City of Abilene
City Council Agenda

Weldon Hurt, Mayor Pro-tem
Shane Price, Council Member
Jack Rentz, Council Member
Robert Hanna, City Manager

Anthony Williams, Mayor

Donna Albus, Council Member
Kyle McAlister, Council Member
Travis Craver, Council Member
Stanley Smith, City Attorney
Shawna Atkinson, City Secretary

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on April 23, 2020 at 4:30 p.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

1. **Executive Session** - City Council will convene into Executive Session at 4:30 p.m.
   Reconvene - City Council will reconvene into open session at 5:30 p.m.

INVOCATION

2. Councilmember Travis Craver

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

CONSENT AGENDA

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or Citizen so requests, in which event the item will be removed from the Consent Agenda and considered separately.

3. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on April 9, 2020, and the Special Meeting Held on April 13, 2020 ***(Shawna Atkinson)***

4. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve the Purchase of Four Police Packaged Motorcycles from Kent's Harley-Davidson through CB-2042 ***(Tim Cass)***

5. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Finding that AEP Texas Inc.'s Application to Amend It's Distribution Rates Within the City Should Be Denied; Authorizing Participation With the Cities Served by AEP Texas; Authorizing Hiring of Legal Counsel; Finding That the City's Reasonable Rate Case Expenses Shall Be Reimbursed by the Company; Finding that the Meeting At Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel ***(Mike Rains)***

6. **Ordinance (First Reading) Z-2020-06:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Eric Salazar to rezone property from an Agricultural Open Space (AO) to a Rural Residential (RR-1) District located in the 7100-7200 blocks (east side) of West Lake Road, approximately 1.5 miles north of F.M. 3034 in the Lake Fort Phantom Hill area of Abilene, Texas ***(Mike Warrix)***

7. **Ordinance (First Reading) Z-2020-07:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Vader Enterprises LLC, agent Sheldon Greene, to rezone property from a Heavy Industrial (HI) to a Heavy Commercial (HC) District at 4721 Hill Street in southern Abilene ***(Mike Warrix)***

8. **Ordinance (First Reading) Z-2020-01:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Prairie Song LLC, agent Nick Coates, to amend the terms of Planned Development (PD) District Number 144 by expanding its original 14.166 acres to include 0.5 acre of additional now-vacant land at 2660 Garfield Avenue, by changing allowed uses to include all those permissible within Residential Medium-Density (MD) zoning districts and by requiring all access to future development of this property to be from Garfield Avenue; Legal description being 12.004 acres out of T&P Railway Co. Section 84 (and located at least 140 feet north of Garfield Avenue) as well as Lots 4-5 in Block 10 and all of Block 11 in the Hillcrest Addition (on north side of 2600 block of Garfield Avenue) ***(Mike Warrix)***

9. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Section 3.2.13.6 (Exceptions, Waivers, and Deferrals) of the Land Development Code pertaining to appeals of construction of Sidewalks ***(Mike Warrix)***

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

10. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve Operating Cost Relief for American Airlines, Avis/Budget, Hertz and Enterprise-Rent-A-Car. ***(Don Green)***

11. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on awarding the bid to Dowtech Specialty Contractors for the Northeast WTP Filter No. 5 Replacement ***(Rodney Taylor)***

12. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Temporarily Suspending the Street Maintenance Fee and Shrinking Tier Levels for Residential Water Customers (***Robert Hanna)***

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

    - West Central Texas Municipal Water District Board

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, Texas v. Aurora Bumgarner; 104th Judicial District Court,Taylor County, Texas; filed November 17, 2011
2. Chad Carter v. City of Abilene, Texas; Cause No. 10138-D, In the 350th Judicial District Court, Taylor County, Texas, filed June 17, 2014
3. Susan Lewis King & Austin King MD vs Ken Paxton, Attorney General of Texas and the City of Abilene, Cause No. D-1-GN-16-001160, filed March 16, 2016
4. Ruby Flores and Cory Almanza v. Jesus Verastegui, Alfredo Verastegui, Rosalva Verastegui, and City of Abilene, Cause No. 49368-A, 42nd District Court, Abilene, Taylor County, Texas, filed April 13, 2016
5. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
6. Officer Patrick Sumrall and City of Abilene, Case No. 01-18-000-8653; Appeal of Indefinite Suspension to Arbitration, filed February 6, 2018
7. Alfredo Valencia v. Corey Davis and City of Abilene; Case No. 1:19-cv-00017-C; In the United States District Court, Northern District of Texas, Abilene Division, filed February 4, 2019.
8. City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019
9. Ovation Services, LLC v. Blanca Cortez, et al.; Case No. 11875-D; In the 350th Judicial District Court, Taylor County, Texas; filed July 15, 2019
10. 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
11. The State of Texas v. The Unknown Heirs of B.E. Caffey, Senior, et al., Cause No. 6939, Condemnation Proceeding filed in the County Court at Law No. 2, Taylor County, Texas, filed August 20, 2019
12. City of Abilene, Texas and Garfield Public/Private LLC v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-000900, In the 261st Judicial District Court, Travis County, Texas, filed February 13, 2020
13. Chandler Brooks v. Taylor County, et al.; Civil Action No. 1:20-cv-00049, In the United States District Court, Northern District of Texas, Abilene Division; filed March 5, 2020
14. Sanctuary City for the Unborn
15. Moving General Election to non-uniform election date
16. Governor's Executive Order GA-16

B. 551.072 (Deliberations about Real Property)

1. Clyde Water

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

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

E. 551.076 (Deliberations about Security Devices)

F. 551.087 (Business Prospect/Economic Development)

1. Abilene Convention Center Hotel Project

RECONVENE

PUBLIC COMMENTS

There will be no votes or any formal actions taken on subjects presented during public comment. The public comment period will only allow members of the public to present ideas and information to city officials and staff.

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 April, 2020, at 4:15 p.m.

_____

Shawna Atkinson, City Secretary

NOTICE REGARDING PUBLIC PARTICIPATION

Governor Greg Abbott has granted a temporary suspension of certain rules to allow for telephone or video conference public meetings in an effort to reduce in-person meetings that assemble large groups of people, due to the COVID-19 (coronavirus) public health emergency.

In an effort to reduce the spread of the virus, the City Council meeting will be closed to in person attendance by the public, individuals will be able to address the Council via telephone conference call.

There are two phone numbers to call for this meeting:

1) To call in to a Listen Only version of the meeting, call 888-475-4499. The meeting ID is 977-315-06125
2) To call in to Speak on a public hearing on an agenda item please call 877-853-5257. The meeting ID is 513-873-0228. Please note, this line needs to be used only when the agenda item you wish to speak on is being presented.

Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may either address the Council during the Public Comments portion of the meeting or when the item is considered by the City Council.

The agenda packet can be viewed online here: https://www.abilenetx.gov/714/Agendas-Minutes

City Council
Agenda Memo

City Council Meeting Date: 4/23/2020

TO:

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 April 9, 2020, and the Special Meeting Held on April 13, 2020 *(Shawna Atkinson)***

GENERAL INFORMATION

Approval of the Minutes from the regular meeting held on April 9, 2020 and the Special Meeting held on April 13, 2020.

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 04-09-2020 Minutes - Regular - Morning
2. 04-13-2020 Minutes - Special - Extension of Disaster Declaration

CITY COUNCIL MEETING
April 9, 2020 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 the April 9, 2020, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Mayor Pro-tem Weldon Hurt, Deputy Mayor Pro-tem Donna Albus and Councilmembers Shane Price, Jack Rentz, Kyle McAlister and Travis Craver. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, City Secretary Shawna Atkinson, and various members of the City staff.

Councilmember Jack Rentz delivered the invocation and led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

This meeting was broadcast over a teleconference to allow the public to call in via telephone, since the meeting and City Hall were closed to the public during the current disaster situation.

CONSENT AGENDA

The Consent Agenda consisted of items 2-7. Items 4, 5 and 6 were pulled for individual consideration.

Items pulled for individual consideration were as follows:

- Councilmember McAlister – Item 4
- David Swart, citizen – Items 5 and 6

Councilmember Rentz moved to approve the consent agenda, now consisting of items 2-3 and 7. Councilmember Price seconded the motion; motion carried.

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

2. Minutes: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Minutes from the Special Meeting Held on March 23, 2020, the Regular Meeting Held on March 26, 2020, and the Special Meeting Held on March 30, 2020.

3. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve the Purchase of One Vacuum Truck from Lonestar Truck Group through BuyBoard Contract 601-19.
[ASSIGNED RESOLUTION NO. 68-2020]

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding a Construction Contract to Lydick Hooks Roofing for the Environmental Laboratory Roof Replacement & Miscellaneous Work
[ASSIGNED RESOLUTION NO. 72-2020]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

4. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving a Service Contract with Black Plumbing, Inc. for Plumbing Services
[ASSIGNED RESOLUTION NO. 69-2020]

Mayor Williams had a conflict on the item and abstained from voting. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office. Mayor Pro-tem Hurt presided for this item only.

The item was pulled by Councilmember McAlister.

Having pulled the item, Councilmember McAlister questioned if any other bids were received.

City Manager Robert Hanna answered Councilmember McAlister's question. He stated that three bids were received and the other two vendors can be used if Black Plumbing is unavailable.

Mayor Pro-tem 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 Rentz seconded the motion; motion carried.

AYES (6): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz, McAlister and Craver
NAYS (0): None
ABSTAINED (1): Mayor Williams

5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. CB-2043 to Bontke Brothers Construction for John Knox and Village Drive Reconstruction Project
[ASSIGNED RESOLUTION NO. 70-2020]

This item was pulled by David Swart, citizen.

Having pulled the item, David Swart questioned if the funding level for street projects will be maintained or lowered with the current situation we are in.

City Manager Robert Hanna clarified that we have not touched the Street Maintenance funds yet because they restricted funds. The Development Corporation of Abilene funds haven't been decreased either. Future projects may be effected, but not this one.

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

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

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

6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding a Construction Contract to Barr Roofing Company for the National Guard Armory Roof Replacement & Miscellaneous Work
[ASSIGNED RESOLUTION NO. 71-2020]

This item was pulled by David Swart, citizen.

Having pulled the item, David Swart questioned why the City is replacing a roof on a National Guard building, and asked if this building was leased by the city. He also questioned if the funding for the project is coming from the lawsuit from the 2014 hailstorm.

City Manager Robert Hanna clarified that the building was given to the City by the National Guard and houses many City departments. He also stated he insurance proceeds from the 2014 hailstorm are going to fund this project.

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

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

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

REGULAR AGENDA

8. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from the City of Abilene to abandon public right-of way within an 80' wide segment of Cedar Street extending 300' between the north line of right-of-way for North 5th Street and the south line of right-of-way for North 6th Street; and a request to abandon public right-of-way within a 20' wide alley extending 300' between the north line of right-of-way for North 5th Street and the south line of right-of-way for North 6th Street, midway and parallel between Cypress and Cedar Streets
[ASSIGNED ORDINANCE NO. 14-2020]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would abandon the above referenced public right-of-ways associated with the downtown hotel project.

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

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

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

9. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Jeff Prince Operating, L.P., to abandon public right-of-way within an unimproved 60' wide segment of South 23rd Street extending approximately 500 feet between the east line of right-of-way for South Treadaway Boulevard and the west line of right-of-way for the Abilene & Southern Railway **[ASSIGNED ORDINANCE NO. 15-2020]**

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would abandon the above referenced right-of-ways. He also clarified that there are no utilities present.

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

- Jeff Prince, applicant - stated he wanted to be present to state his case. Also stated that there was a problem on the plats and he had to spend money on correcting, that this will clean things up in the area and will not negatively affect the neighbors.

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

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

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

PUBLIC COMMENTS

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

- David Swart – spoke about the health crisis we are in and stated that a while ago the city had furlough days and questioned if it might happen again. Mr. Swart stated Good Friday is tomorrow and encourages everyone to stay positive.

Robert Hanna, City Manager addressed Mr. Swart's concerns about furloughs. He stated that he does not anticipate furloughing employees, but that non-essential employees have already been sent home. These employees are using leave balances and administrative leave to continue to receive pay.

- Michelle Taylor – wanted clarification on why private doctors are refusing to test patients. She stated she had a fever and a cough and they would not test her for COVID-19. Ms. Taylor also stated her husband works at a car lot where they cannot practice social distancing well, and asked when we will go into a full shelter in place.

Mayor Williams gave Ms. Taylor the phone number for Hendrick Health Screenings and stated he could not speak on behalf of private doctors.

Robert Hanna, City Manager stated that Abilene is doing a good job of flattening the curve and the current order seems to be working at this time. He encouraged Ms. Taylor to go to the Governor of Texas's website to get information on the list of essential businesses.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 10:50 a.m. pursuant to the following of the Open Meetings Act, with the following issues discussed during this session, as listed on the agenda and authorized by the noted Texas Government Code Section:

10. A. 551.071 (Consultation with Attorney)
    1. Chad Carter v. City of Abilene, Cause # 10138-D
    2. Sanctuary City for the Unborn
    3. DCOA Grant Fund
    5. Agenda Item #15 – DCOA Bylaw Changes
    6. Agenda Item #16 – Postponement of May 2, 2020 General Election

10.B 551.072 (Deliberations about Real Property)
    1. Clyde Water

10.D. 551.074 (Personnel Matters)
    1. City Council Appointees – City Manager

10. F. 551.087 (Business Prospect/Economic Development)
    1. Abilene Convention Center Hotel Development Project
    2. Agenda Item #12 – DCOA Project ISO
    3. Agenda Item #13 – DCOA Project Windmill
    4. Agenda Item #14 – Pass Through Funding for United Way

The Executive Session ended at 10:50 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Appointing Members to Various Boards and Commissions per the City Charter
[ASSIGNED RESOLUTION NO. 73-2020]

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

Councilmember McAlister moved to (re)appoint the following:

Board	Term End Date
Development Corporation of Abilene	
Floyd Miller [New]	November 2022 (unexpired term)
Mayor's Downtown Task Force	
Cameron Wiley [New]	
Nichole Reno [New]	
West Central Texas Municipal Water District Board	
Joe Canon [Reappointment]	May 2022
Sam Chase [Reappointment]	May 2022

Councilmember Craver seconded the motion; motion carried

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

12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Development Corporation of Abilene, Inc.'s Incentive Package Agreement with Project ISO
[ASSIGNED RESOLUTION NO. 74-2020]

Earlier in the meeting, under Section 551.087 (Business Prospect/Economic Development) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 9:09 a.m. and ended at 10:50 a.m. No votes or actions were taken at that time.

Misty Mayo, Chief Executive Officer of the Development Corporation of Abilene, presented the item. Adoption of the item would approve an incentive package agreement with Hartmans.

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

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

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

13. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Possible Action on Approving the Development Corporation of Abilene, Inc.'s Incentive Package Agreement with Project Windmill
[ASSIGNED RESOLUTION 75-2020]

Councilmember McAlister had a conflict on the item and abstained from voting. A Conflicts of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office.

Earlier in the meeting, under Section 551.087 (Business Prospect/Economic Development) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 9:09 a.m. and ended at 10:50 a.m. No votes or actions were taken at that time.

Misty Mayo, Chief Executive Officer of the Development Corporation of Abilene, presented the item. Adoption of the item would approve an incentive package agreement with Abimar Foods.

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

- David Swart- questioned if with this current environment and not knowing how this virus will affect everything, if it might be a good time to take a step back and evaluate investments.

With no other speakers the public hearing was closed.

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

AYES (6): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and Craver
NAYS (0): None
ABSTAINED (1): Councilmember McAlister

At this time Misty Mayo, Chief Executive Officer of the Development Corporation of Abilene, spoke about an upcoming project for the DCOA – a $3 million Grant Fund for helping businesses affected by COVID-19. She stated that this will be brought before Council in the near future.

14. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Funding Request from United Way of Abilene for Pass Through Funding for Partner Agencies Under the City's Chapter 380 Agreement.
[ASSIGNED RESOLUTION NO. 76-2020]

Earlier in the meeting, under Section 551.087 (Business Prospect/Economic Development) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 9:09 a.m. and ended at 10:50 a.m. No votes or actions were taken at that time.

Robert Hanna, City Manager, presented the item. Adoption of the item would approve a pass through funding of up to $250,000 to the United Way of Abilene, in accordance with the Chapter 380 agreement approved at the last regular City Council meeting. These funds will be used for funding daycare for children of essential employees and helping with rental housing.

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

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

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

15. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving a Amendment to the Bylaws of the Development Corporation of Abilene, Inc., Section 7.11, Expenditures of Corporation Money for Projects or Borrow Money
[TABELED]

Mayor Williams moved to table this item at this time. Councilmember Price seconded the motion; motion carried.

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

16. Emergency Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Postponing the May 2, 2020, General Election for Mayor and City Council Place 3 & 4
[ASSIGNED RESOLUTION NO. 78-2020]

Earlier in the meeting, under Section 551.071 (Consultation with Attorney) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 9:09 a.m. and ended at 10:50 a.m. No votes or actions were taken at that time.

Robert Hanna, City Manager, presented the item. Adoption of the item would postpone the May 2, 2020, General Election until November 3, 2020, or an earlier date, if possible.

Council questioned if a date earlier than November is possible. City Attorney Stanley Smith clarified that November is the only option at this time, but it is possible to appeal to a District Court Judge in conjunction with other agencies in the area, and ask to be able to move it to a different date. It was proposed that July 14th, would be the best date to ask for, as the Governor of Texas has already moved the Primary Runoff Election to that date, so there wouldn't be an additional burden. Council is in agreement on this and asked City Attorney Smith to start that process.

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

- David Swart- stated that the City has done good research with the Secretary of State on this. Also stated that the July date would be a better alternative, but we don't know how much longer this pandemic will last.

With no other speakers the public hearing was closed.

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

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

ADJOURNMENT

There being no further business, the meeting adjourned at 11:21 a.m.

_____	_____
Shawna Atkinson	Anthony Williams
City Secretary	Mayor

Minutes approved on: _____

SPECIAL CALLED MEETING
April 13, 2020 at 11:15 a.m.

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

The City Council of the City of Abilene, Texas met in Special Session on the April 13, 2020, at 11:15 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Mayor Pro-tem Weldon Hurt, Deputy Mayor Pro-tem Donna Albus and Councilmembers Shane Price, Jack Rentz, Kyle McAlister and Travis Craver. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson, and various members of the City staff.

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

This meeting was broadcast over a teleconference to allow the public to call in via telephone, since the meeting and City Hall were closed to the public during the current disaster situation.

AGENDA ITEMS

2. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Extending the Mayor's Declaration of Local Disaster Issued March 30, 2020.
[ASSIGNED RESOLUTION NO. 79-2020]

Robert Hanna, City Manager, presented the item. Adoption of the item would extend the Declaration of Local Disaster and Limited Shelter in Place Order issued on March 30, 2020, until April 30, 2020. There are several additions to the order, including closing tennis courts and golf courses to the extent of the Governor of Texas's order.

Council and staff discussed the order in detail. Councilmember Price asked if there could be a discussion on suspending the Street Maintenance Fee for a few months, as well as shrinking tier levels and rates for residential water customers to help those affected by the pandemic. The consensus of Council is to have staff prepare numbers for both of these requests and bring them before Council at the next regular meeting.

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

- David Swart – is in favor of this item. Stated that he thinks we need to "keep our foot on the accelerator", as things could get worse. Gave an example of the Spanish Flu in 1918 and how the first round of it was not bad, but the second round was. He does not want that to happen again. Is also in favor of reducing the Street Maintenance Fee.
- Chelsea Farwell – is in favor of the item, but would like to see it go farther into a complete shutdown. Stated that she went into a local store and only two employees had masks on, which was concerning to her. She also thinks there should be more repercussions for those who violate the order.

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

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

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

ADJOURNMENT

There being no further business, the meeting adjourned at 11:40 a.m.

_____	_____
Shawna Atkinson	Anthony Williams
City Secretary	Mayor

Minutes approved on: _____

City Council
Agenda Memo

City Council Meeting Date: 4/23/2020

TO: **Robert Hanna, City Manager**

FROM: **Don Green, Director**

SUBJECT: **4. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve the Purchase of Four Police Packaged Motorcycles from Kent's Harley-Davidson through CB-2042 *(Tim Cass)***

GENERAL INFORMATION

Transportation Services seeks approval to purchase Four 2020 Harley-Davidson Electra Glide Motorcycles as replacement units for Police Patrol. The bid (CB-2042) opening date was March 17, 2020. One bid was received.

SPECIAL CONSIDERATIONS

Cost includes fully up-fitting each unit.

FUNDING/FISCAL IMPACT

Funds for the purchase are to be provided by the Fleet Replacement Fund and total $110,515.56

STAFF RECOMMENDATION

Staff recommends the purchase of the four Police Package Motorcycles from Kent's Harley-Davidson.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. CB-2042 Police Motorcycle Resolution (1)
2. Motorcycle Budget vs Actual
3. Motorcycles Addtl Info
4. CB-2042 Motorcycle Presentation

RESOLUTION NO _____

A RESOLUTION OF THE CITY OF ABILENE. TEXAS

TO PURCHASE FOUR POLICE MOTORCYCLES FROM KENT'S HARLEY DAVIDSON, ABILENE TX THROUGH CB-2042

WHEREAS, City of Abilene has a need to replace four police motorcycles; and

WHEREAS, City of Abilene budgeted this purchase for Fiscal Year 2020; and

WHEREAS, City of Abilene received pricing for four police motorcycles through sealed bids (CB-2042); and

WHEREAS, Kent's Harley Davidson was the sole bidder;

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

PART 1: That the City Council approves this purchase from Kent's Harley Davidson of Abilene, Texas in the amount of One Hundred Ten Thousand Five Hundred and Fifteen Dollars and Fifty Six Cents ($110,515.56) for four police packaged motorcycles.

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

ADOPTED this 23rd day April, 2020

ATTEST:

_____ _____

Shawna Atkinson, City Secretary Anthony Williams, Mayor

APPROVED:

_____

Stanley Smith, City Attorney

BUDGET vs ACTUAL COSTS *
Police Motorcycles

Repl For Unit #	Division #	Division Name	Type Equipment	Budgeted Cost	Actual Cost	Budgeted vs Actual Variance
4189	5015	Police Patrol	Police Motorcycle	$25,000.00	$27,628.89	$2,628.89
4207	5015	Police Patrol	Police Motorcycle	$25,000.00	$27,628.89	$2,628.89
4208	5015	Police Patrol	Police Motorcycle	$25,000.00	$27,628.89	$2,628.89
4349	5015	Police Patrol	Police Motorcycle	$25,000.00	$27,628.89	$2,628.89
				$100,000.00	$110,515.56	$10,515.56

*** Cost includes full upfit

ADDITIONAL INFORMATION FOR COUNCIL MEETING ITEM

Police Motorcycles

Unit #	Assignment	Year	Make	Model	Mileage	Hours	Total Maintenance Costs	Disposal Method	Replacement Reasoning
4189	Police Patrol	2011	Harley-Davidson	Electraglide	61,998		$25,603.62	Auction	Meets Requirements
4207	Police Patrol	2011	Harley-Davidson	Electraglide	80,483		$26,227.87	Auction	Meets Requirements
4208	Police Patrol	2011	Harley-Davidson	Electraglide	64,083		$26,096.38	Auction	Meets Requirements
4349	Police Patrol	2013	Harley-Davidson	Electraglide	69,071		$23,487.47	Auction	Meets Requirements

Purchase of 4 Police Packaged Motorcylces from Kent’s Harley-Davidson through CB-2042

CITY OF ABILENE TEXAS

Police Motorcycles

- Four Full Upfit Police Package Motorcycles for Police Patrol
- Recommend award to Kent’s Harley-Davidson
- Units to be 2020 Harley-Davidson Electraglides

City Council
Agenda Memo

City Council Meeting Date: 4/23/2020

TO: **Robert Hanna, City Manager**

FROM: **Mike Rains, Finance Director**

SUBJECT: **5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Finding that AEP Texas Inc.'s Application to Amend It's Distribution Rates Within the City Should Be Denied; Authorizing Participation With the Cities Served by AEP Texas; Authorizing Hiring of Legal Counsel; Finding That the City's Reasonable Rate Case Expenses Shall Be Reimbursed by the Company; Finding that the Meeting At Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel *(Mike Rains)***

GENERAL INFORMATION

On April 3, 2020, AEP Texas Inc. filed an application to amend its Distribution Cost Recovery Factors (DCRF) to increase distribution rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of approximately $39.87 million (an approximate $1.83 increase to the average residential customer's bill from the rates just approved in the Company's rate case).

This resolution authorizes the City to join with the Cities Served by AEP ("Cities") to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Any expenses incurred by legal counsel and consultants approved by Cities Served by AEP will be reimbursed by AEP.

STAFF RECOMMENDATION

Staff recommends approval

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution - Denial of AEP's Increase in Distribution Rates and Authorize Participation in Cities Served by AEP
2. Model Staff Report Re Denial Resolution - 2020 AEP DCRF (Docket No.50677)
3. Powerpoint - Ordinance Denying AEP's Distribution Rate Increase and Authorizing Participation in Cities Served by AEP

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ABILENE, TEXAS FINDING THAT AEP TEXAS INC.'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTORS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH THE CITIES SERVED BY AEP TEXAS; AUTHORIZING HIRING OF LEGAL COUNSEL; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Abilene, Texas ("City") is an electric utility customer of AEP Texas Inc. ("AEP" or "Company"), and a regulatory authority with an interest in the rates and charges of AEP; and

WHEREAS, the City is a member of the Cities Served by AEP ("Cities"), a membership of similarly situated cities served by AEP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP's service area; and

WHEREAS, on or about April 3, 2020 AEP filed with the City an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 50733, seeking to increase electric distribution rates by approximately $39.87 million (an approximately $1.83 increase to the average residential customer's bill from the rates just approved in the Company's rate case); and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, Cities are coordinating its review of AEP's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, Cities members and attorneys recommend that members deny the DCRF.

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

Section 1. That the City is authorized to participate with Cities in PUC Docket No. 50733.

Section 2. That subject to the right to terminate employment at any time, the City of hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Section 3. That the rates proposed by AEP to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 4. That the Company shall continue to charge its existing rates to customers within the City.

Section 5. That the City's reasonable rate case expenses shall be reimbursed in full by AEP within 30 days of presentation of an invoice to AEP.

Section 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 7. That a copy of this Resolution shall be sent to Melissa Gage, American Electric Power Service Corporation, 400 West 15th Street, Suite 1520, Austin, Texas 78701 and to Thomas Brocato, General Counsel to the Cities, at Lloyd Gosselink Rochelle & Townsend, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this 23rd day of April, 2020.

_____
Anthony Williams, Mayor

ATTEST:

_____
Shawna Atkinson, City Secretary

APPROVED AS TO FORM:

_____
Stanley Smith, City Attorney

MODEL STAFF REPORT REGARDING AEP TEXAS'S DISTRIBUTION COST RECOVERY FACTOR FILING

***

On April 3, 2020, AEP Texas Inc. ("AEP" or "Company") filed an Application to Amend its Distribution Cost Recover Factors ("DCRF") to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of approximately $39.87 million (an approximately $1.83 increase to the average residential customer's bill from the rates just approved in the Company's rate case).

The resolution authorizes the City to join with the Cities Served by AEP ("Cities") to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Purpose of the Resolution:

The purpose of the Resolution is to deny the DCRF application proposed by AEP.

Explanation of "Be It Resolved" Paragraphs:

1. This section authorizes the City to participate with Cities as a party in the Company's DCRF filing, PUC Docket No. 50733.

2. This section authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes Cities to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

3. This paragraph finds that the Company's application is unreasonable and should be denied.

4. This section states that the Company's current rates shall not be changed.

5. The Company will reimburse Cities for their reasonable rate case expenses. Legal counsel and consultants approved by Cities will submit monthly invoices that will be forwarded to AEP for reimbursement.

6. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

7. This section provides that AEP and counsel for Cities will be notified of the City's action by sending a copy of the approved and signed Resolution to counsel.

An Ordinance Finding that AEP Texas Inc.'s Application to Amend It's Distribution Rates Within the City Should Be Denied; Authorizing Participation With the Cities Served by AEP Texas; Authorizing Hiring of Legal Counsel; Finding That the City's Reasonable Rate Case Expenses Shall Be Reimbursed by the Company; Finding that the Meeting At Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel

CITY OF ABILENE TEXAS

An Ordinance Finding that AEP Texas Inc.'s Application to Amend It's Distribution Rates Within the City Should Be Denied; Authorizing Participation With the Cities Served by AEP Texas; Authorizing Hiring of Legal Counsel; Finding That the City's Reasonable Rate Case Expenses Shall Be Reimbursed by the Company; Finding that the Meeting At Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel

- On April 3, 2020, AEP Texas Inc. filed an application to amend its Distribution Cost Recovery Factors (DCRF) to increase distribution rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of approximately $39.87 million (an approximate $1.83 increase to the average residential customer's bill from the rates just approved in the Company's rate case).

- This resolution authorizes the City to join with the Cities Served by AEP ("Cities") to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

City Council
Agenda Memo

City Council Meeting Date: 4/23/2020

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **6. Ordinance (First Reading) Z-2020-06: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Eric Salazar to rezone property from an Agricultural Open Space (AO) to a Rural Residential (RR-1) District located in the 7100-7200 blocks (east side) of West Lake Road, approximately 1.5 miles north of F.M. 3034 in the Lake Fort Phantom Hill area of Abilene, Texas *(Mike Warrix)***

GENERAL INFORMATION

The applicant is requesting to rezone a five acre tract from Agricultural Open Space (AO) District to Rural Residential (RR-1) District in order to subdivide the property into three parcels for single family homes.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

At its April 7, 2020 regular meeting, the Planning and Zoning Commission voted 5-0 to recommend approval to City Council.

AYES: Barnett, Russell, Benham, Rosenbaum, Famble
NAYS: None

ATTACHMENTS:

1. Ordinance_cover
2. Z-2020-06 Council Ord Exhibit
3. 1 - Z-2020-06 Staff Report
4. 2- Z-2020-06 Presentation

ORDINANCE NO. _____

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

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

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

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto. PASSED ON FIRST READING the 23rd day of April, 2020.

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 20th day of March, 2020, 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 14th day of May, 2020, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of May, 2020.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

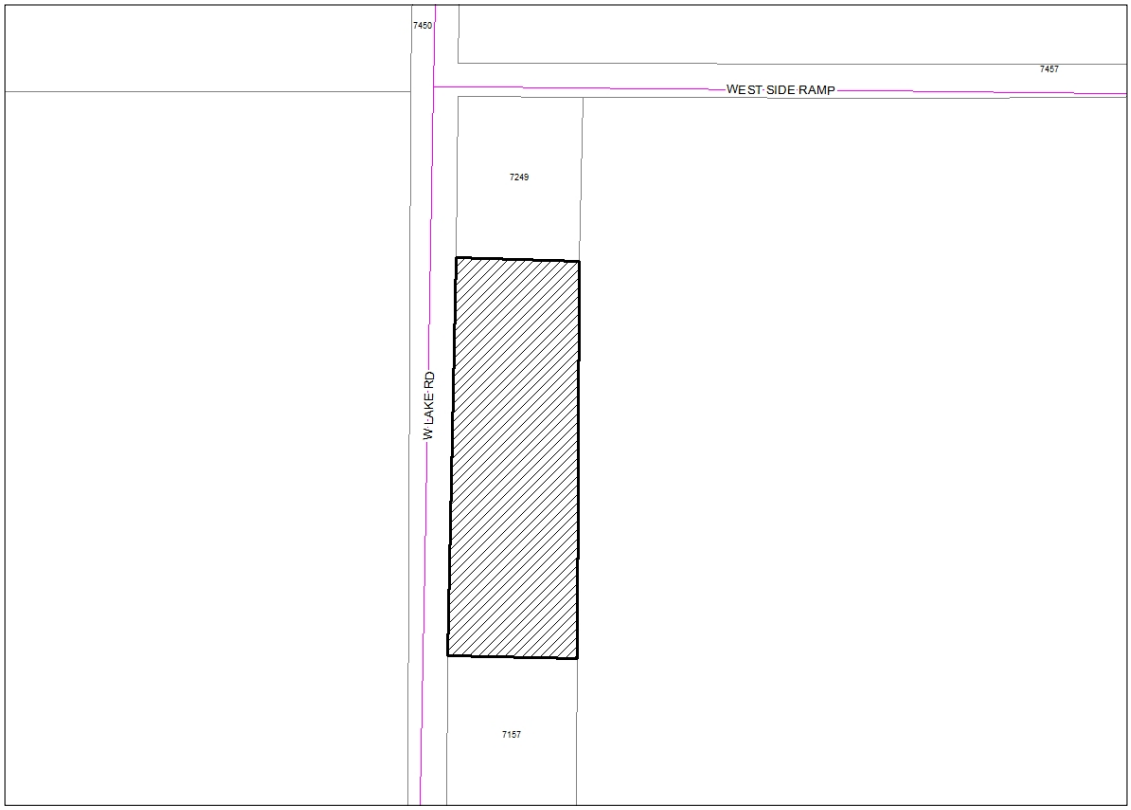
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Rezone land from Agricultural Open Space (AO) to a Rural Residential (RR-1) District.

Legal description(s): Five (5) acres out of seven (7) acre tract from the W.C. Jobe Addition



-END-

ZONING CASE Z-2020-06
STAFF REPORT

REQUEST: Rezoning to RR-1 District from existing AO District.

APPLICANT:
Owner: Eric Salazar

HEARING DATES:
P & Z Commission: April 7, 2020
City Council 1st Reading: April 23, 2020
City Council 2nd Reading: May 14, 2020

LOCATION:
Legal description(s): Five (5) acres out of seven (7) acre tract from the W.C. Jobe Addition. Located on the east side of West Lake Road approximately .07 miles from West Side Ramp Road.

PROPOSAL AND REQUESTED ACTION:
The applicant is requesting to rezone from Agricultural Open Space (AO) District to Rural Residential (RR-1) District in order to subdivide this tract of land into three parcels for single family homes.

APPLICATION REVIEW:
Pursuant to Section 1.4.1.4, Criteria for Approval, of the City of Abilene Land Development Code, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

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

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area as restricted open space. Restricted open space is designed to encourage large tracts of land with minimal urban development. Abilene's Land Development Code defines Rural Residential (RR-1) as a district that preserves open space and limits overcrowding.

(2) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

Rural Residential (RR-1) would be appropriate in the immediate area as the surrounding lots are similar in character, size, and density.

Direction	Zoning	Existing Land Use
North	AO	Family Residence
South	AO	Family Residence
East	AO	Land
West	AO	Land

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

The rezoning, if approved, would not impact any proposed or existing plans for the above named services or utilities.

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

It is the opinion of the staff that there are no other factors which will substantially affect the public health, safety, morals, or general welfare.

STAFF COMMENTS:

The subject property is a five (5) acre tract that was re-platted from a seven (7) acre tract in 1988. There are five other single-family homes within the general vicinity. It is the opinion of staff that rezoning this tract of land to RR-1 and re-platting it into three parcels would not overcrowd the area and continue to preserve the characteristics of restrictive open space.

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request was reviewed pursuant Section 1.4.1.4 (Criteria for Approval) of the Land Development Code, the Comprehensive Plan, and the Future Land Use Plan Map.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission recommended approval of this request with a vote of six (6) to zero (0) on April 7, 2020.

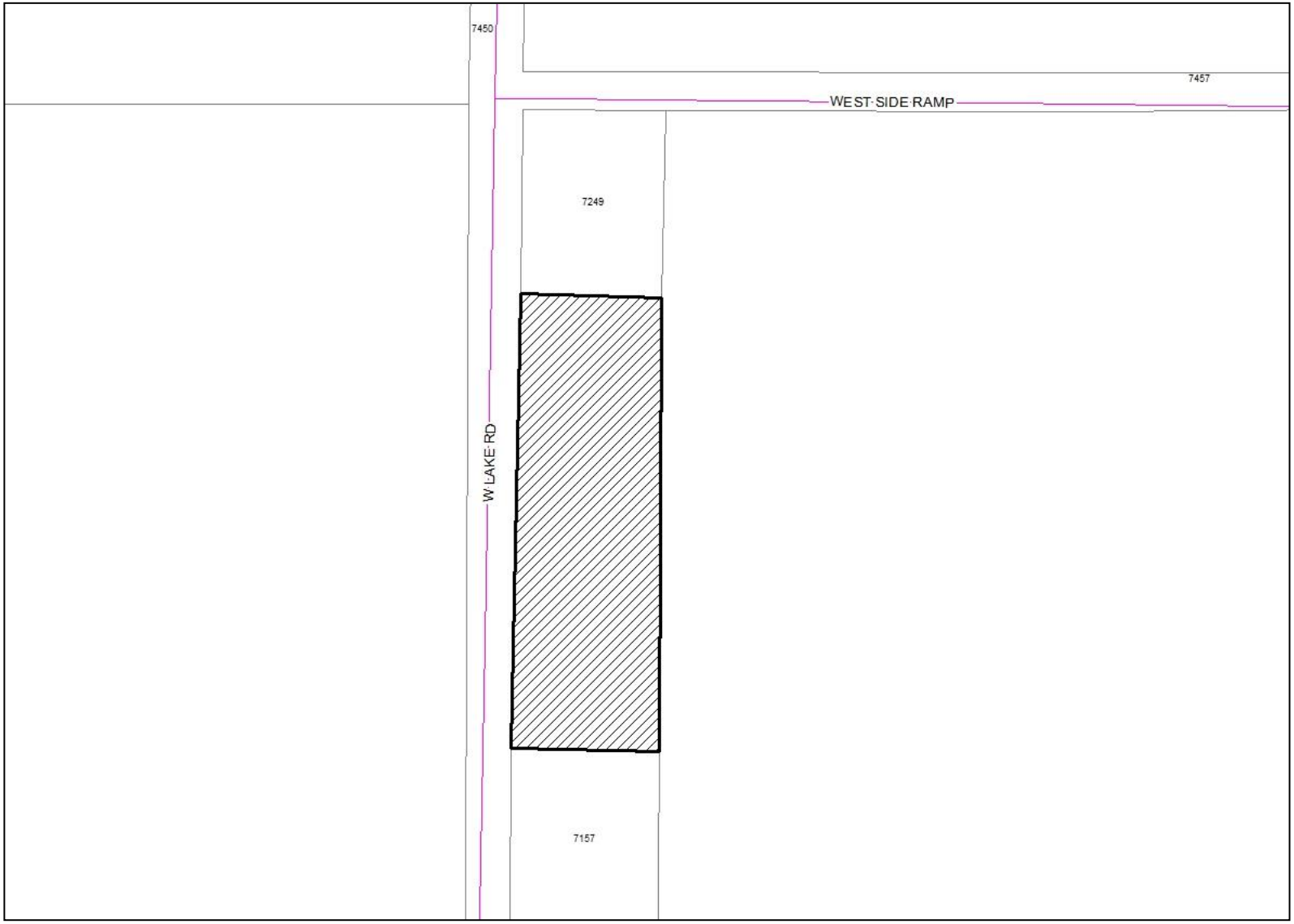
NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

Owner	Situs	Response
CITY OF ABILENE		In Favor
HALE CAROLYN	7157 W LAKE RD	
HAMILTON PAUL W & STEPHANIE R		
KOEN TERRY & KAREN	7249 W LAKE RD	
LEECH JAMES D		

ATTACHMENTS:

- Application
- PowerPoint


7450
7457
WEST SIDE RAMP
7249
W LAKE RD
7157

Development Application

CITY OF ABILENE

Planning

☐ Conditional Use ☐ Easement Release ☑ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
Other: _____

Project Name: Salazar Acres

Address: 7229 West Lake Rd ? No. of lots: 1 Acreage: 5

Legal Description: J0252 SUR 17 Landant, Tract AKA Jobe Addn, Acres 5.0, Taylor County

Subdivision Name: _____ Block: _____ Lot: _____

Current Zoning: AO Proposed Zoning (if applicable): Rural Residential 1

OWNER AND AUTHORIZATION

Owner Name: Eric Salazar

Address: 1902 Collin Ave

City, State, Zip: Abilene Tx 79603 Fax: _____

Phone: 325-660-2349 Email: Cammct@Yahoo.Com

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) Eric Salazar *will act as my agent before the Planning and Zoning Commission.*

Agent Name: Same as above

Address: _____

City, State, Zip: _____ Fax: _____

Phone: _____ Email: _____

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

Signature Owner: _____ Date: 3-5-2020

FOR OFFICE USE ONLY

Received: 3/6/20 **Fee: $** 1500 **Receipt No.:** _____

Case No.: Z-2020-06 **Reviewed By:** _____

Development Application

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

As of now, my property is Zoned AO which allows me to build one home. I am currently having this property surveyed and replatted to divide these 5acres into 3 equal sized lots which will measure close to 266 ft wide on the frontage side and close to 270' Deep. That will give me Plenty of room to position these 3 houses over 100 ft from my property line near FM 600. I have left most of the mesquite trees in order to obscure the view between the houses and FM 600. I plan to build quality homes of 1600-2000 sqft with enclosed garages and Paved Driveways. The value of these homes may exceed $200,000 which will help raise value of surrounding homes. This property which I recently purchased is unfenced, unkept, and not taken care of. It is an eye sore but with your help It will be one of the nicer parts of FM 600.

Development Application

RECOMMENDATIONS

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

PUBLIC NOTIFICATION

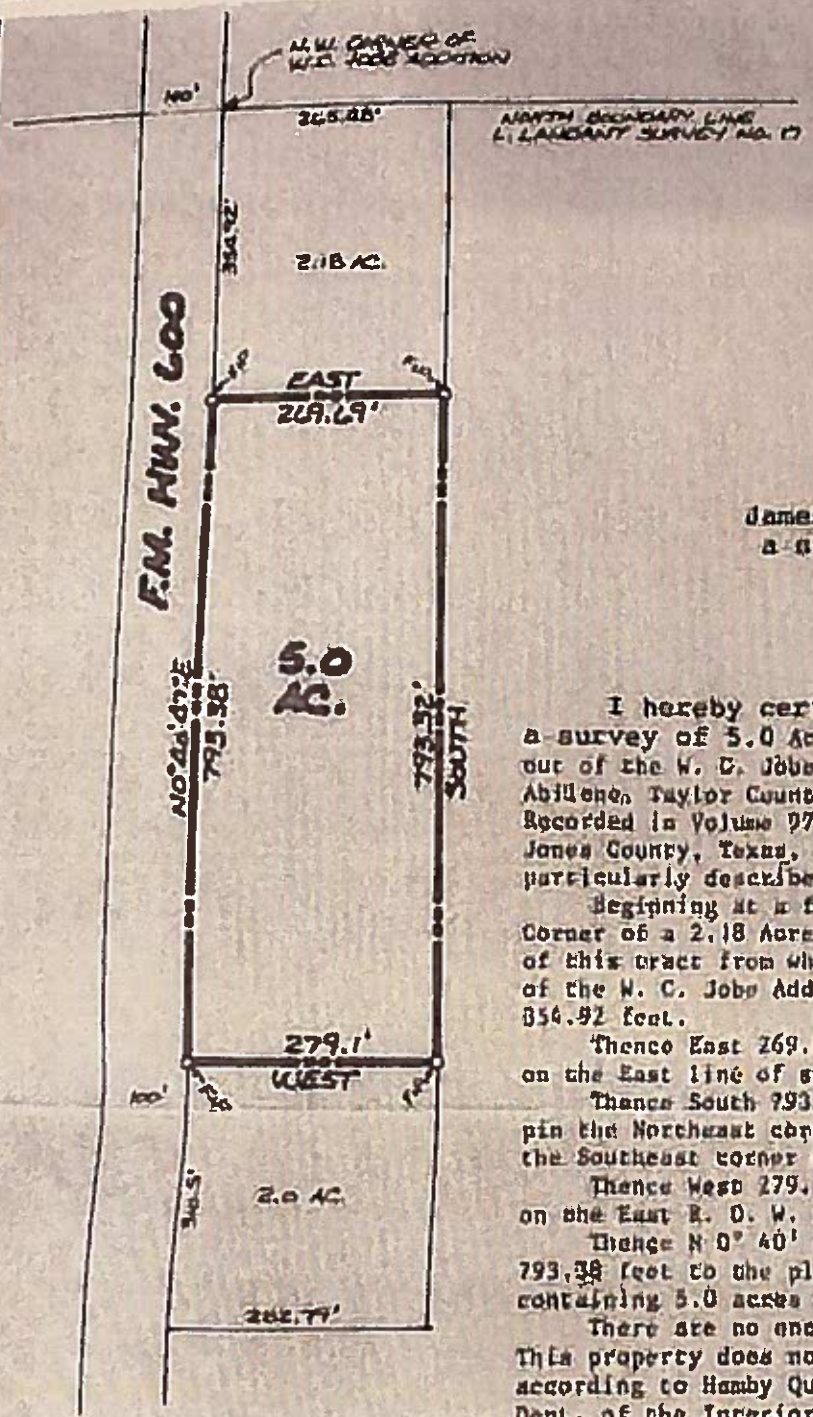
The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood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

PLEASE READ BEFORE SIGNING

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

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

SIGNED: _____ DATE: 3-11-2020



James D. Leach
a single man

I hereby certify this plat to show a survey of 5.0 Acres out of a 7.0 Acre tract out of the W. C. Jobe Addition to the city of Abilene, Taylor County, Texas, as shown by Plat Recorded in Volume 97, Page 157, Plat Records of Jones County, Texas, said 5.0 Acres being more particularly described as follows;

Beginning at a found iron pin the Southwest Corner of a 2.18 Acre tract the Northwest Corner of this tract from whence the Northwest Corner of the W. C. Jobe Addition bears N 0° 40' 47" E 354.92 feet.

Thence East 269.69 feet to a found iron pin on the East line of said Jobe Addition;

Thence South 793.32 feet to a found iron pin the Northeast corner of a 2.0 acre tract and the Southeast corner of this tract;

Thence West 279.1 feet to a found iron pin on the East R. O. W. of F.M. Highway No. 600;

Thence N 0° 40' 47" E along said East R.O.W. 793.38 feet to the place of beginning and containing 5.0 acres of land more or less.

There are no encroachments upon this property. This property does not lie within the flood plain according to Hamby Quadrangle prepared by U.S. Dept. of the Interior for H. U. D.

Surveyed on the ground
July 12, 1988

C & C
ENGINEERING & SURVEYING
141 Mulberry
Abilene, Texas 79601
Ph. (915)676-0048
or (915)672-6401

William L. Coggdill
R. P. S. No. 1996

STATE OF TEXAS
WILLIAM L. COGGDILL
1996
PUBLIC SURVEYOR

ArcGIS Web Map

March 5, 2020

Streets

LocalGovernment.DBO.SiteAddressPoint

ZONING

Annex_ETJ

Parcel Labels

1:4,514

0 0.0375 0.075 0.15 mi

0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

Web AppBuilder for ArcGIS

Type of Homes that will be built

GIS Web Map

☒ = Proposed home locations.

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

CITY OF ABILENE
PO BOX 60
ABILENE, TX 79604-0060

NOTICE OF PUBLIC HEARING

RE: Rezone Application Number Z-2020-05 **04/07/2020**

The Planning and Zoning Commission will hold a public hearing on **Tuesday, April 7, 2020** at **1:30 PM**, in City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Eric Salazar, and to rezone 5 acres out of 7 acre tract from the W.C. Jobe Addition **from Agricultural Open (AO) space to Rural Residential (RR-1).**

In an effort to reduce the spread of *the COVID-19 virus*, this Planning and Zoning Commission meeting will be closed to in person attendance by the public, individuals will be able to address the Board via telephone conference call. To participate in a telephone conference call, +1 (833) 733-2663 and use access code: 5918781 to speak on this agenda item. This will also allow you to listen to the meeting. Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the board for items listed as public hearings will be recognized when the public hearing is opened. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of the request. Only that area which is bounded by the cross-hatched line on the map is being considered for rezoning. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **May 14, 2020, at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Nick Watts, Planner I at (325)-437-4585 or nick.watts@abilenetx.gov

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

CASE #: Z- 2020-06
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: CITY OF ABILENE
Address:

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

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature: _____

Case: Z-2020-06
Owner: Eric Salazar
Request: Rezone from AO to RR-1
Legal Description: 5 acres out of 7 acre tract from the W.C. Jobe Addition
Notification: 1 in Favor, 0 Opposed
Planning & Zoning Recommendation: Approval

Z-2020-06 AERIAL LOCATION MAP

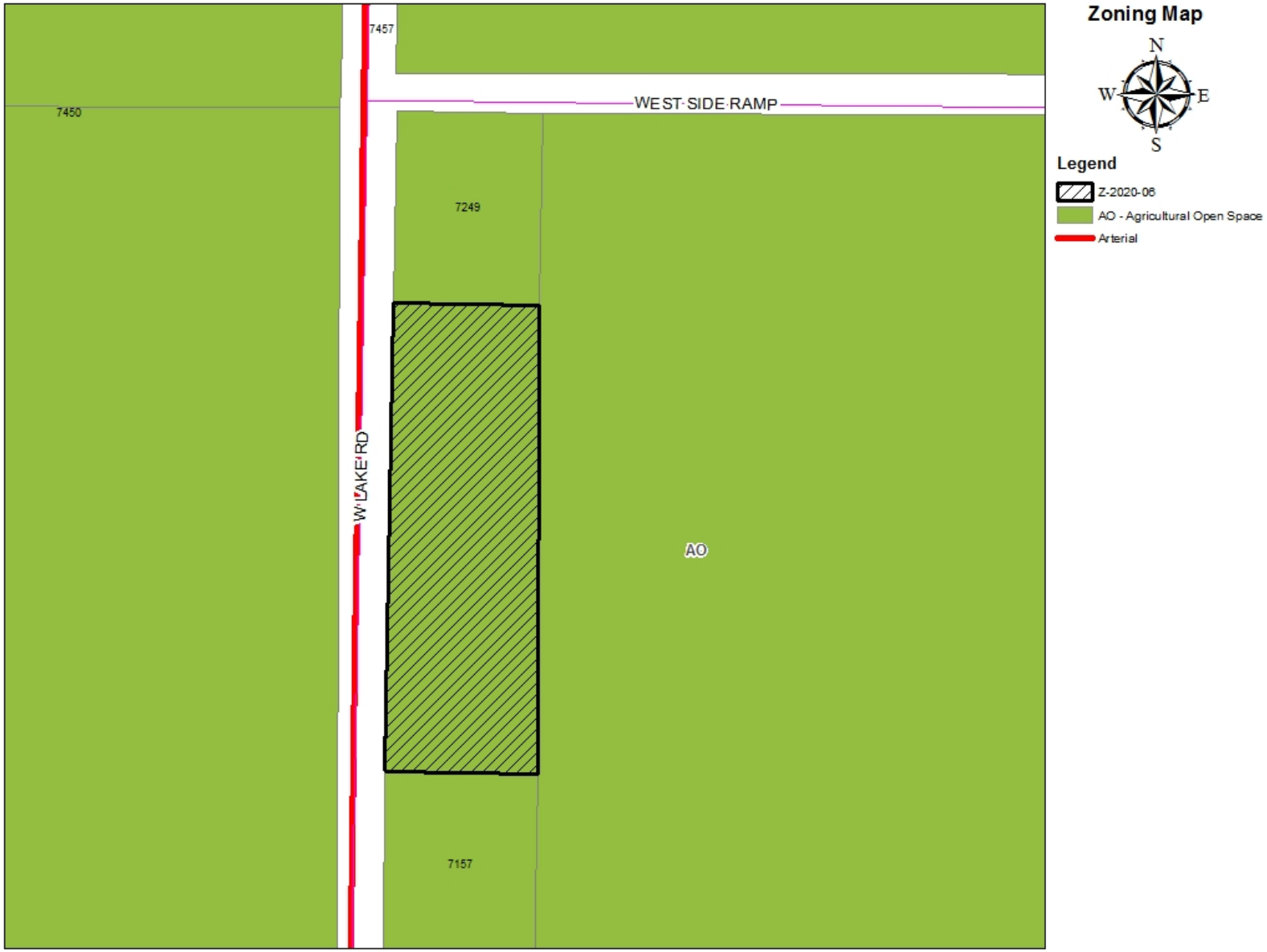
Location Map

N
W E
S

Legend

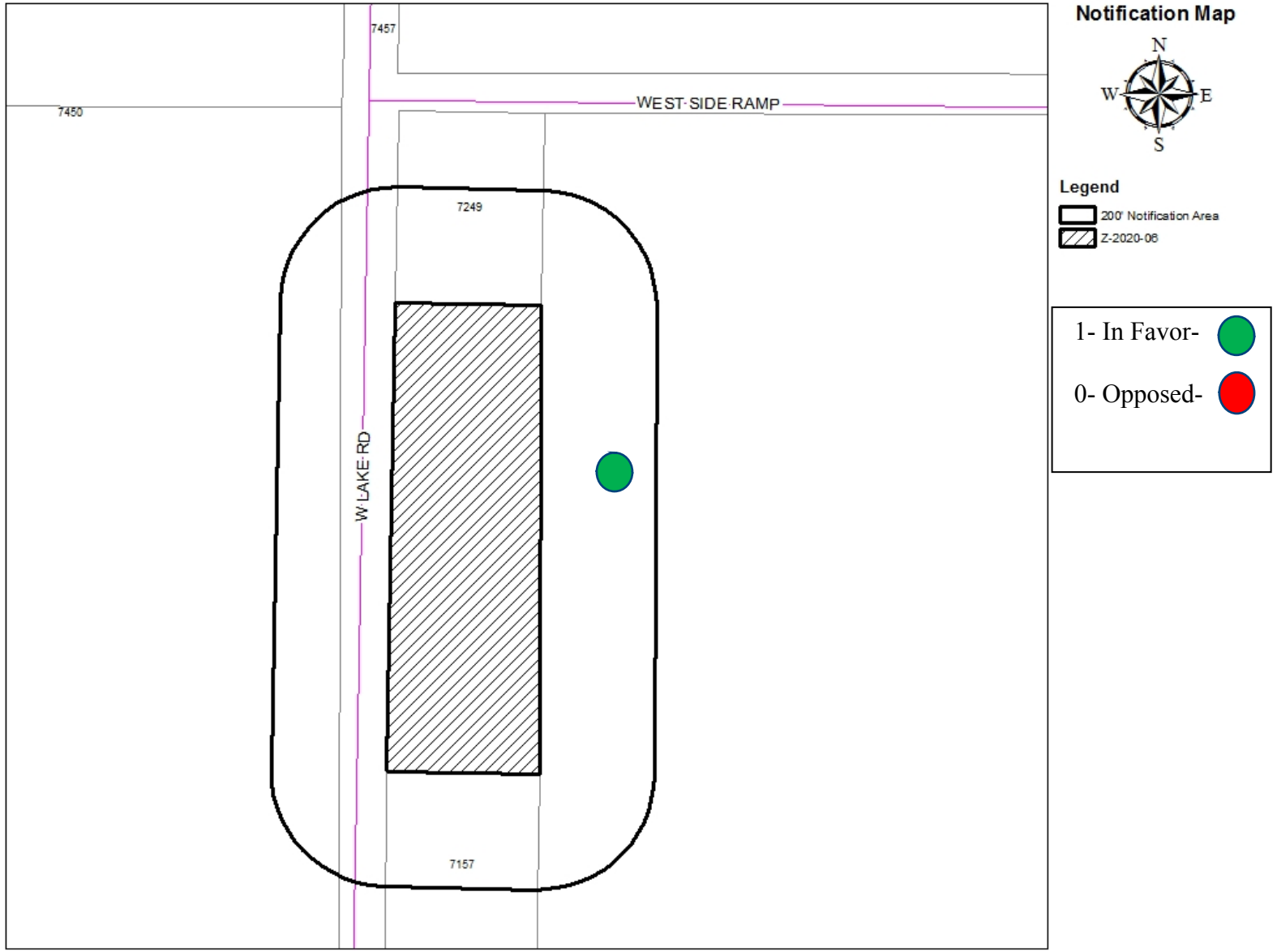
Z-2020-06

Z-2020-06 ZONING MAP



Z-2020-06 VIEWS OF SUBJECT PROPERTY

Z-2020-06 NOTIFICATION AREA MAP



FINDINGS AND RECOMMENDATIONS

- Consistent with *Comprehensive Plan* and *Future Land Use* and *Development Plan Map*
- Consistent with General Land Use and Zoning Character of Immediate Area (Section 2.3.2.6)
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?

City Council
Agenda Memo

City Council Meeting Date: 4/23/2020

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **7. Ordinance (First Reading) Z-2020-07: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Vader Enterprises LLC, agent Sheldon Greene, to rezone property from a Heavy Industrial (HI) to a Heavy Commercial (HC) District at 4721 Hill Street in southern Abilene *(Mike Warrix)***

GENERAL INFORMATION

The applicant is requesting to rezone from Heavy Industrial (HI) to Heavy Commercial (HC) in order to utilize the entire tract of land for fuel sales. The owner of the property is undergoing the certificate of occupancy process to utilize the building located on the western approximate 1.5 acres of the subject property, to operate as a fuel sales center. They will specialize in selling a wide variety of fuel types to include, but not limited to, propane, butane, diesel, standard gasoline and associated accessory items. Fuel sales are permitted within the portion of the lot currently zoned Heavy Commercial (HC). However, it is not permitted within the remaining portion of the lot which is zoned Heavy Industrial (HI).

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

At its April 7, 2020 regular meeting, the Planning and Zoning Commission voted 5-0 to recommend approval to City Council.

AYES: Barnett, Russell, Benham, Rosenbaum, Famble
NAYS: None

ATTACHMENTS:

1. Ordinance_cover
2. Z-2020-07 Council Ord Exhibit
3. 1- Z-2020-07 Staff Report
4. Z-2020-07 Council Presentation

ORDINANCE NO. _____

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

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

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

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto. PASSED ON FIRST READING the 23rd day of April, 2020.

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 20th day of March, 2020, 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 14th day of May, 2020, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of May, 2020.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

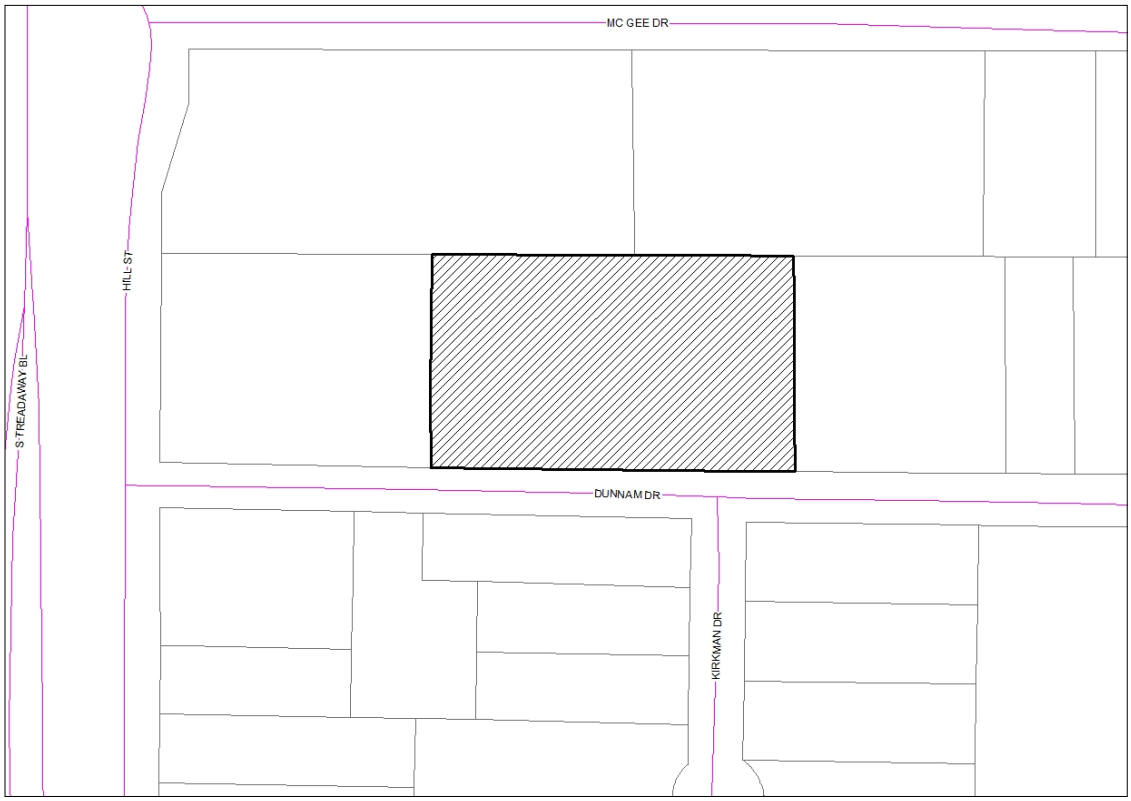
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Rezone from Heavy Industrial to Heavy Commercial

Legal description: Lot 1 of Weldon Willson Addition



-END-

Located at 4721 Hill Street, Abilene, Texas.

ZONING CASE Z-2020-07
STAFF REPORT

REQUEST: Rezoning from Heavy Industrial (HI) to Heavy Commercial (HC)

APPLICANT:
Owner: Vader Enterprises, LLC
Agent: Sheldon Greene

HEARING DATES:
P & Z Commission: April 7, 2020
City Council 1st Reading: April 23, 2020
City Council 2nd Reading: May 14, 2020

LOCATION:

- 4721 Hill Street

Legal description(s):

- Lot 1 of Weldon Willson Addition

PROPOSAL AND REQUESTED ACTION:
The applicant is requesting to rezone from Heavy Industrial (HI) to Heavy Commercial (HC) in order to utilize the entire tract of land for fuel sales. The owner of the property is undergoing the certificate of occupancy process to utilize the building located on the western approximate 1.5 acres of the subject property, to operate as a fuel sales center. They will specialize in selling a wide variety of fuel types to include, but not limited to, propane, butane, diesel, standard gasoline and associated accessory items. Fuel sales are permitted within the portion of the lot currently zoned Heavy Commercial (HC). However, it is not permitted within the remaining portion of the lot which is zoned Heavy Industrial (HI).

APPLICATION REVIEW:
Pursuant to Section 1.4.1.4, Criteria for Approval, of the City of Abilene Land Development Code, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

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

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area as a mixture of commercial and industrial uses near the HWY 83-84 and S. Treadaway interchange. The proposed zone change will allow a wider range of potential commercial uses on the subject property, promoting the Comprehensive Plan's objective of infill and development within older established areas of Abilene.

(2) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

The commercial uses permitted by the proposed zone change would be appropriate in the immediate area. The potential uses permitted with this zone change will not appear out of character as the subject property is located in close proximity to existing Heavy Commercial (HC), Heavy Industrial (HI) and Light Industrial (LI) zoning districts.

The lot which encompasses the proposed zone change is 3.84 acres, currently divided into two zoning districts. The western most 1.5 acres of this lot falls within Heavy Commercial (HC) Zoning, this portion of the lot is occupied by a building which is undergoing the certificate of occupancy process to operate as a fuel sales center, a use which is permitted in Heavy Commercial (HC) zoning. The lots north of the subject property are currently zoned Light Industrial (LI). While east and south of the subject property, the lots are zoned Heavy Industrial (HI).

	Zoning	Existing Land Use
North	LI	Manufacturing (Light)
South	HI	Contractor Services/Retail Sales (outdoor)
East	HI	Wholesaling & Storage (indoor)
West	HC	Fuel Sales

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

The subject property currently has access to existing utilities and public amenities. No additional development of said infrastructure will be required for the development of this subject property.

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

It is the opinion of the staff that there are no other factors which substantially affect the public health, safety, morals, or general welfare of the City of Abilene.

STAFF COMMENTS:

The subject property is a 3.84 acres tract which is presently divided into two zoning districts, the westernmost 1.5 acres is zoned Heavy Commercial (HC) while the remaining portion of the tract is zoned Heavy Industrial (HI). The Heavy Commercial (HC) portion of this lot has been zoned as such since at least 1974. The remaining portion of the lot was zoned to Heavy Industrial (HI) sometime between 1974 and 1996. This portion of the lot has remained vacant since being zoned Heavy Industrial (HI). According to the Future Land Use and Development Plan Map of the Comprehensive Plan, this location is designated to provide a mixture of commercial and industrial uses. Rezoning to Heavy Commercial (HC) zoning will facilitate the Comprehensive Plan's objective of infill and development by permitting a wider range of commercial uses on this entire tract of land.

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request was reviewed pursuant Section 1.4.1.4 (Criteria for Approval) of the Land Development Code.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission recommended approval by a vote of six (6) to zero (0) on April 7, 2020.

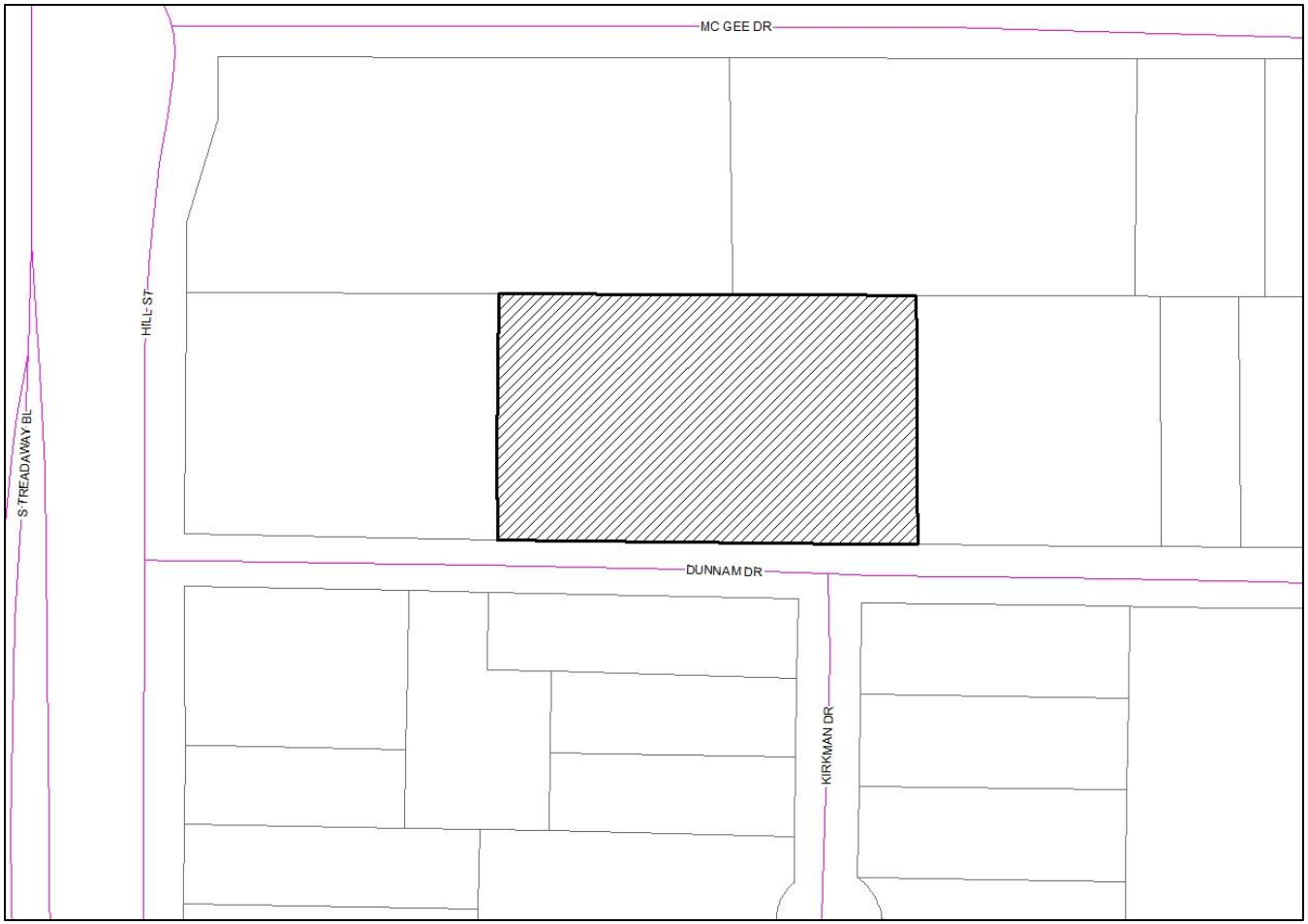
NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

Owner	Situs	Response
ARRL HOLDINGS LLC	4701 HILL ST	
CAPADOR SPRINGS LP	1565 DUNNAM DR	
EWING IRRIGATION PRODUCTS INC	1575 DUNNAM DR	
GRAY STEPHEN	4801 KIRKMAN DR	
HARRIS MARK &	1480 DUNNAM DR	
KELRAY PROPERTIES LLC	4721 HILL ST	
KIRKMAN SAMUEL E TRUST B	4810 KIRKMAN DR	
KIRKMAN SAMUEL E TRUST B	1545 DUNNAM DR	
KIRKMAN SAMUEL E TRUST B	1535 DUNNAM DR	
KIRKMAN SAMUEL E TRUST B	4802 KIRKMAN DR	
KIRKMAN SAMUEL E TRUST B	1525 DUNNAM DR	
KIRKMAN SAMUEL E TRUST B	1555 DUNNAM DR	
MORRISON CONSULTANTS LLC &	4809 KIRKMAN DR	
WAPM INVESTMENTS LLC	1501 MC GEE DR	In Favor

ATTACHMENTS:

- Application
- PowerPoint


MC GEE DR
HILL ST
S TREADAWAY BL
DUNNAM DR
KIRKMAN DR

Development Application

CITY OF ABILENE

Planning

☐ Conditional Use ☐ Easement Release ☒ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
Other: _____

Project Name: C4 Fuels, LLC

Address: 4721 Hill St., Abilene, TX 79602 No. of lots: 1 Acreage: 3.84

Legal Description: Weldon Willson Addn Lot 1 & 7.5' Alley

Subdivision Name: Weldon Willson Addn Block: _____ Lot: 1 *

Current Zoning: West 1/2 is HC, East 1/2 is HI Proposed Zoning (if applicable): HC

OWNER AND AUTHORIZATION

Owner Name: Vader Enterprises, LLC Cody Cooley and James Cooley

Address: 4721 Hill St.

City, State, Zip: Abilene, TX 79602 Fax: 325-999-7923

Phone: 325-999-4060 Email: _____

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) Sheldon Greene *will act as my agent before the Planning and Zoning Commission.*

Agent Name: Sheldon Greene

Address: 104 Pine St., Suite 714

City, State, Zip: Abilene, TX 79601 Fax: _____

Phone: 325-665-1844 Email: greenesheldon@att.net

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

Signature Owner: _____ Date: 3/3/20

FOR OFFICE USE ONLY

Received: 3/5/20 Fee: $1,500.00 Receipt No.: 0002090321

Case No.: Z-2020-07 Reviewed By: _____

* SPECIFICALLY, THE EAST 403 FEET OF THE WEST 698 FEET OF LOT 1 IN WELDON WILLSON ADDITION

Development Application

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

C4 Fuels is owned by the same parties. C4 occupies the warehouse and yard. C4 desires to place above ground fuel storage tanks in the yard of the property. HI zoning does not allow above ground fuel storage tanks but HC does. Please note that other businesses in the area already have above ground fuel storage tanks.

Development Application

RECOMMENDATIONS

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

PUBLIC NOTIFICATION

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

PLEASE READ BEFORE SIGNING

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

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

SIGNED: _____ DATE: 3/3/20

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

WAPM INVESTMENTS LLC
835 NANTUCKET DR
BEAUMONT, TX 77706

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2020-07 **03/30/2020**

The Planning & Zoning Commission will hold a public hearing on **Tuesday, April 7, 2020** at **1:30 PM** in Council Chambers on the 2nd floor of Abilene's City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Vader Enterprises LLC, agent Sheldon Greene, to rezone property from a Heavy Industrial (HI) to a Heavy Commercial (HC) District; Legal description being the east 403 feet of the west 698 feet of Lot 1 in the Weldon Wilson Addition to Abilene, Taylor County, Texas, being the rear (eastern) approximately 2.2 acres of a building site at 4721 Hill Street in southern Abilene.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing during the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

In an effort to reduce the spread of Corona virus, the April 7 meeting of the Planning & Zoning Commission will be closed to in-person attendance by the public. Individuals will be able to address the Commission via telephone conference call. To participate in a telephone conference call, please call +1 (833) 773-2663 and use access code 5918781 to speak on an agenda item. This will also allow you to listen to the meeting.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for rezoning. The solid boundary line around the subject area is a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **May 14, 2020, at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Jared Smith, Planner II at (325) 676-6490 or by email at jared.smith@abilenetx.gov.

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

CASE #: Z-2020-07
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: WAPM INVESTMENTS LLC
Address: 1501 MC GEE DR

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

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

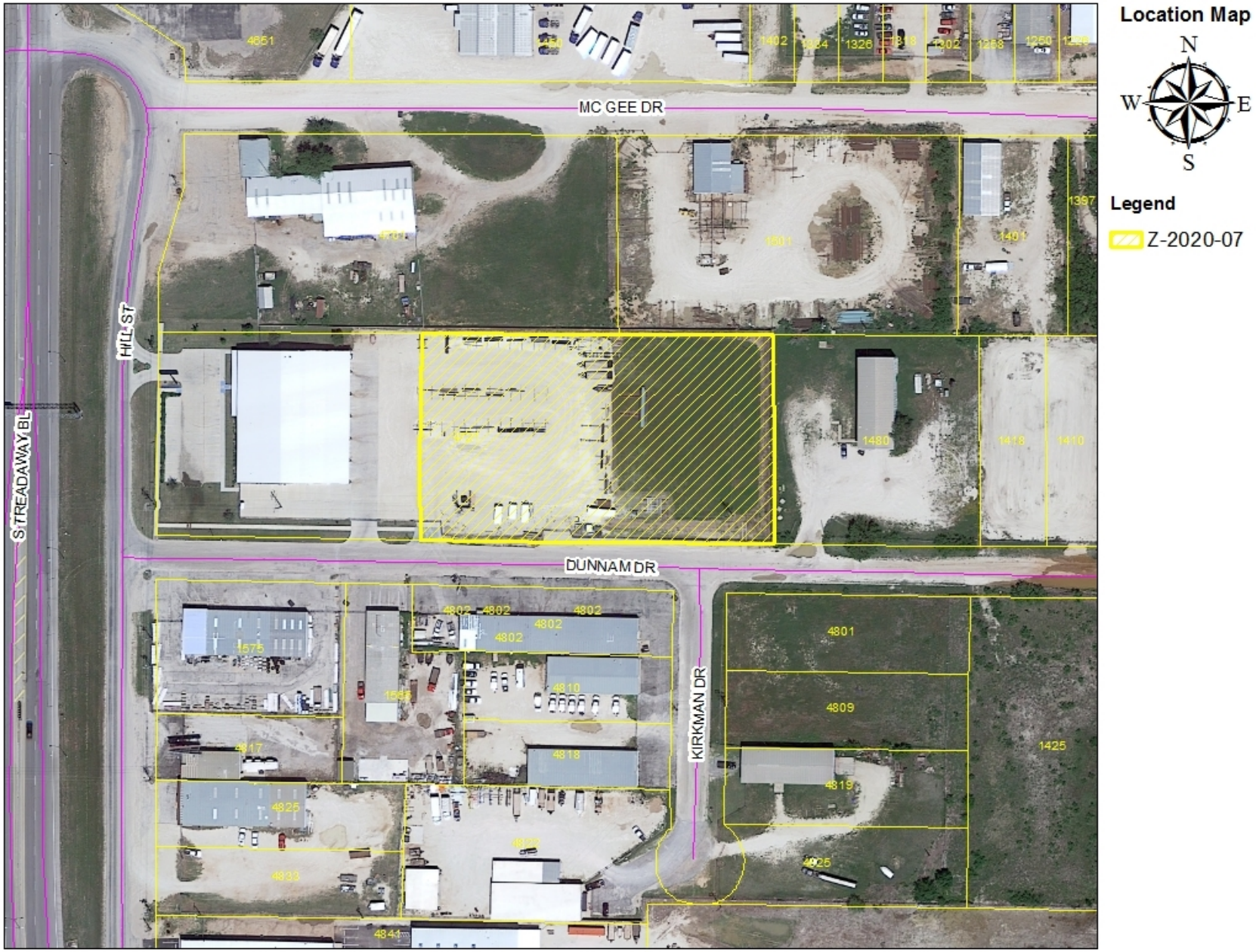
Additional Comments:

Signature: Wayne A Moncla

REZONING

Case: Z-2020-07
Owner: Vader Enterprises, LLC
Request: Rezone from HI to HC
Legal Description: Lot 1 of Weldon Wilson Addition
Notification: 1 in Favor, 0 Opposed
Planning & Zoning Recommendation: Approval

Z-2020-07 AERIAL LOCATION MAP



Location Map

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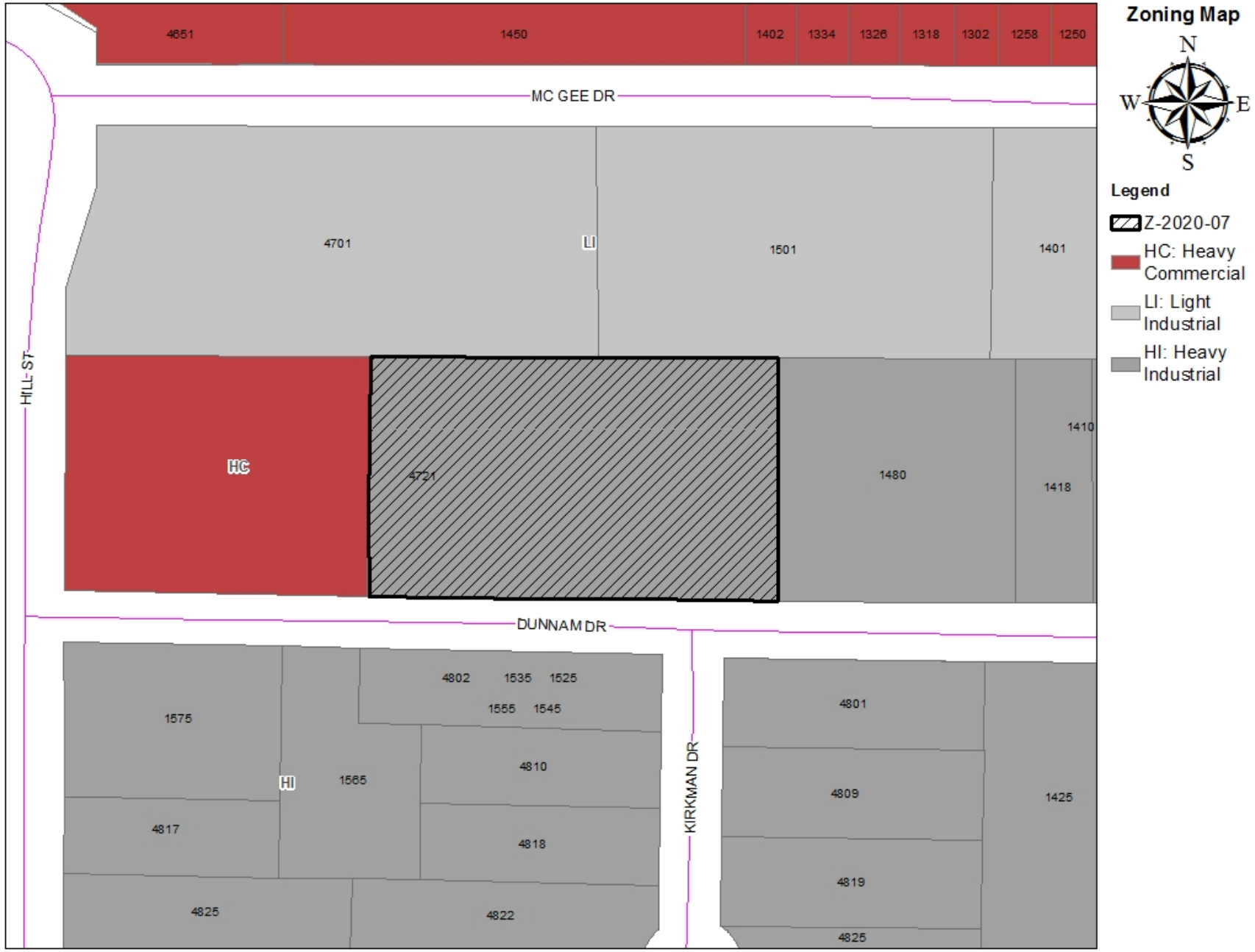
Legend

Z-2020-07

Z-2020-07 ZONING MAP



Z-2020-07 VIEWS OF SUBJECT PROPERTY

Existing Building on subject property

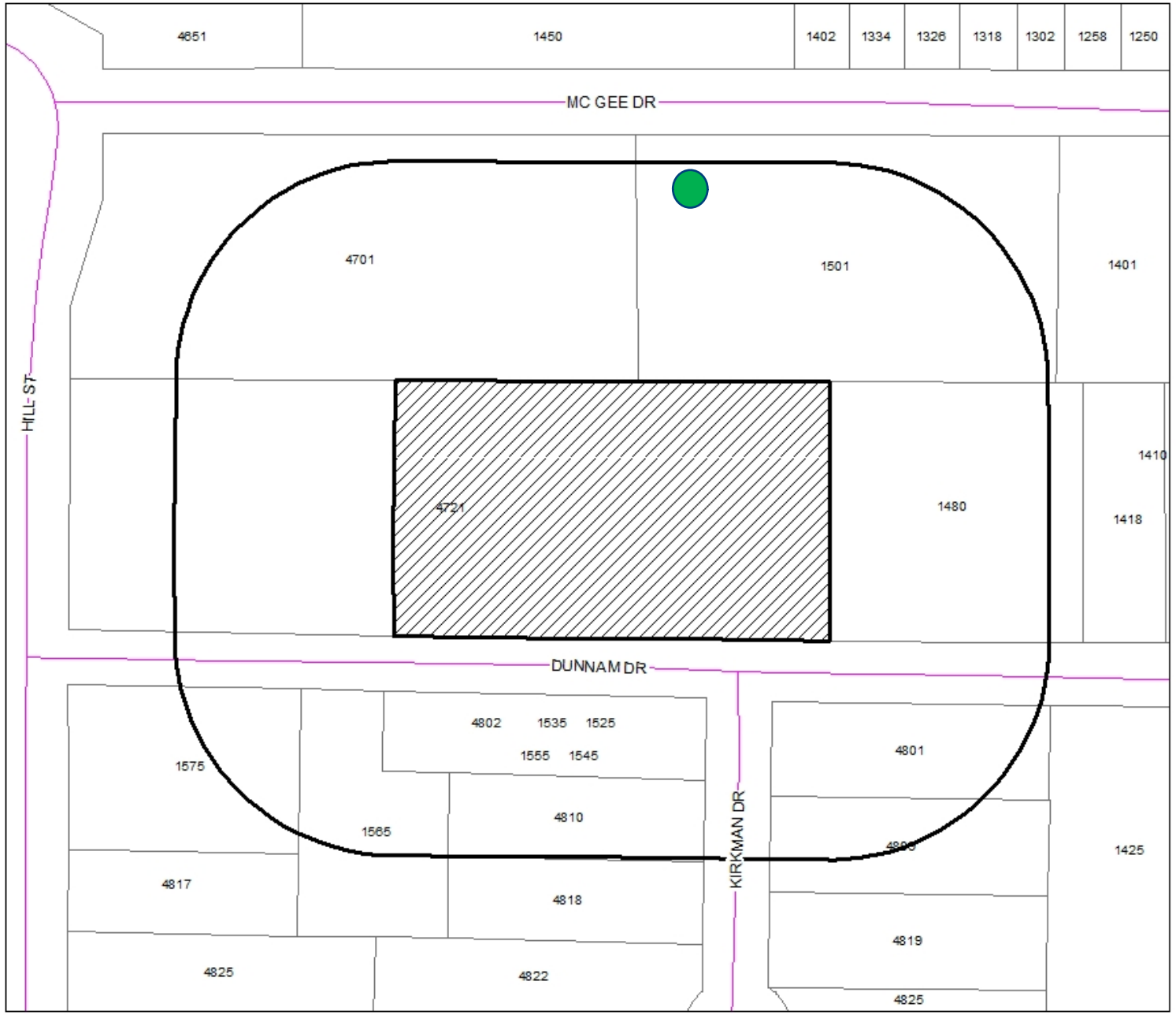
Neighboring Property (North)

Neighboring Property (West)

Remaining portion of subject property

Neighboring Property (South)

Z-2020-07 NOTIFICATION AREA MAP



Notification Map

N
W E
S

Legend

Notification Area

Z-2020-07

1- In Favor-

0- Opposed-

FINDINGS AND RECOMMENDATIONS

- Consistent with *Comprehensive Plan* and *Future Land Use* and *Development Plan Map*
- Consistent with General Land Use and Zoning Character of Immediate Area (Section 2.3.2.6)
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?

City Council
Agenda Memo

City Council Meeting Date: 4/23/2020

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **8. Ordinance (First Reading) Z-2020-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Prairie Song LLC, agent Nick Coates, to amend the terms of Planned Development (PD) District Number 144 by expanding its original 14.166 acres to include 0.5 acre of additional now-vacant land at 2660 Garfield Avenue, by changing allowed uses to include all those permissible within Residential Medium-Density (MD) zoning districts and by requiring all access to future development of this property to be from Garfield Avenue; Legal description being 12.004 acres out of T&P Railway Co. Section 84 (and located at least 140 feet north of Garfield Avenue) as well as Lots 4-5 in Block 10 and all of Block 11 in the Hillcrest Addition (on north side of 2600 block of Garfield Avenue) *(Mike Warrix)***

GENERAL INFORMATION

The applicant has appealed the Planning & Zoning Commission's denial of the proposed amendments to Planned Development (PD) 144. The proposed amendments would amend the terms of PD 144 by: (1) expanding its original 14.166 acres to include 0.5 acre of additional now-vacant land at 2660 Garfield Avenue; (2) changing allowed uses to include all those permissible within Residential Medium-Density (MD) zoning district; and (3) requiring all access to future development of this property to be from Garfield Avenue. Legal description for this area being 12.004 acres out of T&P Railway Co. Section 84 (and located at least 140 feet north of Garfield Avenue) as well as Lots 4-5 in Block 10 and all of Block 11 in the Hillcrest Addition (on north side of 2600 block of Garfield Avenue)

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

At its April 7, 2020 regular meeting, the Planning and Zoning Commission voted 2 in favor and 4 against approval of the proposed amendments to the PDD. The Applicant timely appealed the denial to the City Council.

ATTACHMENTS:

1. Z-2020-01 recommended PD ordinance
2. Current Ordinance for PDD-144
3. 55-2014_Abandonment_Campus Court & Garfield Rd
4. Nick Coates Appeal Letter
5. Z-2020-01 Council Staff Report
6. Z-2020-01 Council Presentation

ORDINANCE NO. _____

Comment [RGG1]: Page: 1
To be filled in by the City Secretary's office.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE AND CONCERNING PD-144, A PLANNED DEVELOPMENT DISTRICT, AS WELL AS ORDINANCE NUMBER 62-2014; 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 I: That the Land Development Code of the City of Abilene is hereby amended by repealing Ordinance Number 62-2014 concerning PD 144 (a Planned Development District) and replacing said Ordinance Number 62-2014 with terms and conditions set out in accompanying Exhibit "A," Exhibit "B," and Exhibit "C" concerning the same said PD 144, 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.

PASSED ON FIRST READING the 23rd day of April, 2020.

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 20th day of March, 2020, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 14th day of May, 2020, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 14th day of May, 2020.

ATTEST:

_____

Shawna Atkinson
City Secretary

_____

Anthony Williams,
Mayor

APPROVED:

_____

Stanley Smith,
City Attorney

ORDINANCE NO. _____

Exhibit "A"

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

PART 2: Development Specifications. All use and development within this Planned Development District must be undertaken in compliance with the Land Development Code of the City of Abilene, except as otherwise specifically provided herein.

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

PART 4: Zoning. That the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries, as hereinafter set forth, from Residential Single-Family (RS-6), Residential Single-Family (RS-8) and Agricultural Open Space (AO) Districts, to Planned Development (PD) District Number 144.

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

PART 5: Legal Description. This Planned Development (PD) District Number 144 includes a certain 14.478 acres out of Section 84 in Block 14 of T & P Railway Company Lands and in the Hillcrest Addition, Section 4, all of which are located in the City of Abilene, Taylor County, Texas. The specific metes-and-bounds description of these 14.478 acres is attached as Exhibit "B" to this ordinance.

PART 6: Purpose. The purpose of this Planned Development District Number 144 is to facilitate medium-density residential use of the subject property, in a manner which is reasonably compatible with the single-family residential character of an adjacent neighborhood, and which discourages through traffic movement unrelated to such residential use.

PART 7: Specific Modifications: The use and development of this Planned Development District shall generally be subject to applicable requirements of the Residential Medium-Density (MD) zoning classification, subject to the following additional conditions and requirements:

A. No more than two (2) dwelling units shall be permitted on any one lot or tract of land.

B. All vehicular access to and from this property shall be available by way of Garfield Avenue.

C. Future (re)subdivision of this subject property shall generally comply with the graphic concept plan attached as Exhibit "C" to this ordinance.

D. Future subdivision or resubdivision of all or any part of this subject property shall be preceded by City Council's approval of an ordinance authorizing abandonment of all right-of-way dedicated for Campus Court north from Garfield Avenue, with such abandonment to be made materially complete by approval and recording of a subdivision plat or replat integrating such right-of-way (authorized to be abandoned) into property located adjacent directly east and/or west of such abandoned right-of-way.

ORDINANCE NO._____

Exhibit "B"

BEING a 14.478-acre tract comprised of a 12.04-acre tract out of Fractional Section 84, Block No. 14, T&P Railway Company Lands in Taylor County, Texas, conveyed to Abilene Independent School District and recorded in Volume 542, Page 132 of Deed Records, Taylor County, Texas (legal description does not form a mathematically closed figure) together with Lots 4 and 5, Block 10 and all of Block 11, Section 4, Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, recorded in Cabinet 2, Slides 18-A & B, Plat Records, Taylor County, Texas, conveyed to Abilene Independent School District by deed recorded in Volume 542, Page 461 of Deed Records for Taylor County, Texas, said 14.478-acre tract being more particularly described as follows:

BEGINNING at a found 3/8-inch iron rod in concrete at the northwest corner of Campus Court, on the south line of said 12.04-acre tract, for the northeast corner of the said Block 11;

THENCE South 21° 01' 41" West, along the west right-of-way for Campus Court, for a distance of 220.77 feet (called 221.8') to a found, damaged 3/8-inch iron rod at the intersection of the west right-of-way for Campus Court and the north right-of-way for Garfield Avenue, for the southeast corner of the said Block 11;

THENCE North 69° 07' 40" West, along the north right-of-way for Garfield Avenue, for a distance of 32.77 feet, to a found 3/8-inch iron rod for a point-of-curvature;

THENCE along the north right-of-way for Garfield Avenue, being along a curve to the left having a radius of 950.00 feet (called 929.3') and an arc length of 335.25 feet (called 332.7') being subtended by a chord of North 79° 14' 15" West, for a distance of 333.51 feet to a found 3/8-inch iron rod for a point-of-tangency;

THENCE North 89°20' 50" West, along the north right-of-way for Garfield Avenue, for a distance of 157.33 feet, to a found 3/8-inch iron rod, for a point-of-curvature;

THENCE along the north right-of-way for Garfield Avenue, being along a curve to the left having a radius of 530.00 feet and an arc length of 135.80 feet, being subtended by a chord bearing South 83°18' 44" West for a distance of 135.43 feet, to a set ½-inch iron rod with cap stamped "H&T" for the southwest corner of the said Lot 4, same being the southeast corner of Lot 102, A Replat of Lots 1, 2 and 3, Section 4, Hillcrest Addition to the City of Abilene, Taylor County, Texas and recorded in Cabinet 2, Slide 289-D, Plat Records, Taylor County, Texas;

THENCE North 11° 58' 00" West for a distance of 138.66 feet (called 140') to a set ½-inch iron rod with cap stamped "H&T" on the south line of a 20' wide alley, for the northwest corner of the said Lot 4 and from where a found 3/8-inch iron rod bears 1.71 feet South 74° 55' 26" West;

THENCE South 89° 16' 40" East, along the south line of a 20' wide alley, for a distance of 159.14 feet (called 160.68') to a set ½-inch iron rod with cap stamped "H&T" at the southeast corner of a 20' wide alley, for the northeast corner of the said Lot 5;

Exhibit “B” Continued

THENCE North 00° 13’ 20” East for a distance of 20.00 feet to a set ½-inch iron rod with cap stamped “H&T” at the northeast corner of a 20’ wide alley and on the south line of said 12.04-acre tract, for the northwest corner of the said Block 11;

THENCE North 89° 16’ 40” West for a distance of 166.55 feet to a found 3/8-inch iron rod in concrete for the southwest corner of said 12.04-acre tract, same being the southeast corner of a 3.25-acre tract conveyed to the First Baptist Church of Abilene, Texas and recorded in Volume 604, Page 569, Deed Records for Taylor County, Texas;

THENCE North 23°18’ 16” East for a distance of 92.02 feet (called 92.5’) to a found 3/8-inch iron rod in concrete, for an angle point in the west line of said 12.04-acre tract;

THENCE North 24° 20’ 44” East for a distance of 883.01 feet to a found 3/8-inch iron rod in concrete for the northwest corner of said 12.04-acre tract, same being an angle point in the south line of a 12.12-acre tract conveyed to Southwest Housing Providers, LLC and recorded in Volume 2893, Page 644, Official Public Records of Real Property in Taylor County, Texas;

THENCE South 51° 51’ 16” East for a distance of 725.00 feet (called 725.3’) to a found ½-inch iron rod on the west line of a 30’ wide right-of-way dedicated by The Grove Addition, Abilene, Taylor County, Texas and recorded in Cabinet 2, Slide 345-B, Plat Records, Taylor County, Texas, for the northeast corner of said 12.04-acre tract;

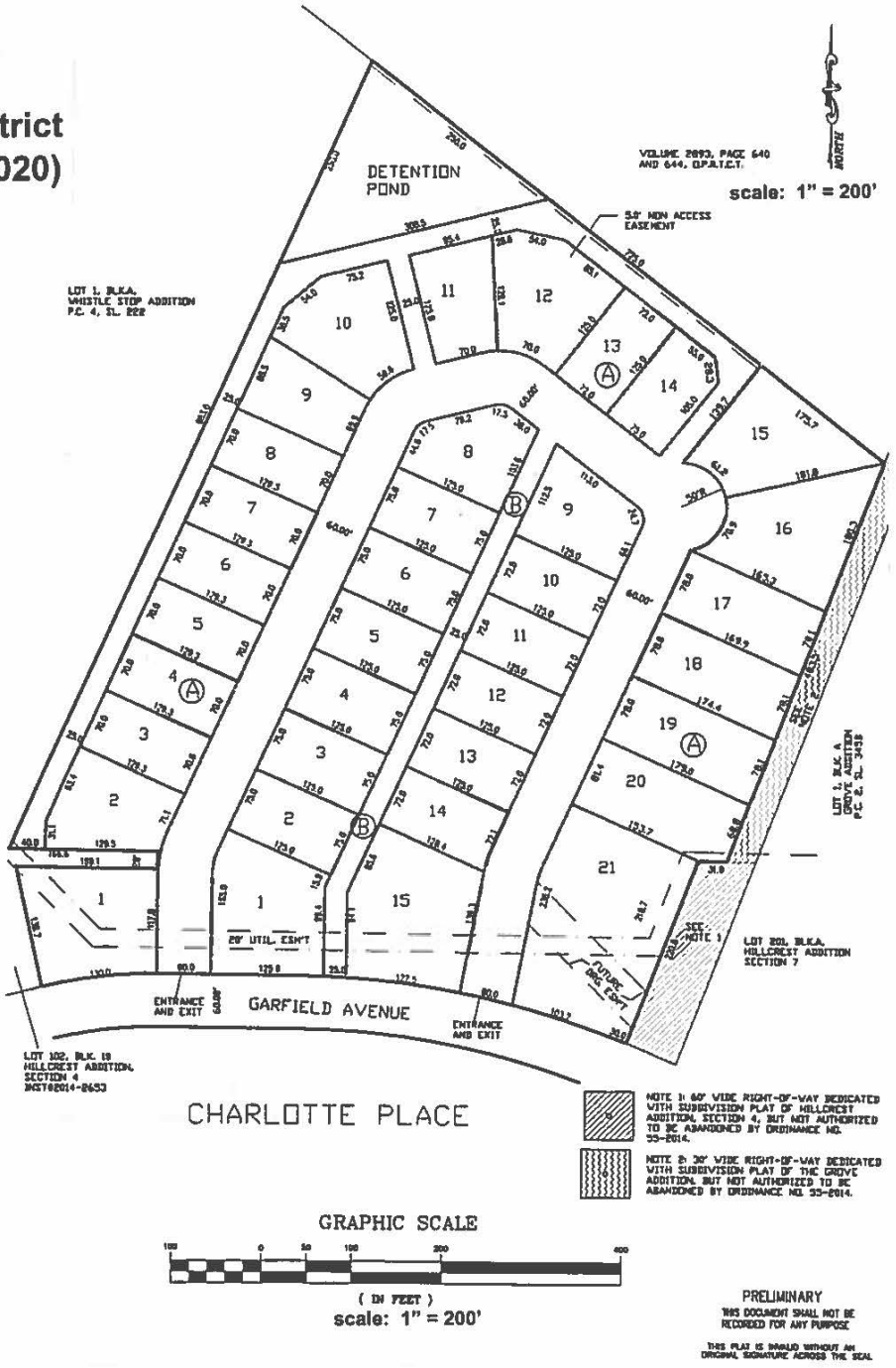
THENCE South 21° 00’ 00” West (being the Reference Bearing for this description) along the west line of the said 30’ wide right-of-way for a distance of 483.48 feet to a found ½-inch iron rod on the north end of Campus Court, for the southeast corner of said 12.04-acre tract;

THENCE North 89° 04’ 03” West for a distance of 31.94 feet to the Point of Beginning and containing 14.478 acres or 630,642 square feet of land.

ORDINANCE NO._____

Exhibit "C"

graphic concept plan for Planned Development District Number 144 (amended 2020)



ORDINANCE NO. 62-2014

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-144 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING this 25th day of September A.D. 2014.

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 16th day of May, 2014, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 p.m., on the 14th day of August, 2014, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 9th day of October, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. 62-2014

Exhibit "A"

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

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

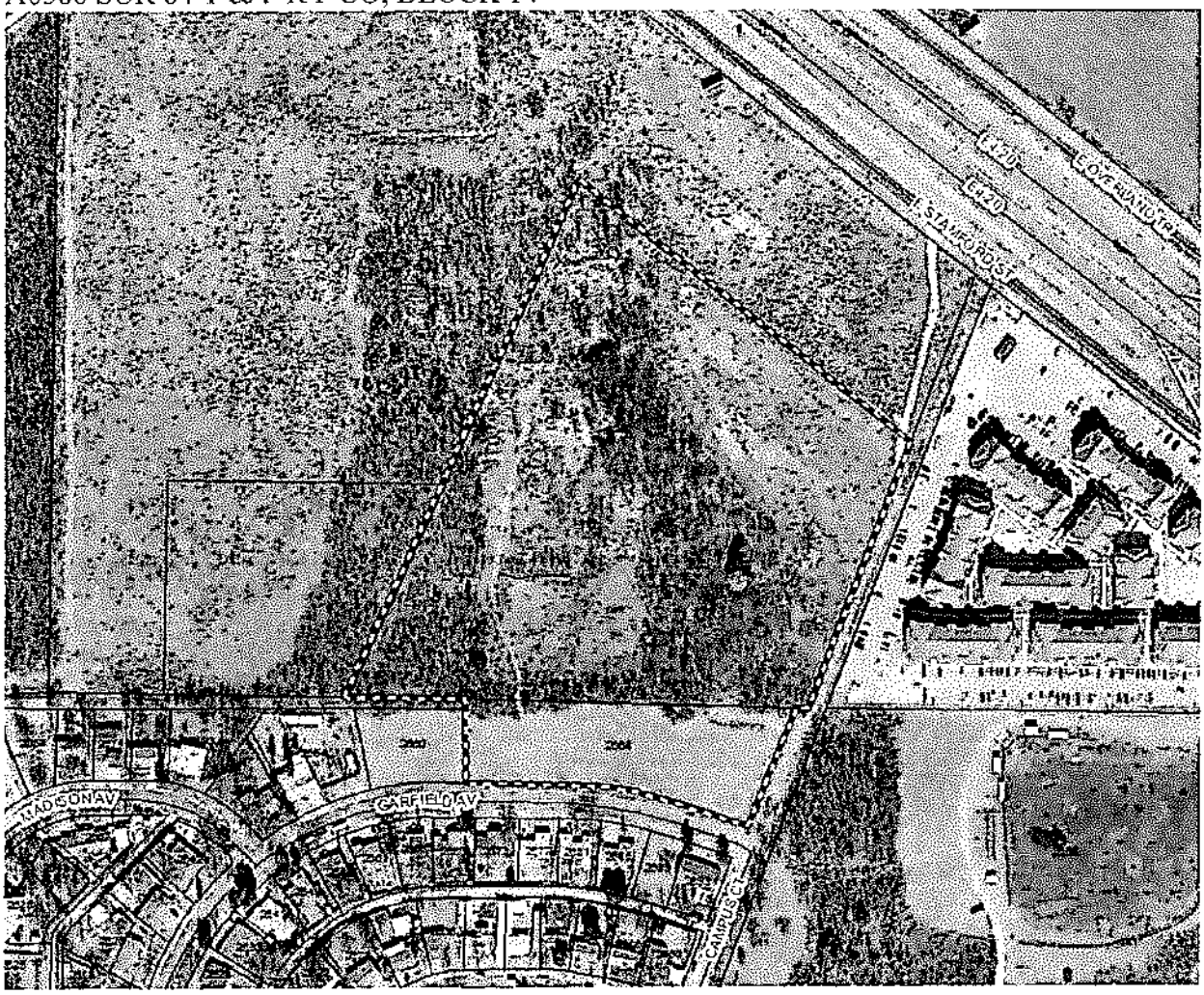
PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Abilene Municipal Code, part known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space) & RS-6 (Single-Family Residential) to PD (Planned Development) zoning.

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

PART 5: Legal Description. The legal description of this PD is as follows:

HILLCREST ADDN SEC 4, BLOCK 11
A0580 SUR 84 T & P RY CO, BLOCK 14



Location:

2668 Garfield Ave and the approximately 12.04 acres to the north

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for a multi-family residential development which generally is not allowed under present zoning and development procedures.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the RS-6 (Single-Family Residential) zoning district, except as modified below:

1) **ADDITIONAL PERMITTED USE:** An Independent Living Facility of 140 rooms and 12 staff members shall be permitted on the north approximately 5.0 acres.

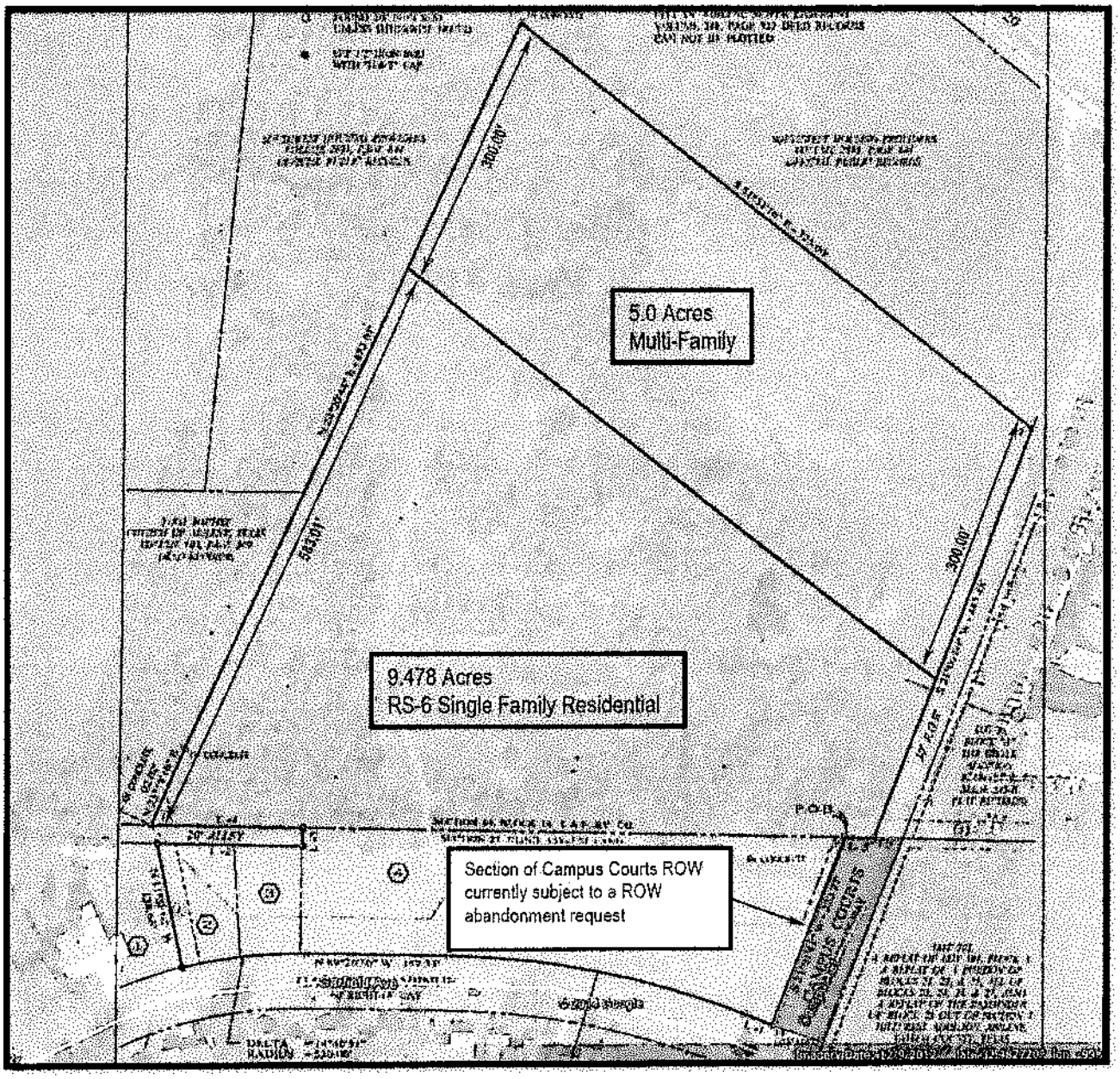
2) **DEVELOPMENT REGULATIONS:**
   a) If developed as an Independent Living Facility, the MF (Multi-Family Residential) district standards shall apply.

   b) No street connection shall be allowed between the northern 5.0 acres and the remaining 9 acres with the exception of 1 emergency access point. Barriers shall be provided in the form of berms, landscaping, walls, or similar.

   c) No other street stubs or connections shall be allowed to the property to the west.

-END-

ORDINANCE NO. 62-2014
EXHIBIT "A"
PAGE 4



ZONING EXHIBIT

ORDINANCE NO. 55-2014

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

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

PART 1: That the following described portion of a Public Right of Way, as described on Exhibit "A," attached hereto and made a part of this ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned, subject to conditions as stated in Exhibit A.

PART 2: That said portion of a Public Right of Way is not needed for public purposes and it is in the public interest of the City of Abilene to abandon said described portion of a Public Right of Way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tracts of land described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING this 24th day of July, A.D. 2014.

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 20th day of June, 2014, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final reading.

PASSED ON FINAL READING THIS 14th day of August, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

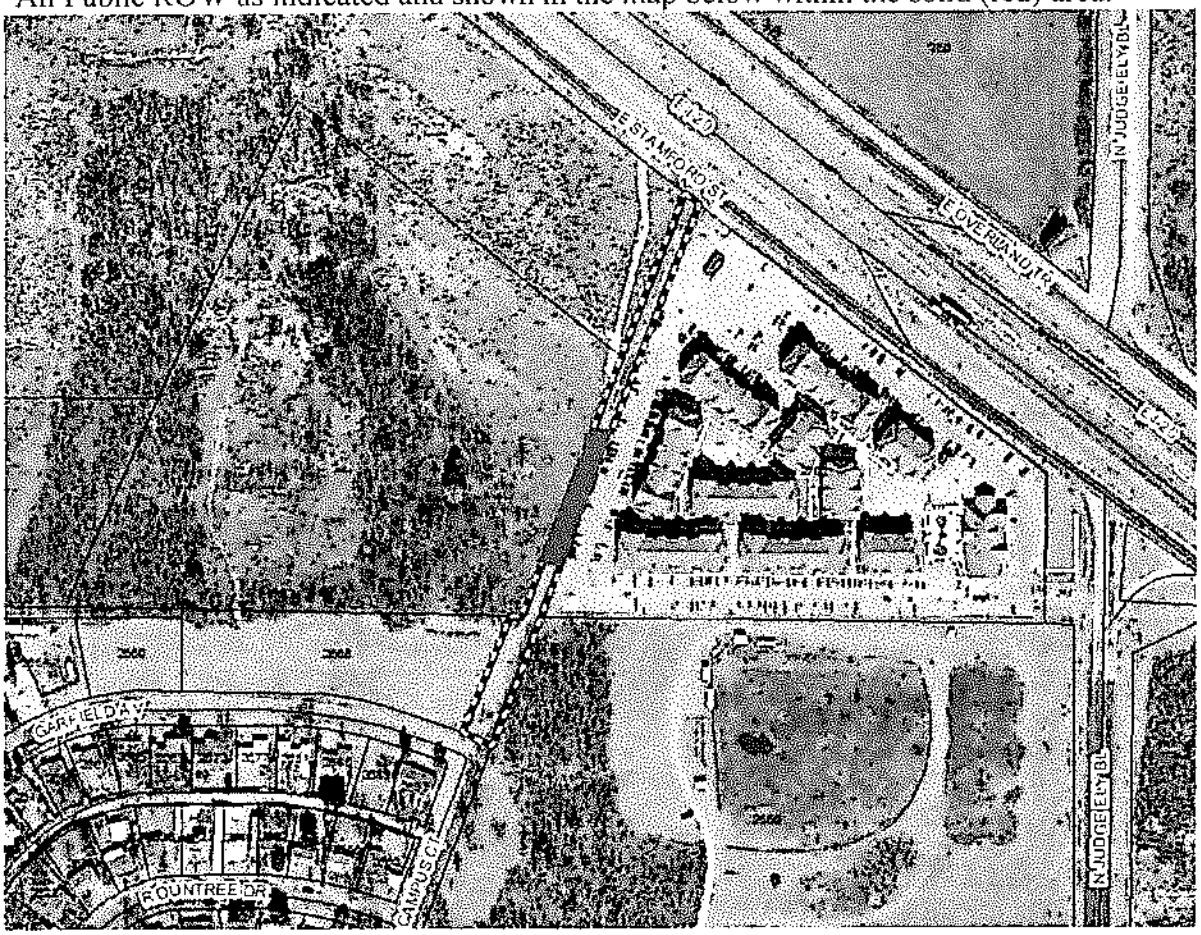
CITY ATTORNEY

ORDINANCE NO. 55-2014

EXHIBIT "A"

The City of Abilene hereby abandons: a portion of Campus Court from a line 450 feet south of the frontage road right-of-way (ROW) southward to a line 300 feet north of the ROW for Garfield Ave.

All Public ROW as indicated and shown in the map below within the solid (red) area:



With the following conditions:

1. Drainage & Utility Easements shall be required within the abandoned ROW.
2. The property must be replatted within 12 months. The replat must not create any non-conforming lots.

-END-

MEMORANDUM

TO: Brad Stone, City of Abilene Planning and Zoning

FROM: Nick Coates N.C.

DATE: 4/9/2020

SUBJECT: Appeal Request

I am officially appealing the 4/7/2020 Planning and Zoning Commission decision regarding PDD 144, Rezoning Application Number Z-2020-01 to the Abilene City Council.

Thank you.

ZONING CASE Z-2020-01
STAFF REPORT

REQUEST: Appeal the Planning and Zoning Commission denial to amend existing Planned Development District Number 144 (PD 144).

APPLICANT:
Owner: Prairie Song, LLC
Agent: Nick Coates

HEARING DATES:
P & Z Commission: April 7, 2020
City Council 1st Hearing: April 23, 2020
City Council 2nd Hearing: May 14, 2020

LOCATION:
14+ acres of vacant land bordering 2600 block (north side) of Garfield Avenue, approximately 1/2 mile north from Ambler Avenue

Legal description: Lots 4-5 in Block 10 and all of Block 11 in the Hillcrest Addition, Section 4, as well as an additional 12.04 acres out of Section 84 in Block 14 of T&P Railway Company Lands (and located at least 140 feet north from Garfield Avenue).

BACKGROUND:
According to Abilene's Land Development Code, a Planned Development (PD) District is a custom-made zoning classification tailored to meet the unique demands of a particular proposed development set within its specific environment.

Planned Development District 114 (PD 144) was approved in 2014. The terms and conditions of this Planned Development District may be summarized as follows:

- Use of the northern 5 acres of this property is presently limited to "an independent living facility with no more than 140 rooms and 12 staff members;"
- Use of the southern 9+ acres of this property (closest to Garfield Avenue) is presently limited to conventional single-family residences; and
- Any street connection between the northern 5 acres and the southern 9+ acres is presently prohibited, except for a single emergency vehicle access.

No such development has materialized since 2014, and all 14+ acres of PD 144 remain vacant.

During 2019, this property's owner proposed eliminating PD 144 altogether, replacing it with Residential Multi-Family (MF) zoning on the northern 12+ acres and RS-6 zoning on the southernmost 2+ acres. On July 2, 2019, Abilene's Planning & Zoning Commission recommended denying this requested rezoning. The proponent appealed that decision to City Council, but soon withdrew his appeal. That proposed rezoning was never introduced to City Council, during 2019.

PROPOSAL AND REQUESTED ACTION:
The owner of this property now seeks to amend PD 144, in the following ways:

- Include approximately 0.5 acre of additional land at the southwest corner of the original 14.166 acres embraced within PD 144, specifically Lots 4-5 in Block 10 of the Hillcrest Addition;

- Remove all existing land use limitations of PD 144, replacing them with a provision allowing the Residential Medium-Density (MD) zoning classification to generally govern the use and development of all 14.478 acres embraced within an expanded PD 144; and

- Require all access for such future development to be from Garfield Avenue.

From the standpoint of residential density, the MD zoning classification occupies a "middle range" between Residential Single-Family (RS) and Residential Multi-Family (MF) zoning districts. In RS6 zoning districts, overall residential density* is limited to approximately 7 dwelling units per acre. In MF zoning districts, overall residential density is limited to 24 units per acre, on any one building site. In MD zoning districts, meanwhile, overall residential density is limited to 12 units per acre, on any one building site. Housing development in MD Districts often takes the form of 2-, 3- and 4-family residential buildings.

APPLICATION REVIEW:
According to Section 1.4.1.4 (Criteria for Approval) in the City of Abilene's Land Development Code, the Planning & Zoning Commission and City Council may consider the following factors in making a determination regarding requested zone changes:

(1) Whether the proposed zoning amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended.
The Future Land Use and Development component of Abilene's Comprehensive Plan suggests low-density residential use of this subject property. As long as the proposed development does not exceed the limit of 12 dwelling units/acre required of MD zoning, then proposed use of this subject property may justifiably be considered "low-density" and not "high-density" residential.

(2) Whether the proposed zoning amendment will be appropriate in the immediate area of this subject property.
The subject property is situated in a "transitional" area separating intensive commercial and high-density residential development on Interstate Highway 20, from single-family residences characteristic of Hillcrest neighborhood. Applying medium densities of residential development (on this subject property) can provide an effective transition in the overall intensity of use, between these two dramatically different environments. And by limiting traffic access to Garfield Avenue only, the opportunity exists to prevent the existing street network (in Hillcrest neighborhood) from being used as a shortcut between Interstate 20 and Ambler Avenue.

	Zoning	Existing Land Use
North	GC	vacant land
South	RS-6	single-family residences
East	MF	multi-family residential (apartment) bldgs.
West	PD 148	recreational vehicle park

* exclusive of streets and alleys

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

This subject property is bordered on the east by an 8-inch-wide water main and, on the west, by a 36-inch-wide sewer main. Extensions of both these mains may be made into this subject property, at private expense, to serve new residences built there.

The vacant subject property has broad exposure (650 feet) to Garfield Avenue, a fully improved subcollector street with a 36-foot width of pavement already bordered by curb-and-gutter. Traffic access to future development (of this subject property) is proposed to be from Garfield Avenue only. As a result, additional traffic flow may be expected on Garfield Avenue as well as on Campus Court, another nearby subcollector street. Such additional traffic, though, is expected to split more-or-less evenly between these two streets. Neither one of them is expected to bear an extraordinary burden of additional traffic flow.

STAFF COMMENTS:

Proposed residential use of the subject property, at medium densities of development, is expected to provide a useful transition in the overall intensity of use, between dramatically different environments located north and south of this property. An existing infrastructure of streets, water and sewer utilities is already in place, sufficient to accommodate medium densities of new residential development.

STAFF RECOMMENDATION:

City staff recommends approving requested amendments to PD 144, subject to the following additional conditions:

1. **No more than two (2) dwelling units should be permitted on any one lot or tract of land.** Residential Medium-Density (MD) zoning ordinarily allows as many as four (4) dwellings on any one lot.[†] With this subject property extending all the way south to Garfield Avenue, City staff's recommended limit of two (2) units per lot will help make future development visually and functionally more consistent with existing residences in the Hillcrest neighborhood.

2. **Future (re)subdivision of this subject property should generally comply with the accompanying graphic concept plan.** This plan shows how traffic access for proposed new residences will be to and from a U-shaped street opening solely onto Garfield Avenue.

3. **Future subdivision or resubdivision of all or any part of this subject property should be preceded by City Council's approval of an ordinance authorizing abandonment of all right-of-way dedicated for Campus Court north from Garfield Avenue, with such abandonment to be made materially complete by approval and recording of a subdivision plat or replat integrating such right-of-way (authorized to be abandoned) into property located adjacent directly east and/or west of such abandoned right-of-way.** Compliance with this condition will ensure that no inadvertent extension of Campus Court occurs. That would be contrary to City Council's express intent in their 2013 action amending Abilene's Thoroughfare Plan, specifically to remove "collector street" status from Campus Court and any future extension north to Interstate Highway 20.[‡]

These recommended conditions are expressed in an accompanying draft ordinance enacting terms and conditions of proposed amendments to PD 144.

[†] so long as the overall density of development does not exceed 12 units/acre on any one lot

[‡] See Ordinance Number 45-2013 approved on September 12 of 2013.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission recommended approval but failed by a vote of four (4) to (2), resulting in a denial, during a meeting on Tuesday, April 7, 2020.

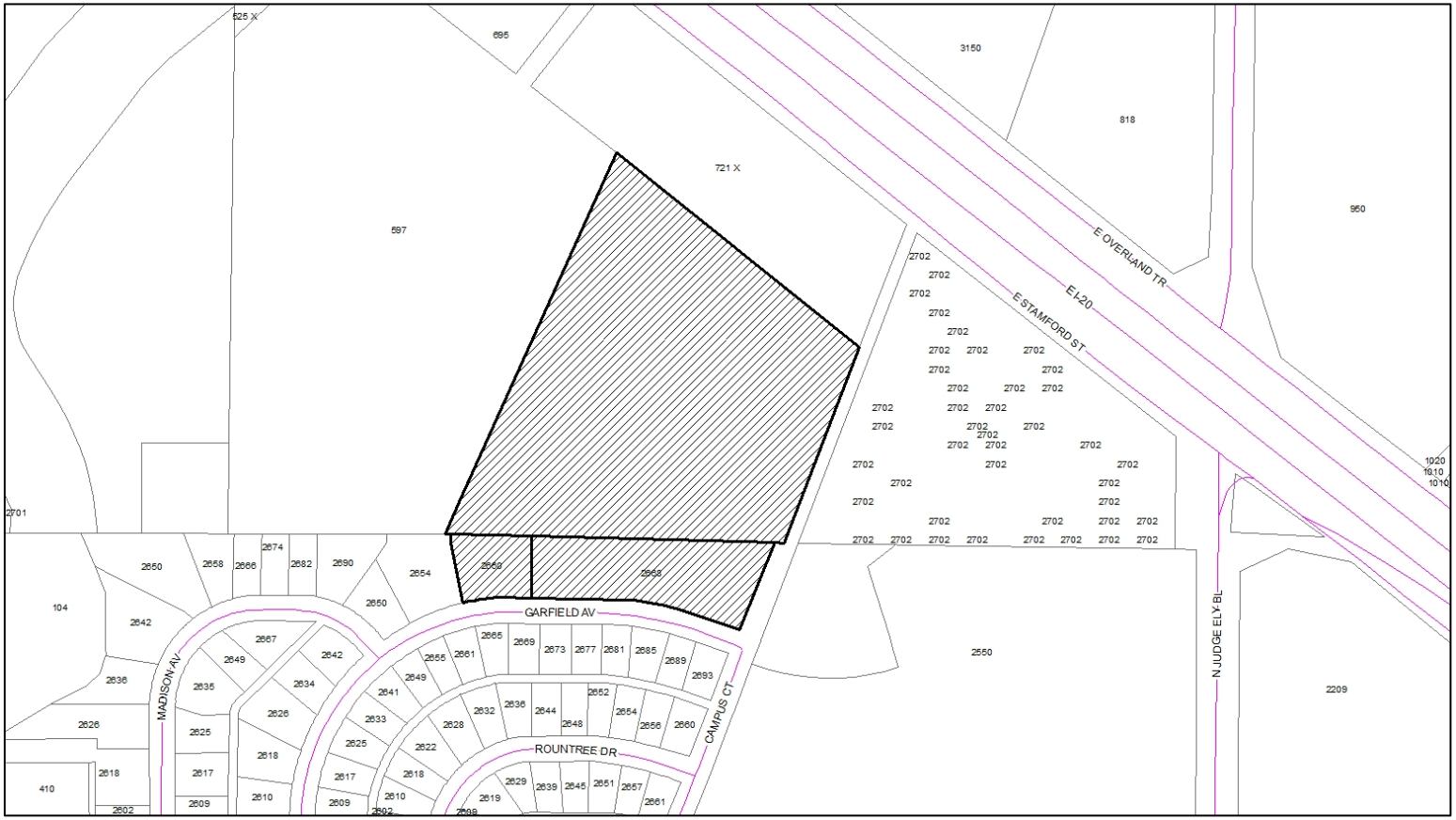
NOTIFICATION:

The Planning Services Division sent, with certificate of mailing, public notices to the applicant and to all owners of property within a 200-foot radius of the subject property.

Owner	Situs	Response
ABILENE CHRISTIAN SCHOOLS	2550 N JUDGE ELY BL	Opposed
ABILENE CHRISTIAN UNIV		
ALLISON REBECCA ANN	2632 ROUNTREE DR	
BD INVESTMENTS LLC SERIES 2	2689 GARFIELD AV	
BD INVESTMENTS LLC SERIES 1	2693 GARFIELD AV	
BROOKS KEVIN C & SAMANTHA R	2649 GARFIELD AV	
CAMPUS CREST AT ABILENE LP (384 Properties)	2702 N JUDGE ELY BL	
CARTER TIMOTHY	2652 ROUNTREE DR	
CARTER TIMOTHY G	2660 ROUNTREE DR	
CLARK DONALD W	2644 ROUNTREE DR	
COCO MALCOLM P & JUDY	2655 GARFIELD AV	
JACKSON DELTON J & JOYCE	2648 ROUNTREE DR	
JOY HUT LLC	2636 ROUNTREE DR	Opposed
JOY HUT LLC	2681 GARFIELD AV	Opposed
KISER DAVID F	2661 GARFIELD AV	
LITTLE BETTY ANN	2690 MADISON AV	
NGOTT LLC	2650 GARFIELD AV	
PLOCHECK RUSSELL E & SHIRLENE J	2654 GARFIELD AV	
PRAIRIE SONG LLC	2668 GARFIELD AV	
PRAIRIE SONG LLC	2660 GARFIELD AV	
PRAIRIE SONG LLC		
RICHARDSON NANCY	2656 ROUNTREE DR	
SOUTHWEST HOUSING PROVIDERS LLC	721 X E STAMFORD ST	
TAYLORS REAL ESTATE	2685 GARFIELD AV	
THOMAS TOMMY FAY	2654 ROUNTREE DR	
VILLAFRANCA RODOLFO M &	2673 GARFIELD AV	
WALKER EDWARD & TAMMY	2665 GARFIELD AV	
WEBB DAVID	2677 GARFIELD AV	
WHISTLE STOP RV RESORT LLC	597 E STAMFORD ST	
YOUNG AARON & ELIZABETH	2669 GARFIELD AV	Opposed

ATTACHMENTS:

- location map
- graphic concept plan
- draft ordinance
- application
- PowerPoint


E OVERLAND TR
E I-20
E STAMFORD ST
N JUDGE ELY BL
GARFIELD AV
MADISON AV
CAMPUS CT
ROUNTREE DR
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695
3150
818
721 X
597
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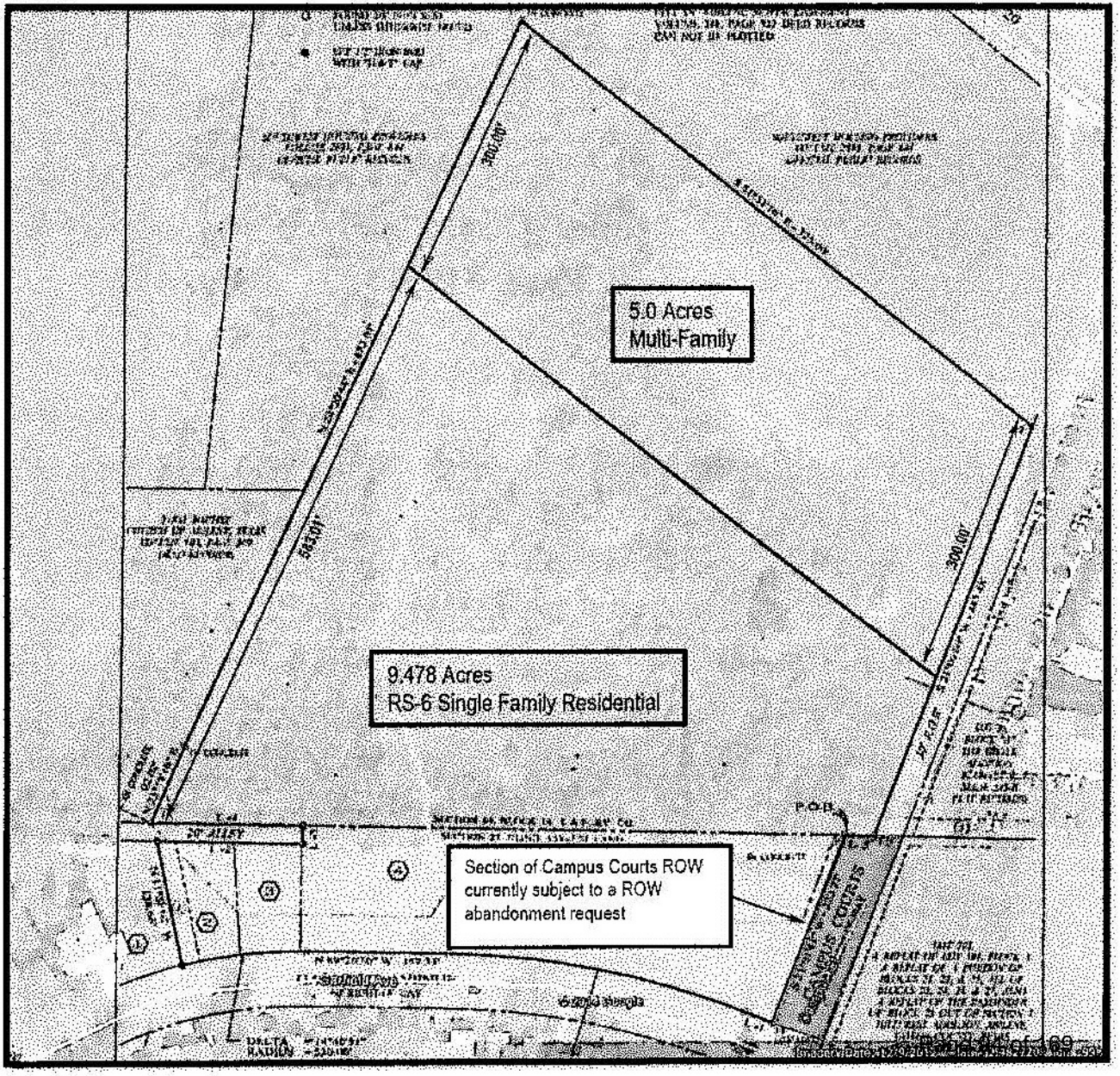
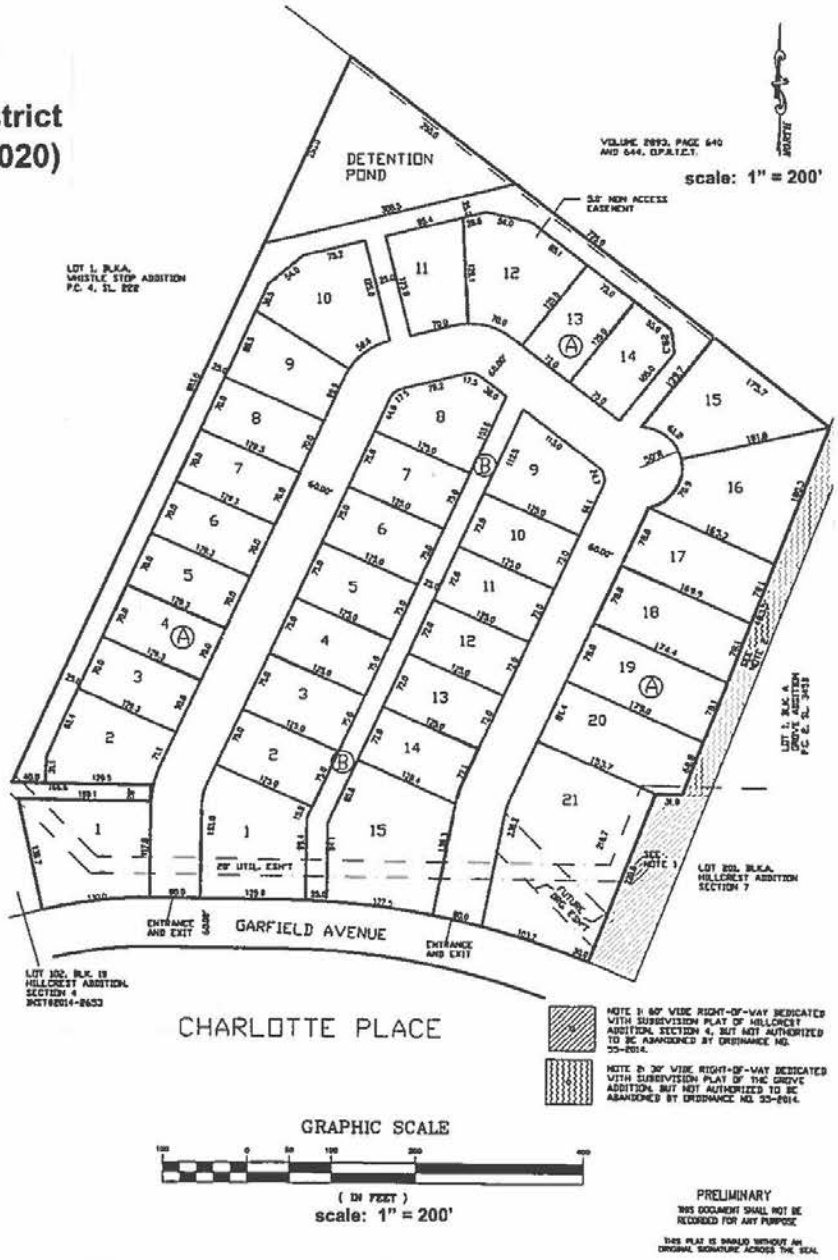
2209
2558
2568


5.0 Acres
Multi-Family
9.478 Acres
RS-6 Single Family Residential
Section of Campus Courts ROW currently subject to a ROW abandonment request
300.00'
P.O.B.

graphic concept plan for Planned Development District Number 144 (amended 2020)



Development Application

CITY OF ABILENE

Planning

☐ Conditional Use ☐ Easement Release ☐ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☑ PDD Amendment
Other: _____

Project Name: 14.478 ACRES AT GARFIELD AND CAMPUS COURT

Address: GARFIELD AND CAMPUS COURT No. of lots: _____ Acreage: 14.478

Legal Description: HILLCREST ADDITION SEC 4, BLOCK 11 A0580 SUR 84 T&P RY Co, BLOCK 14

Subdivision Name: N/A Block: _____ Lot: _____

Current Zoning: PD Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: NICK COATES / PRAIRIE SONG, LLC

Address: P.O. BOX 3098

City, State, Zip: ABILENE, TEXAS 79604 Fax: _____

Phone: 669-7131 Email: TXNCOATES@GMAIL.COM

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) _____ will act as my agent before the Planning and Zoning Commission.

Agent Name: _____

Address: _____

City, State, Zip: _____ Fax: _____

Phone: _____ Email: _____

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

Signature Owner: Nick Coates Date: 11/18/2019

FOR OFFICE USE ONLY

Received: 11/18/2019 **Fee: $** 1000 **Receipt No.:** 0002089024

Case No.: _____ **Reviewed By:** _____

Development Application

CITY OF ABILENE

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

RE: ORDINANCE NO. 62-2014 PDD-144

1) REMOVE INDEPENDENT LIVING FACILITY ON NORTH 5 ACRES, AS A PERMITTED USE.

2) REMOVE DEVELOPMENT REGULATIONS a) and b) and c)

3) ALL ACCESS AND EGRESS TO THE PROPERTY WILL BE FROM GARFIELD.

4) ENTIRE 14.478 ACRE TRACT TO BE ZONED RS-6 WITH A CONDITIONAL USE FOR DUPLEXES (MD).

CITY OF ABILENE TEXAS

Watts, Nick <nick.watts@abilenetx.gov>

[Planning] Position on Case # Z-2020-01 - OPPOSED

1 message

Kirk Wade <kirk.wade@abilenechristian.com> Wed, Apr 1, 2020 at 11:29 AM
To: planning@abilenetx.gov

To whom it may concern,

On behalf of Abilene Christian School, I would like to submit that we are OPPOSED to Mr. Coates rezoning request via Case # Z-2020-01.

Kirk Wade, President
Abilene Chrsitian School
2550 N. Judge Ely Blvd
Abilene, TX 79601-2111

Kirk Wade
President | Abilene Christian School
p:325.672.9200 | w:abilenechristian.com

Grace 1 Peter 4:8-11
Abilene Christian School

--
You received this message because you are subscribed to the Google Groups "Planning Services" group.
To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.
To view this discussion on the web visit https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CAPg6wGj2gW9THLFg-L%2Bv2x8EfgbH%2BA6nu9iEWuQ%3DJO4AJ0USWw%40mail.gmail.com.

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

YOUNG AARON & ELIZABETH
2669 GARFIELD AVE
ABILENE, TX 79601-2016

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2020-01 **03/30/2020**

The Planning & Zoning Commission will hold a public hearing on **Tuesday, April 7, 2020** at **1:30 PM** in Council Chambers on the 2nd floor of Abilene's City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Prairie Song LLC, agent Nick Coates, to amend existing Planned Development (PD) District Number 144, by expanding its area to encompass an additional ½-acre at 2660 Garfield Avenue, by changing allowed uses to include all those permitted in Residential Medium-Density zoning districts, any by requiring all access to this property be from Garfield Avenue only. Legal description being Lots 4-5 in Block 10 and all of Block 11 in the Hillcrest Addition Section 4 s well as (to the north) an adjoining 12.04 acres of vacant land out of T&P Railroad Company Section 84, all in the City of Abilene, Taylor County, Texas and located north from the 2600 block of Garfield Avenue.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing during the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

In an effort to reduce the spread of Corona virus, the April 7 meeting of the Planning & Zoning Commission will be closed to in-person attendance by the public. Individuals will be able to address the Commission via telephone conference call. To participate in a telephone conference call, please call +1 (833) 773-2663 and use access code 5918781 to speak on an agenda item. This will also allow you to listen to the meeting.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for rezoning. The solid boundary line around the subject area is a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **May 14, 2020, at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Brad Stone, Planner III at (325) 676-6382 or by email at brad.stone@abilenetx.gov.

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

CASE #: Z-2020-01
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: YOUNG AARON & ELIZABETH
Address: 2669 GARFIELD AV

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

Email: planning@abilenetx.gov

I am in favor ☐ I am opposed ☑

Additional Comments:

Signature:

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

JOY HUT LLC
107 UHL RD
RED OAK, TX 75154-3985

NOTICE OF PUBLIC HEARING

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For the PLANNING & ZONING COMMISSION
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CASE #: Z-2020-01
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: JOY HUT LLC
Address: 2681 GARFIELD AV

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

Email: planning@abilenetx.gov

I am in favor ☐ I am opposed ☒

Additional Comments:

Signature: Brent Yeldell

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

JOY HUT LLC
107 UHL RD
RED OAK, TX 75154-3985

NOTICE OF PUBLIC HEARING

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

CASE #: Z-2020-01
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: JOY HUT LLC
Address: 2636 ROUNTREE DR

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

Email: planning@abilenetx.gov

I am in favor ☐ I am opposed ☒

Additional Comments:

Signature: Brent Jones

Date: April 1,2020

City of Abilene

Planning and Development Services

RE: I am Opposed to the Rezoning Application Number Z-2020-01

As the property Owner of 2636 Rountree Dr and 2681 Garfield AV, I respectfully request that the rezoning of the property along the north side of the 2600 block of Garfield remain RS-6 and that no Planned Development have all of its access from Garfield Avenue. This Rezoning Application Z-2020-01 is an inappropriate encroachment into the RS-6 zoning and an extreme burden of traffic onto Garfield Avenue.

JOY HUTT LLC

Brent E. Yeldell

Brent Yeldell

REZONING APPEAL

Case: Z-2020-01

Owner: Nick Coates

Request: Appeal the decision made by the Planning and Zoning Commission to amend existing Planned Development District 144 (PD144)

Legal Description: Lots 4-5 in Block 10 and all of Block 11 in the Hillcrest Addition, Section 4, as well as an additional 12.04 acres out of Section 84 in Block 14 of T&P Railway Company Lands (and located at least 140 feet north from Garfield Avenue).

Notification: 0 in Favor, 4 Opposed

Planning & Zoning Recommendation: Approval but failed by a vote of four (4) to two (2) resulting in denial.

Z-2020-01 AERIAL LOCATION MAP

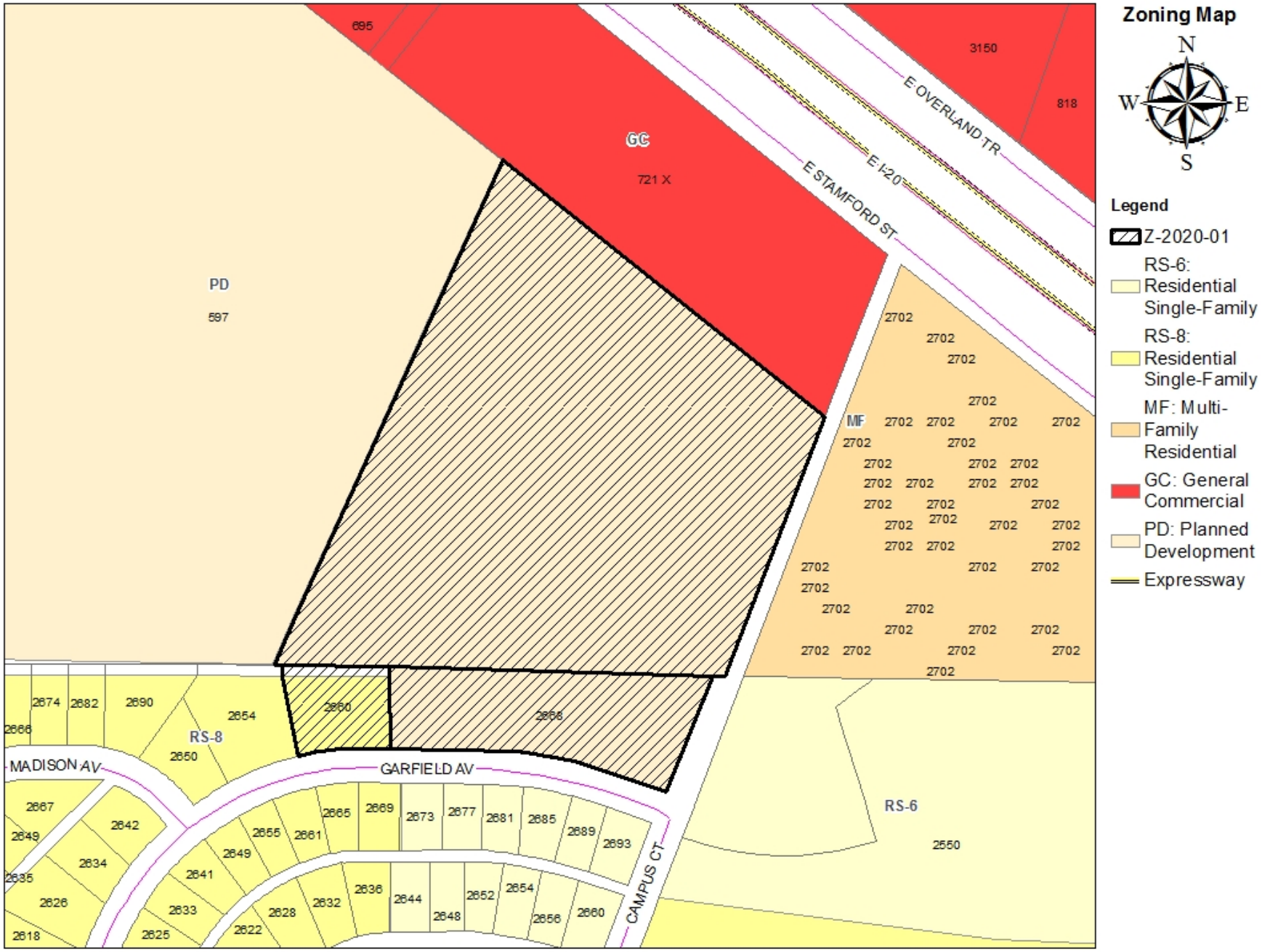
Location Map

N
W E
S

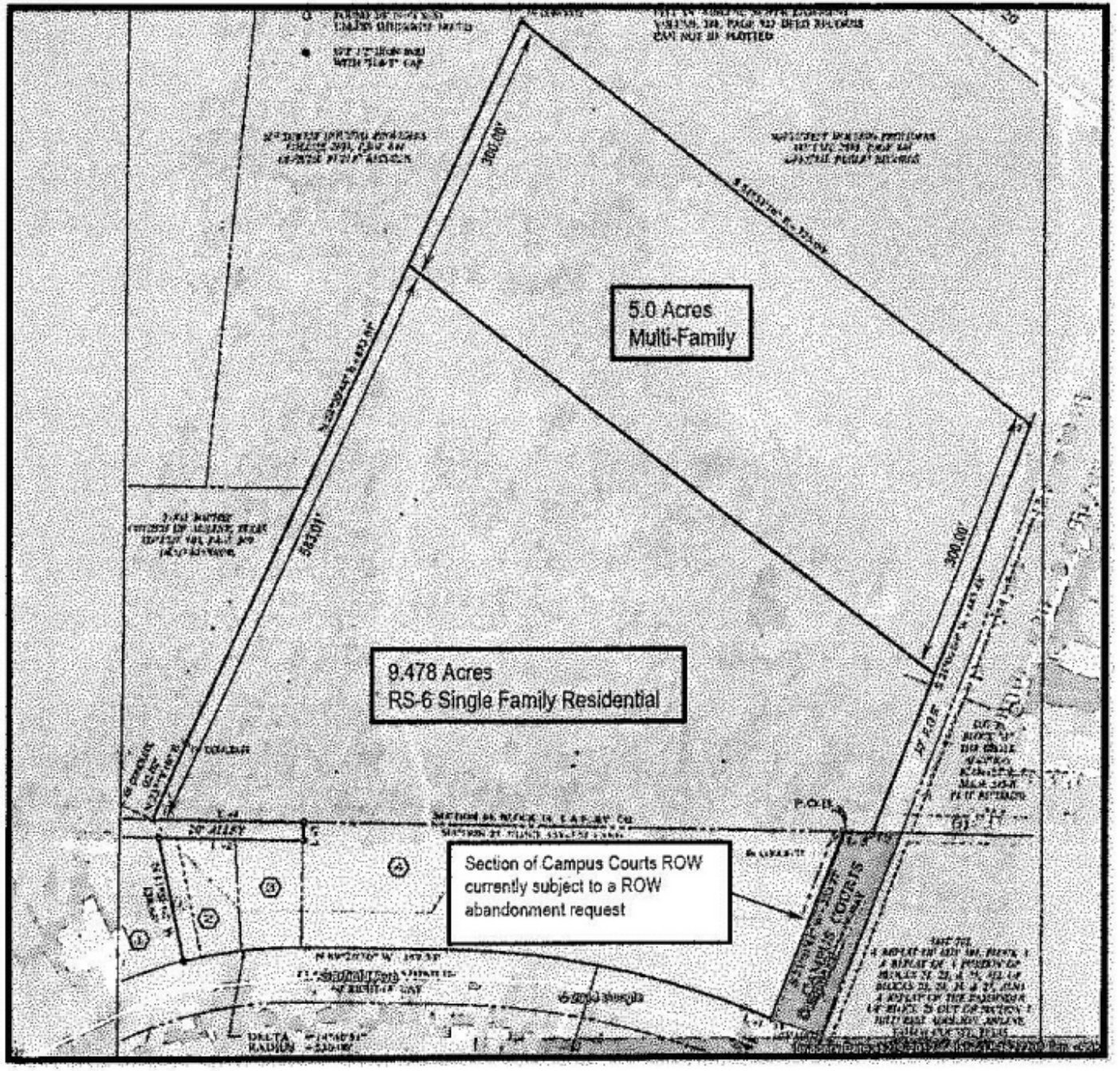
Legend

Z-2020-01

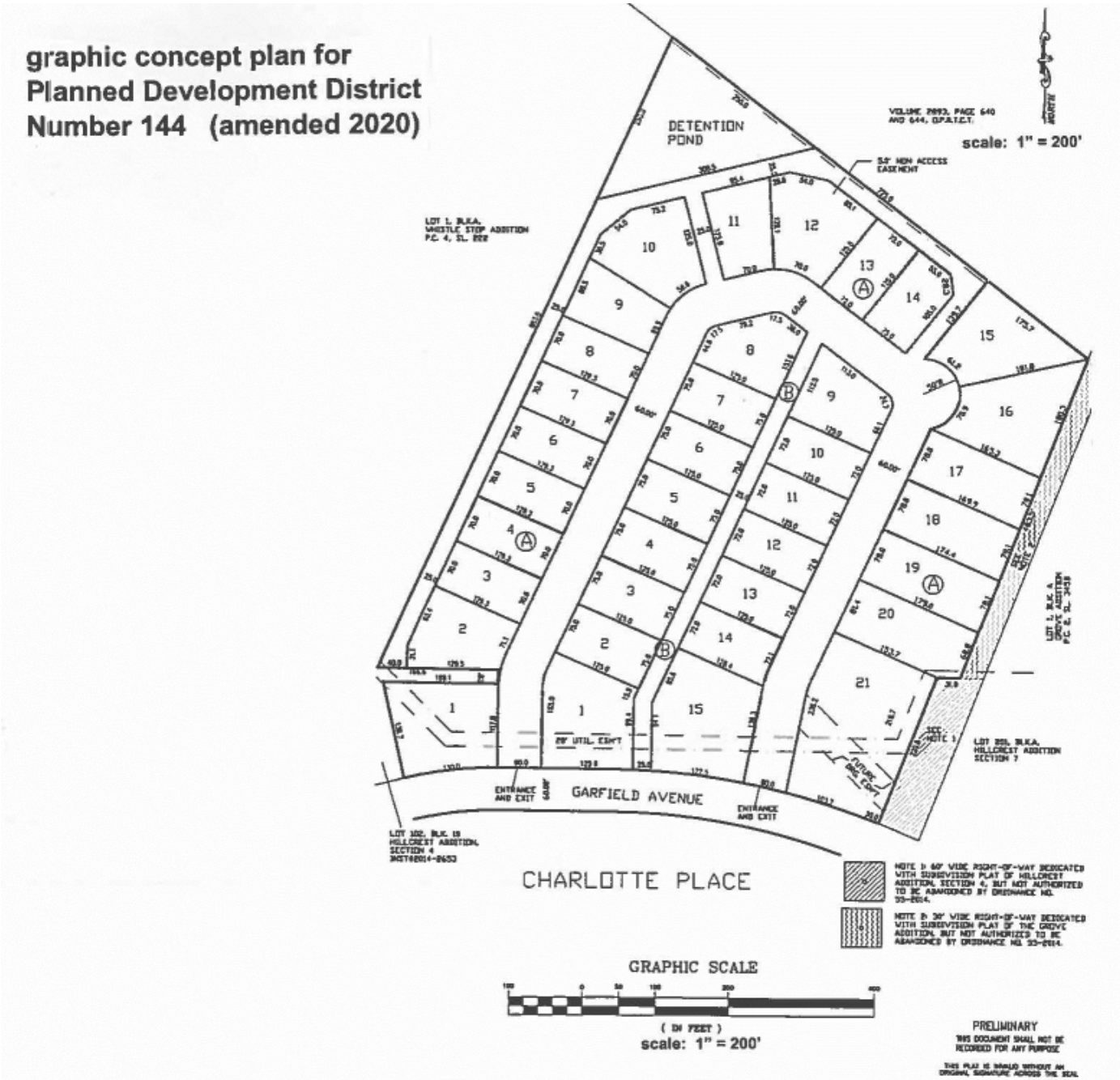
Z-2020-01 ZONING MAP



CURRENT GRAPHIC CONCEPT PLAN PD 144



NEW GRAPHIC CONCEPT PLAN PD 144



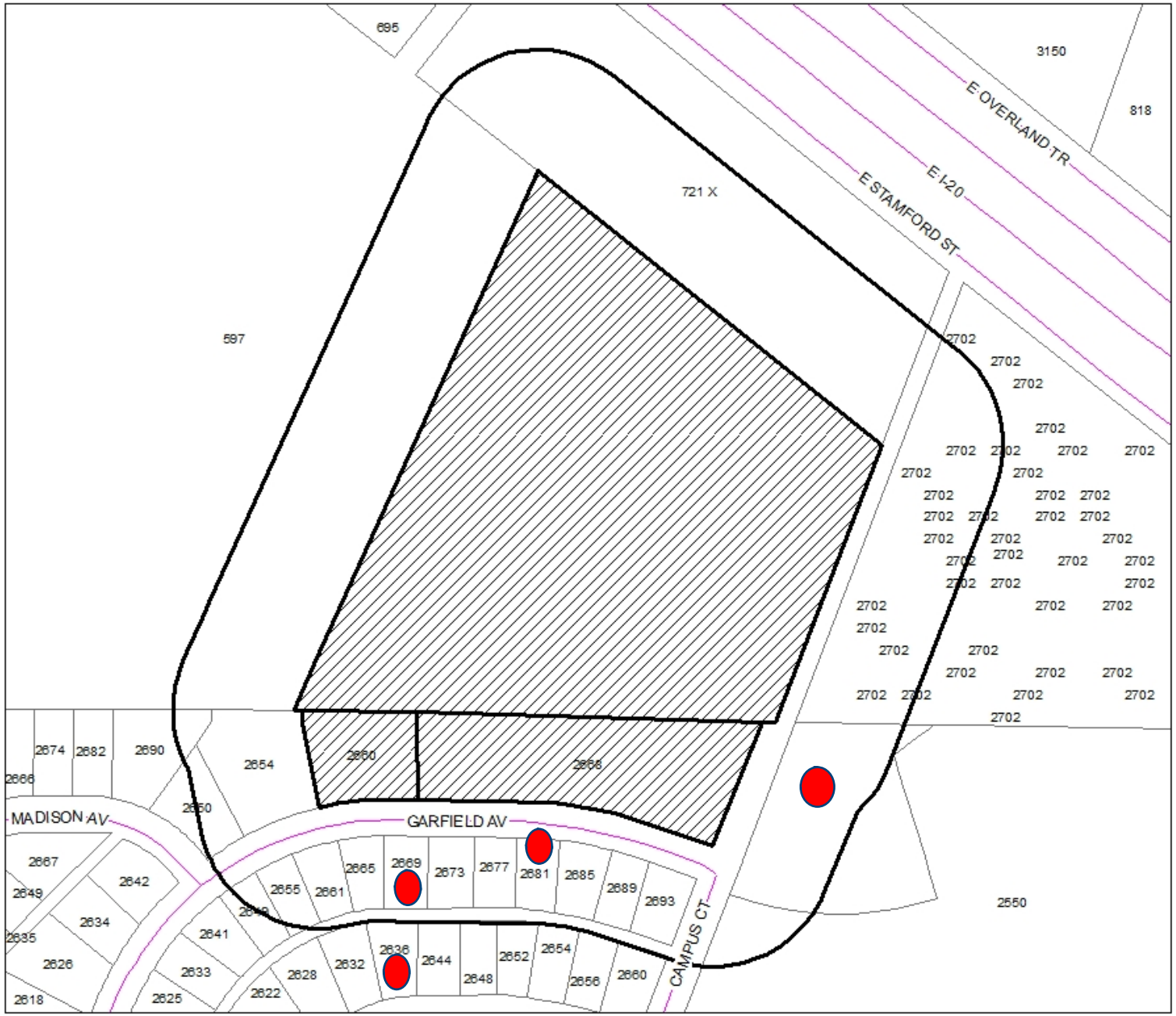
EXAMPLE OF HOMES FOR PD 144

Z-2020-01 VIEWS OF SUBJECT PROPERTY

Subject property west view

Subject property east view

Z-2020-01 NOTIFICATION AREA MAP



Notification Map

N
W E
S

Legend

200' Notification Area

Z-2020-01

0- In Favor-

4- Opposed-

3.7% In opposition

FINDINGS AND RECOMMENDATIONS

- Consistent with *Comprehensive Plan* and *Future Land Use* and *Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Planning & Zoning Recommendation: Approval but failed by a vote of four (4) to two (2) resulting in denial
- City staff recommends approving requested amendments to PD 144, subject to the following additional conditions:
    1. No more than two (2) dwelling units should be permitted on any one lot or tract of land.
    2. Future (re)subdivision of the subject property should comply with accompanying graphic concept plan.
    3. Future subdivision or re-subdivision of all or any part of the subject property should be preceded by City Council's approval of an ordinance authorizing abandonment of all right-of-way dedicated for Campus Court north from Garfield Ave., with abandonment made materially complete by approval and recording of a subdivision plat or replat integrating the right-of-way into property located adjacent directly east and/or west of the abandoned right-of-way.

Questions?

City Council
Agenda Memo

City Council Meeting Date: 4/23/2020

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **9. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Section 3.2.13.6 (Exceptions, Waivers, and Deferrals) of the Land Development Code pertaining to appeals of construction of Sidewalks *(Mike Warrix)***

GENERAL INFORMATION

Amending Section 3.2.13.6 (Exceptions, Waivers, and Deferrals) of the Land Development Code regarding the construction of sidewalks, to provide an appeal to the City Manager prior to appeal to the City Council.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Enacting Ordinance - Sidewalks
2. OAM-2020-01 ordinance exhibit
3. Sidewalks Ordinance redline changes
4. OAM-2020-01 Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 3, "SUBDIVISION REGULATIONS," ARTICLE 2, "SUBDIVISION STANDARDS," DIVISION 13, "SIDEWALKS," SECTION 3.2.13.6, "EXCEPTIONS, WAIVERS, AND DEFERRALS," OF THE LAND DEVELOPMENT CODE OF THE CITY OF ABILENE BY AMENDING THE SECTION AS SET BELOW; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; DECLARING A PENALTY; AND CALLING A PUBLIC HEARING.

WHEREAS, Chapter 3, Article 2, Division 13, Section 3.2.13.6 of the Abilene Land Development Code provides the process whereby a developer may seek approval of an exception, waiver or deferral of construction of a sidewalk; and

WHEREAS, it is the desire to add another layer of the appeal process by including the City Manager as part of that process, prior to any appeal going to the City Council.

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

Section 1. That Chapter 3, Article 2, Division 13, Section 3.2.13.6, "Exceptions, Waivers, and Deferrals" of the Land Development Code, City of Abilene, Texas is hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes..

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

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

Section 4. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 23rd day of April, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 10th day of May, 2020, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 14th day of May, 2020, to permit the public to be

heard.

PASSED ON SECOND AND FINAL READING this 14th day of May, 2020.

ATTEST:

_____
Shawna Atkinson, City Secretary

_____
Anthony Williams, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

ORDINANCE NO. _____

EXHIBIT "A"

AMEND: Section 3.2.13.6 concerning Exceptions, Waivers, and Deferrals
Section 3.2.13.6 Exceptions, Waivers, and Deferrals

(a) A complete waiver of the requirement for sidewalks should be rare and allowed only where there are unusual factors. The waiver must be approved by both the Planning Director and the City Engineer to be granted and their decision shall be documented with supporting data that states the basis for the decision. Unusual factors include:

(1) Projects where the cost of establishing sidewalks or walkways would be unreasonably disproportionate to the cost of the associated roadway construction or overall project costs (however a partial waiver may be granted in lieu of a full waiver to reduce the cost of required sidewalks such that the costs will not be unreasonably disproportionate),

(2) Areas with severe topography or other natural constraints that will constrain proper implementation of this plan,

(3) Situations inherently adverse to pedestrian activity, such as harmful noise, dust creation, and high volume truck traffic, in certain areas, such as agricultural, heavy commercial, and industrial developments, or

(4) Situations where an applicant can show other factors or circumstances amounting to reasonably justifiable good cause to support such waiver.

(b) Deviations from these requirements and the City's Sidewalk Design Standards may be allowed when necessary due to the physical circumstance of the street or when necessary to accomplish adopted development goals of the City or in situations where an applicant can show other factors or circumstances amounting to reasonably justifiable good cause to support such a deviation.

(1) The specific nature and justification for any deviation must be documented and authorized in writing by both the Planning Director and the City Engineer.

(2) Deviations should be minimal and consist primarily of changes to required width of clear path or alignment within the right-of-way.

(3) Deviations shall not allow a minimum clear path width of less than 3 feet.

(c) Sidewalk construction may be deferred through a Sidewalk Deferral Agreement, when approved by the Planning Director and City Engineer. Deferrals should be granted only in situations where an applicant can show factors or circumstances amounting to reasonably justifiable good cause to support such deferral.

(d) The applicant must submit sufficient documentation supporting the request for a waiver, deviation, or deferral and the determination shall be based on the information provided.

(e) A denial of a request for a waiver, deviation, or deferral of these requirements may be appealed to the City Manager.

(1) A written appeal must be filed with the City Manager within 10 days of the denial.

(2) The appeal must provide justification for the requested waiver, deviations, or deferral based on the criteria described in (a), (b), and (c) above.

(3) The City Manager must make findings based on these criteria in order to approve a waiver, deviation or deferral. If substantial new information, not provided as part of the original request, is provided by the applicant within 14 days of the written appeal, the item shall be referred back to the Planning Director and City Engineer for reconsideration prior to a decision by the City Manager.

(4) In the event the City Manager denies the written appeal, the applicant may submit a written appeal within 10 days of the denial to the City Secretary for consideration by the City Council. The City Council must make findings based on these criteria in order to approve a waiver, deviation, or deferral.

(f) Sidewalks shall not be required when specifically exempted in a neighborhood plan, corridor plan, or other small area plan adopted by the City Council.

-END-

LAND DEVELOPMENT CODE
Chapter 3: Subdivision Regulations
Article 2 - Subdivision Standards
Division 13 – Sidewalks

Section 3.2.13.6 Exceptions, Waivers, and Deferrals

(a) A complete waiver of the requirement for sidewalks should be rare and allowed only where there are unusual factors. The waiver must be approved by both the Planning Director and the City Engineer to be granted and their decision shall be documented with supporting data that states the basis for the decision. ~~However, in the event of a split decision, the City Manager or designee shall also make a determination as to whether or not the waiver should be granted, and document that determination with supporting data that states the basis for the decision.~~ Unusual factors include:

(1) Projects where the cost of establishing sidewalks or walkways would be unreasonably disproportionate to the cost of the associated roadway construction or overall project costs (however a partial waiver may be granted in lieu of a full waiver to reduce the cost of required sidewalks such that the costs will not be unreasonably disproportionate),

(2) Areas with severe topography or other natural constraints that will constrain proper implementation of this plan,

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(c) Sidewalk construction may be deferred through a Sidewalk Deferral Agreement, when approved by the Planning Director and City Engineer ~~or by the City Council upon appeal of a denied sidewalk waiver request~~. Deferrals should be granted only in situations where an applicant can show factors or circumstances amounting to reasonably justifiable good cause to support such deferral.

(d) The applicant must submit sufficient documentation supporting the request for a waiver, deviation, or deferral and the determination shall be based on the information provided.

(e) A denial of a request for a waiver, deviation, or deferral of these requirements may be appealed to the City Manager~~Council~~.

(1) A written appeal must be filed with the City Manager~~Planning Director~~ within 10 days of the denial.

(2) The appeal must provide justification for the requested waiver, deviations, or deferral based on the criteria described in (a), (b), and (c) above.

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(f) Sidewalks shall not be required when specifically exempted in a neighborhood plan, corridor plan, or other small area plan adopted by the City Council.

Amend Section 3.2.13.6 Exceptions, Waivers, and Deferrals in the Land Development Code

- **Section 3.2.13.6 (a), (c), (e), (e)(1), (e)(3), add (e)(4).**

Section 3.2.13.6 Exceptions, Waivers, and Deferrals

Section 3.2.13.6 Exceptions, Waivers, and Deferrals

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(c) Sidewalk construction may be deferred through a Sidewalk Deferral Agreement, when approved by the Planning Director and City Engineer ~~or by the City Council upon appeal of a denied sidewalk waiver request~~. Deferrals should be granted only in situations where an applicant can show factors or circumstances amounting to reasonably justifiable good cause to support such deferral.

Section 3.2.13.6 Exceptions, Waivers, and Deferrals

(d) The applicant must submit sufficient documentation supporting the request for a waiver, deviation, or deferral and the determination shall be based on the information provided.

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(f) Sidewalks shall not be required when specifically exempted in a neighborhood plan, corridor plan, or other small area plan adopted by the City Council.

Questions?

City Council
Agenda Memo

City Council Meeting Date: 4/23/2020

TO: **Robert Hanna, City Manager**

FROM: **Don Green, Director**

SUBJECT: **10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve Operating Cost Relief for American Airlines, Avis/Budget, Hertz and Enterprise-Rent-A-Car.** ***(Don Green)***

GENERAL INFORMATION

As the financial impact to the travel industry has evolved in duration and depth related to COVID-19, the Airport has received requests from American Airlines, Hertz and Enterprise Rent-A-Car to make temporary changes to the rents and charges the Airport imposes through the lease and operating agreements.

Therefore, Airport Staff proposes the following rents and charges deferments to provide financial relief to its passenger-based tenants. Please note deferment only means a delay in fully-collecting the rates and charges due to the airport. Abating or waiving these fees is not recommended.

A. For American Airlines:

- Backdated March 1, 2020 through June 30, 2020 - Defer AA/Envoy Landing Fees.
- Effective April 1, 2020 through June 30, 2020 - Defer all AA Terminal Rents, Landing Fees, Diversion Fees, Fuel Flowage Fees and Employee Parking Fees.
- Effective July 1, 2020 - All deferrals are cancelled and AA/Envoy will pay all current Terminal Rents, Landing Fees, Diversion Fees, Fuel Flowage Fees and Employee Parking Fees per the Lease/Operating Agreement.
- Effective July 1, 2020 - AA/Envoy will begin payment of 1/6 of the cumulative balance of all Deferred Terminal Rents and Fees in monthly installments to be completed by January 31, 2021. Deferred Terminal Rents and Fees will not be charged interest or late fees.

. ABI will send AA a monthly statement of Deferred Terminal Rents and Fees during the deferral period for tracking and eventual reconciliation purposes.
. There is no deferment on collection and remittance of Passenger Facility Charges (PFCs).

B. For Avis/Budget, Hertz and Enterprise:

. Backdated to January 1, 2020 - Suspend the Minimum Annual Guaranty (MAG) in each Lease/Operating Agreement and any subsequent Agreement that may be executed before January 1, 2021.
. Effective April 1, 2020 through June 30, 2020 - Defer payment of all Rents, Contract Commissions, and Parking Fees.
. Effective July 1, 2020 - All deferrals are cancelled and each company will pay all Rents, Contract Commissions and Parking Fees per the current Lease/Operating Agreement or any subsequently-approved Lease/Operating Agreement.
. Effective July 1, 2020 - Each company will begin payment of 1/6 of the cumulative balance of all Deferred Rents, Contract Commissions and Parking Fees in monthly installments to be completed by January 31, 2021. Deferred Rents, Contract Commissions and Parking Fees will not be charged interest or late fees.
. ABI will send each company a monthly statement of Deferred Rents and Parking Fees during the Deferral period for tracking and eventual reconciliation purposes.
. Each company will continue to provide monthly performance reports of car rental activity.
. There is no deferment of the collection and remittance of the Customer Facility Charges (CFCs).

The intent of these deferments is to provide each company additional cash liquidity while still protecting the City of Abilene's financial interests.

American Airlines has funds available through the CARES Act, but additional relief is necessary and appreciated. The CARES Act did not specifically target car rental companies, but they may also qualify for federally-backed loans. However, they also need to preserve cash during this time.

SPECIAL CONSIDERATIONS

The CARES Act does specify financial relief for airports. ABI will receive $1,504,738 in grant funds to make up for lost revenues (including parking lot revenues and revenues deferred by this action).

FUNDING/FISCAL IMPACT

The deferments proposed represent approximately $79,000/month in delayed revenue to the airport.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board has not been able to meet, so no action on a recommendation can be made. The ADB will review this at its next to-be-determined meeting date. Because the ADB is an advisory board, a recommendation is not required for the City Council to act on this Resolution.

ATTACHMENTS:

1. Terminal Tenant Fees Deferral-Suspension Resolution 4-23-20 (1)
2. Terminal Tenants Rates and Charges Deferment Presentation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS DEFERRING CERTAIN RATES AND CHARGES AND SUSPENDING GUARANTEES INCURRED BY AMERICAN AIRLINES, AVIS/BUDGET, HERTZ AND ENTERPRISE RENT-A-CAR AT ABILENE REGIONAL AIRPORT

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

WHEREAS, American Airlines, Avis/Budget, Hertz and Enterprise Rent-A-Car operate daily airline passenger-related businesses from the Airport Terminal under separate lease/operating agreements; and

WHEREAS, restrictions due to COVID-19 have caused significant loss of airline and car rental customers and revenue; and

WHEREAS, American Airlines, Hertz and Enterprise Rent-A-Car have requested temporary financial relief from Airport rates and charges; and

WHEREAS, it is in the best interest of the Airport and City of Abilene to assist these businesses by temporarily deferring certain payments and suspending guarantees to the City/Airport as defined in **Attachment A**; and

WHEREAS, when the deferred payments period ends on June 30, 2020, the full deferred balance shall be paid to the City/Airport in six monthly installments in addition to paying current rates, charges and fees effective July 1, 2020; and

WHEREAS, the Minimum Annual Guaranty in each lease/operating agreement with Budget/Avis, Hertz and Enterprise Rent-A-Car shall be waived effective January 1, 2020 through December 31, 2020; and

WHEREAS, it is understood that the Airport Development Board has not had an opportunity to meet and make a recommendation to Council for this action.

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

1. That the City Manager is authorized to defer certain rates, charges and fees under the lease/operating agreements with American Airlines, Inc., Avis/Budget, Hertz and Enterprise Rent-A-Car with an effective date of April 1, 2020 through June 30, 2020.
2. That the City Manager is authorized to suspend the Minimum Annual Guaranty in each of the lease/operating agreements with Avis/Budget, Hertz and Enterprise Rent-A-Car with an effective date of January 1, 2020 through December 31, 2020.
3. That this resolution takes effect immediately upon Council approval.

ADOPTED this 23rd Day of April 2020.

ATTEST:

_____
Shawna Atkinson, City Secretary

_____
Anthony Williams, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

ATTACHMENT A

A. For American Airlines:

1. Backdated March 1, 2020 through June 30, 2020 - Defer AA/Envoy Landing Fees.
2. Effective April 1, 2020 through June 30, 2020 - Defer all AA Terminal Rents, Diversion Fees, Fuel Flowage Fees and Employee Parking Fees.
3. Effective July 1, 2020 - All deferrals are cancelled and AA/Envoy will pay all current Terminal Rents, Landing Fees, Diversion Fees, Fuel Flowage Fees and Employee Parking Fees per the Lease/Operating Agreement.
4. Effective July 1, 2020 - AA/Envoy will begin payment of 1/6 of the cumulative balance of all Deferred Terminal Rents and Fees in monthly installments to be completed by January 31, 2021. Deferred Terminal Rents and Fees will not be charged interest or late fees.
5. ABI will send AA a monthly statement of Deferred Terminal Rents and Fees during the deferral period for tracking and eventual reconciliation purposes.
6. AA/Envoy will continue to report monthly activity data to the Airport.
7. There is no deferment on collection and remittance of Passenger Facility Charges (PFCs).

B. For Avis/Budget, Hertz and Enterprise:

1. Backdated to January 1, 2020 - Suspend the Minimum Annual Guaranty (MAG) in each Lease/Operating Agreement and any subsequent Agreement that may be executed before January 1, 2021.
2. Effective April 1, 2020 through June 30, 2020 - Defer payment of all Rents, Contract Commissions, and Parking Fees.
3. Effective July 1, 2020 - All deferrals are cancelled and each company will pay all Rents, Contract Commissions and Parking Fees per the current Lease/Operating Agreement or any subsequently-approved Lease/Operating Agreement.
4. Effective July 1, 2020 - Each company will begin payment of 1/6 of the cumulative balance of all Deferred Rents, Contract Commissions and Parking Fees in monthly installments to be completed by January 31, 2021. Deferred Rents, Contract Commissions and Parking Fees will not be charged interest or late fees.
5. ABI will send each company a monthly statement of Deferred Rents and Parking Fees during the Deferral period for tracking and eventual reconciliation purposes.
6. Each company will continue to provide monthly performance reports of car rental activity.
7. There is no deferment of the collection and remittance of the Customer Facility Charges (CFCs).

The intent of these deferments is to provide each company additional cash liquidity while still protecting the City of Abilene's financial interests.

Airport Terminal Tenants Rates & Charges Deferment

CITY OF ABILENE TEXAS

- The Airport has received requests from American Airlines, Hertz and Enterprise Rent-A-Car to make temporary changes to the rents and charges the Airport imposes through the lease and operating agreements.
- Airport Staff proposes deferring payment of certain rents and charges to provide financial relief to its passenger-based terminal tenants.
- Please note deferment only means a delay in fully-collecting the rates and charges due to the airport. Abating or waiving these fees is not recommended.

ABILENE
REGIONAL AIRPORT

Questions?

City Council
Agenda Memo

City Council Meeting Date: 4/23/2020

TO: **Robert Hanna, City Manager**

FROM: **Rodney Taylor, Director**

SUBJECT: **11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on awarding the bid to Dowtech Specialty Contractors for the Northeast WTP Filter No. 5 Replacement *(Rodney Taylor)***

GENERAL INFORMATION

Water Utilities staff is requesting that the Abilene City Council award the bid to Dowtech Specialty Contractors (Dowtech) of Baird, Texas in the amount of $184,000.00 for CB-2049 Northeast WTP Filter No. 5 Replacement Project (Project). Bids were advertised in the Abilene Reporter News on March 22nd and 29th, 2020. Bids were opened on Thursday April 9th, 2020. A total of 3 bids were received. The Project Engineer has evaluated the bids using the best value criteria and does recommend awarding the bid to Dowtech.

SPECIAL CONSIDERATIONS

The Northeast WTP Filter No. 5 underdrain system has failed. Attempts to implement repairs were made following the manufacturer's recommendations. After those repairs were made and tested it was apparent that the underdrain system must be replaced. The Project is for the removal of the existing filter media, the removal and replacement of the filter underdrain system, and the reinstallation of the existing filter media. The contract is for all labor, equipment, and materials necessary to complete the work.

FUNDING/FISCAL IMPACT

Funding for the project will come from Fund 575 designated for Capital Improvement Projects.

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council award the bid to Dowtech Specialty Contractors for the Northeast WTP Filter No. 5 Replacement project in the amount not to exceed $184,000.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. WrittenResolution-WtrDpt-Award Bid-Dowtech-Northeast WTP Filter No 5 Replacement-4-23-2020
2. Letter of Recommendation-Northeast WTP Filter No 5 Replacement-v2-4-23-2020
3. Bid Tab Sheet-Dowtech-Northeast WTP Filter No 5 Replacement-4-23-2020
4. Contract-Dowtech Specialty Contractors-Northeast WTP Filter No 5 Replacement-4-23-2020
5. Presentation-Award Bid-Dowtech-Northeast WTP Filter No 5 Replacement-4-23-2020

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING THE BID TO DOWTECH SPECIALTY CONTRACTORS FOR THE NORTHEAST WTP FILTER NO. 5 REPLACEMENT PROJECT.

WHEREAS, the City of Abilene (City) owns and operates a Public Water Supply System that includes the Northeast Water Treatment Plant (NWTP); and

WHEREAS, the NWTP treatment processes include seven dual-media filters that operate in parallel to remove suspended particles from the settled water; and

WHEREAS, the underdrain system of the No. 5 filter has failed and requires the replacement of the underdrain system and the removal and reinstallation of the filter media; and

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

WHEREAS, Dowtech Specialty Contractors (Dowtech) submitted the lowest qualifying bid in the amount of $184,000.00 for the Northeast WTP Filter No. 5 Replacement Project, and EHT has evaluated the bids for best value criteria and for conformity with the advertisement for bids and does recommend awarding the bid to Dowtech; and

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

That the City Manager is authorized to execute a construction contract with Dowtech Specialty Contractors for the Northeast WTP Filter No. 5 Replacement Project in the amount of $184,000.00.

ADOPTED this 23rd day of April, 2020.

ATTEST:

_____
Shawna Atkinson, City Secretary

_____
Anthony Williams, Mayor

APPROVED:

_____
Stanley E. Smith, City Attorney

Enprotec / Hibbs & Todd

April 15, 2020

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

Re: Recommendation of Award
Northeast WTP Filter No. 5 Underdrain Replacement
City of Abilene

Dear Mr. Taylor:

Bids for the referenced project were opened on Thursday, April 9, 2020. Three (3) bids were received. The apparent low bidder is Dowtech Specialty Contractors of Baird, Texas. See attached Bid Tabulation.

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

Based on the criteria set forth in the City of Abilene's Invitation for Bids, eHT believes Dowtech Specialty Contractors out of Baird, TX, represents the Best Value for the proposed Filter No. 5 Underdrain Replacement at the City's Northeast Water Treatment. Dowtech Specialty Contractors' base bid totaled $184,000.00.

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

Sincerely,

Enprotec / Hibbs & Todd, Inc.

Jordan S. Hibbs, P.E.
Vice President

JSH/jd

Attachment: Bid Tabulation
c: Project File: 7582 P:\Projects\Abilene, City of\7582 - NEWTP Filter 5 Underdrain\5. Bidding Phase\Bidder Evaluation\Recommendation of Award.docx

Enprotec / Hibbs & Todd, Inc., 402 Cedar Street, Abilene, Texas 79601

TABULATION OF BIDS FOR: Northeast WTP Filter No. 5 Underdrain Replacement, City of Abilene, Texas

BIDS RECEIVED: 4/9/2020

PE Firm Registration No. 1151

			BASE BID	**Dowtech Specialty Contractors**		**All Service Contracting**		**Red River Construction**	
Item No.	**Quantity**	**Unit**	**Item**	**Unit Cost**	**Amount**	**Unit Cost**	**Amount**	**Unit Cost**	**Amount**
1	1	LS	Mobilization, bonds & insurance	$ 6,598.00	$ 6,598.00	$ 26,860.00	$ 26,860.00	$ 40,000.00	$ 40,000.00
2	1	LS	Construction of NE WTP Filter No. 5 Underdrain Replacement	$ 96,625.00	$ 96,625.00	$ 82,380.00	$ 82,380.00	$ 89,000.00	$ 89,000.00
3	1	LS	Leopold Filter Underdrain System	$ 60,777.00	$ 60,777.00	$ 60,777.00	$ 60,777.00	$ 60,777.00	$ 60,777.00
4	1	LS	Allowance for work directed by Owner	$ 20,000.00	$ 20,000.00	$ 20,000.00	$ 20,000.00	$ 20,000.00	$ 20,000.00
TOTAL BASE BID PRICE (Items 1 thru 4)					**$ 184,000.00**		**$ 190,017.00**		**$ 209,777.00**

I, JORDAN S. HIBBS, P.E., #115729, DO HEREBY CERTIFY THAT THE ABOVE REFERENCED BIDS WERE RECEIVED, IN ACCORDANCE WITH THE ADVERTISED PROCEDURES, OPENED, AND READ ALOUD. THE BID TABULATION HEREIN IS A TRUE AND ACCURATE REPRESENTATION OF THE BIDS READ ALOUD.

JORDAN S. HIBBS, P.E., #115729

STATE OF TEXAS
JORDAN S. HIBBS
115729
LICENSED
PROFESSIONAL ENGINEER

4-9-2020

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made _____, 20__, is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and Dowtech Specialty Contractors of the City of Baird, State of Texas. ("Contractor").

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

THE AGREEMENT

1. **Work and Consideration.**

The Contractor hereby agrees to commence and complete the construction of Work described as

NORTHEAST WATER TREATMENT PLANT FILTER NO. 5 UNDERDRAIN REPLACEMENT

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

NORTHEAST WATER TREATMENT PLANT FILTER NO. 5 UNDERDRAIN REPLACEMENT

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

In consideration of this Work, the City will pay the Contractor the sum of $184,000.00.

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

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

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

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

6. **Indemnity.**

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

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

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

(i) injury or damage to any property or right

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

(iii) attorney's fees, witness fees, expert witness fees and expenses, and

(iv) all other costs and expenses of litigation

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

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

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

B. Indemnity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONTRACTOR

Name of Contractor:

Dowtech Specialty Contractors, Inc

Business Address:

4703 CR 527

Baird, TX 79504

Signature

Gerald Downing

Name - Typed or Printed

President

Title - Typed or Printed

325-893-4684

Business Phone No.

752876279

Federal Tax I.D.#

ATTEST: (If Corporation)

Corporate Secretary's Signature

Corporate Seal
(if none, write "None") None

CITY OF ABILENE

Authorized Signature

APPROVED:

City Attorney

ATTEST:

City Secretary

Seal:

Award Bid to Dowtech Specialty Contractors for the Northeast WTP Filter No. 5 Replacement Project.

CITY OF ABILENE TEXAS

- Award bid to Dowtech Specialty Contractors.
- Bid value of $184,000.00.
- Project location at Northeast Water Treatment Plant.
- Project is for replacing the filter underdrain system and the removal and reinstallation of the filter media on Filter No. 5.

Award Bid to Dowtech Specialty Contractors for the Northeast WTP Filter No. 5 Replacement Project.

Questions
?

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 4/23/2020

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

FROM: **Robert Hanna, City Manager**

SUBJECT: **12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Temporarily Suspending the Street Maintenance Fee and Shrinking Tier Levels for Residential Water Customers (*Robert Hanna)***

GENERAL INFORMATION

Council has requested that staff make a recommendation on reducing residential water rates, and suspending the commercial portion of street maintenance fee during the covid-19 pandemic.

We have looked at the residential water tiers and also the residential and commercial components of the street maintenance fee.

Attached is a memo from Rodney Taylor, Director of Water Utilities outlining different options for Council's consideration. Attached too is a spreadsheet regarding consumption data during this timeframe.

SPECIAL CONSIDERATIONS

Based on Rodney's analysis, and based on the concerns I have about bond rating agencies and debt service repayment commitments, I do not believe a residential water rate reduction or collapse of the billing tiers is prudent.

I would suggest that we suspend the street maintenance fee for residential and commercial properties until the last Regular Council Meeting in July. Upon which time, Council will evaluate whether or not it is appropriate to begin charging the street maintenance fee again.

FUNDING/FISCAL IMPACT

Under the water rate reduction proposal as written, I have taken the two month total savings and averaged them into three months of savings to compare apples to apples in regards to the Street Maintenance Fee. Under this, the total amounts returned to the residential rate payer are:

Option 1 - $454,311
Option 2 - $402,333
Option 3 - $619,230 (at $5.00 base rate reduction.)*

*For transparency, a $6.75 base rate reduction (same as residential SMF) saves $835,960.

Again, my concern is bond ratings and bond repayment commitments in touching the water rates. Whereas, we have no debt tied to the Street Maintenance Fee.

Suspending the street maintenance fee for three months for residential classes totals $700,569.

Suspending the street maintenance fee for three months for commercial classes totals $641,110.

STAFF RECOMMENDATION

Staff recommends suspending the Street Maintenance Fee for the months of May, June and July for all residential and commercial classes, generating an approximate savings of $1,341,679 to the citizens and businesses of Abilene.

Staff further recommends that Council evaluate the conditions to resume charging the Street Maintenance Fee during the second Regular meeting in July.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. ARTICLE_X__STREET_MAINTENANCE_FEE
2. Residential Water Rates
3. Memo-Residential Rate Analysis-4-15-2020
4. Consumption
5. Variable Rates
6. 12

ARTICLE X. STREET MAINTENANCE FEE

Sec. 29-181 General regulations.

(a) Definitions.

Benefitted property, or property. A property located within the city limits that reasonably benefits from vehicular or pedestrian traffic or use.

Category or categories. One of 63 categories, or as many categories as may be modified from time to time, recognized in the trip factor index determined from the land uses of the nonresidential customers.

City limits. The corporate boundaries of the City of Abilene, Texas.

Municipal services statement. The monthly invoice that residences and businesses receive for services provided by the city, which may include water and wastewater, solid waste, drainage, and other municipal services and charges.

Street maintenance fee. A fee that is established by this section and which is assessed against, and collected from, owners or occupants of a property for the purpose of funding the planning, construction, operation, monitoring and maintaining of the transportation system of the city.

Transportation system. The structures, traffic controls, streets and other facilities in the public right-of-way, including but not limited to bridges, sidewalks and alleys, which are dedicated to the use of vehicular and pedestrian traffic, all of which are owned and/or controlled by the city, and including provisions for additions, improvements and extensions to the system.

Trip factor. A principle basis of service measurement, principally derived from the average weekday trip rates calculated using the Institute of Transportation Engineers Trip Generation Manual Edition 9 as modified by the city.

Trip factor index. The table of applied land uses recognized by the city for purposes of implementing the street maintenance fee.

Utility account. An account or accounts between a customer and the city for services provided by the city, which may include water and wastewater, solid waste, drainage, street maintenance, and other municipal services and charges.

Utility customer ("customer"). The holder of a utility account or the person who is responsible for the payment of charges of a utility account.

(b) Establishment and revision of street maintenance fee.

(1) The city has established a street maintenance fee to be paid by utility customers within the city limits. Such fee shall be set in amounts which will provide funds to properly maintain the transportation system.

(2) Collection of the fee shall be made by a monthly charge to be added to the city municipal account statement.

(3) There is established a street maintenance fee schedule based upon the cost of properly maintaining the transportation system as shown in subsection (p) below and which may be changed or modified as set forth in subsection (o) below.

(c) Street maintenance fund.

(1) A separate and dedicated fund shall be created effective October 1, 2018, to be known as the street maintenance fund. All fees collected by the city for the purpose of construction and maintenance of the transportation system shall be deposited in the street maintenance fund. It shall not be necessary or required for the expenditures from the fund to specifically relate to any particular property from which the fees were collected.

(A) Billing will begin for commercial and residential accounts on January 1, 2019.

(2) A report of the street maintenance fund and the street maintenance fee program will be provided to the city council on an annual basis.

(d) Street maintenance advisory and appeals board.

(1) The board shall:

(A) Advise the director of public works, as may be necessary from time to time, to identify and

determine the sequencing of street maintenance projects, and thoroughfare alignments;

(B) Recommend a list of projects for funding to the city manager for incorporation into the city's annual budget;

(C) Advise the director of public works in determining accountability criteria to measure the performance of the city's street maintenance program;

(D) Submit an accountability report to the city council on an annual basis;

(E) In the event the city council adopts a street maintenance fee, serve as a final appeals board for any land use category classification disputes arising from the administration of the street maintenance fee program; and

(F) Aid the director of public works in establishing new land use categories, amending land use categories, and determining trip factors based on the ITE Trip Generation Manual 9th edition to the same.

(2) That the board shall be comprised of seven (7) voting members, who will be appointed by the mayor and confirmed by an affirmative vote of at least four members of the city council. All voting members of the board shall be residents of the city.

(3) That the board shall follow the rules of procedure adopted by the city council, as applicable, for its rules of procedure.

(4) That the director of public works for the city, shall be an ex officio, non-voting member of the board and may act in an advisory capacity to the board.

(e) Imposition of fee. There is hereby imposed upon the utility customers within the city limits, a street maintenance fee. This fee is deemed reasonable and necessary to pay for the operation, administration and maintenance of the transportation system.

(f) Findings.

(1) The number of motor vehicle trips generated by a benefitted property may reasonably be used to estimate the prorated cost of the street system attributable to a benefitted property.

(2) The size and use of a benefitted property may reasonably be used to estimate the number of motor vehicles trips generated by the property.

(3) Based on the best available data, the method of imposing the street maintenance fee reasonably prorates the cost of the transportation system among the benefitted properties.

(4) It is reasonable and equitable to impose a set monthly fee per each residential and nonresidential benefitted property in order to avoid a disproportionate burden on any residential or nonresidential benefitted property.

(5) If available, appraisal district property tax records may be relied upon to determine the size of nonresidential benefitted property.

(6) It is reasonable and equitable to consider trip generation rates for nonresidential property from the Institute of Transportation Engineers in determining the trip factor used for benefitted properties.

(g) Determination of street maintenance fee.

(1) The street maintenance fee for residential property shall be charged monthly to a utility customer within the city limits, or to the person or entity responsible for the municipal account statement for such lot, unit, tract, or parcel used for a residential purpose. Residential property is defined on the street maintenance fee schedule as rate codes R1, MF, LM1, and R65.

(2) The calculation of the street maintenance fee for residential property is determined by multiplying the per month fee for the rate code by the multiplier identified in the street maintenance fee schedule, and further defined as follows: R1, R65, and LM1 units are charged per non-irrigation meter, MF units are charged per dwelling unit.

(A) For example, a single-family residence (rate code R1) with one nonirrigation meter is charged $6.75 per month ($6.75 X 1 = $6.75).

(B) For example, a multifamily residential property (rate code MF) with 100 dwelling units is charged $600.00 per month ($6.00 X 100 = $600.00).

(3) (A) The street maintenance fee for nonresidential property shall be charged monthly to a utility customer within the city limits, or to the person or entity responsible for the municipal account statement for such lot, unit, tract, or parcel used for a nonresidential purpose. The monthly fee for the nonresidential property is determined by its base trip rate range as shown in the attached street maintenance fee schedule rate codes (C1–C6), and further defined as follows:

Rate Code	Base Trip Rate Range
C1	0 to 4.99
C2	5.00 to 14.99
C3	15.00 to 49.99
C4	50.00 to 199.99
C5	200.00 to 999.99
C6	1,000.00 or greater

(B) The calculation of the base trip rate for nonresidential property is determined by identifying the appropriate land use category on the trip factor index for the property, multiplying the trip factor for that land use category by the unit of measure for that land use category, and dividing by two.

(C) The land use categories, trip factors, and units of measure listed on the trip factor index are based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition, as modified by the city, and are the number of trips anticipated to and from a benefitted property per its land use and established units, as amended for local conditions.

(D) The trip factor index shall be created by separate resolution of the city council, and may be amended or modified as determined by the city council with or without recommendation of the street maintenance advisory and appeals board. The current trip factor index shall be kept on file with the city secretary.

(4) The following mathematical formula shall be used to determine the base trip rating for the street maintenance fee program:

(A) Base trip rate = (Number of units X trip factor) 2.

(B) Base trip rates are calculated to the nearest hundredths of a decimal point, and are not rounded up.

(i) For example, a 2,500 square foot general office has a trip factor of 11.03 per 1,000 square feet of building area. In this example, the general office would have a base trip rating of 13.78. [(2,500 square feet ÷ 1,000) X 11.03 ÷ 2 = 13.78]. This general office would be charged rate code C2.

(ii) For example, a gas service station, with a market has 24 fueling stations, and has a trip factor of 162.78. In this example, the gas station would have a base trip rating of 1,953.36. [(24 X 162.78) 2 = 1953.36]. This gas station would be charged rate code C6.

(5) Collection of the street maintenance fee contribution from McMurry University, Hardin-Simmons University, and Abilene Christian University properties shall be charged pursuant to a Memorandum of Understanding between the universities and the city.

(6) The street maintenance fee for a single building with a single use, and with multiple water meters, shall be calculated and charged monthly to the utility customer for one meter only.

(A) For example, a church building, having a single use, and having multiple water meters, would be charged monthly for one meter only.

(h) Billing and collection of fee. The fee shall be billed and collected with the monthly municipal account statement, and shall be due upon receipt.

(i) Recovery of unpaid fee. Any fee due hereunder which shall not be paid when due may be recovered in action at law by the city. In addition to any other remedies or penalties provided by this section or this code, failure of any customer of the city utilities to pay the fees promptly when due shall subject such customer to the discontinuance of utility services provided by the city.

(j) Request for modification or adjustment.

(1) The city manager, or his or her designee, shall consider a written request for a modification or adjustment of the payment of a street maintenance fee only for the following reasons:

(A) The customer believes the street maintenance fee was charged in error; or

(B) The customer disputes the category of land use used in calculating the fee for the owner's benefitted property.

(2) Such written request for modification or adjustment must be received by the city manager no later than ten (10) business days from the date of delivery of the municipal account statement which is being disputed. The city manager shall make his or her decision based upon the information provided in the written request. The city manager may also, in his or her sole discretion, contact the customer directly for additional information. It is the responsibility of the customer to provide such documentation as may be necessary to prove the sufficiency of their request for an adjustment or modification.

(3) The city manager shall determine and inform the customer in writing of his or her decision within 30 days from receipt of the written request for modification of adjustment.

(4) Appeals of requests. In matters relating to subsection (j)(1)(A) above, the decision of the city manager shall be final, and no appeal may be taken therefrom. In matters relating to subsection (j)(1)(B) above, the customer may file a written appeal to the street maintenance advisory and appeals board. Such written appeal must be received by the city manager no later than 10 business days from the delivery of the city manager's determination letter. The street maintenance advisory and appeals board shall hear the appeal at a public meeting within 60 days from the date of receipt of the written appeal. The decision of the street maintenance advisory board shall be final, and no further appeal may be taken.

(5) During all periods of the request for modification or adjustment process, including any appeal, the customer shall be responsible for the payment of the street maintenance fee in full.

(6) A customer appealing the street maintenance fee may not receive a refund resulting from the modification or adjustment except for a street maintenance fee billed within six months of the date of the customer's original written request for modification or adjustment to the city manager.

(k) Disposition of fees and charges. The fees paid and collected by this section shall not be used for the general government administrative purposes of the city, except to pay for the equitable share of the cost of accounting, management and government thereof. Other than as described above, the fees and charges shall be used solely to pay for the actual costs of operation, planning, engineering, development of guidelines and controls, inspection, maintenance, repair, improvement, additions, extensions, renewal, replacement and reconstruction of the transportation system and costs incidental thereto.

(l) General exemption. Properties owned by the United States of America, the state, an agency, or institution created by the state, or a political subdivision of the state are exempt from the payment of the street maintenance fee.

(m) New business exemption. A property that establishes a new utility account for the purposes of starting a new business within the city on or after January 1, 2019, is exempt from the street maintenance fee until the third anniversary of their utility start of service. This exemption shall not be applied to the same utility account more than once. The city manager shall determine if the business constitutes a new business. The decision of the city manager may be appealed to the street maintenance advisory and appeals board.

(n) Fee reduction. Those persons who make 50% or less of the median family income as defined by the city's office of neighborhood services are eligible to pay the reduced "LM1" rate as provided in the street maintenance fee schedule. The city manager, or his or her designee, shall administer this application process, and such applications shall be on file with the city secretary.

(o) Periodic "sunset" review. The street maintenance advisory and appeals board shall review the

street maintenance fee program as may be requested by the city council, and shall recommend to the city council whether the street maintenance fee program should be continued or discontinued, or if a reduction or increase in fees are necessary to properly maintain the transportation system. The city council shall consider the recommendations of the street maintenance advisory and appeals board and shall take such actions as they deem necessary in regard to the street maintenance fee program. Nothing herein shall limit or restrict the city council from increasing or decreasing the street maintenance fee.

(p) Street maintenance fee schedule.

Street Maintenance Fee Schedule

Rate Code	Rate	Multiplier
R1	$6.75	Per nonirrigation meter
MF	$6.00	Per dwelling unit
LM1	$1.75	Per nonirrigation meter
Rate Code	**Rate**	**Base Trip Rate**
C1	$25.00	0.00 to 4.99
C2	$35.00	5.00 to 14.99
C3	$45.00	15.00 to 49.99
C4	$55.00	50.00 to 199.99
C5	$65.00	200.00 to 999.99
C6	$75.00	1,000 or greater

(Ord. No. 35-2018, pt. 1(Exh. A), 6-14-18; Ord. No. 18-2019, pt. 1(Exh. A), 3-28-19)

Residential Water Rates

Type of Rate / Charge / Fee	Rate / Charge / Fee Amount
First 6,000 Gallons	$3.05 per 1,000 gallons
7,000 to 15,000 Gallons	$5.20 per 1,000 gallons
Over 15,000 Gallons	$7.20 per 1,000 gallons
Customer Service Charge	Based on meter size (listed in "Monthly Fees" section)
O.H. Ivie Charge	60 cents per 1,000 gallons

Commercial Water Rates

Type of Rate / Charge / Fee	Rate / Charge / Fee Amount
All Consumption Per 1,000 Gallons	$5.20 per 1,000 gallons (Two-tier rate structure eliminated November 1, 2019)
Customer Service Charge	Based on meter size (listed in "Monthly Fees" section)
O.H. Ivie Charge	60 cents per 1,000 gallons

City of Abilene, Texas

M E M O R A N D U M

TO: **Robert Hanna, City Manager**

FROM: **Rodney Taylor, Director of Water Utilities**

SUBJECT: **Impact of Limited Shelter in Place on residential consumption, and options for providing temporary relief to residential water customers.**

An analysis of consumption data for the residential customer class was conducted to determine if the City's limited shelter in place has impacted consumption patterns across residential tier groups. Residential consumption values were compiled for the same period of March 1st through April 10th for the years 2018, 2019, and 2020. Caparisons of consumption per tier were made between the yearly values. In general, the Tier 1 consumption trend for quantity and for consumption per account were slightly increasing from 2018 to 2020. In general, the Tier 2 and Tier 3 consumption trend for quantity and for consumption per account were slightly decreasing from 2018 to 2020. Based on the available data there is no indication of the limited shelter in place resulting in shifting more customers from the Tier 1 group into the Tier 2 group.

City staff has developed possible options for providing some level of relief to residential water customers potentially impacted by the limited shelter in place. The following three options were evaluated for providing limited and temporary monetary relief to water utility customers.

Option 1. Flattening the residential consumption tiers so that all three tiers are set at the same rate. The calculations are based on consumption levels of May and June 2019. This Option 1 results in a monetary savings heavily favoring those customers having consumption values in Tiers 2 and 3. There is no monetary benefit for Tier 1 customers.

May 2019	Tier	Lost Revenue/Tier	Avg Benefit/Acct
	SFR T1	$0	$0
	SFR T2	$51,589	$7
	SFR T3	$106,545	$62
		$158,134	
June 2019	**Tier**	**Lost Revenue/Tier**	**Avg Benefit/Acct**
	SFR T1		$0
	SFR T2	$47,736	$7
	SFR T3	$97,004	$66
		$144,740	
	Total	**$302,874**	

Option 2. Reducing only the Tier 1 rate and not modifying the Tier 2 or Tier 3 rates. The calculations are based on consumption levels of May and June 2019. This Option 2 results in small average monetary savings across all of the three residential tier groups. The Lost Revenue/Tier and Average Savings/Acct

values of the below table are based on a reduction in Tier 1 rates of $1.00 dollar per unit (from $3.05 down to $2.05 per 1,000 gallon unit). Max Savings/Acct values are based on setting the T1 rate to $0.00.

May 2019	Tier	Lost Revenue/Tier	Avg Savings/Acct	Max Savings/Acct
	SFR T1	$82,986	$2.95	$18.30
	SFR T2	$42,690	$6.00	$18.30
	SFR T3	$10,326	$6.00	$18.30
		$136,002		
June 2019	**Tier**	**Lost Revenue/Tier**	**Avg Savings/Acct**	Max Savings/Acct
	SFR T1	$83,716	$2.91	$18.30
	SFR T2	$39,690	$6.00	$18.30
	SFR T3	$8,814	$6.00	$18.30
		$132,220		
	Total	**$268,222**		

Option 3. Reducing the water Customer Service Charge across all customer classes. This option is the simplest to implement in the Incode billing system. The Customer Service Charge establishes a value to charge each account based on the actual size of the customers water meter. Every account paying a Customer Service Charge would receive a similar discount. Each $1.00 of reduction in the Customer Service Charge (across all meter sizes and all customer classes) would result in Lost Revenue of approximately $41,282 per month.

Comparison of Residential Consumption during same period over three years
(Period is from March1st through April 10th)

		Consumption by Tier	# Accts/Tier	Revenue/Tier	% Consumption by Tier	% Users by Tier	Avg Consumption/Acct
2018	**SFR T1**	91,948	36,359	$276,570	59.9%	87.2%	2.53
	SFR T2	40,751	4,508	$152,978	26.5%	10.8%	9.04
	SFR T3	20,799	825	$113,511	13.6%	2.0%	25.21
		153,498	41,692	$543,059			
2019	**SFR T1**	104,723	40,495	$314,753	64.1%	88.4%	2.59
	SFR T2	41,214	4,627	$153,361	25.2%	10.1%	8.91
	SFR T3	17,338	679	$95,268	10.6%	1.5%	25.53
		163,275	45,801	$563,382			
2020	**SFR T1**	107,910	41,221	$329,646	66.7%	89.3%	2.62
	SFR T2	38,278	4,312	$143,972	23.7%	9.3%	8.88
	SFR T3	15,620	617	$87,285	9.7%	1.3%	25.32
		161,808	46,150	$560,903			

NOTES: Because of inherent delays between consumpiton and billing, the data is actually heavily biased by pre-Shelter in place consumption.
The Consumption by Tier indicates that SFR T1 quanties trending upward to 2020.
The % Consumption by Tier indicates that SFR T1 percentages trending upward to 2020.
The % Users by Tier indicates that SFR T1 percentages trending upward to 2020.
The above three catagories for each of SFR T2 and SFR T3 are all trending downward to 2020.

Comparison of Residential Consumption during same period over three years
(Period is from March1st through March 31st)

		Consumption by Tier	# Accts/Tier	Revenue/Tier	% Consumption by Tier	% Users by Tier	Avg Consumption/Acct
2018	**SFR T1**	74,614	30,542	$224,495	62.7%	88.8%	2.44
	SFR T2	29,261	3,250	$109,781	24.6%	9.4%	9.00
	SFR T3	15,079	614	$81,754	12.7%	1.8%	24.56
		118,954	34,406	$416,030			
2019	**SFR T1**	82,767	32,819	$248,794	65.9%	89.5%	2.52
	SFR T2	29,753	3,331	$110,801	23.7%	9.1%	8.93
	SFR T3	13,010	504	$71,783	10.4%	1.4%	25.81
		125,530	36,654	$431,378			
2020	**SFR T1**	86,191	33,252	$263,315	67.2%	89.7%	2.59
	SFR T2	29,448	3,324	$110,647	23.0%	9.0%	8.86
	SFR T3	12,594	484	$70,833	9.8%	1.3%	26.02
		128,233	37,060	$444,795			

NOTES: Because of inherent delays between consumpiton and billing, the data is actually heavily biased by pre-Shelter in place consumption.

The Consumption by Tier indicates that SFR T1 quanties trending upward to 2020.
The % Consumption by Tier indicates that SFR T1 percentages trending upward to 2020.
The % Users by Tier indicates that SFR T1 percentages trending upward to 2020.
The above three catagories for each of SFR T2 and SFR T3 are all trending downward to 2020.

OPINION: There is not sufficient data to indicate if the "Shelter in place" has affected residential consumption patterns. The apparent trend is that consumption within SFR T1 is trending higher over the 3 year period while SFR T2 and SFR T3 are trending lower over the 3 year period.

Calculations based on Flattening Tier 2 and Tier 3 rates to the Tier 1 rate.

May 2019	Tier	Consumption by Tier	# Accts/Tier	Actual Revenue/Tier	Current Rates	Calculated Revenue/Tier	Projected Revenue/Tier	Lost Revenue/Tier	Avg Savings/Acct
	SFR T1	82,986	28,164	$249,571	3.05	$253,107	$253,107	$0	$0
	SFR T2	66,685	7,115	$252,798	5.2	$254,979	$203,389	$51,589	$7
	SFR T3	43,464	1,721	$236,536	7.2	$239,110	$132,565	$106,545	$62
		193,135	37,000	$738,904		$747,196	$589,062	**$158,134**	
June 2019	**Tier**	**Consumption by Tier**	**# Accts/Tier**	**Actual Revenue/Tier**	**Current Rates**	**Calculated Revenue/Tier**	**All Tiers at T1 Rate**	**Lost Revenue/Tier**	**Avg Savings/Acct**
	SFR T1	83,716	28,748	$251,688	3.05	$255,334	$255,334		$0
	SFR T2	61,893	6,615	$234,005	5.2	$236,510	$188,774	$47,736	$7
	SFR T3	38,560	1,469	$212,375	7.2	$214,612	$117,608	$97,004	$66
		184,169	36,832	$698,068		$706,456	$561,715	**$144,740**	
	Total							**$302,874**	

Calculations based on reducing only the Tier 1 rate by editing the T1 rate of the yellow box (no change to the Tier 2 or Tier 3 rates).

$2.05 Adjusted T1 Rate

May 2019	Tier	Consumption by Tier	# Accts/Tier	Actual Revenue/Tier	Current Rates	Calculated Revenue/Tier	Projected Revenue/Tier	Lost Revenue/Tier	Avg Savings/Acct	Max Savings/Acct
	SFR T1	82,986	28,164	$249,571	3.05	$253,107	$170,121	$82,986	$2.95	$18.30
	SFR T2	66,685	7,115	$252,798	5.2	$254,979	$212,289	$42,690	$6.00	$18.30
	SFR T3	43,464	1,721	$236,536	7.2	$239,110	$228,784	$10,326	$6.00	$18.30
		193,135	37,000	$738,904		$747,196	$611,194	**$136,002**		
June 2019	**Tier**	**Consumption by Tier**	**# Accts/Tier**	**Actual Revenue/Tier**	**Current Rates**	**Calculated Revenue/Tier**	**Tier 1 adjusted to the input value**	**Lost Revenue/Tier**	**Avg Savings/Acct**	Max Savings/Acct
	SFR T1	83,716	28,748	$251,688	3.05	$255,334	$171,618	$83,716	$2.91	$18.30
	SFR T2	61,893	6,615	$234,005	5.2	$236,510	$196,820	$39,690	$6.00	$18.30
	SFR T3	38,560	1,469	$212,375	7.2	$214,612	$205,798	$8,814	$6.00	$18.30
		184,169	36,832	$698,068		$706,456	$574,236	**$132,220**		
	Total							**$268,222**		

Suspending the Street Maintenance Fee & Shrinking Tier Levels for Residential Water Customers

CITY OF ABILENE TEXAS

Questions?

City Council
Agenda Memo

City Council Meeting Date: 4/23/2020

TO:

FROM: **Shawna Atkinson, City Secretary**

SUBJECT: **13.**

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

- **West Central Texas Municipal Water District Board**

GENERAL INFORMATION

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

SPECIAL CONSIDERATIONS

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

FUNDING/FISCAL IMPACT

No cost consideration to the city.

STAFF RECOMMENDATION

(Re)Appointment

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

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

RESOLUTION NO. _____

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

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

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

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

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

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

PASSED this 23rd day of April, 2020.

ATTEST:

_____
Shawna Atkinson, City Secretary

_____
Anthony Williams, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

RESOLUTION NO. _____
EXHIBIT "A"

Board	Term End Date
West Central Texas Municipal Water District Board	
Dani Ramsay [New]	May 2022

Resolution:

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

- West Central Texas Municipal Water District Board

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 4/23/2020

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, Texas v. Aurora Bumgarner; 104th Judicial District Court,Taylor County, Texas; filed November 17, 2011**
2. **Chad Carter v. City of Abilene, Texas; Cause No. 10138-D, In the 350th Judicial District Court, Taylor County, Texas, filed June 17, 2014**
3. **Susan Lewis King & Austin King MD vs Ken Paxton, Attorney General of Texas and the City of Abilene, Cause No. D-1-GN-16-001160, filed March 16, 2016**
4. **Ruby Flores and Cory Almanza v. Jesus Verastegui, Alfredo Verastegui, Rosalva Verastegui, and City of Abilene, Cause No. 49368-A, 42nd District Court, Abilene, Taylor County, Texas, filed April 13, 2016**
5. **Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016**
6. **Officer Patrick Sumrall and City of Abilene, Case No. 01-18-000-8653; Appeal of Indefinite Suspension to Arbitration, filed February 6, 2018**
7. **Alfredo Valencia v. Corey Davis and City of Abilene; Case No. 1:19-cv-00017-C; In the United States District Court, Northern District of Texas, Abilene Division, filed February 4, 2019.**

8. **City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019**
9. **Ovation Services, LLC v. Blanca Cortez, et al.; Case No. 11875-D; In the 350th Judicial District Court, Taylor County, Texas; filed July 15, 2019**
10. **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**
11. **The State of Texas v. The Unknown Heirs of B.E. Caffey, Senior, et al., Cause No. 6939, Condemnation Proceeding filed in the County Court at Law No. 2, Taylor County, Texas, filed August 20, 2019**
12. **City of Abilene, Texas and Garfield Public/Private LLC v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-000900, In the 261st Judicial District Court, Travis County, Texas, filed February 13, 2020**
13. **Chandler Brooks v. Taylor County, et al.; Civil Action No. 1:20-cv-00049, In the United States District Court, Northern District of Texas, Abilene Division; filed March 5, 2020**
14. **Sanctuary City for the Unborn**
15. **Moving General Election to non-uniform election date**
16. **Governor's Executive Order GA-16**

B. 551.072 (Deliberations about Real Property)

1. **Clyde Water**

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

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

E. 551.076 (Deliberations about Security Devices)
F.551.087 (Business Prospect/Economic Development)

1. **Abilene Convention Center Hotel Project**

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None