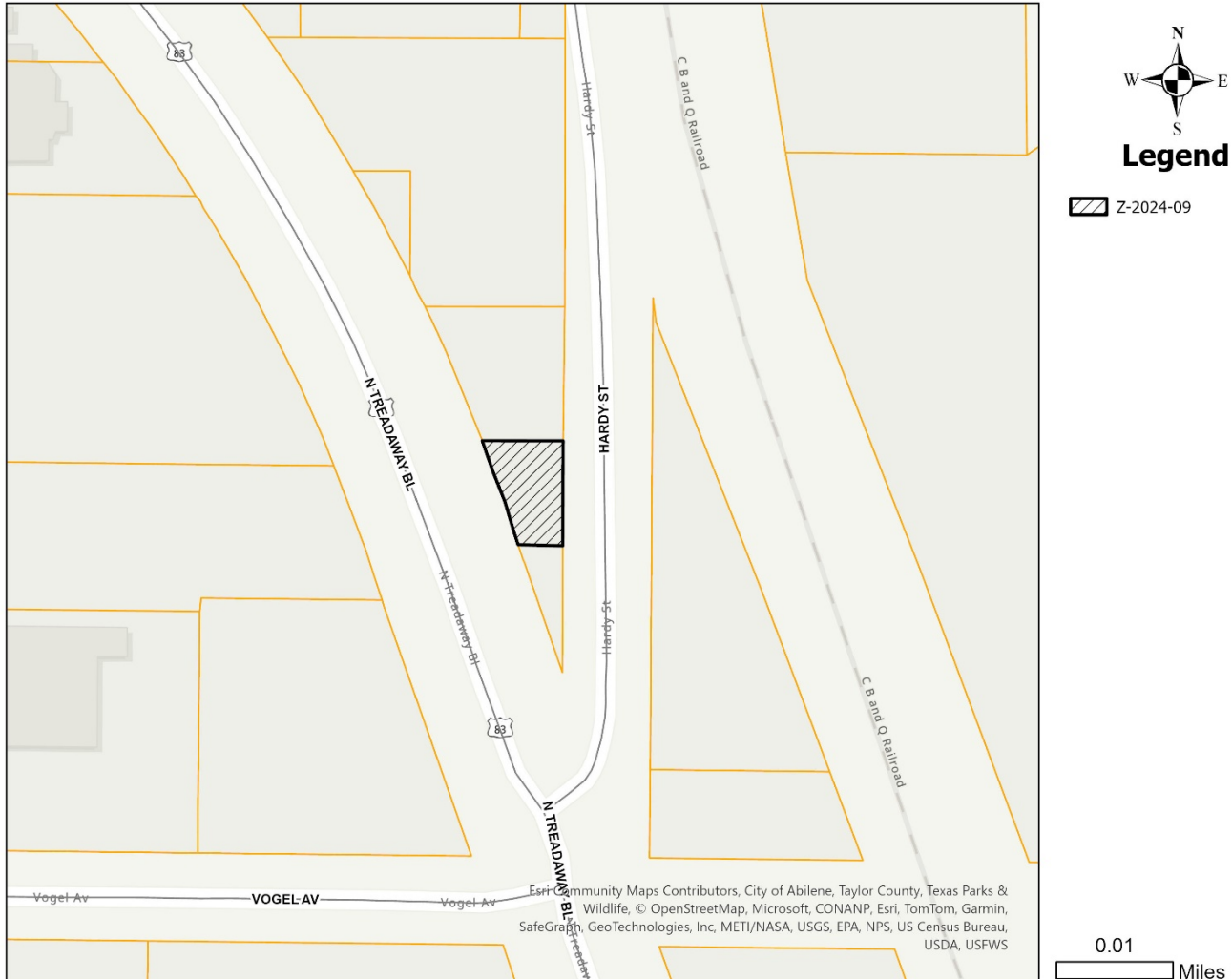
CITY ATTORNEY

EXHIBIT A

Change the zoning of approximately 0.07 acres from Heavy Industrial (HI) to Light Industrial (LI)

Legal description being North Park Addition, Block 10, East Part of lot 8, Abilene, Taylor County, Texas.

Located at the 2500 block of North Treadaway Blvd.



END

ZONING CASE Z-2024-09

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: May 7, 2024
City Council 1st Reading: May 23, 2024
City Council 2nd Reading: June 13, 2024

Applicant

Owner: M2517 LLC
Agent: CJ Chaney

Case Manager

Adam Holland – Planner

Request

Change the zoning of approximately 0.07 acres from Heavy Industrial (HI) to Light Industrial (LI).

Location

Legal description being North Park Addition block 10 Lot E Part of 8, Abilene, Taylor County, Texas. Located at East side of the 2500 block of North Treadaway Boulevard.

Background

The subject property is currently vacant. The owner proposes to rezone the property to expand the number of uses permitted by the LI zoning district.

Zoning, Existing and Proposed Land Use

Properties to the north, east, and south are zoned Heavy Industrial (HI). The use of the property to the north is industrial. The property to the west is zoned Heavy Commercial (HC). The Future Land Use Map designates this location as 'Light Industrial'.

Criteria Assessment

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

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

The proposed request is consistent with the Comprehensive Plan and Future Land Use Map.

- (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 zoning would be appropriate as most of surrounding businesses are utilized for heavy commercial and light industrial purposes.

(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.

P&Z Recommendation

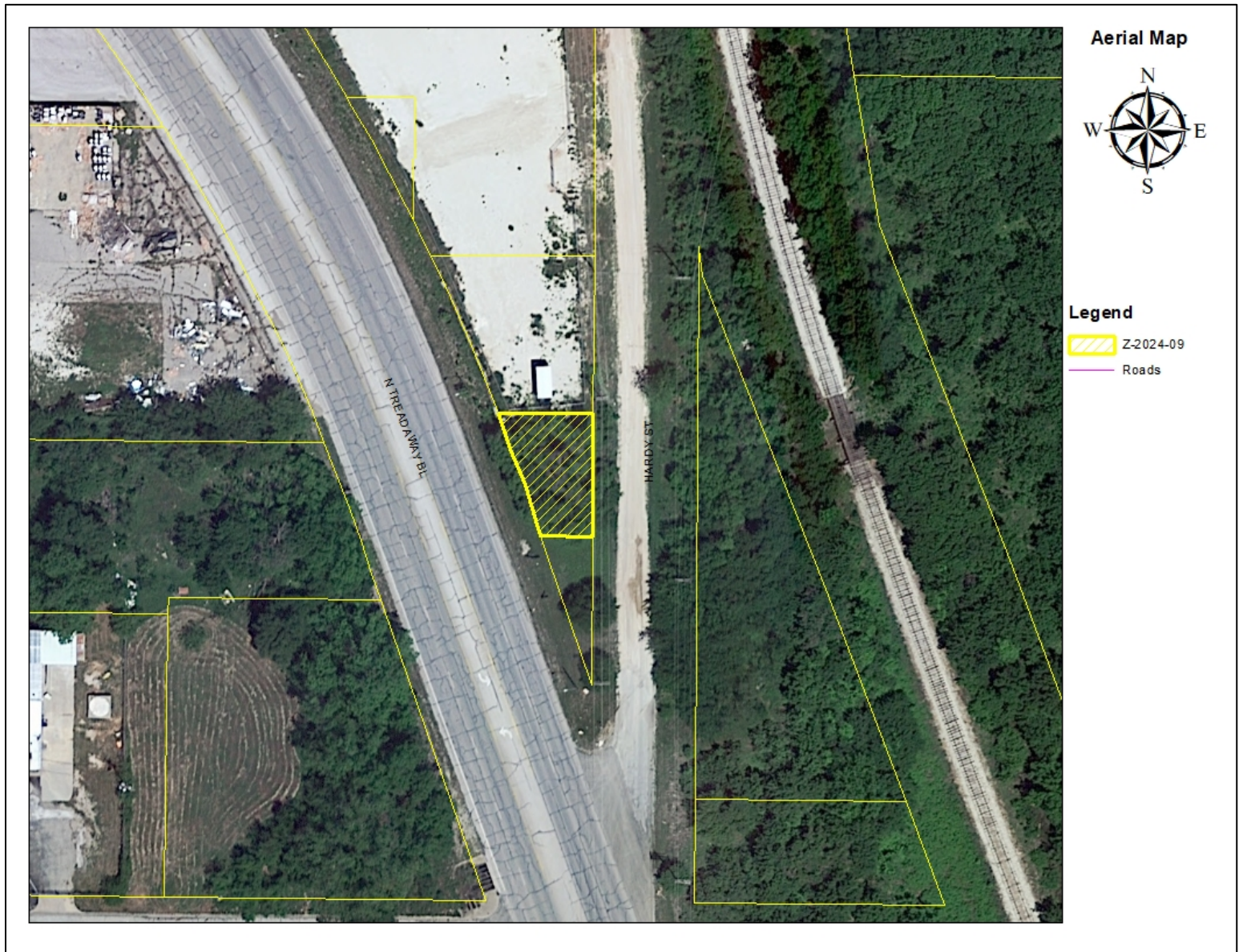
The Planning and Zoning Commission recommends **approval**.

NOTIFICATIONS

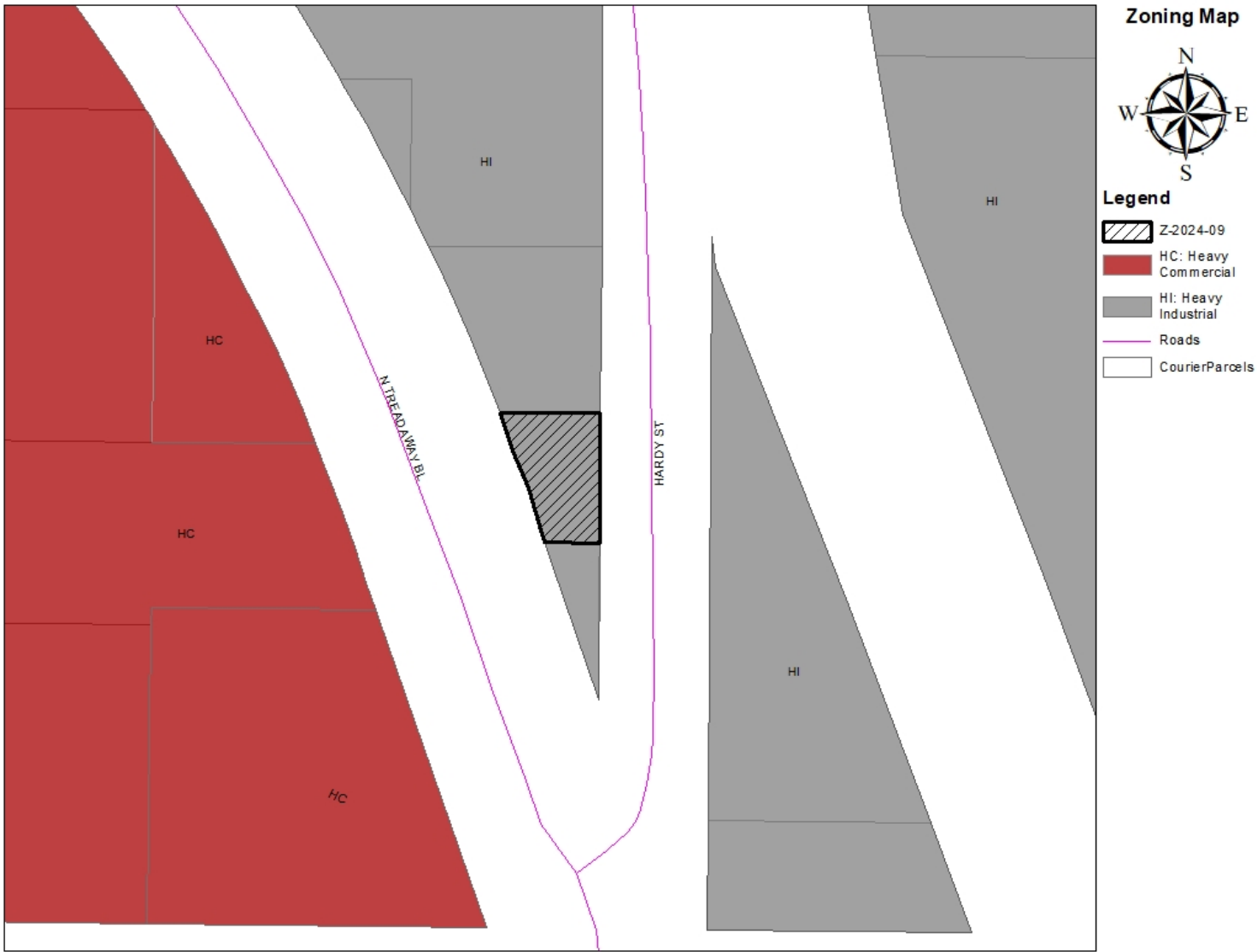
Legend:
O- Opposed
F- In Favor

OWNER	SITUS	PROP_ID	RESPONSE
CORPIAN GARY LEE & MARILU		65282	
CORPIAN GARY LEE & MARILU LEE	2501 N TREADAWAY BL	65411	
GOGGANS & SONS INC		53114	
HARDIN SIMMONS UNIVERSITY	2533 PINE ST	66635	
TF PROPERTIES LLC	2550 HARDY ST	67512	
WALKER SHARON ANN		1091639	

LOCATION MAP



ZONING MAP





REZONE REQUEST

Case: Z-2024-09

Agent: CJ Chaney

Request: Change the zoning of approximately 0.07 acres from Heavy Industrial (HI) to Light Industrial (LI).

Location: 2500 block of North Treadaway Blvd.

Notification: 0 in Favor, 0 Opposed

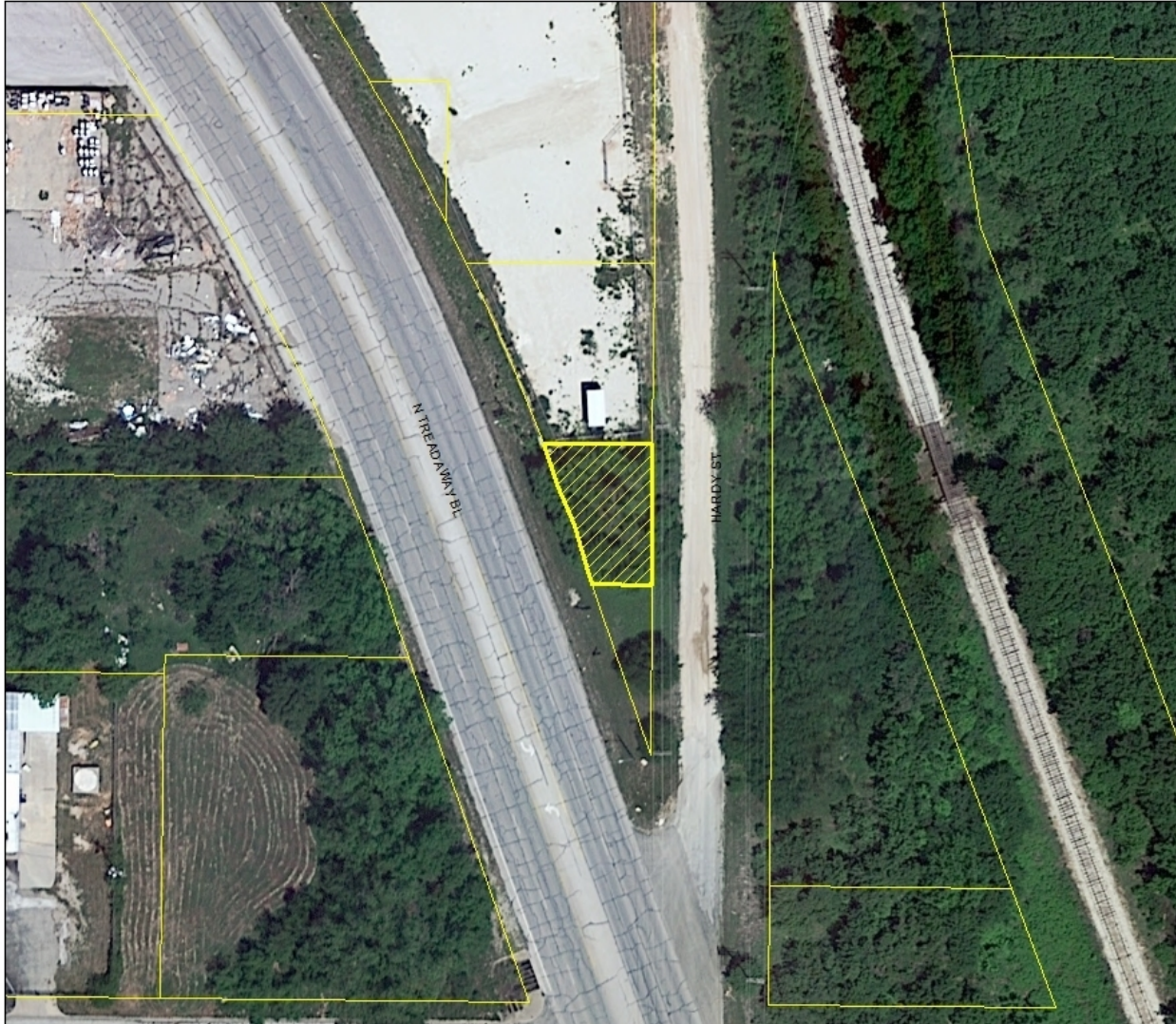
Planning & Zoning: May 7, 2024

Council Hearing: May 23, 2024
June 13, 2024





AERIAL LOCATION MAP



Aerial Map



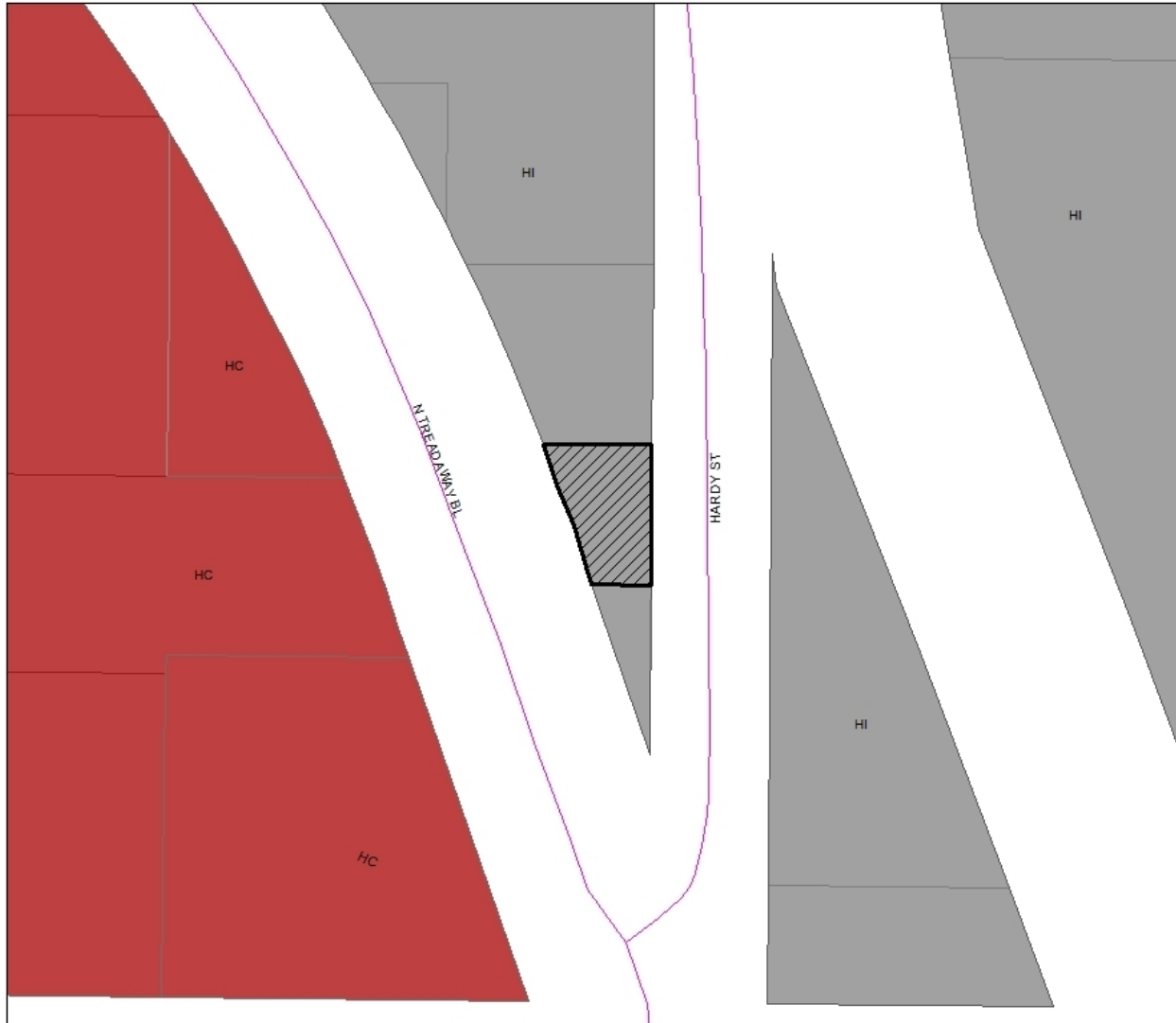
Legend

-  Z-2024-09
-  Roads

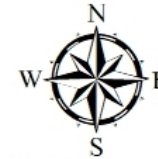




ZONING MAP



Zoning Map



Legend

- Z-2024-09
- HC: Heavy Commercial
- HI: Heavy Industrial
- Roads
- CourierParcels





VIEWS OF PROPERTIES



Subject Property



West Neighboring Property



Subject Property





PERMITTED USES IN HEAVY INDUSTRIAL 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

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

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





PERMITTED USES IN LIGHT INDUSTRIAL 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)
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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

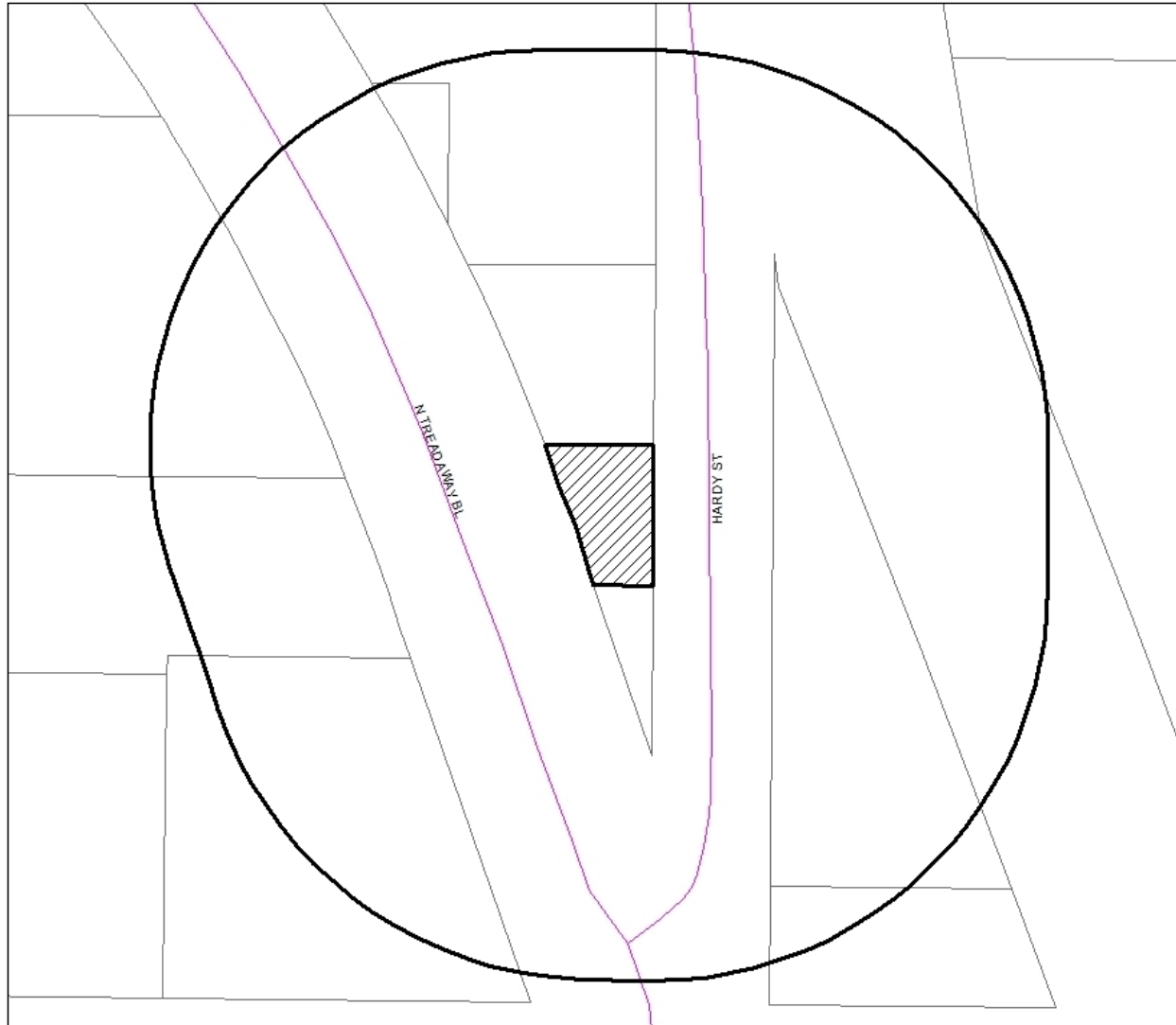
LEGEND

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

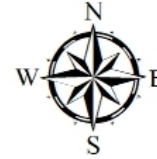




NOTIFICATION AREA MAP



Notification



0 - In Favor-



0 - Opposed-



Legend

-  Notification Area
-  Z-2024-09
-  Roads
-  CourierParcels





FINDINGS AND RECOMMENDATIONS

The request is consistent with:

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

P&Z Recommendation: **Approval**





Questions?





City Council Agenda Memo

City Council Meeting Date: 5/23/2024

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **11. Ordinance (First Reading) Z-2024-10: Receive a Report, Hold a Discussion, and Take Action on A Request From The Owner, To Change The Zoning Of Approximately 0.35 Acres Zoned General Retail (GR) To General Commercial (GC). Located At 542 E. Ambler Avenue. *(Tim Littlejohn)***

GENERAL INFORMATION

The property was formerly used for car sales. The former use of the site was considered a legally non-conforming (grandfathered) use because it was not permitted in the GR zoning district. Due to the property being vacant for more than six months, the former use is no longer permitted. Rezoning to GC is requested to allow the former use as a use that will be permitted by right.

SPECIAL CONSIDERATIONS

Properties to the west are zoned General Commercial (GC). Properties to the east are zoned General Retail (GR). Properties to the north and south are zoned GR and Multi-Family (MF), respectively. The subject property, and all surrounding properties, are located within the Ambler Avenue Corridor Overlay District.-

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 5-0.

ATTACHMENTS:

1. Ordinance
2. Staff Report
3. Presentation

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 23rd day of May, 2024.

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 April, 2024, 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 13th day of June, 2024, 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 13th day of June, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of approximately 0.35 acres from a General Retail (GR) District to a General Commercial District (GC).

Legal description being Lot 5. Block 6 of the Hillcrest Addition Section 1, Taylor County Abilene, 79601

Located at 542 E Ambler Avenue.



END

ZONING CASE Z-2024-10

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: May 7, 2024
City Council 1st Reading: May 23, 2024
City Council 2nd Reading: June 13, 2024

Applicant

Owner: Jesus Villarreal

Case Manager

Kiley Hannah – Planner

Request

Change the zoning of approximately 0.35 acres from General Retail (GR) to General Commercial (GC).

Location

The subject property is located at 542 East Ambler Avenue and is legally described as being 0.35 acres out of the Hillcrest Addition, Section 1, Block 6, Lot 5 Taylor County, Abilene.

Background

The property was formerly used for car sales. The former use of the site was considered a legally non-conforming (grandfathered) use because it was not permitted in the GR zoning district. Due to the property being vacant for more than six months the former use is no longer permitted. Rezoning to GC is requested to allow the former use as a use that will be permitted by right.

Zoning, Existing and Proposed Land Use

Properties to the west are zoned General Commercial (GC). Properties to the east are zoned General Retail (GR). Properties to the north and south are zoned GR and Multi-Family (MF), respectively. The subject property, and all surrounding properties, are located within the Ambler Avenue Corridor Overlay District.

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 consistent with the Comprehensive Plan and Future Land Use Map.

- (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 zoning would be consistent with the historic use of the subject property and consistent with the use of the lots surrounding the subject site.:-

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

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.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval**.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

OWNER	PROP_ID	SITUS	RESPONSE
CAMPBELL ROBERT M	205756	526 E AMBLER AV	
ALLEN NEITA GAYLENE &	13522	501 BACON DR	
BECK MICAH T	40490	567 E AMBLER AV	
BECK MICAH T	40490	565 E AMBLER AV	
HEARD CHARLES R & LINDA K	23806	2433 LINCOLN DR	
CAMPBELL ROBERT M & DOROTHY J	68172		
CAMPBELL ROBERT M & DOROTHY J	95961	2417 LINCOLN DR	
BRITTEN SAMUEL LYNN &	40370	557 E AMBLER AV	
BRITTEN SAMUEL LYNN &	40370	559 E AMBLER AV	
HEWITT DEBORAH LOU	23257	2440 MADISON AV	
AMBLER PROPERTIES LLC	109342	566 E AMBLER AV	
M7 REAL ESTATE INVESTMENTS LLC	23802	542 E AMBLER AV	
BBL LEASING LLC SERIES 5	40232	549 E AMBLER AV	
BBL LEASING LLC SERIES 5	40232	551 E AMBLER AV	
LWMW MANAGEMENT LLC	23407	2432 MADISON AV	
FRY JACKSON B JR & KATHIE	40092	541 AMBLER AV	
LOVING INDIVIDUALS GENERATING	13982	580 E AMBLER AV	
LOVING INDIVIDUALS GENERATING	13982	588 E AMBLER AV	
HEARD CHARLES R & LINDA K	95959	2425 LINCOLN DR	
AHLBERG DARLENE G 2008 LIV TR	14086	550 E AMBLER AV	
FRY JACKSON B JR & KATHIE	39848	525 AMBLER AV	
FRY JACKSON B JR & KATHIE	39964	533 AMBLER AV	
FRY JACKSON B JR & KATHIE	39721	517 AMBLER AV	
HERROLD FAMILY PROPERTIES LLC	40621	575 E AMBLER AV	
HERROLD FAMILY PROPERTIES LLC	40621	573 E AMBLER AV	

OWNER	PROP_ID	SITUS	RESPONSE
ALLEN NEITA GAYLENE &	13522	501 BACON DR	
LOVING INDIVIDUALS GENERATING	13982	580 E AMBLER AV	
LOVING INDIVIDUALS GENERATING	13982	588 E AMBLER AV	
AHLBERG DARLENE G 2008 LIV TR	14086	550 E AMBLER AV	
HEWITT DEBORAH LOU	23257	2440 MADISON AV	
LWMW MANAGEMENT LLC	23407	2432 MADISON AV	
M7 REAL ESTATE INVESTMENTS LLC	23802	542 E AMBLER AV	
HEARD CHARLES R & LINDA K	23806	2433 LINCOLN DR	
FRY JACKSON B JR & KATHIE	39721	517 AMBLER AV	
FRY JACKSON B JR & KATHIE	39848	525 AMBLER AV	
FRY JACKSON B JR & KATHIE	39964	533 AMBLER AV	
FRY JACKSON B JR & KATHIE	40092	541 AMBLER AV	
BBL LEASING LLC SERIES 5	40232	549 E AMBLER AV	
BBL LEASING LLC SERIES 5	40232	551 E AMBLER AV	
BRITTEN SAMUEL LYNN &	40370	557 E AMBLER AV	
BRITTEN SAMUEL LYNN &	40370	559 E AMBLER AV	
BECK MICAH T	40490	567 E AMBLER AV	
BECK MICAH T	40490	565 E AMBLER AV	
HERROLD FAMILY PROPERTIES LLC	40621	575 E AMBLER AV	
HERROLD FAMILY PROPERTIES LLC	40621	573 E AMBLER AV	
CAMPBELL ROBERT M & DOROTHY J	68172		
HEARD CHARLES R & LINDA K	95959	2425 LINCOLN DR	
CAMPBELL ROBERT M & DOROTHY J	95961	2417 LINCOLN DR	
AMBLER PROPERTIES LLC	109342	566 E AMBLER AV	
CAMPBELL ROBERT M	205756	526 E AMBLER AV	

LOCATION MAP



REZONE REQUEST

Case: Z-2024-10

Applicant: Jesus Villarreal

Request: Change the zoning of approximately 0.35 acres from General Retail (GR) to General Commercial (GC)

Location: 542 East Ambler Avenue

Notification: 0 in Favor, 0 Opposed

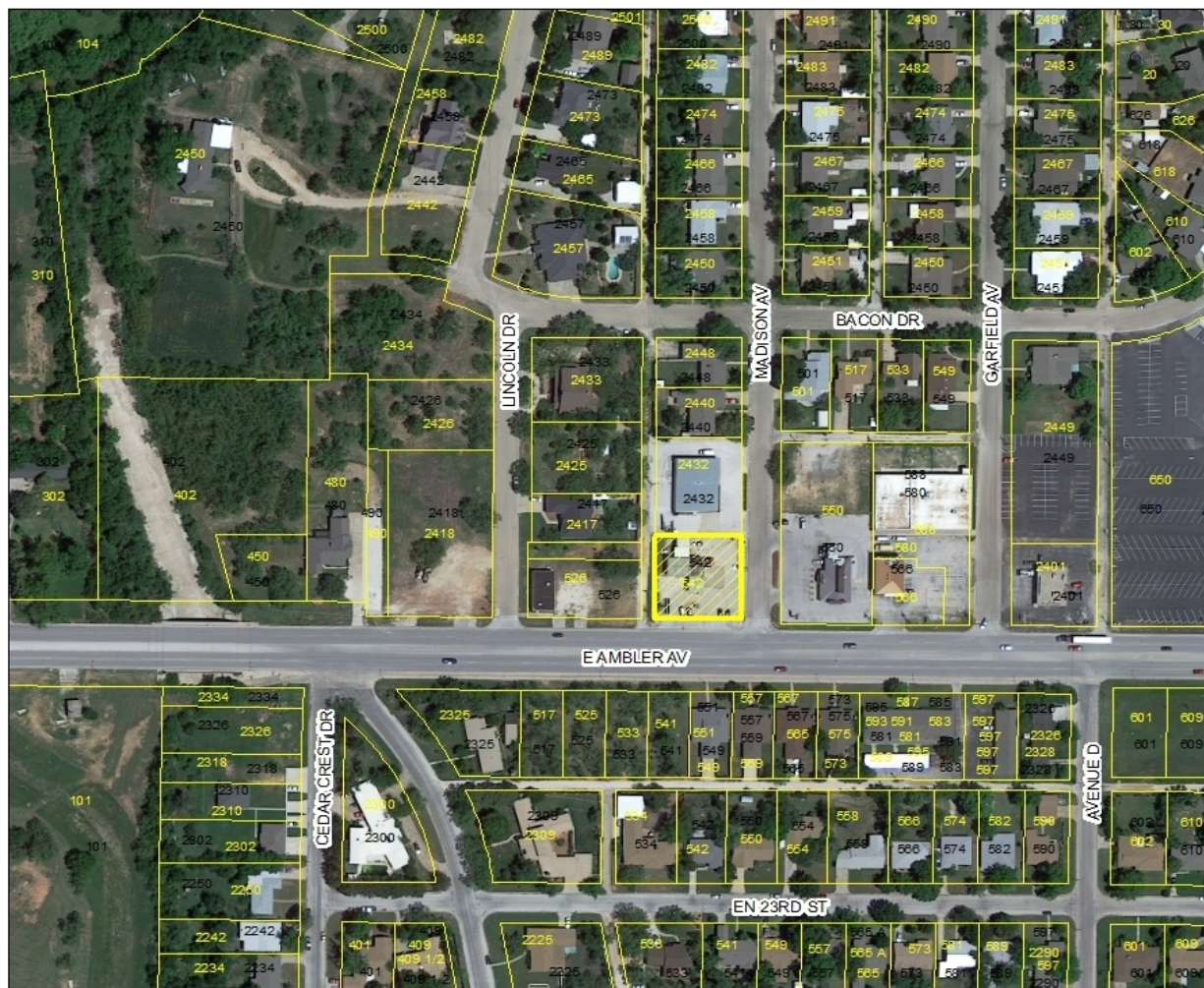
Planning & Zoning: May 7, 2024

Council Hearing: May 23, 2024
June 13, 2024





AERIAL LOCATION MAP

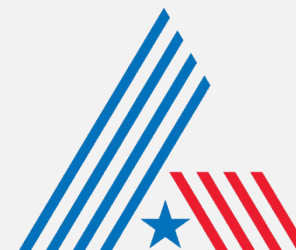


Aerial Map



Legend

- CourierParcels selection
- CourierParcels



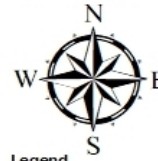
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ZONING MAP

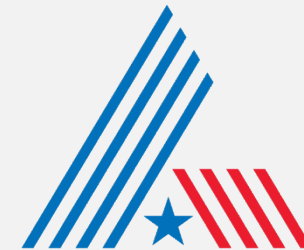


Zoning Map



Legend

- CourierParcels selection
- Arterial
- AO - Agricultural Open Space
- RS-8: Residential Single-Family
- MD: Medium Density Residential
- MF: Multi-Family Residential
- GR: General Retail
- GC: General Commercial
- PD: Planned Development



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VIEWS OF PROPERTIES



Subject Property



Subject Property



Neighboring Property





PERMITTED USES IN GENERAL RETAIL ZONING

RESIDENTIAL USES:

- P Bed & Breakfast
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- C Dwelling – Multiple-Family
- P Dwelling – Single Family Detached
- P Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P/C Day Care Operation – Home Based
- P Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Freight Container
- P Fuel Sales
- P Garage Sales
- P Home Occupation
- TP Itinerant Business
- P Manufacturing (incidental)
- TP Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage and parking)
- P Recycling Collection Point
- P Subdivision Sales Office (temporary)
- P Swimming Pools, Private (accessory to residential use)
- P Tennis Courts, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Recreation and Commercial Entertainment - Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- C Ambulance Service
- P Fire/Police Station
- P Medical/Dental Laboratory
- P Post Office
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Arts School
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P Educational and Scientific Research
- P School: Public/Private
- C Trade/Business School
- P University/College

SERVICE

- P/C Automobile Wash
- C Funeral Home/ Mortuary/Morgue
- P Kennel (Without Outdoor Pens)
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- C Printing, Copying, Reproduction, Publishing
- P Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Tattoo Parlor
- P Veterinary Service (small animals)

TRADE – RETAIL USES

- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Restaurant, Brew Pub
- P Restaurant, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (indoor)
- C Retail Sales/Rental (outdoors, non-vehicle)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower- Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Public Utility Facility

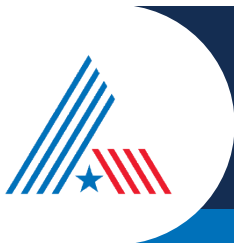
RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

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





PERMITTED USES IN GENERAL COMMERCIAL ZONING

RESIDENTIAL USES:

- P Hotel/Motel
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Ambulance Service
- P Fire/Police Station
- C Homeless/Emergency Shelter
- P Hospital
- P Medical/Dental Laboratory
- P Post Office
- C Rehabilitation Facility
- P Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Arts School
- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P Educational and Scientific Research
- P School: Public/Private
- P Trade/Business School
- P University/College

SERVICE

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

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

- 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





NOTIFICATION AREA MAP



Notification Map



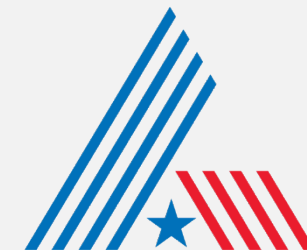
Legend

Z-2024-10

0 - In Favor-



0 - Opposed-



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FINDINGS AND RECOMMENDATIONS

The request is consistent with:

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

P&Z Recommendation: **Approval**





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 5/23/2024

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **12. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on amending Chapter 3 Subdivision Regulation, Article 1. Subdivision Procedures, Division 4. Plat Approval Procedure *(Tim Littlejohn)***

GENERAL INFORMATION

Section 212.0065 of the Local Government Code allows the governing body of a municipality to delegate one or more officers or employees to approve, approve with conditions, or disapprove a plat; and, it is in the best interest of the citizens of the City of Abilene to streamline the subdivision development process to the extent allowed by state law.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Plat Approval Ord 2024
2. REDLINE Ord Exhibit A final
3. Plat approval presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CHAPTER 3. SUBDIVISION REGULATIONS, ARTICLE 1. SUBDIVISION PROCEDURES, DIVISION 4. FINAL PLAT, CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, Section 212.0065 of the Local Government Code allows the governing body of a municipality to delegate one or more officers or employees to approve, approve with conditions, or disapprove a plat; and,

WHEREAS, it is in the best interest of the citizens of the City of Abilene to streamline the subdivision development process to the extent allowed by state law.

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

PART 1: That Section of the City of Abilene Land Development Code is hereby amended as set out in Exhibit A, attached 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.

PASSED ON FIRST READING the 23th day of May, 2024.

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 9th day of June, 2024, the same being more than twenty four (24) hours prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 13th day of June, 2024, 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 13th day of June, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Exhibit A

Section 3.1.4.2 - Application and Procedures

- (a) *Responsible Official.* The Planning Director shall be the responsible official for a Final Plat, and the Development Review Committee shall be the initial reviewing body for a Final Plat.
- (b) *Pre-Application Conference.* Refer to [Section 1.2.1.5](#) of [Chapter 1](#).
- (c) *Prior Approved Preliminary Plat.* The Final Plat and all accompanying data shall conform to the approved Preliminary Plat as approved by the Planning and Zoning Commission, incorporating all modifications and conditions imposed or required by the Planning Director.
- (d) *Consent of Lienholders.* The applicant shall furnish with the application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, or a title opinion letter from an attorney licensed to practice in Texas, identifying all persons having an interest in the property subject to the plat, including lienholders. The Final Plat shall be signed (on the face of the plat in plain view) by each lienholder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the plat. Such lienholder consent shall be subject to review and approval by the City Attorney.
- (e) *Application Contents.* All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
- (f) *Placement on the Agenda.* If the Planning Director or his designee determines that the application should be acted upon by the Planning and Zoning Commission, the Planning Director shall place it on the agenda of the next meeting of the Planning and Zoning Commission. If the Director does not place the application on the agenda, then the Director shall approve, conditionally approve or deny the plat, within the 30-days prescribed by law.
- (g) *Development Review Committee (DRC).*
- (1) The DRC shall, at each meeting, review each Final Plat application. The Committee shall recommend either:
 - a. Approval of the Final Plat;
 - b. Denial of the Final Plat; or
 - c. Approval of the Final Plat subject to corrections or alterations required prior to consideration by the Planning Director or the Planning and Zoning Commission.
 - (2) In case of a recommendation of approval, the DRC must make only a finding that the Final Plat meets all standards set forth in this LDC, although the DRC may make such additional findings as it deems appropriate. In case of a recommendation for denial or approval with conditions, the DRC shall make specific findings of the reasons for denial or the imposition of conditions and shall cite the standards in this LDC which would be violated if the Final Plat were approved unconditionally.
- (h) *Resubmittal Following DRC Review.*
- (1) The applicant shall retain in his/her possession the original Final Plat that was submitted for review by the DRC.
 - (2) At least four (4) days prior to the meeting of the Planning and Zoning Commission during which the Final Plat may be scheduled for review, or alternatively, one week after the Planning Director has communicated in writing that the plat will be approved or approved with conditions, the applicant shall provide to the Director of Planning a mylar of the Final Plat, with revisions made based on DRC comments and recommendations. The Planning Director shall then review the Final Plat for compliance with DRC recommendations.
- (i) *DRC Review Timing.* In any case in which a Final Plat is submitted and is deemed complete, but is not reviewed by DRC because it must be approved, approved with conditions or denied in accordance with the State law mandated 30-day timeframe for action on plats, and no Waiver of Right for 30-Day Action is submitted by the applicant, the Final Plat shall be subject to denial by the Planning Director.

Section 3.1.4.3 - Decision

- (a) *Review and Determination.* The Planning Director shall review all Final Plat applications, and findings of the DRC, regarding compliance with DRC recommendations, and any other information available. From all such information, the Director of Planning shall determine whether the Final Plat as shown on the application meets

the standards of this LDC. Alternatively, if the Planning Director places the application on the agenda of the Planning and Zoning Commission, the Commission shall review Final Plat applications.

(b) *Approval or Denial.* The Planning Director or the Planning and Zoning Commission shall decide whether to approve, approve with conditions, or deny the Final Plat application. Action shall be noted on two (2) copies of the Final Plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the applicant and one (1) copy shall be retained in the City's files. Upon approval of the Final Plat, the applicant shall submit Final Plat copies to the Planning Director so that required signatures can be obtained and recording completed. If any conditions are attached to the approval, both Final Plat copies shall be so corrected prior to signature by any City official. Official action of the Planning Director shall be in writing. If the decision is made by the Commission, the reasons for any action taken by the Commission, whether a Final Plat is approved, denied, or approved with conditions, shall be entered in the minutes of the Commission.

Exhibit A

Section 3.1.4.2 - Application and Procedures

(a) *Responsible Official.* The Planning Director shall be the responsible official for a Final Plat, and the Development Review Committee shall be the initial reviewing body for a Final Plat.

(b) *Pre-Application Conference.* Refer to [Section 1.2.1.5](#) of [Chapter 1](#).

(c) *Prior Approved Preliminary Plat.* The Final Plat and all accompanying data shall conform to the approved Preliminary Plat as approved by the Planning and Zoning Commission, incorporating all modifications and conditions imposed or required by the ~~Planning and Zoning Commission~~ Planning Director.

(d) *Consent of Lienholders.* The applicant shall furnish with the application to the City a current title commitment issued by a title insurance company authorized to do business in Texas ~~policy~~ [sic], or a title opinion letter from an attorney licensed to practice in Texas, identifying all persons having an interest in the property subject to the plat, including lienholders. The Final Plat shall be signed (on the face of the plat in plain view) by each lienholder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the plat. Such lienholder consent shall be subject to review and approval by the City Attorney.

(e) *Application Contents.* All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.

(f) *Placement on the Agenda.* If the Planning Director or his designee determines that the application should be acted upon by the Planning and Zoning Commission, the Planning Director shall place it on the agenda of the next meeting of the Planning and Zoning Commission. If the Director does not place the application on the agenda, then the Director shall approve, conditionally approve or deny the plat, within the 30-days prescribed by law.

(g) *Development Review Committee (DRC).*

(1) The DRC shall, at each meeting, review each Final Plat application ~~to be placed on the agenda of the forthcoming meeting of the Planning and Zoning Commission~~. The Committee shall recommend either:

a. Approval of the Final Plat;

b. Denial of the Final Plat; or

c. Approval of the Final Plat subject to corrections or alterations required prior to consideration by the Planning Director or the Planning and Zoning Commission.

(2) In case of a recommendation of approval, the DRC must make only a finding that the Final Plat meets all standards set forth in this LDC, although the DRC may make such additional findings as it deems appropriate. In case of a recommendation for denial or approval with conditions, the DRC shall make specific findings of the reasons for denial

or the imposition of conditions and shall cite the standards in this LDC which would be violated if the Final Plat were approved unconditionally.

(h) *Resubmittal Following DRC Review.*

(1) The applicant shall retain in his/her possession the original Final Plat that was submitted for review by the DRC.

(2) At least four (4) days prior to the meeting of the Planning and Zoning Commission during which the Final Plat is may be scheduled for review, or alternatively, one week after the Planning Director has communicated in writing that the plat will be approved or approved with conditions, the applicant shall provide to the Director of Planning a mylar of the Final Plat, with revisions made based on DRC comments and recommendations. The Planning Director shall then review the Final Plat for compliance with DRC recommendations.

(i) *DRC Review Timing.* In any case in which a Final Plat is submitted and is deemed complete, but is not reviewed by DRC because it must be approved, approved with conditions or denied in accordance with the ~~placed on the Planning and Zoning Commission agenda due to the~~ State law mandated 30-day timeframe for action on plats, and no Waiver of Right for 30-Day Action is submitted by the applicant, the Final Plat shall be subject to denial by the ~~Planning and Zoning Commission~~ Planning Director.

Section 3.1.4.3 - Decision

(a) *Review and Determination.* The ~~Planning and Zoning Commission~~ Planning Director shall review all Final Plat applications, and findings of the DRC, ~~findings of the Planning Director~~ regarding compliance with DRC recommendations, and any other information available. From all such information, the Director of Planning ~~Commission~~ shall determine whether the Final Plat as shown on the application meets the standards of this LDC. Alternatively, if the Planning Director places the application on the agenda of the Planning and Zoning Commission, the Commission shall review Final Plat applications.

(b) *Approval or Denial.* The Planning Director or the Planning and Zoning Commission shall decide whether to approve, approve with conditions, or deny the Final Plat application. The ~~Action of the Commission~~ shall be noted on two (2) copies of the Final Plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the applicant and one (1) copy shall be retained in the City's files. Upon approval of the Final Plat, the applicant shall submit Final Plat copies to the Planning Director so that required signatures can be obtained and recording completed. If any conditions are attached to the ~~Commission's~~ approval, both Final Plat copies shall be so corrected prior to signature by any City official. Official action of the Planning Director shall be in writing. If the decision is made by the Commission, tThe reasons for any action taken by the Commission, whether a Final Plat is approved, denied, or approved with conditions, shall be entered in the minutes of the Commission.

Plat Approval Ordinance Amendment





- Section 212.0065 of the Local Government Code allows the governing body of a municipality to delegate one or more officers or employees to approve, approve with conditions, or disapprove a plat in the best interest of the citizens of the City of Abilene to streamline the subdivision development process to the extent allowed by state law.
- This amendment will give the authority of Plat approval to the Planning Director





• Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 5/23/2024

TO: Honorable Mayor and City Council Members

FROM: Robert Hanna, City Manager

SUBJECT: **13. Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approval of a Commercial Lease of Approximately 2.596 acres, 4300 Southwest Drive, Located in Southwest Drive Complex Park, to Chick-fil-A, Inc. (*Robert Hanna*)

GENERAL INFORMATION

The City of Abilene owns Southwest Drive Complex Park located on Southwest Drive. Southwest Drive Complex Park consists of approximately 17.9 acres, of which approximately 14.5 are developed. The Park is used primarily for informal playing fields with a backstop.

Chick-fil-A, Inc. desires to lease a portion of Southwest Drive Complex Park, being approximately 2.596 acres and located 4300 Southwest Drive, for purposes of constructing and operating a Chick-fil-A restaurant. Chick-fil-A, Inc. currently operates a Chick-fil-A restaurant at the corner of Southwest Drive and South Clack Street. The proposed lease to Chick-fil-A, Inc. will allow the Chick-fil-A restaurant to be moved to a location with better traffic flow.

The portion of Southwest Drive Complex Park to be leased to Chick-fil-A, Inc. is used to station recycling bins for use by Abilene residents, and is not being used for any park or recreational purposes. The portion of Southwest Drive Complex Park to be leased to Chick-fil-A, Inc. has historically not been used for any park or recreational purposes.

The proposed lease will be for a period of 40 years. In the event that Chick-fil-A, Inc. ceases to operate the leased property as a Chick-fil-A restaurant, the lease shall terminate, and the City of Abilene shall own any improvements built thereon.

SPECIAL CONSIDERATIONS

Pursuant to Chapter 26, Texas Parks and Wildlife Code, in order to lease park land for a non-

park, non-recreational use, the governing body, after a public hearing, must make the following findings:

1. That there is no feasible and prudent alternative to the use or taking of the park land; and
2. The program or project includes all reasonable planning to minimize harm to the land, as a park, recreation area, scientific area, wildlife area, or historic site, resulting from the use or taking.

Council should make the following Motion if it desires to approve the Lease to Chick-fil-A, Inc.:

"I move that the City Council approve a 40-year lease of approximately 2.596 acres at 4300 Southwest Drive, and located in Southwest Drive Complex Park, to Chick-fil-A, Inc. for the purpose of construction and operation of a Chick-fil-A restaurant, that there is no feasible and prudent alternative to the use or taking of the park land, and the program or project includes all reasonable planning to minimize harm to the land, as a park, recreation area, scientific area, wildlife area, or historic site, resulting from the use or taking."

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of the lease to Chick-fil-A, Inc.

BOARD OR COMMISSION RECOMMENDATION

The Parks and Recreation Board, on November 21, 2023 and after a public hearing, approved a commercial lease of the approximately 2.596 acres located at 4300 Southwest Drive, Southwest Drive Complex Park, to Chick-fil-A, Inc. for the purpose of constructing and operating a Chick-fil-A restaurant.

ATTACHMENTS:

1. 2024 Resolution Authorizing Lease Agreement of 4300 Southwest Drive Southwest Park
2. Resolution Exhibit A
3. Location Photo of Southwest Drive Complex Park
4. Approve Commercial Lease Chick-fil-A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COMMERCIAL LEASE AGREEMENT WITH CHICK-FIL-A, INC. FOR APPROXIMATELY 2.596 ACRES, 4300 SOUTHWEST DRIVE, LOCATED IN SOUTHWEST DRIVE COMPLEX PARK.

WHEREAS, the City of Abilene owns Southwest Drive Complex Park located on Southwest Drive; and

WHEREAS, Chick-fil-A, Inc. desires to lease a portion of Southwest Drive Complex Park, being approximately 2.596 acres and located 4300 Southwest Drive, for purposes of constructing and operating a Chick-fil-A restaurant; and

WHEREAS, Chick-fil-A, Inc. currently operates a Chick-fil-A restaurant at the corner of Southwest Drive and South Clack Street; and

WHEREAS, the lease to Chick-fil-A, Inc. will allow the Chick-fil-A restaurant to be moved to a location with better traffic flow; and

WHEREAS, the portion of Southwest Drive Complex Park to be leased to Chick-fil-A, Inc. is used to station recycling bins for use by Abilene residents, and is not being used for any park or recreational purposes; and

WHEREAS, the portion of Southwest Drive Complex Park to be leased to Chick-fil-A, Inc. has historically not been used for any park or recreational purposes; and

WHEREAS, the City of Abilene agrees to lease approximately 2.596 acres located at 4300 Southwest Drive to Chick-fil-A, Inc. for the purpose of constructing and operating a Chick-fil-A restaurant; and

WHEREAS, in the event that Chick-fil-A, Inc. ceases to operate the leased property as a Chick-fil-A restaurant, the lease shall terminate, and the City of Abilene shall own any improvements built thereon; and

WHEREAS, the City Council finds that it is in the best interest of the City of Abilene and its citizens and serves a public purpose to enter into a Lease Agreement with Chick-fil-A, Inc. for the lease of approximately 2.596 acres located at 4300 Southwest Drive, Southwest Drive Complex Park, for a period of forty years; and

WHEREAS, the Parks and Recreation Board, on November 21, 2023 and after a public hearing, approved a commercial lease of the approximately 2.596 acres located at 4300 Southwest Drive, Southwest Drive Complex Park, to Chick-fil-A, Inc. for the purpose of constructing and operating a Chick-fil-A restaurant.

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

- Part 1: That the City Manager is hereby authorized to negotiate and execute a Lease Agreement with Chick-fil-A, Inc. for the lease of real property described as approximately 2.596 acres and located at 4300 Southwest Drive, in Southwest Drive Complex Park, as generally shown on Exhibit A attached hereto, for the purpose of constructing and operating a Chick-fil-A restaurant. for a period of forty years.
- Part 2: That Notice of Hearing was given to the person, organization, department, or agency that has supervision of the park land as required by Section 26.002, Texas Parks and Wildlife Code.
- Part 3: That Notice of Hearing was given to the public as required by Section 26.002, Texas Parks and Wildlife Code.
- Part 4: That the City Council, as the governing body of the City of Abilene, and after a public hearing, finds and has determined that there is no feasible and prudent alternative to the use or taking of the park land as required by Section 26.001, Texas Parks and Wildlife Code.
- Part 5: That the City Council, as the governing body of the City of Abilene, and after a public hearing, finds and has determined that the program or project includes all reasonable planning to minimize harm to the land, as a park, recreation area, scientific area, wildlife area, or historic site, resulting from the use or taking as required by Section 26.001, Texas Parks and Wildlife Code.
- Part 6: The City Council adopts the statements made in the Whereas clauses above.
- Part 7: That this Resolution takes effect immediately upon its adoption.

ADOPTED this 23rd day of May, 2024.

ATTEST:

Shawna Atkinson, City Secretary

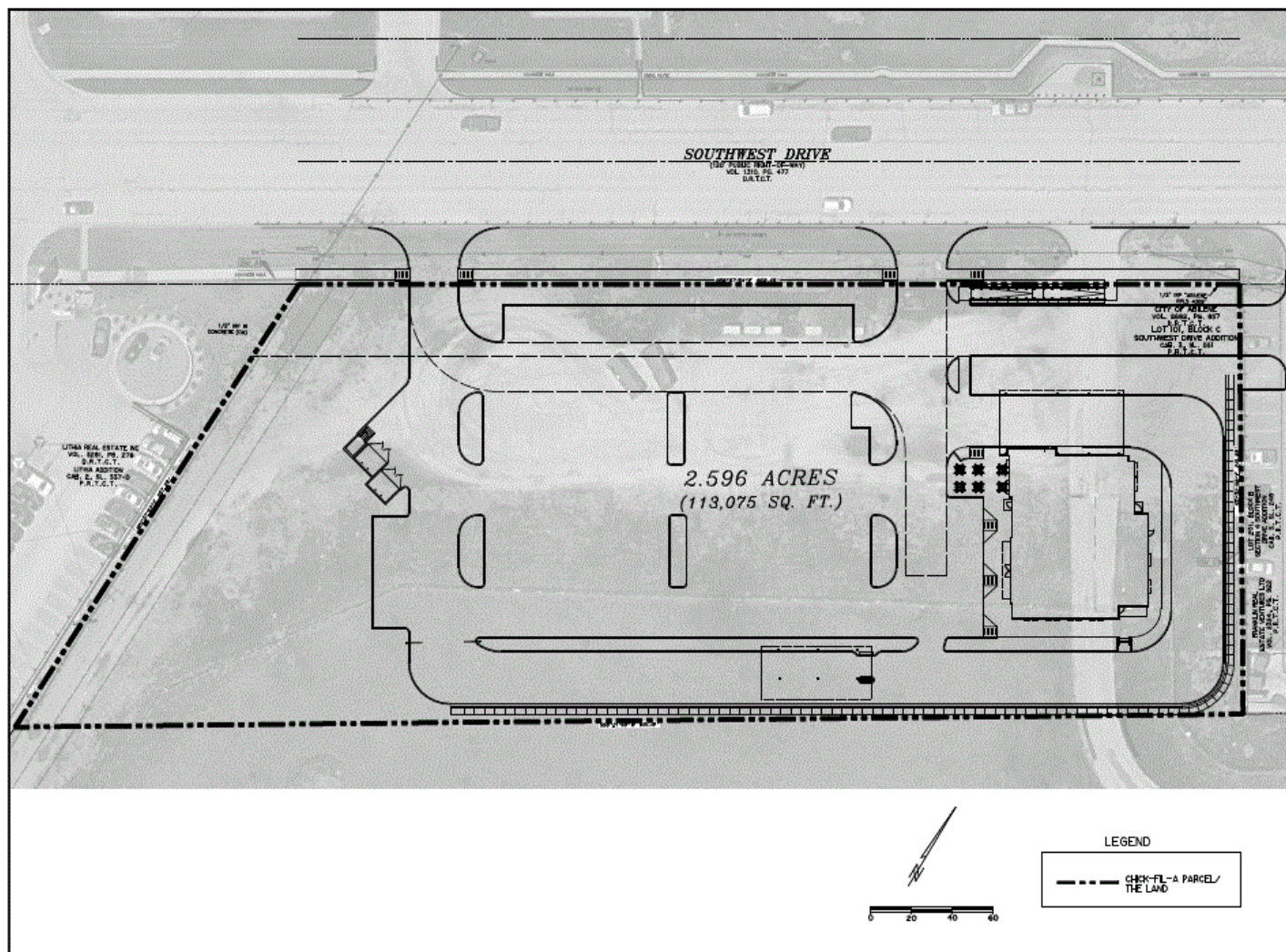
Weldon Hurt, Mayor

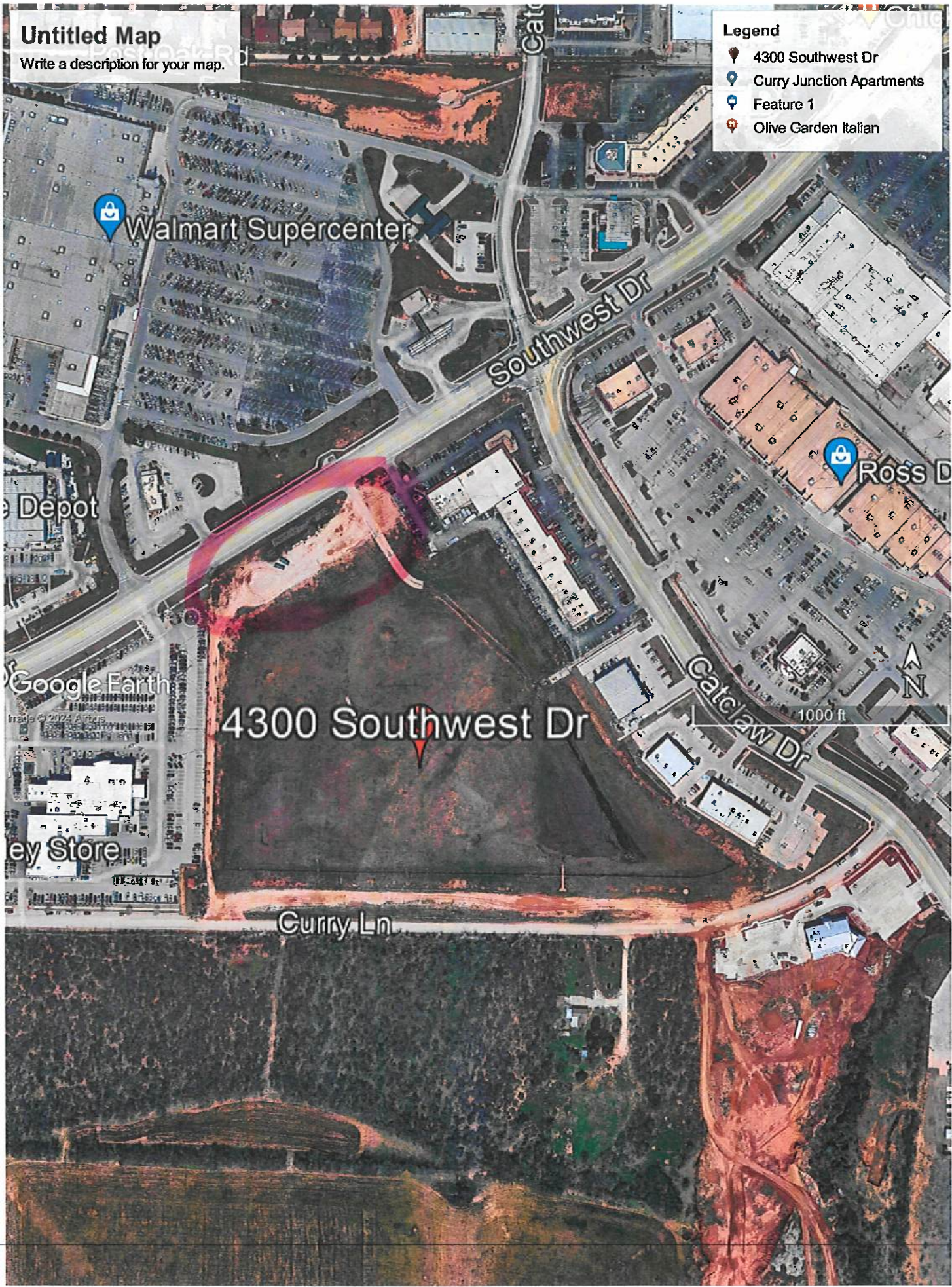
APPROVED:

Stanley Smith, City Attorney

EXHIBIT A

DEPICTION AND DESCRIPTION OF LAND





**AUTHORIZE COMMERCIAL LEASE TO
CHICK-FIL-A, INC. OF APPROXIMATELY
2.596 ACRES, SOUTHWEST DRIVE
COMPLEX PARK**





**City Council
Agenda Memo**

City Council Meeting Date: 5/23/2024

TO: Honorable Mayor & Members of City Council

FROM: Stanley Smith, City Attorney

SUBJECT: 14. 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. 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
2. 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
3. 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
4. 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
5. 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
6. Richard Scheriger, et al. v. City of Abilene; Cause No. CV33253, In the 90th Judicial District Court, Stephens County, Texas, filed April 21, 2023
7. The Woodlands Pride, Inc., et al. v. Ken Paxton, 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
8. PFAS Litigation
9. Ginger Robertson v. City of Abilene and Abilene Zoological Society; Cause No. 13179-D, In the 350th Judicial District Court, Taylor County, Texas; filed December 5, 2023
10. City of Dallas, et al, v. Disney DTC, LLC, et al., Cause No. DC-22-09128, In the 14th Judicial District Court, Dallas County, Texas, filed August 3, 2022
11. Patricia Anderson v. City of Abilene; Cause No. 51867-A, In the 42nd Judicial District Court, Taylor County, Texas; filed March 1, 2024
12. Mary Lou Gonzales v. City of Abilene, Board of Building Standards; Cause No. 29156-B; In the District

Court, 104th Judicial District, Taylor County, Texas; filed April 10, 2024

B. 551.072 (Deliberations about Real Property)

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

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

E. 551.076 (Deliberations about Security Devices)

F.551.087 (Business Prospect/Economic Development)

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None