



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 October 3, 2019 at 8:30 a.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

INVOCATION

1. Mayor Pro-tem Weldon Hurt

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. **Employee Service Awards:**

- Derrick Franklin - 20 Years - Police Department
- Steven Valentine - 20 Years - Police Department
- Eric Katona - 20 Years - Police Department
- Danny Tollison - 20 Years - Police Department
- Loren Adlesburger - 20 Years - Police Department
- Phil Sage - 20 Years - Police Department

3. **Proclamations:**

- National Disability Employment Awareness Month

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.

4. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Minutes from the Regular Meeting Held on September 26, 2019 **(Shawna Atkinson)**
5. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve an Extended Term Street Use License with Abilene Majestic Series B, LLC **(Greg McCaffery)**
6. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an ordinance of the City Council of the City of Abilene, Texas, amending the Tax Increment Reinvestment Zone No. 2 Project Plan **(Mike Warrix)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

7. **Presentation:** Receive a Report and Hold a Discussion and Public Hearing and Provide Direction on Downtown On-Street Parking **(Michael Rice)**
8. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 22, "Parks and Recreation," Section 22-4, "Closing Hours," of the Code of Ordinances to Extend the Open Hours of Kirby Lake Park **(Lesli Andrews)**

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.

EXECUTIVE SESSION

9. **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. Tracy Kennedy and Richard Kennedy v. Katie Snell, Richard Perez, Thomas Bryant, John Doe 1, and John Doe 2; Case No. 1:18-cv-162, In the United States District Court, Northern District of Texas, Abilene Division, filed October 16, 2018
8. 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.

9. City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019
10. 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

B. 551.072 (Deliberations about Real Property)

1. Clyde Water
2. Use of Eminent Domain for Cedar Creek Waterway

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
2. New Horizons

RECONVENE

REGULAR AGENDA

10. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a resolution to authorize the City Manager to purchase an approximately 18.64 acre tract of land from Union Pacific Railroad **(Robert Hanna)**

ADJOURNMENT

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

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 27th day of September, 2019, at 3:45 p.m.

Shawna Atkinson, City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 10/3/2019

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: Minutes: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Minutes from the Regular Meeting Held on September 26, 2019 (Shawna Atkinson)

GENERAL INFORMATION

City Council is asked to approve the above-noted minutes.

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of the item.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 09-26-2019 Minutes - Regular - Evening 09-26-2019 Minutes - Regular - Evening.pdf



**City Council
Agenda Memo**

City Council Meeting Date: 10/3/2019

TO: Robert Hanna, City Manager

FROM: Greg McCaffery

SUBJECT: Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve an Extended Term Street Use License with Abilene Majestic Series B, LLC (Greg McCaffery)

GENERAL INFORMATION

Abilene Majestic Series B, LLC, has submitted an application for an Extended Term Street Use License (SUL) to use a portion of City street right-of-way along the west right-of-way on Cedar Street and along the north right-of-way on North 4th Street at the property addressed at 342 Cedar and 1209 North 4th Street. The applicant is renovating these building and wishes to construct a second floor balcony and exterior staircase at the location. The Extended Term SUL Agreement will be for a term of ten (10) years from the date of execution.

SPECIAL CONSIDERATIONS

NA

FUNDING/FISCAL IMPACT

NA

STAFF RECOMMENDATION

Staff has reviewed this request and recommends that the City Council authorize the City Manager to execute the attached Extended Term Street Use License with Abilene Majestic Series B, LLC for use of a portion of the City street right-of-way along Cedar Street and North

4th Street.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

- | | | |
|----|-------------------------|------------------------------|
| 1. | Resolution (2) | Resolution (2).docx |
| 2. | SULPkt10-3-19 | SULPkt10-3-19.pdf |
| 3. | Presentation.2019.06.13 | Presentation.2019.06.13.pptx |

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE THE EXTENDED TERM STREET USE
LICENSE WITH ABILENE MAJESTIC SERIES B, LLC**

WHEREAS, the applicant has submitted an Extended Term Street Use License application to use a portion of the City street right-of-way along the west right-of-way of Cedar Street and along the north right-of-way line on North 4th Street to construct and maintain a second floor balcony and at the building addressed as 324 Cedar and 1209 North 4th Street; and

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

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

PART 1: That the City Manager is hereby authorized to execute the Extended Term Street Use License with Abilene Majestic Series B, LLC.

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

ADOPTED this 3rd day of October, 2019.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

THE STATE OF TEXAS

STREET USE LICENSE AGREEMENT
EXTENDED TERM

COUNTY OF TAYLOR

THIS STREET USE LICENSE AGREEMENT, hereinafter referred to as "License", executed this ____ day of _____, A.D., 2019, by and between the CITY OF ABILENE, a municipal corporation situated in Taylor and Jones Counties, Texas, hereinafter referred to as "City", and ~~Charles Wolfe (dba Abilene Majestic Series, LLC)~~, hereinafter referred to as "Licensee".

WITNESSETH:

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

Along the west right-of-way of Cedar Street and the north right-of-way of North 4th Street at the parcels addressed as 342 Cedar Street and 1209 North 4th Street.

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

I. Purpose:

The purpose of this License is to permit Licensee to:

Construct and maintain a second floor balcony and exterior staircase on the building addressed as 342 Cedar Street & 1209 North 4th Street as depicted on Exhibit "B".

II. Indemnity:

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

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

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

injury or damage to any property or right

injury, damage, or death to any person or entity

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

all other costs and expenses of litigation

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

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

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

B. Indemnity

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

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

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

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

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

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

III. Insurance

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

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

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

All insurance policies or certificates shall contain the following provisions:

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

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

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

IV. License Requirements and Restrictions:

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

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

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

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

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

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

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

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

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

V. Termination

1. This License shall automatically terminate 10 years from the date of execution.

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

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

4. In the event the adjoining property is sold, this License may be transferred, in whole or in part, with the written consent of the City, upon written request to transfer from the Licensee (Seller) and written consent to accept the transfer from Buyer.

CITY OF ABILENE, TEXAS

City Manager

ATTEST:

City Secretary

APPROVED:

City Attorney

NAME OF LICENSEE:

^B
Charles Wolfe (dba Abilene Majestic Series LLC)

By:

Charles L Wolfe
Signature

Charles L Wolfe, mgr in br
Printed Name and Title

Business Address:

201 Mesquite St
Abilene, TX 79601

EXHIBIT "A"
STREET USE LICENSE AGREEMENT
WITH
CHARLES WOLFE (DBA ABILENE MAJESTIC SERIES, LLC)
CONDITIONS AND COVENANTS

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

1. Licensee shall construct the balcony and exterior staircase only on the sidewalk side of the curb line in accordance with plans approved by the city.
2. Licensee shall provide a minimum of 10'-0" clearance between the surface of the sidewalk and the balcony.
3. Licensee shall provide evidence of proper structural design of the balcony, its columns and foundations and the staircase to the Building Official and the City Engineer for approval prior to construction.
4. The Licensee shall contact the city's Engineering Division (676-6281) prior to commencing any work in the right-of-way.
5. The Licensee shall submit a traffic control plan to the Traffic and Transportation Division (676-6281) for approval before beginning any work that will result in blocking traffic lanes.
6. The Licensee shall contact the Traffic Signal Shop (676-6066) or the Traffic Engineering office (676-6281) for location of traffic signal facilities and shall contact the Water Utilities Department (676-6425) for location of water and sewer lines before beginning excavation in the right-of-way.
7. The Licensee shall contact the city of Abilene Building Inspections (676-6232) regarding any necessary permits for the installation of the requested facility.
8. The Licensee shall ensure all underground utilities are identified and marked prior to any excavation.
9. The Licensee shall barricade any excavation in the right-of-way to prevent pedestrian and/or vehicular access while excavation is unattended. Any barricades left in the right-of-way overnight must be lighted.
10. The Licensee shall promptly repair all signs, pavement markings, and other traffic control devices damaged by its work in the right-of-way.
11. If the City determines that the subject right-of-way is needed for purposes that would be adversely impacted by the permitted facility, the Licensee shall remove the permitted facility within sixty (60) days notice of cancellation.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

07/08/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER CBS Insurance 3005 South Treadaway Blvd Abilene TX 79602		CONTACT NAME: Phyllis Hollenbeck, CIC PHONE (A/C, No, Ext): (325) 695-0222 FAX (A/C, No): (325) 695-0228 E-MAIL ADDRESS: phollenbeck@cbsins.com	
INSURED Charles L. Wolfe DBA Abilene Majestic Series, LLC 201 Mesquite St. Abilene TX 79601		INSURER(S) AFFORDING COVERAGE INSURER A: Scottsdale Ins. Co. INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 8045	

COVERAGES**CERTIFICATE NUMBER:** CL197833838**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☐ LOC OTHER:			CPS2940958	04/18/2019	04/18/2020	EACH OCCURRENCE \$ 1,000,000
			DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
			MED EXP (Any one person) \$ 5,000				
			PERSONAL & ADV INJURY \$ 1,000,000				
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$	
	UMBRELLA LIAB ☐ EXCESS LIAB ☐ DED ☐ RETENTION \$						BODILY INJURY (Per person) \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
							EACH OCCURRENCE \$
							AGGREGATE \$
							\$
							PER STATUTE OTH-ER
							E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

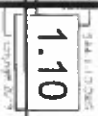
City of Abilene Attn: Public Works PO Box 60 Abilene TX 79604	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
--	--

NORTH BUILDING:
FIRST FLOOR 7,000 SF
SECOND FLOOR 4,000 SF
TOTAL 11,000 SF

RE: REMODEL:

SOUTH BUILDING:
FIRST FLOOR 7,250 SF
SECOND FLOOR 7,500 SF
TOTAL 14,750 SF

DOC. # 2, PAGE 18



MCCATHREN ARCHITECTS, LLC
400 Buffalo Gap Road, Ste. 2650
Arlene, Texas 79606 325-670-8100
www.mccathren.com staff@mccathren.com



 3.18×10^4 

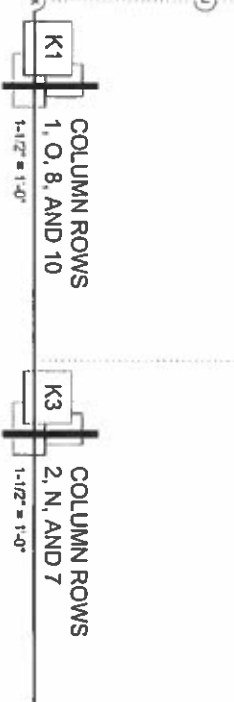
345 = 1.0

 $3418^{\circ} = 1.0^{\circ}$  $3418'' = 1'-0''$

342 CEDAR
ABILENE, TEXAS

5.7.20.9





Resolution Extended Term Street Use License

Abilene Majestic Series B, LLC

October 3, 2019

(G. McCaffery)

- Abilene Majestic Series B, LLC has submitted an application for an Extended Term Street Use License to use a portion of City street right-of-way along the west right-of-way on Cedar Street and along the north right-of-way on North 4th Street for the construction of second floor balcony at 342 Cedar and 1209 North 4th Street.
- The application has been reviewed and found to be complete.
- Staff recommends approval of the Extended Term Street Use License.

Location Map

ArcGIS Web Map



ArcGIS Web Map



Exterior Design Rendering



QUESTIONS



**City Council
Agenda Memo**

City Council Meeting Date: 10/3/2019

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an ordinance of the City Council of the City of Abilene, Texas, amending the Tax Increment Reinvestment Zone No. 2 Project Plan (Mike Warrix)

GENERAL INFORMATION

The Project Plan is the document that controls what the TIRZ can and cannot fund within the confines of State law, and how much it can fund for certain activities. In short, the Project Plan lists eligible Project Costs.

The proposed amendments to the TIRZ No. 2 Project Plan as reflected in "Exhibit A" of the proposed Ordinance are warranted to better reflect market needs expressed by the development community within the TIRZ boundaries.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

At its September 25, 2019 meeting, the TIRZ No. 2 Board of Directors voted unanimously to adopt a Resolution (attached) recommending approval of the proposed Project Plan amendments.

ATTACHMENTS:

- | | | |
|----|---|---|
| 1. | Ordinance - Amended Project Plan | Ordinance - Amended Project Plan.docx |
| 2. | Final Project and Financing Plan - Aug 2018 Board Approval (3) | Final Project and Financing Plan - Aug 2018 Board Approval (3).pdf |
| 3. | 205-2019 - TIRZ - Recommending Approval of Amendments to the Project Plan | 205-2019 - TIRZ - Recommending Approval of Amendments to the Project Plan.pdf |
| 4. | Project Plan PowerPoint | Project Plan PowerPoint.pptx |

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING THE
TAX INCREMENT REINVESTMENT ZONE NO. 2 PROJECT PLAN**

WHEREAS, as authorized by Chapter 311 of Texas Tax Code (the “Act”) and pursuant to Ordinance No. 66-2013, adopted by the City Council of the City of Abilene, Texas (the “City”) on December 5, 2013, the City created Tax Increment Reinvestment Zone No. 2 (the “Zone”); and,

WHEREAS, pursuant to Ordinance No. 66-2013, the City created the Board of Directors for the Zone (the “TIRZ Board”); and,

WHEREAS, the TIRZ Board voted unanimously to recommend approval of a Final Project and Financing Plan (the “Project Plan”) at their August 16, 2018 meeting; and,

WHEREAS, pursuant to Ordinance No. 48-2018, the City adopted a Project Plan as recommended by the TIRZ Board; and,

WHEREAS, it has become necessary to amend the Project Plan; and,

WHEREAS, the TIRZ Board voted unanimously to recommend approval of an Amended Project Plan at their September 25, 2019 Board meeting,

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

PART 1: That the Amended Project Plan is feasible in accordance with Section 311.011(d) of the Act.

PART 2: That Exhibit “C” of the Project Plan adopted pursuant to Ordinance 48-2018 is hereby amended and replaced as set out in Exhibit “C,” attached hereto and made a part of this ordinance for all purposes, is approved and adopted.

PART 3: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

PART 4: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

PART 5: That this ordinance takes effect immediately upon final passage.

PASSED ON FIRST READING this 3rd day of October 2019.

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 13th day of October 2019, 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 4:30 p.m. on the 17th day of October 2019, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 17th day of October 2019.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Exhibit C

TAX INCREMENT REINVESTMENT ZONE NO. 2 PROJECT LIST

PROJECT	COST
Streetscape, pedestrian and parking improvements	4,000,000
Festival district and convention center improvements	4,000,000
Hotel facilities and amenities	4,000,000
Roadway and utility improvements	1,500,000
Drainage improvements	1,000,000
Areawide public improvements and amenities	1,000,000
Property acquisition	1,500,000
Building façade improvements	1,260,000
Environmental remediation, demolition, and land clearing	1,500,000
TOTAL PROJECT COSTS	\$ 19,760,000

REINVESTMENT ZONE NUMBER TWO,
CITY OF ABILENE, TEXAS,
PROJECT AND FINANCING PLAN

September 2018

1. INTRODUCTION.

1.1 Authority and Purpose. The City of Abilene, Texas, a Texas home-rule municipality (the "City"), has the authority under Chapter 311, Texas Tax Code, as amended (the "Act") to designate a contiguous or noncontiguous geographic area within the corporate limits or extraterritorial jurisdiction ("ETJ") of the City as a tax increment reinvestment zone to promote development or redevelopment of the area if the governing body of the City (the "City Council") determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future, that the zone is feasible, and that creation of the zone is in the best interest of the City and the property in the zone. The purpose of the zone is to facilitate such development or redevelopment by financing the costs of public works, public improvements, programs, and other projects benefiting the zone, plus other costs incidental to those expenditures, all of which costs are authorized by the Act.

1.2 Eligibility Requirements. An area is eligible under the Act to be designated as a tax increment reinvestment zone if it exhibits documented challenges to development and redevelopment such as blight (vacancy, deterioration) obsolete lot configuration and similar factors which impairs or arrests the sound growth of the City. The City cannot, however, designate a zone if more than 30% of the property in the proposed zone, excluding property that is publicly owned, is "used for residential purposes" (defined by the Act as follows: "... property is used for residential purposes if it is occupied by a house having fewer than five living units ...") or if the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones exceeds 50% of the total appraised value of taxable real property in the City and in industrial districts created by the City.

1.3 The Zone. On **December 5, 2013** the City Council of the City of Abilene created a tax increment reinvestment zone known as "Reinvestment Zone Number Two, City of Abilene, Texas" (the "Zone") that includes approximately 1,594 acres along the Pine Street and Ambler Avenue corridors, all within the City's corporate limits. In addition to the initial creation and boundary designation, the City Council of the City of Abilene enlarged the boundaries of the Zone to include an additional approximate 16 acres on September 10, 2015, creating a total Zone boundary of approximately 1,610 acres. The property meets the eligibility requirements of the Act. The property substantially impairs or arrests the sound growth of the City because it exhibits documented challenges to development and redevelopment such as blight (vacancy, deterioration), obsolete lot configuration, a history of disinvestment, and similar factors. There is a need for economic incentives to attract development and redevelopment in the Zone for the purpose of providing long-term economic benefits including, but not limited to, increased real property tax base for all taxing units in the Zone, increased sales and use tax, and increased job opportunities for residents of the City and County. The City envisions that the property will be developed and redeveloped to take full advantage of the opportunity to bring to the City and County a substantially increased tax base and job opportunities for its citizens.

1.4 Preliminary Plan; Hearing. Before the City adopted the ordinance designating the Zone, the City Council prepared a preliminary reinvestment zone financing plan in accordance with the Act and held a public hearing on the creation of the proposed zone and its benefits to the City and to the Property within the Zone.

1.5 Board Recommendations. The Board approves and recommends this project and financing plan to the City Council as the final *Reinvestment Zone Number Two, City of Abilene, Texas, Project and Financing Plan* (the "Final Plan"), pursuant to which the City will contribute 100% of its ad valorem tax increment attributable to increased taxable value of existing and new development in the Zone into a tax increment fund created by the City and segregated from all other funds of the City (the "TIRZ Fund") to pay the costs of public works, public improvements, programs, and other projects benefiting the Zone. The Board will also make recommendations to the City Council concerning any development and reimbursement agreements (TIRZ Reimbursement Agreement).

2. DESCRIPTIONS AND MAPS.

2.1 Existing Uses and Conditions. The Property is currently located in the County and in the City's corporate limits. Uses conform to the various zoning categories which include HC, Heavy Commercial, CU, College and University District, GC, General Commercial, LI, Light Industrial along with Residential. The area includes a number of civic uses - the County Courthouse, the Texas Tech schools, Hendrick Medical Center, Hardin Simmons University and Abilene Christian University. Other development includes various commercial and residential uses in various conditions along with some vacant land. A boundary map of the Zone and existing zoning uses is shown as **Exhibit A.**

2.2 Proposed Uses. The proposed uses will be established by existing zoning in most cases, but there may be areas where revised zoning will be requested. If so, any revisions will be made through the standard process and procedures of the City.

2.3 Boundary Description. A boundary description of the TIRZ No. 2 area is provided on **Exhibit B.**

3. PROPOSED CHANGES TO ORDINANCES, PLANS, CODES, RULES, AND REGULATIONS. Any changes in ordinances, plans, codes, rules and regulations which are required or requested will be made through the standard process and procedures of the City.

4. RELOCATION OF DISPLACED PERSONS. Although not anticipated, in the process of development and redevelopment in the Zone, any relocation will be made through the standard process and procedures of the City.

5. ESTIMATED NON-PROJECT COSTS. Non-project costs are private funds that will be spent to develop and redevelop in the Zone but will not be financed by the Zone. Based on the Feasibility Analysis a copy of which is attached as **Exhibit D**, the total non-project costs are estimated to be approximately \$232 million as follows:

AIC Properties:	\$6.6 million
General:	<u>225.0 million</u>
Total:	\$231.6 million

6. PROPOSED PUBLIC IMPROVEMENTS.

6.1 Categories of Public Improvements. The categories of public works and public improvements that are proposed to be financed pursuant to this Final Plan are as follows:

- Streetscape, pedestrian and parking improvements
- Festival district and convention center improvements
- Hotel facilities and amenities
- Roadway and utility improvements
- Drainage improvements
- Areawide public improvements and amenities
- Property acquisitions
- Building façade improvements
- Environmental remediation, demolition, and land clearing

These projects and their associated costs are shown in more detail in **Exhibit C**.

6.2 Locations of Public Improvements. The locations of the proposed public works and public improvements all lie within the Zone and are generally located as described in **Exhibit D**.

7. PROJECT COSTS. The total maximum Project Costs, including Administrative Costs, are \$19.76 million. Administrative Costs shall be paid each year from the TIRZ Fund before any other Project Costs are paid. Project Costs for administration of the Zone shall be the actual, direct costs paid or incurred by the City to establish and administer the Zone.

8. ESTIMATED TIME WHEN COSTS ARE TO BE INCURRED. Some Administrative Costs have been incurred and additional costs will most likely be incurred annually. It is assumed that the remainder of the Project Costs will be incurred during the life of the Zone, but it is likely that most will be incurred during the first 15 – 20 years.

9. ECONOMIC FEASIBILITY. For purposes of this Preliminary Plan, economic feasibility has been evaluated by Schrader & Cline, LLC, a copy of which is attached as **Exhibit D**. This evaluation focuses only on direct financial benefits (i.e., tax revenues from increased value of existing development and from new development in the Zone) and does not take into consideration the multiplier effect that will result from new development that occurs outside the Zone. During the term of the Zone, the increase in value of existing development plus new development that occurs in the Zone (which would not have occurred but for the Zone) will generate approximately \$34.3 million in new total ad valorem tax revenue. Based on the foregoing, the feasibility of the Zone has been demonstrated.

10. ESTIMATED BONDED INDEBTEDNESS. If initial Project Costs are not advanced by a Developer or property owner, the City of Abilene or the Abilene Improvement Corporation may consider direct payment of Project Costs or issuing bonds and utilize tax increment funds for either direct repayment or to cover debt service as those funds are available.

11. TOTAL TAXABLE VALUE. The total appraised value of taxable real property in the Zone as of January 1, 2013 was approximately \$121 million. This is the base year value on which future incremental increases are based. The total appraised value of taxable real property in the Zone as of January 1, 2014 was approximately \$128 million. The losses in property value within the TIRZ were approximately \$5 million (which does not negatively affect the TIRZ fund) and the gains in property value (or the increment) was approximately \$11.4 million. This \$11.4 million increment is the taxable value on which the TIRZ funding is based. It is estimated that upon expiration of the term of the Zone, the total appraised value of taxable real property in the Zone will be approximately \$370 million.

12. ESTIMATED CAPTURED APPRAISED VALUE TAXABLE BY THE CITY. The captured taxable value of the Zone – taxable by the City for a year is the total taxable value of the Zone for that year less the tax increment base of the Zone. The tax increment base of the Zone is the total taxable value of the Zone for the year in which the Zone was designated (i.e., the taxable value as of January 1, 2013).

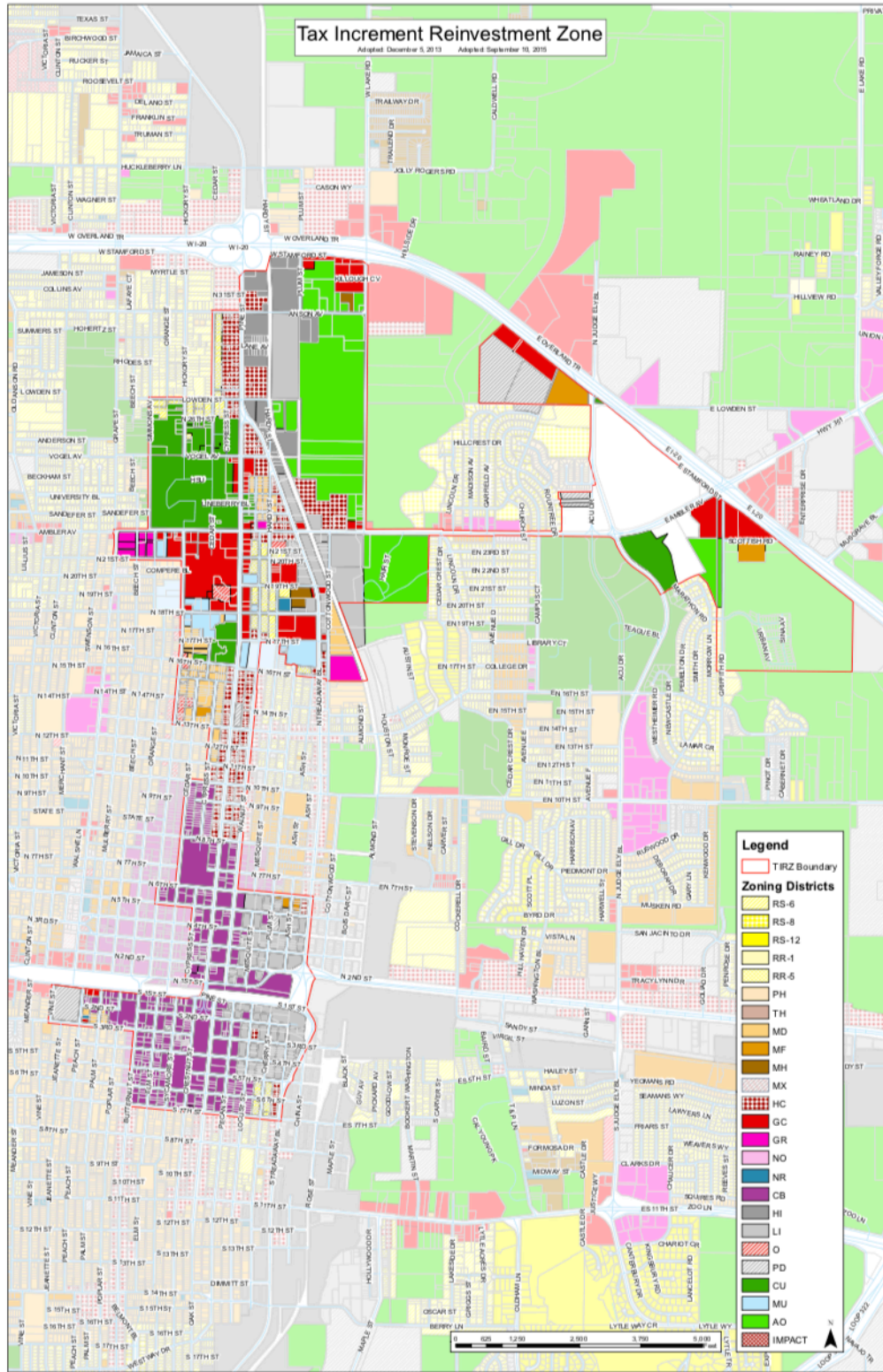
13. METHOD OF FINANCING. Project Costs will be financed through loans advanced by Developers, property owners, the City of Abilene, or the Abilene Improvement Corporation or by bonds which may be issued and utilize tax increment funds for either direct reimbursement or to support bond debt service as those funds are available. The revenue sources will be the real property taxes captured by the TIRZ, which will account for 100% of revenues used to fund Project and Administrative Costs or bond debt service. For the TIRZ Fund, the City of Abilene will contribute 100% of its tax rate on incremental taxable value as shown in **Exhibit D.**

14. DURATION OF THE ZONE. The term of the Zone commenced January 1, 2013 and continue until the earlier to occur of: (1) December 31, 2042 or (2) the date on which all Project Costs, bonds, and other obligations have been paid in full.

15. LIST OF EXHIBITS. Unless otherwise stated, all references to "Exhibits" contained in this Preliminary Plan shall mean and refer to the following exhibits, all of which are attached to and made a part of this Preliminary Plan for all purposes.

Exhibit A	Zone Boundary Map and Existing Zoning Uses
Exhibit B	Boundary Description
Exhibit C	Proposed Public Improvements
Exhibit D	Feasibility Analysis

CITY OF ABILENE REINVESTMENT ZONE NO. 2 BOUNDARY AND EXISTING ZONING MAP



CITY OF ABILENE REINVESTMENT ZONE NO. 2

BOUNDARY DESCRIPTION

Beginning at the southeast corner of the intersection of S. Treadaway Blvd. and S. 7th Street, the POINT OF BEGINNING;

THENCE, west along the south ROW of S. 7th Street to the west ROW of Butternut Street;

THENCE, north along the west ROW of Butternut Street to the south ROW of S. 3rd Street;

THENCE, west along the south ROW of S. 3rd Street to the west ROW of Vine Street;

THENCE, north along the west ROW of Vine Street to the south ROW of S. 1st Street;

THENCE, east along the south ROW of S. 1st Street to the west ROW of Pine Street;

THENCE, north along the west ROW of Pine Street to the south ROW of N. 1st Street;

THENCE, west along the South ROW of N. 1st Street to the west ROW of Cypress Street;

THENCE, north along the west ROW of Cypress Street to the south ROW of N. 5th Street;

THENCE, west along the south ROW of N. 5th Street to the west ROW of Hickory Street;

THENCE, north along the west ROW of Hickory Street to the north ROW of N. 6th Street;

THENCE, east along the north ROW of N. 6th Street to the west ROW of Cedar Street;

THENCE, north along the west ROW of Cedar Street to the north ROW of N.10th Street;

THENCE, east along the north ROW of N. 10th Street to the west ROW of Cypress Street;

THENCE, north along the west ROW of Cypress Street to the south ROW of N. 13th Street;

THENCE, west along the south ROW of N. 13th Street to the west ROW of Hickory Street;

THENCE, north along the west ROW of Hickory Street to the south ROW of N. 21st Street;

THENCE, west along the south ROW of N. 21st Street to the west ROW of Grape Street;

THENCE, north along the west ROW of Grape Street to the north ROW of Ambler Avenue;

THENCE, east along the north ROW of Ambler Avenue to the west ROW of Simmons Street;

THENCE, north along the west ROW of Simmons Street to the north ROW of Lowden Street;

THENCE, east along the north ROW of Lowden Street to the west ROW of Cedar Street;

THENCE, north along the west ROW of Cedar Street to the north ROW of Anson Avenue;

THENCE, east along the north ROW of Anson Avenue to the west ROW of Pine Street;

THENCE, north along the west ROW of Pine Street to the south ROW of IH-20;

THENCE, east along the south ROW of IH-20 to the east ROW of W. Lake Road;

THENCE, south along the east ROW of W. Lake Road to the north ROW of Ambler Avenue;

THENCE, east along the north ROW of Ambler Avenue to the southwest corner of a 16.052 acre tract of Lot 1, Block A, of the ACU Drive Addition;

THENCE, north along the western boundary of the aforementioned property;

THENCE, east along the north boundary of a 16.052 acre tract of Lot 1, Block A, of the ACU Drive Addition;

THENCE, north along the west ROW of N. Judge Ely Blvd. to the southeast corner of Lot 1, Block A, of the Grove Addition;

THENCE, west across along the south boundary of Lot 1, Block A, of the Grove Addition, continuing west to the southwest corner of a 27.15 acre tract of land in Abstract 0580, Survey 84 T&P RY CO, Block 14;

THENCE, north and northeast along the west property line of the aforementioned tract to the south ROW of IH-20;

THENCE, southeasterly along the south ROW of IH-20 to the most southerly northeast corner of a 129.17 acre tract in Abstract 1412, Survey 33 B A L NE/4, Tract W 65 AC (2001 Griffith Rd);

THENCE, south and west along the east and south property line of the aforementioned tract to the west ROW of Griffith Road;

THENCE, due west across the West Texas Utility power line easement to the east boundary of the University Hills Addition, Section 2 subdivision;

THENCE, north, northwesterly, and southwesterly along the east, northeast, and northwest boundary of the University Hills Addition, Section 2 subdivision to the west ROW of Marathon Road;

THENCE, southwesterly along the northwest boundary of the ACU Addition, Section 2 subdivision, continuing directly across N. Judge Ely Blvd. to the west ROW of N. Judge Ely Blvd.;

THENCE, north along the west ROW of N. Judge Ely Blvd. to the south ROW of Ambler Avenue;

THENCE, west along the south ROW of Ambler Avenue to the northeast corner of

Will Hair Park;

THENCE, south and west along the east and south property lines of Will Hair Park and continuing west along the south property line of a 7.338 acre tract in Abstract 0856, Survey 34 B A L NW/4 (1901 Cottonwood St) to the east boundary of the railroad right-of-way;

THENCE, south along the railroad right-of-way and west across the railroad right-of-way to the southeast corner of Lot 101 Block A, Abilene Bone & Joint Subdivision (1633 Cottonwood St);

THENCE, west along the south boundary of the aforementioned tract to the west ROW of Cottonwood Street;

THENCE, north along the west ROW of Cottonwood Street to the south ROW of N. 16th Street;

THENCE, west along the south ROW of N. 16th Street to the east ROW of Plum Street;

THENCE, north along the east ROW of Plum Street to the north side of the alley behind Lot 1, Block 1, College Drive Replat (642 N. 16th St);

THENCE, west along the north boundary of Lot 3, Block A, Griffin Nursing Home Subdivision (1618 Plum St) continuing across the alley to the west boundary of the north-south alley between Plum Street and Mesquite Street;

THENCE, north along the west boundary of the north-south alley between Plum Street and Mesquite Street to the northeast corner of Lot 5, Block 201, Blackburn I-E, Original Town Abilene (1649 Mesquite St);

THENCE, west along the north boundary of the aforementioned lot to the east ROW of Mesquite Street;

THENCE, north along the east ROW of Mesquite Street to the south ROW of N. 17th Street;

THENCE, west along the south ROW of N. 17th Street to the east ROW of Walnut Street;

THENCE, south along the east ROW of Walnut Street to the north ROW of N. 6th Street;

THENCE, east along the north ROW of N. 6th Street to the east ROW of N. Treadaway Blvd.;

THENCE, south along the east ROW of N. Treadaway Blvd., crossing N. 1st Street and continuing along the east ROW of S. Treadaway to the south east corner of the intersection of S. Treadaway Blvd. and S. 7th Street, the POINT OF BEGINNING and containing an area of approximately 1610 acres.

CITY OF ABILENE
TAX INCREMENT REINVESTMENT ZONE NO. 2
PROJECT LIST

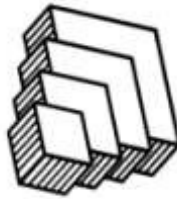
PROJECT	COST
Streetscape, pedestrian and parking improvements	6,500,000
Festival district and convention center improvements	4,260,000
Hotel facilities and amenities	4,000,000
Roadway and utility improvements	1,500,000
Drainage improvements	1,000,000
Areawide public improvements and amenities	1,000,000
Property acquisition	500,000
Building façade improvements	500,000
Environmental remediation, demolition, and land clearing	500,000
TOTAL PROJECT COSTS	\$ 19,760,000

FEASIBILITY ANALYSIS

November 2013

Tax Increment Reinvestment Zone No. 2

City of Abilene, Texas



SCHRADER & CLINE, LLC

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FINANCE PLAN: EXHIBIT D—Feasibility Analysis

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FORWARD

Schrader & Cline, LLC was asked to prepare a Feasibility Analysis using tax increment financing to encourage accelerated development and redevelopment for Tax Increment Reinvestment Zone No. 2 in the City of Abilene, Texas. The area of the City within the boundary of the TIRZ needs public infrastructure projects that will provide a stimulus for new development and redevelopment.

Section I details the tax increment analysis.

Section II contains tables.

The following projections of development and redevelopment and tax revenues are subject to change. As underlying conditions in the national and regional economy change, the pace and value of new development and redevelopment projected for the TIRZ area may shift. Future property tax rates are particularly difficult to predict given their dependence on changes in the tax base, the mix of taxes levied and the various jurisdictions' overall fiscal and budgetary policies. Thus, the projected tax increments are subject to change. The analysis of future tax increment funds is dependent on a series of projections, assumptions, and other inputs. As a result, the report should be reviewed in totality.

Neither this report nor its conclusions may be referred to or included in any prospectus or part of any offering made in connection with private syndication of equity, sale of bonds, sale of securities or sale of participation interests to the public without express written approval.



SECTION I: TAX INCREMENT ANALYSIS

This section documents the detailed analysis and inputs used to generate the tax increment revenue estimates. Tax Increment Financing involves:

- Designating an eligible redevelopment area as a tax increment reinvestment zone;
- Soliciting participation of other taxing jurisdictions;
- Setting the assessment base at the level of the most recent assessment; and
- Placing designated tax revenues generated by the increase in assessed value in a tax increment fund for funding public improvements.

Thus, future tax increment revenues depend on four elements:

- The timing and added value of new development and redevelopment;
- Appreciation of existing land and improvements;
- The loss of value from any existing improvements demolished to make way for new development; and
- Future tax rates and the percentage of participation of each taxing jurisdiction.

Assessment policies in Taylor County are assumed to set building assessments at 100 percent of fair market value, which are typically comparable to construction costs for new construction. Assessed values are established as of January 1 of the tax year. Thus, development in 2013 goes on the tax rolls for the Tax Year 2014. In this analysis, it is assumed that both the City of Abilene and Taylor County will each contribute 100% of its taxes from increases in real property values which are directed to the TIRZ Fund. All taxes from the base real property tax value and all taxes from existing and new business personal property will continue to flow to each taxing jurisdiction.

The total year 2013 taxable value of real property within the TIRZ boundary was estimated to be \$189,042,246. For purposes of this tax increment analysis, the initial tax base for the Tax Increment Fund is assumed to be \$189,042,246. Taxes on this amount will continue to flow to each taxing jurisdiction during the 30-year life of the TIRZ.

The TIRZ Fund generated by the incremental real property value over the 30-year life of the TIRZ includes the contributions provided by each taxing jurisdiction (City and County), and is calculated by multiplying the incremental assessed value by 100% of the proper tax rates of the participating taxing jurisdictions. In the City of Abilene TIRZ No. 2, the incremental value is assumed to come from two sources, (1) the development of property currently owned by the Abilene Improvement Corporation (AIC), and (2) the general increase in value of existing real property and from development and redevelopment over the life of the TIRZ. These will be discussed separately below.

AIC Property

The AIC currently owns almost 4.5 acres within the Pine Street Corridor of the TIRZ. Development of these tracts is shown in Table 1, which identifies incremental real property values and the projected time of development. Development of the AIC property is expected to yield an incremental value of about \$3.877 million over a development time frame of 2014-2024. The yield to the TIRZ Fund from this incremental value is about \$1.4 million and is shown in Table 2.

General Value Increase Plus New Development and Redevelopment

Real property values in the City of Abilene have increased an average of 4.5% per year over the period 2005-2013. This increase in values includes both any general increase in overall values plus any new development and redevelopment. This real property value increase information has been used to project the assumed value increases within the TIRZ boundary, but to be conservative, we have assumed value increases of only 2% for the first 5 years, 2.5% for the next 5 years and then only 3% for the remaining life of the TIRZ. These assumptions are expected to yield an incremental value of \$225 million over the 30-year life of the TIRZ. The yield to the TIRZ Fund from this incremental value is about \$32.9 million and is shown in Table 3.

Summary

Based on the above assumptions, it is expected that as a result of the public improvements shown in the Project Plan, incremental real property values within the TIRZ will increase by about \$229 million which will yield about \$34.3 million to the TIRZ Fund.

SECTION II: TABLES

TABLE 1

**PROJECTED DEVELOPMENT TIMETABLE FOR AIC-OWNED LOTS IN
THE PINE STREET CORRIDOR**

Address	Square Feet	TCAD ID #	Asking Price @ \$6/s.f.	Sale Price @ \$4/s.f.	Bldg Value @ 4 X sale price	Total Land & Bldg Value	Projected Year of Development
803 Pine*	21,038	12294	\$126,228				
825 Pine	7,000	12173	\$42,000				
833 Pine	7,000	12053	\$42,000				
Contiguous Lots 803 - 833 Pine	35,038		\$210,228	\$140,152	\$560,608	\$700,760	2016
901 Pine*	6,000	76240	\$36,000				
925 Pine	7,500	76123	\$45,000				
929 Pine	7,500	75868	\$45,000				
Contiguous Lots 901 - 929 Pine	21,000		\$126,000	\$84,000	\$336,000	\$420,000	2020
1302 Pine*	15,000	17865	\$90,000				
1318 Pine	7,000	17742	\$42,000				
1326 Pine	7,000	17612	\$42,000				
1330 Pine	4,620	17477	\$27,720				
1334 Pine	10,500	21890	\$63,000				
Contiguous Lots 1302 - 1334 Pine	44,120		\$264,720	\$176,480	\$705,920	\$882,400	2018
1441 Pine	14,000	77293	\$84,000				
1449 Pine	4,500	10177	\$27,000				
1457 Pine	16,814	11245	\$100,884				
1465 Pine	8,526	76928	\$51,156				
Contiguous Lots 1441 - 1465 Pine	43,840		\$263,040	\$175,360	\$701,440	\$876,800	2020
1474 Pine*	7,000	16150	\$42,000	\$28,000	\$112,000	\$140,000	2024
1442 Pine	28,000	19392	\$168,000	\$112,000	\$448,000	\$560,000	2022
1502 Pine*	8,100	11926	\$48,600				
1510 Pine	6,750	11785	\$40,500				
Contiguous Lots 1502 - 1510 Pine	14,850		\$89,100	\$59,400	\$237,600	\$297,000	2014
Total Square Feet	193,848		\$1,163,088			\$3,876,960	
Note: * Identifies corner lots.							

TABLE 2

AIC PROPERTIES VALUE AND TIRZ FUND

YEAR	INCREMENTAL VALUE, \$K	INCREMENTAL CUM. VALUE, \$K	TIRZFUND, \$K**
2013	-	-	-
2014	297.0	297.0	-
2015	-	297.0	3.5
2016	700.8	997.8	3.5
2017	-	997.8	11.9
2018	882.4	1,880.2	11.9
2019	-	1,880.2	22.4
2020	1,296.8	3,177.0	22.4
2021	-	3,177.0	37.8
2022	560.0	3,737.0	37.8
2023	-	3,737.0	44.5
2024	140.0	3,877.0*	44.5
2025	-	3,993.3	46.2
2026	-	4,113.1	47.5
2027	-	4,236.5	49.0
2028	-	4,363.6	50.4
2029	-	4,494.5	52.0
2030	-	4,629.3	53.5
2031	-	4,768.2	55.1
2032	-	4,911.3	56.8
2033	-	5,058.8	58.5
2034	-	5,210.4	60.2
2035	-	5,366.7	62.0
2036	-	5,527.7	63.9
2037	-	5,693.5	65.8
2038	-	5,864.3	67.8
2039	-	6,040.3	69.8
2040	-	6,221.5	71.9
2041	-	6,408.1	74.1
2042	-	6,600.4	76.3
2043	-	-	78.6
	3,877.0	6,600.4	1,399.6
	*Increase at 3% per year		
	** Based on :		
	City = 0.686 / \$100 valuation		
	County = 0.5047 / \$100 valuation		
	TOTAL = \$1.1907 / \$100 valuation		

TABLE 3

**GENERAL PLUS DEVELOPMENT AND
REDEVELOPMENT VALUES AND TIRZ FUND**

YEAR	VALUE INCREASE, %	VALUE, \$,M	INCREMENT, \$M	TIRZ FUND, \$K*
2013	-	189	-	-
2014	2.0	193	4	-
2015	2.0	197	8	48
2016	2.0	201	12	95
2017	2.0	205	16	143
2018	2.0	209	20	191
2019	2.5	214	25	238
2020	2.5	220	31	298
2021	2.5	225	36	369
2022	2.5	231	42	429
2023	2.5	236	47	500
2024	3.0	243	54	560
2025	3.0	250	61	643
2026	3.0	258	69	726
2027	3.0	266	77	798
2028	3.0	274	85	917
2029	3.0	282	93	1,012
2030	3.0	291	102	1,107
2031	3.0	299	110	1,215
2032	3.0	308	119	1,310
2033	3.0	318	129	1,417
2034	3.0	327	138	1,536
2035	3.0	337	148	1,643
2036	3.0	347	158	1,762
2037	3.0	358	169	1,881
2038	3.0	368	179	2,012
2039	3.0	379	190	2,131
2040	3.0	391	202	2,262
2041	3.0	402	213	2,405
2042	3.0	414	225	2,536
2043	-	-	-	2,679
		414	225	32,863
	* Based on :	City = 0.686 / \$100 valuation		
		County = 0.5047 / \$100 valuation		
		TOTAL = \$1.1907 / \$100 valuation		

RESOLUTION NO. 205-2019

A RESOLUTION OF THE TAX INCREMENT REINVESTMENT ZONE NO. 2 (TIRZ) BOARD OF DIRECTORS, CITY OF ABILENE, TEXAS, RECOMMENDING APPROVAL OF AMENDMENTS TO THE PROJECT PLAN

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

WHEREAS, the TIRZ Board voted unanimously to recommend approval of a Final Project and Financing Plan (the "Project Plan") at their August 16, 2018 meeting; and

WHEREAS, pursuant to Ordinance No. 48-2018, the City adopted a Project Plan as recommended by the TIRZ Board; and,

WHEREAS, it has become necessary to amend the Project Plan.

NOW THEREFORE BE IT RESOLVED BY THE TAX INCREMENT REINVESTMENT ZONE NO. 2 BOARD OF DIRECTORS:

That the Board recommends the Abilene City Council amend the Project Plan as set forth in the attached, "Exhibit A."

ADOPTED this 25th day of September, 2019.

ATTEST:


Shawna Atkinson, City Secretary


Robert "Stormy" Higgins, Vice Chairman

APPROVED:


Stanley Smith, City Attorney

Exhibit A

TAX INCREMENT REINVESTMENT ZONE NO. 2 PROJECT LIST

PROJECT	COST
Streetscape, pedestrian and parking improvements	4,000,000
Festival district and convention center improvements	4,000,000
Hotel facilities and amenities	4,000,000
Roadway and utility improvements	1,500,000
Drainage improvements	1,000,000
Areawide public improvements and amenities	1,000,000
Property acquisition	1,500,000
Building façade improvements	1,260,000
Environmental remediation, demolition, and land clearing	1,500,000
TOTAL PROJECT COSTS	\$ 19,760,000



PROJECT	PROPOSED APPENDIX "A"	CURRENT PROJECT PLAN APPENDIX "C"
Streetscape, pedestrian and parking improvements	4,000,000	6,500,000
Festival district and convention center improvements	4,000,000	4,260,000
Hotel facilities and amenities	4,000,000	4,000,000
Roadway and utility improvements	1,500,000	1,500,000
Drainage improvements	1,000,000	1,000,000
Areawide public improvements and amenities	1,000,000	1,000,000
Property acquisition	1,500,000	500,000
Building façade improvements	1,260,000	500,000
Environmental remediation, demolition, and land clearing	1,500,000	500,000
TOTAL PROJECT COSTS	\$ 19,760,000	\$ 19,760,000



**City Council
Agenda Memo**

City Council Meeting Date: 10/3/2019

TO: Robert Hanna, City Manager

FROM: Michael Rice, Assistant City Manager

SUBJECT: Presentation: Receive a Report and Hold a Discussion and Public Hearing and Provide Direction on Downtown On-Street Parking (*Michael Rice*)

GENERAL INFORMATION

The Mayor and City Council established the Mayor's Downtown Task Force on February 28, 2019. The task force was asked to provide recommendations on an implementation strategy for the Center City Growth and Development Plan completed in September of 2017, including alternative on-street parking improvements with the goal of increasing the number of parking spaces. This may include a reduction in drive lanes.

SPECIAL CONSIDERATIONS

Staff recommendations are expected to add approximately 225 parking spaces within the boundary area of N 1st to N 6th, and Walnut to Hickory.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

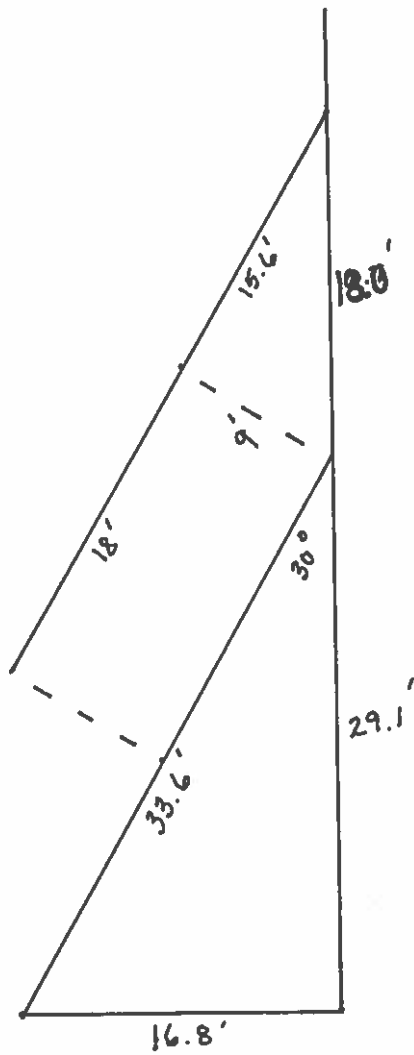
Staff recommends support of the On-Street Parking recommendations.

BOARD OR COMMISSION RECOMMENDATION

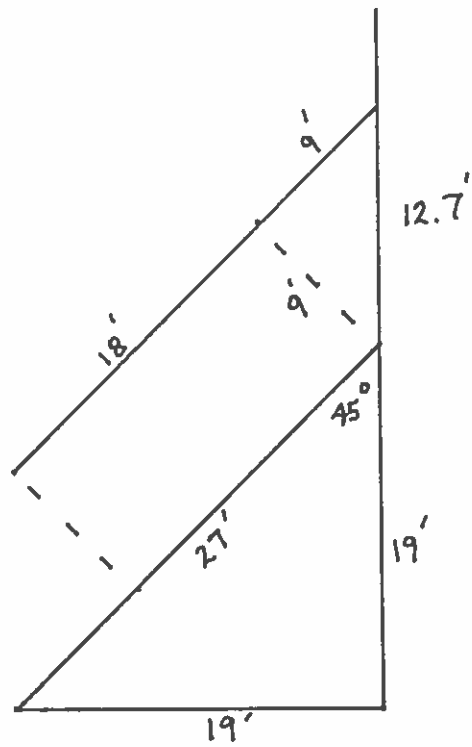
The Mayor's Downtown Task Force reviewed and approved the Staff Recommendations for On-Street Parking on September 23rd.

ATTACHMENTS:

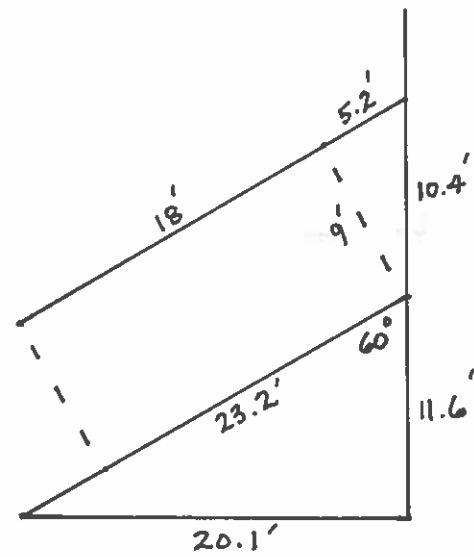
- | | | |
|----|-------------------------------------|--|
| 1. | On-Street Parking Geometry | On-Street Parking Geometry.pdf |
| 2. | Downtown Parking Options.2019.09.09 | Downtown Parking Options.2019.09.09.pptx |



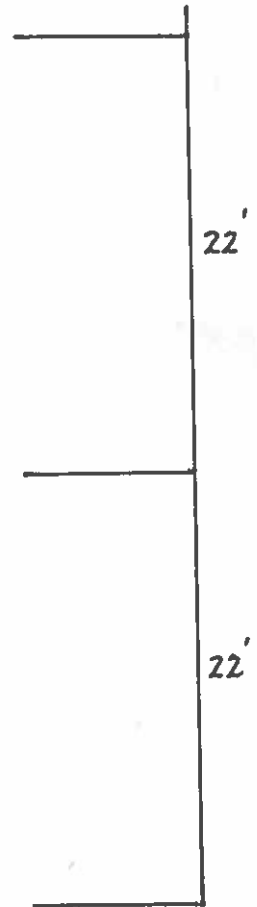
30°



45°



60°



Parallel

Downtown Parking Options Workshop



Downtown Parking Options Workshop

- This Study concentrates on Streets within the boundary of N. 6th Street on the North, N. 1st Street on the South, Grape Street on the West, and Treadaway Blvd on the East
- The Goal for this Workshop is to provide the Task Force with functional, safe, and constructable options for On Street parking within the Study Area
- Based upon City Records, there are 2 primary ROW widths within the Study area: 80' and 100' (Pine & Walnut)
- Based upon Google Maps dimensions, there are 5 primary Street widths within the Study area: 35', 40', 50', 56', & 70' (measured face to face of curbs)



Study Area – One Way Streets





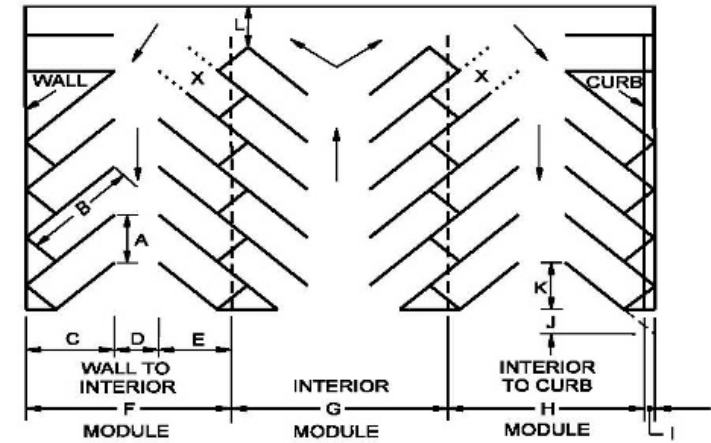
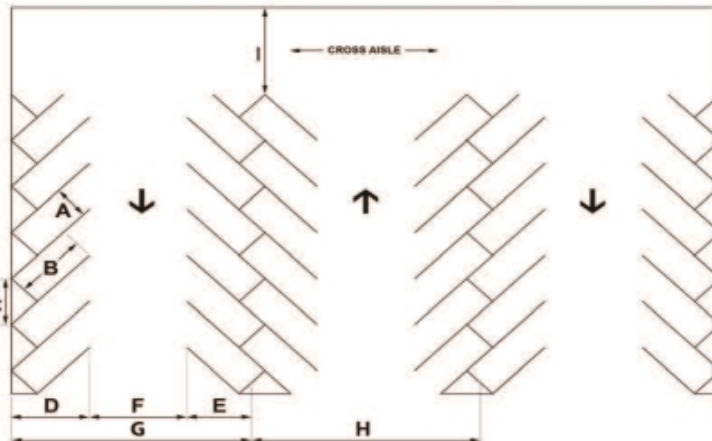
Table 3
Minimum Parking Layout Dimensions

Figure 3 Label	Design Component	Parking Angle				
		0° (Parallel)	30°	45°	60°	90°
A	Stall Width	9' (8') ¹	9'	9'	9'	9'
B	Stall Length	22'	18'	18'	18'	18'
C	Stall Width Parallel to Aisle	N/A	18'-0"	12'-9"	10'-5"	9'-0"
D	Stall Depth to Curb or Wall	N/A	16'-10"	19'-1"	20'-1"	18'-0"
E	Stall Depth to Interlock	N/A	12'-11"	15'-11"	17'-10"	18'-0"
F	Aisle Width ²	13'	14'	16'	19'	N/A
		24'	22'	24'	24'	26'
G	Module One-Way Aisle Width	N/A	43'-9"	51'-0"	46'-11"	N/A
	Module Two-Way Aisle Width	N/A	51'-9"	59'-0"	61'-11"	62'-0"
H	Module One-Way Aisle Width	N/A	39'-10"	47'-10"	54'-8"	N/A
	Module Two-Way Aisle Width	N/A	47'-10"	55'-10"	59'-8"	62'-0"
not shown in Figure 3	Module One-Way Aisle Width	31'-0"	47'-8"	54'-2"	59'-2"	N/A
	Module Two-Way Aisle Width	42'-0"	55'-8"	62'-2"	64'-2"	62'-0"
I	Cross Aisle Width ²	15'	15'	15'	15'	15'
		22'	22'	22'	22'	22'

¹ 8' width applies to on-street parking stalls

² The Director may require greater aisle width due to emergency San Diego County Fire Authority equipment access needs. Aisles less than 24' shall not be designated as Fire Access.
N/A – Not Applicable

Figure 3
Reference Drawing for Minimum Parking Dimensions



X = STALL NOT ACCESSIBLE IN CERTAIN LAYOUTS

Dimension	Diagram Location	Parking Angle			
		45°	60°	75°	90°
Stall width, parallel to aisle	A	12.5	10.5	9.2	9
Stall length of line	B	27.6	23.6	21.0	18
Stall depth to wall	C	19.4	20.3	20.0	18
Aisle width between stall lines	D	12.1	12.8	23.0	19
Stall depth, interior	E	16.4	18.0	19.0	18
Module, wall to interior	F	47.9	55.1	62.0	63
Module, interior	G	44.9	53.1	61.0	63
Module, interior to curb face	H	45.9	52.5	59.4	60
Bumper overhang (typical)	I	2.0	2.3	2.5	2.5
Offset	J	6.6	2.5	0.7	0
Setback	K	13.1	9.2	4.9	0
Cross aisle, one-way	L	14.1	14.1	14.1	14.1
Cross aisle, two-way	---	24.0	24.0	24.0	24

Parking Layout Dimensions (ft) for 9 ft x 18 ft Stall of Various Length

NOTES:

1. See Section 51-1.0 for criteria on the number and dimensions of parking spaces for physically-challenged individuals.
2. If a parking-lot section is designated for subcompact vehicles, the stalls may be 8 ft x 15 ft for a 90° parking angle.
3. Stalls should be wider for commercial-vehicle parking.
4. Bumper overhang should be considered in placing lighting, railings, etc. Therefore, these appurtenances should be placed beyond dimension I in the diagram.
5. Only two-way traffic should be used with a 90° parking angle.



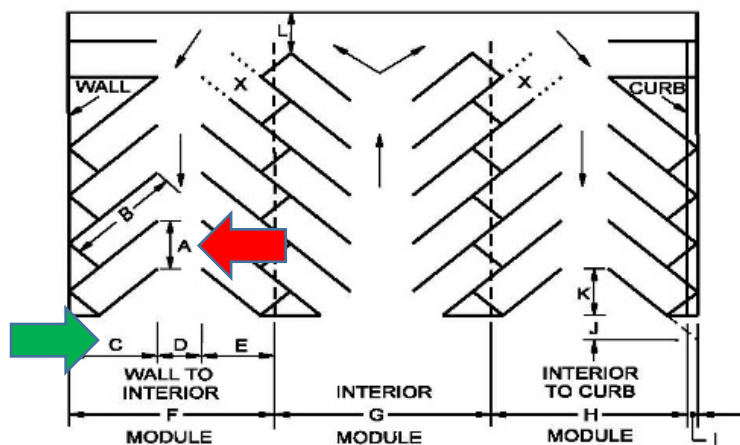
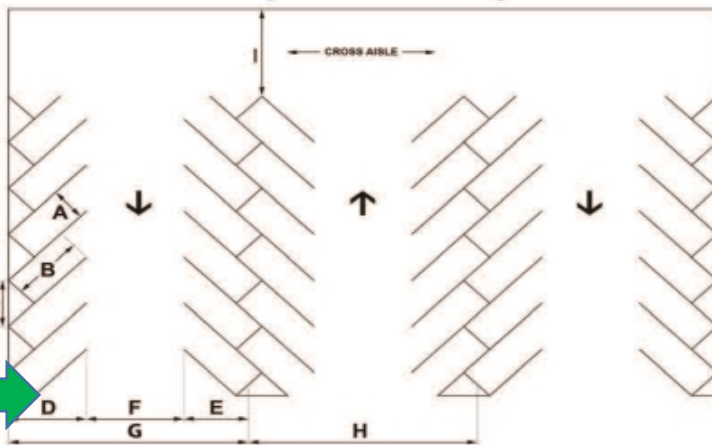
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Figure 3 Label	Design Component	Parking Angle				
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B	Stall Length	22'	18'	18'	18'	18'
C	Stall Width Parallel to Aisle	N/A	18'-0"	12'-9"	10'-5"	9'-0"
D	Stall Depth to Curb or Wall	N/A	16'-10"	19'-1"	20'-1"	18'-0"
E	Stall Depth to Interlock	N/A	12'-11"	15'-11"	17'-10"	18'-0"
F	Aisle Width ²	24'	13'	14'	16'	19'
			24'	22'	24'	26'
G	Module One-Way Aisle Width	N/A	43'-9"	51'-0"	46'-11"	N/A
	Two-Way Aisle Wall/Curb to Interlock	N/A	51'-9"	59'-0"	61'-11"	62'-0"
H	Module One-Way Aisle Width	N/A	39'-10"	47'-10"	54'-8"	N/A
	Two-Way Aisle Interlock to Interlock	N/A	47'-10"	55'-10"	59'-8"	62'-0"
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I	Cross Aisle One-Way Width ²	15'	15'	15'	15'	15'
	Two-Way Width ²	22'	22'	22'	22'	22'

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Figure 3
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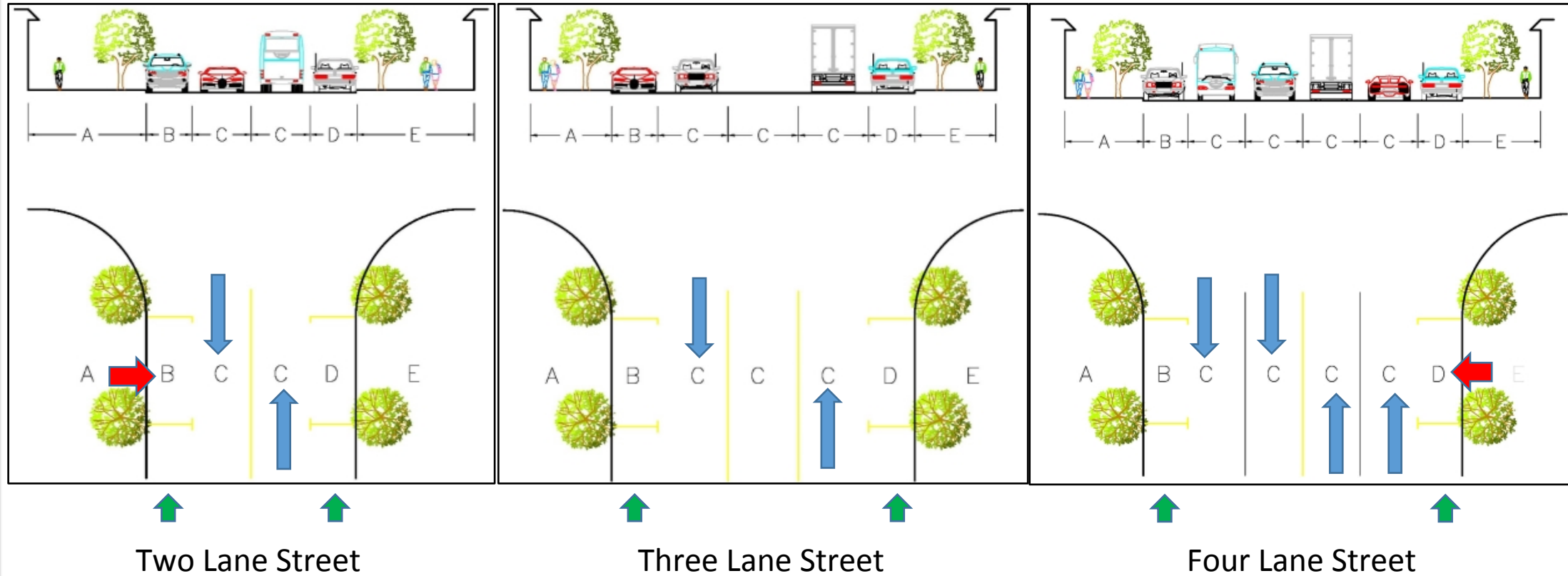
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Dimension	Diagram Location	Parking Angle			
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Stall width, parallel to aisle	A	12.5	10.5	9.2	9
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Stall depth to wall	C	19.4	20.3	20.0	18
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Stall depth, interior	E	16.4	18.0	19.0	18
Module, wall to interior	F	47.9	55.1	62.0	63
Module, interior	G	44.9	53.1	61.0	63
Module, interior to curb face	H	45.9	52.5	59.4	60
Bumper overhang (typical)	I	2.0	2.3	2.5	2.5
Offset	J	6.6	2.5	0.7	0
Setback	K	13.1	9.2	4.9	0
Cross aisle, one-way	L	14.1	14.1	14.1	14.1
Cross aisle, two-way	---	24.0	24.0	24.0	24

Parking Layout Dimensions (ft) for 9 ft x 18 ft Stall of Various Length

NOTES:

1. See Section 51-1.0 for criteria on the number and dimensions of parking spaces for physically-challenged individuals.
2. If a parking-lot section is designated for subcompact vehicles, the stalls may be 8 ft x 15 ft for a 90° parking angle.
3. Stalls should be wider for commercial-vehicle parking.
4. Bumper overhang should be considered in placing lighting, railings, etc. Therefore, these appurtenances should be placed beyond dimension I in the diagram.
5. Only two-way traffic should be used with a 90° parking angle.



Possible Street/ROW Configurations



Configurations

STREET WIDTH (Face to Face)		26	35/36	35/36	40	39/40/41	50/51/52	50/51/52	56	56	70
One Way vs Two Way		One Way	One Way	Two Way	One Way	Two Way	One Way	Two Way	One Way	Two Way	Two Way
# of Blocks		2	13.5	11	8	12	2	18	21.5	14	10
A	PARKWAY	22			20		15		12	12	15
B	Parallel Parking (6'-8')	6	6		8	8	7	7	17	8	17
	30 Degree Parking (17')										19
	45 Degree Parking (19'-19.4')										19
	60 Degree Parking (20'-20.3')						20	20	21	20	20
C	Lane (12')						12	12	12	13	11
	Lane (12')	13	12	12	12	12	11	12	14	11	11
	Lane (12')	13	12	12	12	12	11	12	11	14	11
	Lane (12')										11
D	60 Degree Parking (20'-20.3')								21		20
	45 Degree Parking (19'-19.4')										19
	30 Degree Parking (17')								17		17
	Parallel Parking (6'-8')	6	6		8	8	8	7	8	8	7
E	PARKWAY	22			20		15		12	12	15
STREET TOTAL		26	36	36	40	40	50	50	56	56	70
ROW TOTAL			80		80		80		80	80	100
Cypress St-1st to 2nd											

Parking Dimensions Along Curb	Ratio
Parallel 22'	1:1
30 Degree 18'	1:1.22
45 Degree 12.75'	1:1.72
60 Degree 10.5'	1:2.1

Staff Recommended ->

I

I

II

II

N. 6th

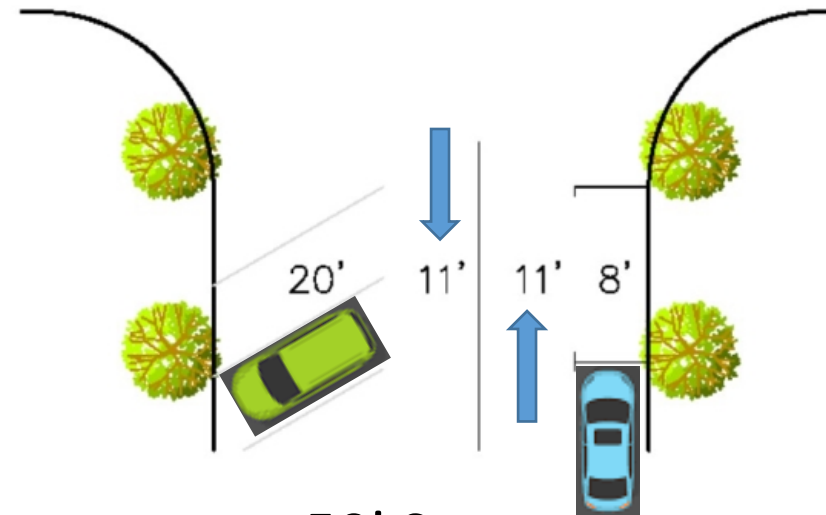
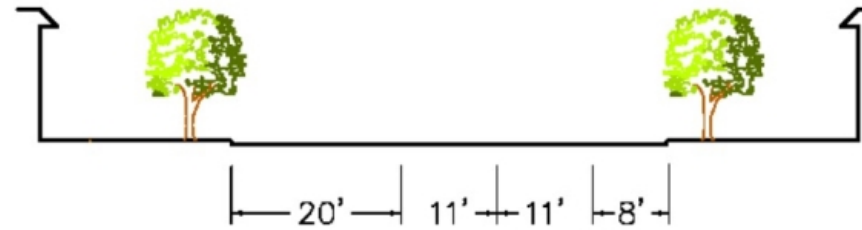
III

Cedar
Hickory

IV



Staff Recommendation I

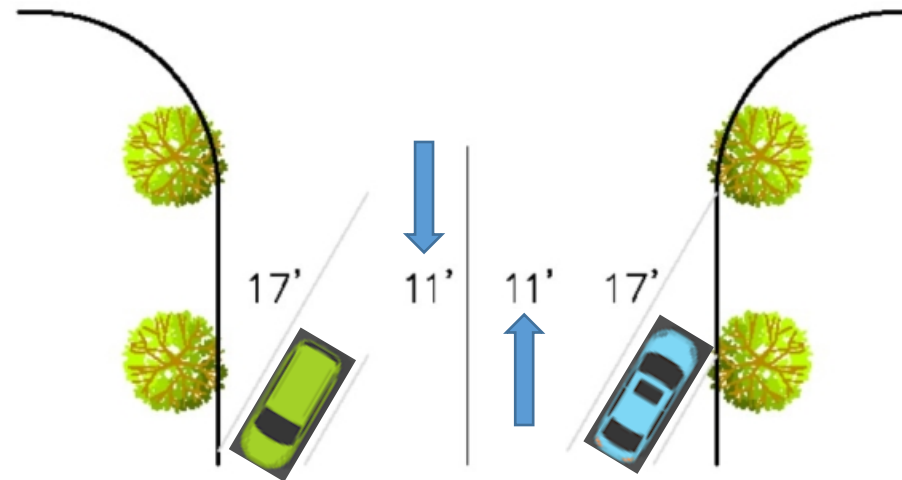


50' Street

2 – Lanes, 1 – 60 Degree Parking, 1 – Parallel Parking



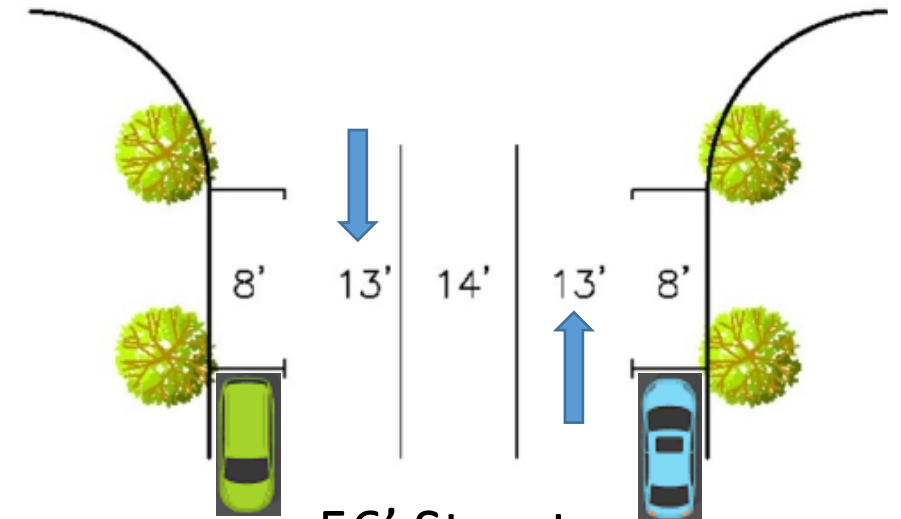
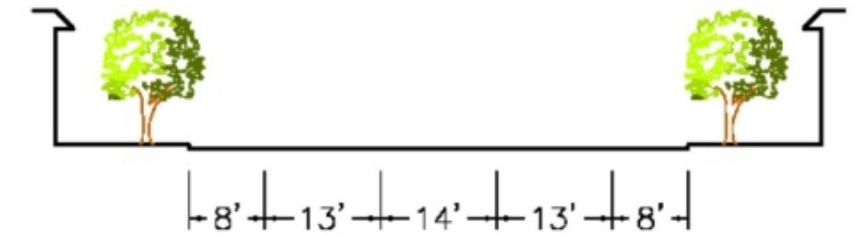
Staff Recommendation II



56' Street

2 – 11' Lanes, 2 – 30 Degree Parking

Staff Recommendation III

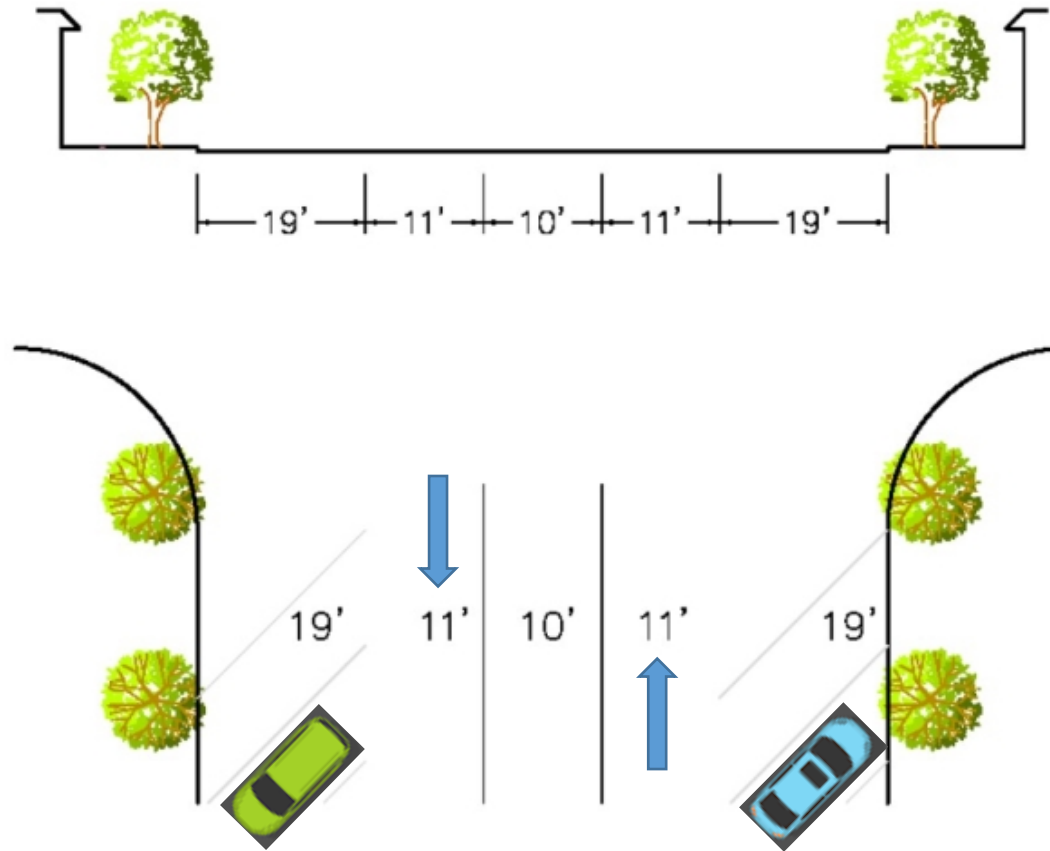


56' Street

3 – Lanes, 2 – Parallel Parking
(Cedar Street, Hickory Street)



Staff Recommendation IV



70' Street

3 – Lanes, 2 – 45 Degree Parking
(Pine Street, Walnut Street)



Downtown Parking Options Workshop

Questions





**City Council
Agenda Memo**

City Council Meeting Date: 10/3/2019

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director

SUBJECT: Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 22, "Parks and Recreation," Section 22-4, "Closing Hours," of the Code of Ordinances to Extend the Open Hours of Kirby Lake Park (Lesli Andrews)

GENERAL INFORMATION

Kirby Lake Park, located on the eastern shore of Kirby Lake, was built in 2000 and contains 123 acres. The Park contains baseball fields, a boat ramp and fishing pier, and the new Nature Play Area.

Recently, members of the public who fish have requested that the hours of operation of Kirby Lake Park be extended to allow night fishing. Currently, pursuant to Section 22-4, City of Code of Ordinances, all city parks are closed between midnight and 5:30 AM. Persons located in the city parks after closing are subject to receiving a citation, and at a minimum are asked to leave the park.

SPECIAL CONSIDERATIONS

Although Kirby Lake Park encompasses the boat ramp, fishing pier, and shoreline, the waters and other shoreline of Kirby Lake are not park land and the hours of operation do not apply. Therefore, fishing on the water of Kirby Lake is allowed 24 hours a day. The request by local fishermen is to allow fishing at Kirby Lake Park 24 hours a day, the same as is allowed on the open water.

FUNDING/FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends that the City Council approve extending the hours of operation of Kirby Lake Park as recommended by the Parks and Recreation Board.

BOARD OR COMMISSION RECOMMENDATION

On September 17, 2019, the Parks and Recreation Board voted to approve extending the hours of operation of Kirby Lake Park to be open 24 hours.

ATTACHMENTS:

- | | | |
|----|-----------------------------|----------------------------------|
| 1. | Ordinance_-_Kirby_Lake_Park | Ordinance_-_Kirby_Lake_Park.docx |
| 2. | Ordinance Exhibit A | Ordinance Exhibit A.pdf |
| 3. | Ordinance_Exhibit_A_redline | Ordinance_Exhibit_A_redline.pdf |
| 4. | Map | Map.pdf |
| 5. | Master_Plan_page | Master_Plan_page.pdf |
| 6. | Kirby_Lake_Park_Hours | Kirby_Lake_Park_Hours.pptx |

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 22, "PARKS AND RECREATION," ARTICLE I, "IN GENERAL," SECTION 22-4, "CLOSING HOURS" OF THE 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 22, Article I, Section 22-4 of the Abilene Code of Ordinance provides that all parks shall be closed to the public between the hours of 12:01 a.m. and 5:30 a.m. each day; and

WHEREAS, the Parks and Recreation Board recommends that the closing hours for parks not apply to Kirby Lake Park located at Kirby Lake.

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

- Section 1.** That Chapter 22, Article I, Section 22-2, "Closing Hours" of the Code of Ordinances, 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 26th day of September, 2019.

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 29th day of September, 2019, 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 3rd day of October, 2019, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 3rd day of October 2019.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

EXHIBIT "A"

Sec. 22-4. Closing hours.

All parks shall be closed to the public between the hours of 12:01 a.m. and 5:30 a.m. each day.

- (a) This section shall not apply to the following persons if in the park in the performance of their duties: Peace officers, physicians, ambulance operators or attendants, employees of the city, and employees of public utility companies.
- (b) In the case of parks through which there are dedicated streets used for general travel (that is, not merely for access to the interior of the park) this section shall not apply to persons traveling through the park on such dedicated streets.
- (c) The parks and recreation director may grant permission for civic or educational meetings or entertainments to be held in a park at any designated hours, and this section shall not apply to persons who are in the park in accordance with the terms of such permission.
- (d) The department of parks and recreation shall place in each of the above-designated parks legible signs stating the hours when the park is closed. At least two (2) signs shall be placed in each park; and in parks which have vehicular entrances, there shall be a sign at each such entrance.
- (e) This section shall not apply to those individuals camping in Seabee and Johnson Parks where overnight camping is permitted for periods up to forty-eight (48) hours in designated camp sites.
- (f) This section shall not apply to Kirby Lake Park.

EXHIBIT "A"

Sec. 22-4. Closing hours.

All parks shall be closed to the public between the hours of 12:01 a.m. and 5:30 a.m. each day.

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(b) In the case of parks through which there are dedicated streets used for general travel (that is, not merely for access to the interior of the park) this section shall not apply to persons traveling through the park on such dedicated streets.

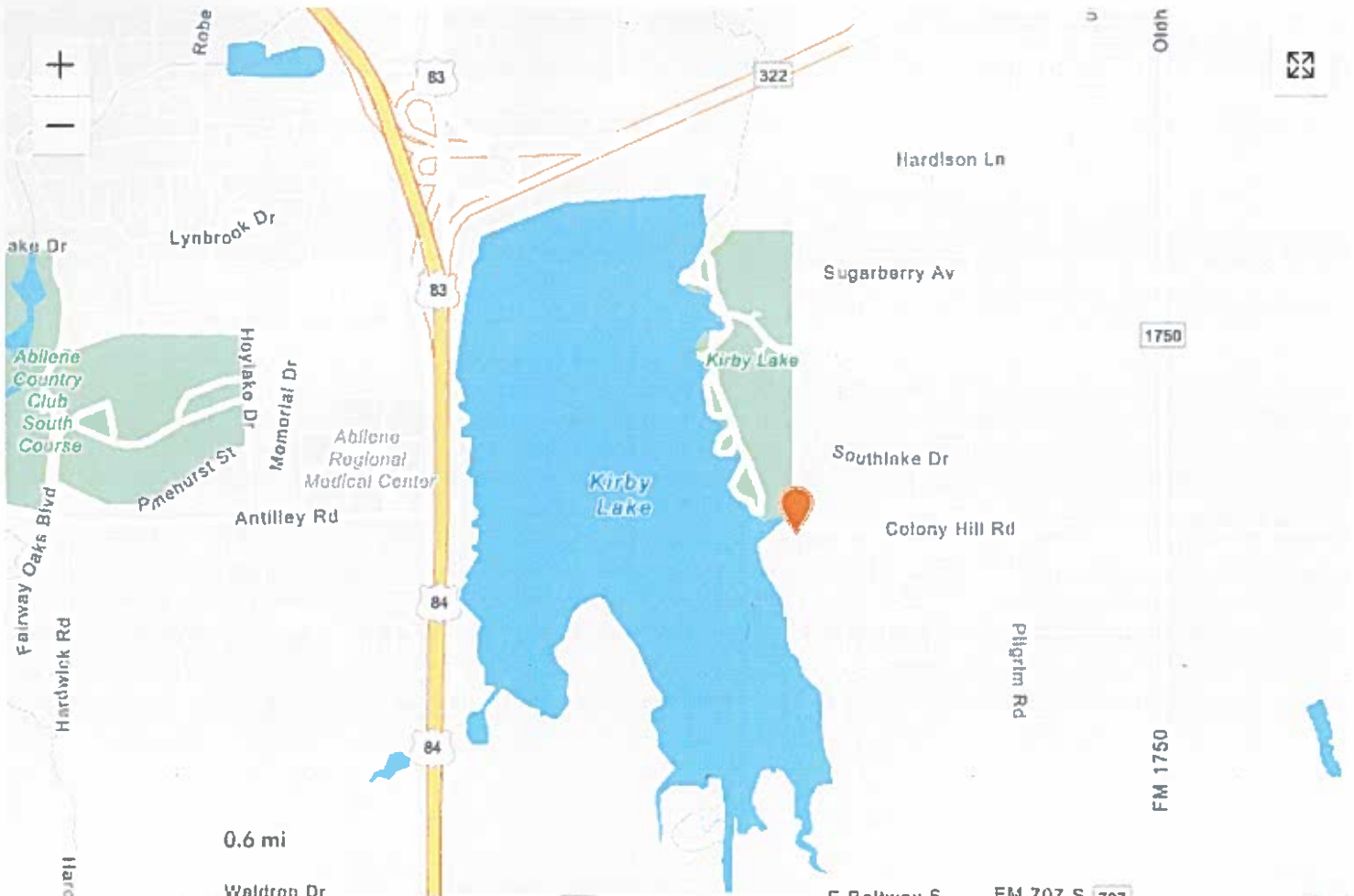
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(f) This section shall not apply to Kirby Lake Park.

Parks Map



Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA Powered by [Esri](#)

Total 40 facilities found.

Lake Kirby Park

Park Type: Regional

Acres: 123.27

Year Built: 2000

Existing Facilities:

- 4 backstops
- 4 baseball fields
- 1 bbq grill
- 1 fishing pier
- 1 group pavilion
- 1 playscape
- 3 restrooms
- 4 softball fields
- 1 boat ramp



Assessment of Existing Condition: Kirby Lake has the potential of being one of the most attractive destinations in Abilene. The lake is prominently visible from major roads in the southern sector of the City. The existing park is on the eastern side of the lake, and offers mainly softball and little league facilities. Lakeside facilities include fishing piers and boat ramps, but park areas along the edges of the lake are in an undeveloped state and are not attractive.

Key Recommendations: Lakeside parks along the edges of Kirby Lake could become the southern equivalent to Johnson Park and a significant quality of life and economic attractor for Abilene. Few cities have such large lakes within their city limits that have not been developed. A lakeside passive park should be developed on the eastern side of the lake between the existing ball fields and the lake. This park should feature a central irrigated green lawn space for major events, picnic areas, several large rental pavilions, lakeside trails, a restroom and support parking. On the western side of the lake, a trail corridor around the perimeter of the lake should be developed.

EXTEND OPEN HOURS OF KIRBY LAKE PARK

- Section 22-4, Code of Ordinances, provides that all city parks are closed between midnight and 5:30 a.m.
- Local fishermen have approached the City about extending the open hours of Kirby Lake Park to allow night fishing on the shoreline, fishing pier, and boat ramp located in the park.
- The Parks and Recreation Board has recommended to the City Council that the hours of operation of Kirby Lake Park be extended to be open 24 hours a day, to coincide with the open hours of the remainder of Kirby Lake.
- Questions?



Purchase of Approximately 18.64 Acres from Union Pacific Railroad

