



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

AMENDED

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on August 27, 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

3. **Service Awards Video Presentation:**

- Michael Payne - Water Distribution - 20 Years

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 Take Action on Approving the Minutes from the Regular Meeting Held on August 13, 2020 **(Shawna Atkinson)**
5. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2070 to Bontke Brothers Construction, Inc. for TASA US 83/84 Bike/Ped Improvements **(Greg McCaffery)**
6. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing and Take Action to accept an Airport Improvement Program Grant from the Federal Aviation Administration **(Don Green)**
7. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve the Purchase of Airport Terminal Replacement Furniture **(Don Green)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

8. **Resolution:** (remove from table) Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Award of Bid No. CB-2069 – Sale of Property, T & P Freight Warehouse (901 N. 1st) **(Travis McClure)**
9. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Economic Development Agreement with KKP Investments, LLC regarding approximately 150 acres of land out of the M. Talbot Survey No. 103, Taylor County, Texas, located on FM 707 S and west of Buffalo Gap Road **(Robert Hanna)**
10. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster Issued July 23, 2020 **(Robert Hanna)**
11. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve a Revenue Guarantee Agreement with SkyWest Airlines to Provide Daily Service to Houston George Bush Intercontinental Airport for United Airlines **(Don Green)**
12. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve an Airport Lease and Operating Agreement with SkyWest Airlines **(Don Green)**
13. **Ordinance (Final Reading) Z-2020-11:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Cade and Katie Browning to rezone property from Single Family Residential 12 (RS-12) to Single Family Residential 12/Historic Overlay (RS-12/HO) zoning located at 910 Highland Avenue. **(Mike Warrix)**

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. 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
2. 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
3. Officer Patrick Sumrall and City of Abilene, Case No. 01-18-000-8653; Appeal of Indefinite Suspension to Arbitration, filed February 6, 2018
4. 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.
5. City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019
6. 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
7. 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
8. 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
9. John Doe v. Robert Hanna, Individually and as City Manager; Cause No. 28078-B; In the 104th Judicial District Court, Taylor County, Texas; filed July 7, 2020
10. Governor's Executive Order - COVID-19
11. West Texas Water Partnership

B. 551.072 (Deliberations about Real Property)

1. Clyde Water
2. T&P Freight Warehouse, 901 North 1st Street, Abilene

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
2. Economic Development Agreement with KKP Investments, LLC

RECONVENE

REGULAR AGENDA

15. **Oral Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Evaluation of the City Manager

16. **Oral Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Evaluation of the City Attorney
17. **Oral Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Evaluation of the City Secretary
18. **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)**
 - Betty Hardwick Center Board of Directors
 - Civil Service Commission

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 AMENDED meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 24th day of August, 2020, at 11:45 a.m.

Shawna Atkinson, TRMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 8/27/2020

TO:

FROM: Shawna Atkinson, City Secretary

SUBJECT: 4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on August 13, 2020 (*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting Held on August 13, 2020

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 08-13-2020 Minutes - Regular - Morning

CITY COUNCIL MEETING
August 13, 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 August 13, 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, and City Secretary Shawna Atkinson.

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.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Employee Service Awards
 - Michael Payne – Water Distribution – 20 Years

CONSENT AGENDA

The Consent Agenda consisted of items 3-12. Item 6 was pulled for individual consideration.

Items pulled for individual consideration were as follows:

- David Swart, citizen – Item 6

Mayor Pro-tem Hurt moved to approve the consent agenda, now consisting of items 3-5 and items 7-12. 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

Deputy Mayor Pro-tem Albus, Councilmember Rentz and Councilmember Craver had a conflict of interest on Item 8 and abstained from voting on that item alone. The vote for Item 8 only was as follows:

AYES (4): Mayor Williams, Mayor Pro-tem Hurt, Councilmember McAlister and Councilmember Price
NAYS (0): None
ABSTAIN (3): Deputy Mayor Pro-tem Albus, Councilmember Rentz and Councilmember Craver

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Meeting Held on July 21, 2020, and the Regular Meeting Held on July 23, 2020
4. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Execute a Contract with United States Geological Survey for Streamflow Monitoring Stations
[ASSIGNED RESOLUTION NO. 144-2020]
5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2068 to Raydon, Inc. for Briarwood and N. 3rd Alley Construction
[ASSIGNED RESOLUTION NO. 145-2020]

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City of Abilene to apply for the 2020 Justice Assistance Grant and Approving an Interlocal Agreement with Taylor County for distribution of the Grant funds
[ASSIGNED RESOLUTION NO. 147-2020]
8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Selection of a Primary Depository Bank
[ASSIGNED RESOLUTION NO. 148-2020]
9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Printing Services Contract to Abilene Printing and Stationary Co
[ASSIGNED RESOLUTION NO. 149-2020]
10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Revised 2019-2024 Meet and Confer Agreement between the City of Abilene and the Abilene Police Officers' Association
[ASSIGNED RESOLUTION NO. 150-2020]
11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Revised 2019-2023 Meet and Confer Agreement between the City of Abilene and the Abilene Professional Firefighters' Association, IAFF Local 1044
[ASSIGNED RESOLUTION NO. 151-2020]
12. Ordinance (First Reading) Z-2020-11: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Cade and Katie Browning to rezone property from Single Family Residential 12 (RS-12) to Single Family Residential 12/Historic Overlay (RS-12/HO) zoning located at 910 Highland Avenue

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on allowing the City Manager to execute a contract with Texas Fire Apparatus, LLC for the purchase of one Sutphen Custom Aerial Platform Truck
[ASSIGNED RESOLUTION NO. 146-2020]

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart questioned why this purchase was not made at the same time the previous truck was purchased. He stated that 18 months is a long time for delivery of this item, and that the Fire Department should purchase what they need now while they can, since there will be budget restraints in the future due to COVID-19.

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

REGULAR AGENDA

13. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the City of Abilene Master Stormwater Drainage Plan - 25 Year Implementation Scenario
[ASSIGNED RESOLUTION NO. 152-2020]

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would approve the City of Abilene Master Stormwater Drainage Plan with a 25 Year Implementation Scenario. Mr. McCaffery introduced Curtis Beitel with HDR, who gave the complete overview of the project.

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

- David Swart – stated that his main concern is the stormwater fee on the water bill. Mr. Swart is concerned that the City is not using the general fund for this project, while citizens are being charged to fund it. Mr. Swart stated that we should look at financing this another way.

With no other 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 (7): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz, McAlister and Craver
NAYS (0): None

14. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Award of Bid No. CB-2067 – Sale of Land (60.66 Acres)
[ASSIGNED RESOLUTION NO. 153-2020]

Travis McClure, Land Agent, presented the item. Adoption of the item would award Bid No. CB-2067 to Bryan Meers, for 60.66 acres of the property located in the Northwest part of the H.M Gibson Survey, A-1349, on the bank of the Clear Fork of the Brazos River, Jones County Appraisal District Property ID #10016.

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

Mayor Pro-tem Hurt moved to approve the item as presented. 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

15. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Provide Direction on Adopting a Resolution in Support of Local Businesses and Local Control of COVID-19 Response to the Governor of Texas
[NO ACTION TAKEN]

Robert Hanna, City Manager, presented the item. This item is requesting direction from Council on drafting a Resolution to the Governor of Texas, asking for local control of COVID-19 response to better help small businesses in Abilene.

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

- David Swart – stated that the social distancing guidelines should be applied to bars, so that they may re-open. He also stated that bar owners are the ones who are being affected the most and we should allow them to open.
- Tim Smith – thanked Council for discussing this. Mr. Smith stated that the Governor has tied bar owners' hands, and that it is detrimental for people to stay alone all the time. Mr. Smith stated that our Council needs to be the one to determine what businesses should be open for our city. We know our city better than the Governor and he has over stepped his authority.

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

Robert Hanna, City Manager stated that he would like to see a committee come together to assist him in drafting a resolution to express our concerns in a positive fashion. It was the consensus of Council to have staff draft this resolution and bring back at a later date for approval.

16. Ordinance (Final Reading) CUP-2020-04: Receive a Report and Hold a Discussion and Public Hearing on a request from AT&T, agent David Draper, for Conditional Use Permit to allow construction of a 75' tall monopole within General Retail (GR) zoning district located at 3309 N. 10th Street, Abilene, Taylor County, Texas
[ASSIGNED ORDINANCE NO. 29-2020]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would approve a Conditional Use Permit to allow construction of a 75' tall monopole antenna tower within General Retail (GR) zoning district located at the above referenced property.

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

- David Swart – stated at the last meeting that a 75 foot pole is not tall enough. He thinks that a 120 feet pole wouldn't hit anything if it went down, and since there isn't enough coverage in the area the 120 foot pole would be a better option.

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

17. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the 2019-2020 Revised Budget
[ASSIGNED ORDINANCE NO. 30-2020]

Mike Rains, Director of Finance, presented the item. Adoption of the item would approve the 2019-2020 Revised Budget.

Councilmember Price pointed out that the motion made at the first reading of the budget that allocated MIP funds to Stevenson Park repairs is in conflict with the City Charter. The money should be set aside for the Parks in general, and then the Parks and Recreation Board should make the decision on how to allocate the funds, with the knowledge that it is Council's wishes to fix the restrooms at Stevenson Park.

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

- Samuel Garcia – stated that he is very confused at the thought process for this year. Mr. Garcia stated that the City should not raise the tax rate to fund the budget when there is enough money in the General Fund. He stated that he received clarification that the money in the General Fund is extra money from revenue, and he has a hard time understanding why the City is raising the tax rate to fund the budget when we have those extra funds that could be used instead.
- Billy Enriquez – stated he is with the Sears Park Recreation Committee and shared that they have a neighborhood plan with specific items set out for this park. Mr. Enriquez stated that the committee and City staff have worked together regarding updates to this park and he is very proud of what they have accomplished so far. He would like to see the walking track renovated, but stated they are willing to wait.
- Nicholas Moses – stated that the Stevenson Park group have communicated with Mr. Enriquez. It is his understanding from Council that the change in these parks is possible, and that the community in the Stevenson Park area have stated that this group is bringing hope back into this park.
- Chantae Fleming – stated she is here to speak on behalf of Stevenson Park. She is grateful for what they have done so far, and for Mr. Enriquez guiding them. She expressed how beautiful Sears Park is, and that would like to see the same improvements for Stevenson.
- Chris Daughtery – thanked the Stevenson Park community for the park cleanup previously held. Mr. Daughtery stated that the community is stepping up with a feeling of pride in their community.
- Cynthia Alvidrez – representing the Arthur Sears park Neighbors and would like to request that the track be repaired immediately, as an older individual fell at the track. Ms. Alvidrez stated that playground is not ADA accessible and they would like to have that replaced with one that is, and also have the tennis court turned into a full basketball court. She also stated that the water fountain is not ADA accessible and would like to see something similar to what is at Redbud. Ms. Alvidrez is also requesting emergency blue lights be installed as individuals have been robbed there.
- Elida Lujan – stated she was glad to see Stevenson Park group stepping up and she is asking the same for Sears Park. Ms. Lujan stated that the retirement community utilizes the track in this park. She also stated that the tennis court has not been utilized and would like to see it turned into a full basketball court. She is requesting the same items that Ms. Alvidrez went over in her comments.
- Rasme Zamora – stated that both Sears and Stevenson Park need work. There have been three individuals that have been hurt on the track. Mr. Zamora stated that there are businesses that are willing to assist in getting it patched until the track is able to be renewed.

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

Deputy Mayor Pro-tem Albus moved to approve the item as presented with the modification that the funds allocated at the first reading for Stevenson Park, be allocated to the Parks in general, with the Parks & Recreation Board providing recommendation on how the money is dispersed, at a later date. Councilmember McAlister 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

18. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving and Adopting the Proposed Budget for Fiscal Year 2020-2021
[ASSIGNED ORDINANCE NO. 31-2020]

Mike Rains, Director of Finance, presented the item. Adoption of the item would approve and adopt the proposed budget for Fiscal Year 2020-2021.

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

- Cynthia Alvidrez – stated that they will need more than \$432,000, since this will need to be split between the parks now.
- David Swart – would like clarification that nothing has changed in the budget.
- Samuel Garcia – stated that council needs to step back and look at the broader picture. He stated people are begging for small things for the park, but they need to look at the MIP. The money is going towards the hotel, which is currently at a standstill.
- Elida Lujan – stated on July 21st, the budget approval for the \$432,000 was for one park and now there is a second park. Ms. Lujan asked if both parks would be sharing this total, and if so, she is requesting more money.

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

Councilmember Price moved to approve and adopt the Proposed Budget for Fiscal Year 2020-2021 with a specific amount of money - \$107,059,430 General Fund Budget. Councilmember McAlister 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

Councilmember Price moved to approve the item as presented, stating this budget will raise more total property taxes than last year's budget by an amount of \$1,191,540 which is a 3.1% increase from last year's budget. Of that amount \$603,840 is tax revenue to be raised from new property added to the tax roll this year. Councilmember McAlister seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz, McAlister and Craver

NAYS (0): None

19. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving and Adopting the Proposed 2020-21 Tax Rates
[ASSIGNED ORDINANCE NO. 32-2020]

Mike Rains, Director of Finance, presented the item. Adoption of the item would approve and adopt the Proposed 2020-21 Tax Rates.

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

- Cynthia Alvidrez – questioned if Council could still change the tax rate at this point. When Mayor Williams clarified that yes they could, she requested the tax rate be changed to \$0.7465. This will still allow Council to do what they need. Ms. Alvidrez stated that citizens are asking for the same mercy from Council here, like the City is asking for from the Governor.

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

Councilmember Price moved that the property tax rate be increased by the adoption of the tax rate of \$.7877 per \$100, which is effectively a 3.1% increase in the tax rate. Councilmember McAlister 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

20. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting Fees and Charges for Fiscal Year 2020-21
[ASSIGNED ORDINANCE NO. 33-2020]

Mike Rains, Director of Finance, presented the item. Adoption of the item would adopt the fees and charges for Fiscal Year 2020-21.

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 Rentz 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 – wanted to remind everyone that tomorrow is V-J Day. 75 years ago the war ended and it is also his mother's birthday. Mr. Swart stated that people who disrespect the flag and national anthem don't remember the wars and sacrifices made. Mr. Swart gave a history of World War II, and thanked all Veterans.
- Billy Enriquez – thanked council for their hard work and stated that people don't know all the hard decisions that Council has to make.

- Nicholas Moses – stated that they are humbled for the funding for Stevenson Park and hopes more funding will be considered in the future. Mr. Moses stated that an individual in this community told him that they were doing the Lord’s work and he was humbled by that.
- Paul Belk – thanked council and those who stand up. Mr. Belk stated that the Council and the City have done amazing in this pandemic. He stated that there will be a Honk for Hero’s tonight at the Police Department parking lot to honk at and celebrate first responders and would like to invite everyone to participate in the event.
- Demetrius Earthly – thanked council for hearing the concerns from the public, and that he would like to invite everyone to a back to school bash and school supply drive tomorrow.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 10:51 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. John Doe v. Robert Hanna, Individually and as City Manager, Cause No 28078-B
 - 2. Local Election Date, November 3, 2020
 - 3. Claim of Discrimination – Rita Monterrosa
 - 4. Texas Public Information Act – vexatious requesters
- 10.B 551.072 (Deliberations about Real Property)
 - 2. T&P Freight Warehouse, 901 North 1st Street (also agenda item #22)
- 10.D 557-074 (Personnel Matters)
 - 1. Personnel Matters – City Secretary

The Executive Session ended at 11:17 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session. Councilmember Craver left the meeting at the conclusion of Executive Session.

REGULAR AGENDA

- 22. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Award of Bid No. CB-2069 – Sale of Property, T & P Freight Warehouse (901 N. 1st)
[ASSIGNED RESOLUTION NO. 154-2020]

Earlier in the meeting, under Section 551.087 (Deliberations about Real Property) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 10:51 a.m. and ended at 11:17 a.m. No votes or actions were taken at that time.

Travis McClure, Land Agent, presented the item. Adoption of the item would award Bid No. CB-2069 – Sale of Property, T & P Freight Warehouse. There were two bidders, Charles Wolfe (dba Abilene Majestic, LLC) at \$950,000, and the Abilene Chamber of Commerce at \$770,000.

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

- Pete Garcia – stated he supports the Chamber, but also supports Charlie Wolfe. He thinks Mr. Wolfe will put the building to a better use attracting more people downtown. Mr. Garcia stated that Charlie Wolfe has done a lot of good in the community and encourages council to award the bid to him.
- David Swart – stated that a restaurant would go well with the feeling downtown, and that if we get out of COVID, he thinks it would be a good fit, but that the City does need to get the roof fixed first. Mr. Swart stated that Council should go with the highest bidder.
- William Wolfe (son of Charlie Wolfe, speaking on his behalf) – stated that if the T & P Warehouse could talk it would have countless stories. Their goal is to preserve its history. The T & P Warehouse was built for the railroad and they intend to use it to make a connection between the SoDA District and the Downtown area, just like the railroad did for Abilene and the country.
- Tim Smith – stated that he feels a restaurant is the best idea for this property. Mr. Smith stated that everyone's goal is to make downtown vibrant and active, and that more restaurants are needed downtown. The SoDA District is a bar area with no food and this remedies that. Mr. Smith supports the Chamber of Commerce, but believes this is a better fit.
- Tim Yandell – stated he is in support of both projects. Mr. Yandell stated that private investment is important for growth in Abilene, and that a restaurant would inject new life downtown that a meeting space would not. Mr. Yandell encourages council to choose Charlie Wolfe.
- Cindy Wolfe (wife of Charlie Wolfe) – stated that she envisions this building as a great place to make family memories while learning about Abilene's railroad history. If their bid is chosen, she hopes to include railroad memorabilia in the restaurant design. Mrs. Wolfe hopes that council can envision their idea and get on board with them.
- Darrin Black (Chairman for the Chamber of Commerce) - stated they have spent a lot of time and effort looking for new headquarters, and that they have a lot of people going in the building with them. The Chamber respects the downtown revitalization efforts and appreciates Mr. Wolfe, but they will have everything for businesses under one roof.
- Doug Peters (President and CEO of the Chamber of Commerce) – stated that the Chamber has served the community for 112 years and that he would like for everyone to look at the long term instead of the immediate return on this.

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

Mayor Williams moved to award the sale of the property to Charlie Wolfe (dba Abilene Majestic, LLC) with the conditions of a signed letter of agreement with a local restaurateur within six months, and that the roof repairs be completed before closing. Councilmember Price seconded the motion; motion failed.

AYES (3): Mayor Williams, Mayor Pro-tem Hurt and Councilmembers Price

NAYS (3): Deputy Mayor Pro-tem Albus, Councilmember McAlister and Councilmember Rentz

ABSENT (1): Councilmember Craver

Mayor Williams moved to table this item until further discussion can be made. Councilmember Price seconded the motion; motion carried.

AYES (5): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, Councilmember Price and Councilmember McAlister

NAYS (1): Councilmember Rentz

ABSENT (1): Councilmember Craver

23. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Resolution Approving the Development Corporation of Abilene, Inc.'s Economic Relief Incentive Agreement with Project ERG-9

[NOT CONSIDERED]

This item was pulled from consideration prior to the meeting.

24. 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. 156-2020]

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

Councilmember Price moved to (re)appoint the following:

Board	Term End Date
<i>Abilene-Taylor County Public Health District Board</i>	
Jaime Correa [New]	November 2023
<i>Landmarks Commission</i>	
Kevin Halliburton [New] [Architect]	November 2023

Councilmember McAlister seconded the motion; motion carried

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

NAYS (0): None

ABSENT (1): Councilmember Craver

25. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Salary of the City Secretary
[NOT CONSIDERED]

Mayor Williams pulled this item from consideration.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:44 a.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



City Council Agenda Memo

City Council Meeting Date: 8/27/2020

TO: Robert Hanna, City Manager

FROM: Greg McCaffery

SUBJECT: 5. Resolution:Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2070 to Bontke Brothers Construction, Inc. for TASA US 83/84 Bike/Ped Improvements (Greg McCaffery)

GENERAL INFORMATION

This Project was advertised as a Public Notice on July 19, 2020, July 26, 2020, and on August 02, 2020 with a bid opening dated August 11, 2020. This contract involves the construction of sidewalks, while filling in gaps where sidewalks do not exist along, Texas Avenue from Corsicanna Avenue to South 14th Street, South 14th Street from Texas Avenue to South Danville Drive, and South Clack from South 14th Street to Catclaw Drive. Also included in this contract will be pedestrian signal enhancements, and Americans with Disabilities Act (ADA) Ramps as various intersections.

This project includes federal funding via the Federal Highway Administration (FHWA) which is being directed through Texas Department of Transportation (TxDOT). Therefore, project execution will be contingent upon concurrence with TxDOT.

SPECIAL CONSIDERATIONS

This project has a contract completion time of 60 working days (approx. 3 months, weather permitting)

FUNDING/FISCAL IMPACT

Funding for this project is allocated through the 2015 General Bond Fund and the FHWA under

the TASA Grant.

The City of Abilene will provide a 20% match (\$105,508.88) and TxDOT, through the FHWA TASA Grant, will provide a 80% match (\$422,035.52) towards the construction portion of the project.

STAFF RECOMMENDATION

Staff recommends bid award to Bontke Brothers Construction, Inc. for \$527,544.40.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. REV2_TASA Sidewalk Proj Resolution + TxDOT (1)
2. TASA Poject contract - EXECUTED
3. CB2070 TABSHEET
4. Scope of Project
5. PROJECT LOCATION MAP
6. REV2_TASA Sidewalk ppt (1)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDBING BID TO BONTKE BROTHERS CONSTRUCTION, INC., ABILENE, TEXAS

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for the construction of sidewalks, while filling in gaps where sidewalks did not exist along Texas Avenue from Corsicanna Avenue to South 14th Street; South 14th Street from Texas Avenue to South Danville Drive; and South Clack from South 14th Street to Catclaw Drive. Also included in this contract will be pedestrian signal enhancements, and Americans with Disabilities Act (ADA) ramps.; and

WHEREAS, the project includes federal funding via the Federal Highway Administration (FHWA) which is being directed through Texas Department of Transportation (TxDOT). Therefore, project execution will be contingent upon concurrence with TxDOT; and

WHEREAS, the following bids were received and opened on the July 28, 2020:

Bontke Brothers Construction, Inc., Abilene, Texas	\$527,544.40
Ti-Zack Concrete, Inc., Le Center, Minnesota	\$612,166.85

WHEREAS, Bontke Brothers Construction, Inc., Abilene, Texas submitted the lowest bid in the amount of \$527,544.40 with the bid meeting specifications. Staff recommends awarding the bid to the lowest bidder, Bontke Brothers Construction, Inc., Abilene, Texas.

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

PART 1: That the City Council approves this bid in the amount of \$527,544.40.

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

ADOPTED this 27th day of August, 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made August 27, 2020, is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and Bontke Brothers Construction Company, Inc. of the City of Abilene, State of Texas. ("Contractor").

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

THE AGREEMENT

1. Work and Consideration.

The Contractor hereby agrees to commence and complete the construction of Work described as **TASA US 83/84 BIKE/PED IMPROVEMENTS**

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

TASA US 83/84 BIKE/PED IMPROVEMENTS

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

In consideration of this Work, the City will pay the Contractor the sum of **\$527,544.40 (Five hundred twenty-seven thousand five hundred forty-four dollars and forty cents)**.

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) attorneys fees, witness fees, expert witness fees and expenses, and
- (iv) all other costs and expenses of litigation

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

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

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

B. Indemnity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

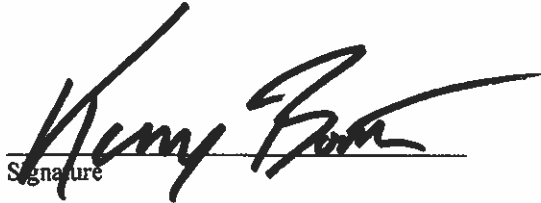
13. **Contract Copies.** Each of the two executed copies is an original.

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

CONTRACTOR

Name of Contractor:

Bontke Brothers Construction Co., Inc.


Signature

Kenneth Bontke
Name - Typed or Printed

President
Title - Typed or Printed

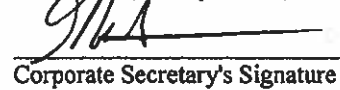
Business Address:

P.O. Box 2896, Abilene, TX 79604
102 College Dr., Abilene, TX 79601

(325) 677-6276
Business Phone No.

75-1331325
Federal Tax I.D.#

ATTEST (If Corporation)


Corporate Secretary's Signature

Corporate Seal
(if none, write "None")

CITY OF ABILENE

Authorized Signature

APPROVED:

City Attorney

ATTEST:

City Secretary

Seal: |

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

PAGE
1 OF 1

DEPARTMENT: ENGR
BID NO.: CB-2070
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: AUGUST 11, 2020

BONTKE BROTHERS
ABILENE, TX

TI-ZACK CONCRETE, INC
LE CENTER, MN

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	TASA US 83/84 BIKE/PED IMPROVEMENTS TAYLOR COUNTY CSJ #0908-33-099 PROJECT #STP 1902(193)TAP				527,544.40		612,166.85								
BASE BID					527,544.40		612,166.85								
DISCOUNT															
TOTAL BID					527,544.40		612,166.85								

*NOTES: INDICATES RECOMMENDED AWARD

SCOPE OF PROJECT

This contract consists of constructing sidewalks on Texas Ave. from Corsicanna Ave. To S 14th St., S 14th St. from Texas Ave. to S Clack, and S Clack from S 14th St. to Catclaw. Also included in this contract will be pedestrian signal enhancements, and ADA Ramps.

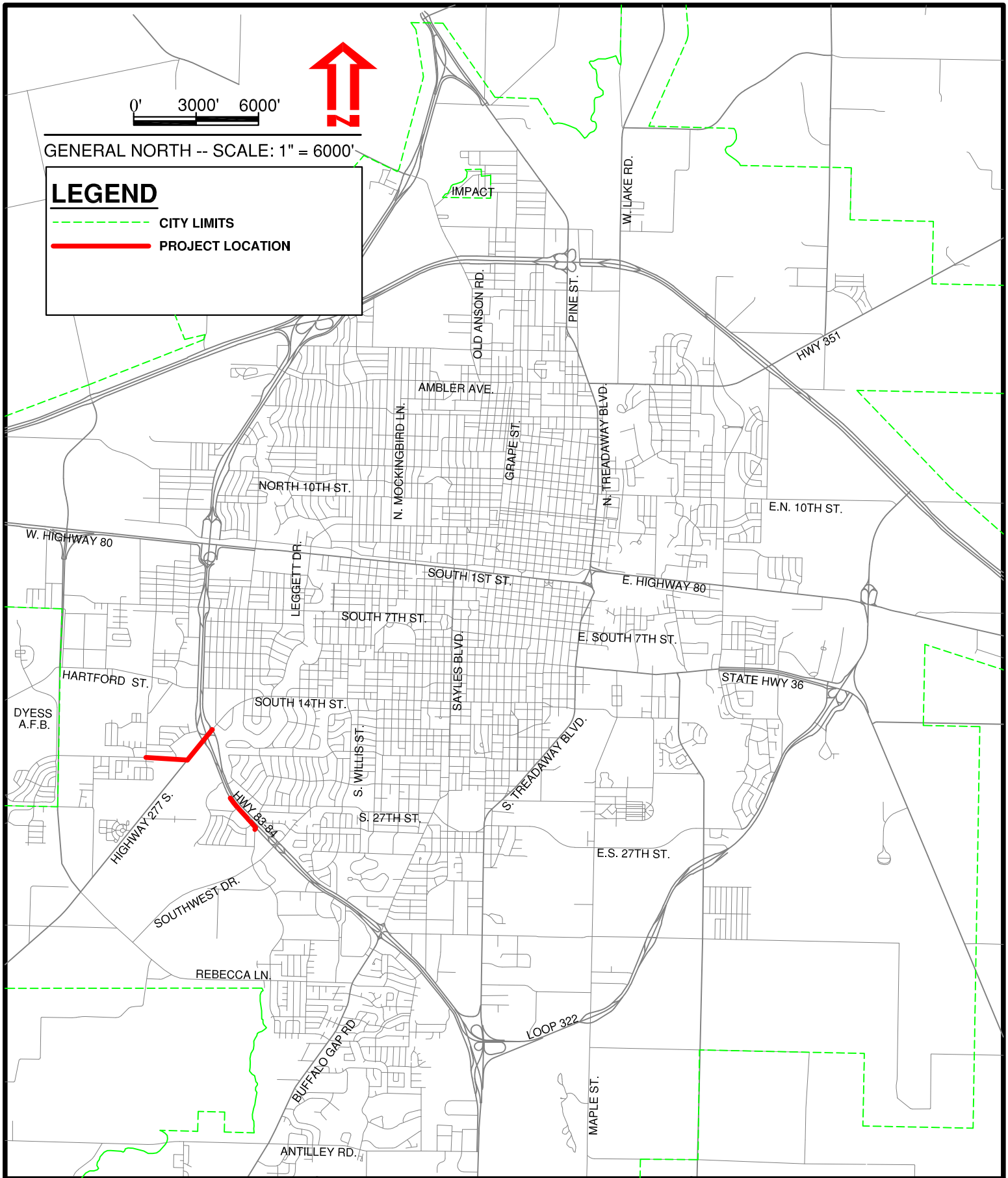
60 working days have been allotted for this project.

Note to Contractors:

1. No Right-of-Way acquisition was required for this contract.

(For this contract, this item is the responsibility of the City of Abilene.)

A race conscious DBE goal of 5% has been established for this contract.



Sheet
1
of
1

CITY OF ABILENE, TEXAS
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

**TASA US ⁸³/₈₄ BIKE/PED
IMPROVEMENTS**

Designed By: S. CHANDLER

Drawn By: T. MATTHEWS

Checked By: S. CHANDLER

Horizontal Scale: 1"=6000'

Vertical Scale: N.T.S.

Computer File Name:
Project Location Map

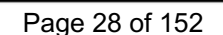
Date: AUGUST 2020

Agenda Item: TASA US 83/84 Bike/Ped Improvements

Resolution: Bid Award #CB-2070 TASA US 83/84
Bike/Ped Improvements (*McCaffery*)



Streets	From	To
Texas Ave St		Corsicana Ave S 14 th
S 14 th St	Texas Ave	S
Danville Dr		
S Clack St	2626 S Clack St	Catclaw Dr
Catclaw Dr	S Clack St	3010 Catclaw Dr



TASA US 83/84 Bike/ Pedestrians Improvements

- Construction Contract includes the construction of sidewalks, where various gaps will be filled in along Texas Avenue from Corsicanna Avenue to South 14th Street; South 14th Street from Texas Avenue to South Clack; and South Clack from South 14th Street to Catclaw Drive.
- Project Advertised July 19th 2020, July 26th 2020 & August 2nd 2020 Bids Opened August 11th 2020.
- Two bids were received.
- Funding is through the Transportation Alternative Set Aside (TASA) Grant administrated through TxDOT.
- Construction funding is 80% (TxDOT - \$422,035.52) and 20% (Abilene - \$105,508.88)
- Staff recommends award of contract to Bontke Brothers Construction, Inc. in the amount of \$527,544.40



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/27/2020

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Public Hearing and Take Action to accept an Airport Improvement Program Grant from the Federal Aviation Administration *(Don Green)*

GENERAL INFORMATION

The airport receives a grant each year from the Airport Improvement Program (AIP) through the Federal Aviation Administration (FAA) based on passenger boardings. The airport didn't use the grants in FY's 18 and 19 so they could be combined with FY20 to have a larger amount to fund construction of the new Aircraft Rescue and Fire Fighting (ARFF) Station. AIP Grants usually require a 10% match from the airport. However, the CARES Act included waiving the 10% match for FY20 AIP grants. Therefore, FAA has added that 10% amount to this grant for a total award of \$3,722,311.00.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The 10% local match is waived, so the City does not have to use approximately \$338,400 in 2015 Bond funds for the match, but can apply that amount to help make up the difference between the construction cost and AIP Grant funding.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved its recommendation at its August 19, 2020 meeting.

ATTACHMENTS:

1. AIP_Grant_48_Resolution 8-27-20
2. AIP Grant 48 Award Presentation (8-27-20)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE ACCEPTANCE OF AIRPORT
IMPROVEMENT PROGRAM GRANT 48 OFFERED BY THE FEDERAL AVIATION
ADMINISTRATION.**

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

WHEREAS, Abilene Regional Airport participates in the Airport Improvement Program through the Federal Aviation Administration (FAA), as authorized by the Congress of the United States of America;

WHEREAS, the Airport Improvement Program is funded nationally through taxes and fees charged by the FAA on airline tickets and aviation fuel sales; and

WHEREAS, the Airport Improvement Program typically funds Ninety Percent (90%) of FAA-approved airport capital improvement costs, but the CARES Act authorized that FAA waive and fund that match amount; and

WHEREAS, Abilene Regional Airport has demonstrated to FAA the need for Fiscal Year 2020 grant funding to construct a new Aircraft Rescue and Fire Fighting Station; and

WHEREAS, FAA offers to the City of Abilene Airport Improvement Program Grant 48 in the amount not to exceed \$3,722,311.00.

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

That the City Manager is authorized to execute the Airport Improvement Program Grant 48 Offer not to exceed \$3,722,311.00 from FAA, which requires no local match, for improvements at Abilene Regional Airport.

ADOPTED this 27th day of August 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

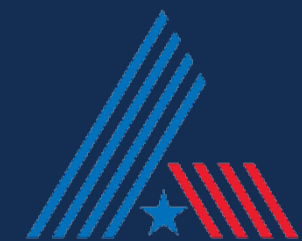
AIP Grant 48 Award



AIP Grant 48 Award

- The airport receives a grant each year from the Airport Improvement Program (AIP) through the Federal Aviation Administration (FAA) based on passenger boardings.
- The CARES Act included waiving the 10% match for FY20 AIP grants. Therefore, FAA has added that 10% amount to this grant for a total award of \$3,722,311.00.
- The grant will be used to help fund construction of the new Aircraft Rescue and Fire Fighting (ARFF) Station.
- The 10% local match is waived through the CARES Act, so the City does not have to use approximately \$338,400 in 2015 Bond funds for the match.







**City Council
Agenda Memo**

City Council Meeting Date: 8/27/2020

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve the Purchase of Airport Terminal Replacement Furniture (Don Green)

GENERAL INFORMATION

The furniture in the Airport Terminal was installed approximately 18 years ago and has gone beyond its useful life. Airport staff can no longer find new seat cushions to replace those that are worn and torn and new seating configurations are planned within the Gate Area to update and maximize passenger seating.

The City conducted a Request For Proposals (CB-2059) for new terminal furniture. The City received two proposal with Wilson Office Interiors having the fully responsive proposal that included all items requested in the RFP.

The new furniture will include outlets and USB-A and USB-C chargers accessible to most seating. The price is \$184,400.21 and includes shipping and installation.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

This project is funded from remaining funds in the 2007 Certificate of Obligation issued for Airport Improvements.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved its recommendation at its August 19, 2020 meeting.

ATTACHMENTS:

1. Terminal Furniture Purchase Resolution 8-27-20
2. Terminal Furniture Replacement Presentation (8-27-20)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING THE PURCHASE OF AIRPORT TERMINAL FURNITURE FROM WILSON
OFFICE INTERIORS**

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

WHEREAS, furniture in the terminal is over 18 years old and has many worn and torn pieces; and

WHEREAS, Airport staff has difficulty finding replacement parts and a new more efficient seating configuration is needed to maximize seating capacity and passenger comfort; and

WHEREAS, the City conducted a Request For Proposals (CB-2059) for new furniture; and

WHEREAS, Wilson Office Interiors had the most responsive proposal with a total cost including shipping and installation of \$184,400.21; and

WHEREAS, funds to purchase this furniture will come from the 2007 Certificate of Obligation issued for Airport Improvements; and

WHEREAS, the Airport Development Board approved its recommendation at its August 19, 2020 meeting.

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

1. That the City Manager is authorized to execute this agreement.
2. That this resolution takes effect immediately upon Council approval.

ADOPTED this 27th Day of August 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Airport Terminal Furniture Replacement



Terminal Furniture Replacement

- The furniture in the Airport Terminal was installed approximately 18 years ago and has gone beyond its useful life. Airport staff can no longer find new seat cushions to replace those that are worn and torn and new seating configurations are planned within the Gate Area to update and maximize passenger seating.
- The City conducted a Request For Proposals (CB-2059) for new terminal furniture. The City received two proposal with Wilson Office Interiors having the fully responsive proposal that included all items requested in the RFP.
- The new furniture will include outlets and USB-A and USB-C chargers accessible to most seating. The price is \$184,400.21 and includes shipping and installation.



Wilson Office Interiors



* Colors subject to change.



**City Council
Agenda Memo**

City Council Meeting Date: 8/27/2020

TO: Honorable Mayor & Members of City Council

FROM: Travis McClure

SUBJECT: 8. Resolution: (remove from table) Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Award of Bid No. CB-2069 – Sale of Property, T & P Freight Warehouse (901 N. 1st) (*Travis McClure*)

GENERAL INFORMATION

Pursuant to Texas Local Government Code Section 272.001, the City placed the following parcel of land for sale by giving public notice by advertisement in the Abilene Reporter-News on July 19, 2020 and July 26, 2020, and accepting sealed bids:

1.776 ACRE TRACT OF LAND AS RECORDED IN SPECIAL WARRANTY DEED #2013-0011615 AND THE E446.09 FEET OF PARKING LOT RECORDED IN SPECIAL WARRANTY DEED VOLUME #2460 PAGE #237. COMMONLY KNOWN AS T & P FREIGHT WAREHOUSE, 901 NORTH 1ST STREET. TAYLOR CAD PROPERTY ID NO. 99088 & 976137

The minimum bid amount was set at the third party appraised fee simple value of \$770,000.00.

Sealed bid(s) were received and opened on August 4, 2020; two bids were received, as follows:

- a. Charles Wolfe (dba Abilene Majestic, LLC): \$950,000.00 (with required description of intended use)
- b. Abilene Chamber of Commerce: \$770,000.00 (with required description of intended use)

SPECIAL CONSIDERATIONS

Closing will be set after final repairs to the HVAC system and roof are completed.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff requests direction from City Council regarding the submitted bids.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. CB2069 TABSHEET
2. T&P Freight Warehouse, 901 N 1st
3. Presentation2020

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

PAGE
1 OF 1

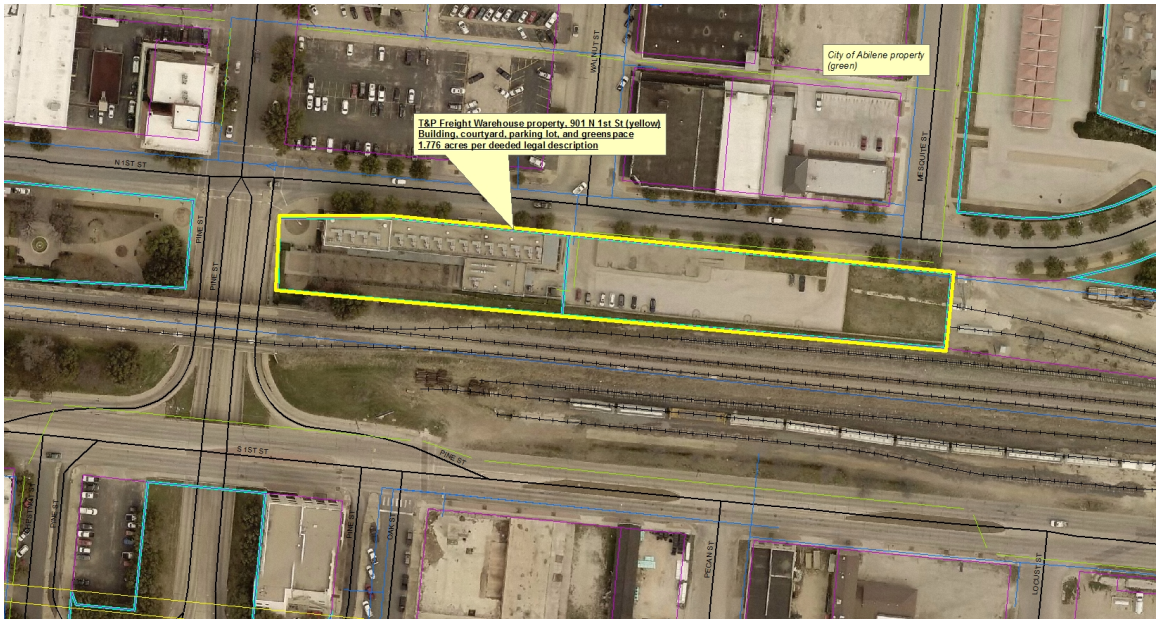
DEPARTMENT: LAND
BID NO.: CB-2069
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: AUGUST 4, 2020

ABILENE CHAMBER OF
COMMERCE
ABILENE, TX

CHARLES WOLFE
ABILENE, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	SALE OF PROPERTY				770,000.00		950,000.00								
BASE BID					770,000.00		950,000.00								
DISCOUNT															
TOTAL BID					770,000.00		950,000.00								

*NOTES: INDICATES RECOMMENDED AWARD



Agenda Item: Award of Bid No. CB-2069- Sale of Property T&P Freight Warehouse

Resolution: Award of Bid No. CB-2069
(*McClure*)



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/27/2020

TO: Honorable Mayor and City Council Members

FROM: Robert Hanna, City Manager

SUBJECT: 9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Economic Development Agreement with KKP Investments, LLC regarding approximately 150 acres of land out of the M. Talbot Survey No. 103, Taylor County, Texas, located on FM 707 S and west of Buffalo Gap Road (*Robert Hanna*)

GENERAL INFORMATION

More information will be provided at the meeting.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. KKP Investments Eco Dev Agreement Powerpoint

Economic Development Agreement with KKP Investments for 150 Acres of Land located on FM 707 S & Buffalo Gap Road



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 8/27/2020

TO: Honorable Mayor and City Council Members

FROM: Robert Hanna, City Manager

SUBJECT: **10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster Issued July 23, 2020 (*Robert Hanna*)**

GENERAL INFORMATION

On July 23, 2020, the City Council adopted a Further Modification and Extension of Declaration of Local Disaster due to the COVID-19 pandemic. That extension lasts through August 27, 2020.

On June 26, 2020, the Governor of the State of Texas issued his Executive Order GA-28, relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas, and which is effective state-wide until modified, amended, rescinded, or superseded by the Governor.

On July 2, 2020, the Governor of the State of Texas issued a Proclamation amending his Executive Order GA-28, relating to mass gatherings in Texas during the disaster posed by the novel coronavirus.

Also on July 2, 2020, the Governor of the State of Texas issued his Executive Order GA-29, relating to the use of face coverings during the COVID-19 disaster.

On August 8, 2020, the Governor of the State of Texas extended the State of Disaster for all counties in Texas due to the continuing COVID-19 pandemic.

SPECIAL CONSIDERATIONS

The Governor's Executive Orders GA-28 and GA-29 supersede any conflicting order issued by local officials in response to the COVID-19 disaster. This includes Mayors and City Councils. A local order may not restrict essential services or reopened services allowed by the Governor's orders. A local order may not allow gatherings prohibited by the Governor's orders. A local order may not expand the list of essential services or the list or scope of reopened services as set forth in the Governor's orders.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 9th Resolution Extending Declaration of Local Disaster COVID-19 redline draft
2. proc08082020
3. GA-28
4. DISASTER-proclamation-amending-GA-28-mass-gatherings-IMAGE-07-02-2020
5. EO-GA-29-use-of-face-coverings-during-COVID-19-IMAGE-07-02-2020
6. Disaster Declaration PPT (1)

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL, CITY OF ABILENE, TEXAS, FURTHER MODIFYING ITS EXTENSION OF DECLARATION OF DISASTER ISSUED ON JULY 23~~JUNE 25~~, 2020.

WHEREAS, on March 16, 2020, the Mayor of the City of Abilene, by proclamation, issued a Declaration of Local Disaster; and

WHEREAS, on March 23, 2020, the City Council issued its Resolution Renewing and Continuing the Mayor's Declaration of Disaster Issued on March 16, 2020, which prohibited the social gathering of more than 10 persons; and

WHEREAS, on March 30, 2020, the City Council issued its Resolution Modifying its Extension of Declaration of Disaster, which created a limited shelter in place through 11:59 p.m., April 14, 2020; and

WHEREAS, on April 13, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which continued the limited shelter in place through 11:59 p.m., April 30, 2020; and

WHEREAS, on April 30, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-18; and

WHEREAS, on May 15, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-21; and

WHEREAS, on June 1, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-23, which was effective until June 25, 2020; and

WHEREAS, on June 25, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-26, which was effective until July 23, 2020; and

WHEREAS, on June 26, 2020, the Governor of the State of Texas issued his Executive Order GA-28, effective until it is modified, amended, rescinded, or superseded by the Governor, and which was a targeted response to the COVID-19 disaster as part of the reopening of Texas; and

WHEREAS, on July 2, 2020, the Governor of the State of Texas issued a Proclamation which amended his Executive Order GA-28 relating to mass gatherings in Texas during the disaster posed by the novel coronavirus; and

WHEREAS, on July 2, 2020, the Governor of the State of Texas issued his Executive Order GA-29, effective until it is modified, amended, rescinded, or superseded by the Governor, and which related to the use of face coverings during the COVID-19 disaster; and

WHEREAS, on August 8, 2020, the Governor of the State of Texas renewed his disaster proclamation for all county in Texas due to COVID-19 continuing a state of disaster; and

WHEREAS, because of the continuing risk of the rapid spread of the COVID-19 virus, the need to protect the most vulnerable members of the community, the intent to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services and commerce to continue, and the desire to slow the spread of COVID-19 to maximum extent possible, this Order is required; and

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the City of Abilene and Taylor County, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; and

WHEREAS, the City Council has determined that extraordinary and immediate measures must continue to be taken to respond quickly to prevent and slow down community spread of COVID-19 in the City of Abilene; and

WHEREAS, the City Council finds that it is in the public interest to authorize additional authority as described herein pursuant to the Texas Disaster Act of 1975, as amended, Texas Government Code, and provide rules to protect the health of persons in the City of Abilene, pursuant to the Texas Government Code and Texas Health and Safety Code.

NOW THEREFORE, IT IS HEREBY RESOLVED AND DECLARED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

1. The foregoing recitals as incorporated herein and made findings of fact.
2. That the City Council, effective immediately, hereby renews and continues the local state of disaster for the City of Abilene, Texas, pursuant to Section 418.108(b) of the Texas Government Code.
3. Pursuant to Section 418.108(c) of the Government Code, this renewal and continuation of the declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to Section 418.108(d) of the Government Code, this renewal and continuation of the declaration of a local state of disaster continues activation of the emergency management plan for the City of Abilene. The furnishing of aid and assistance under the declaration is hereby authorized. The appropriate preparedness and response aspects of the plan are continued.

5. The use of all available resources of the City of Abilene that are reasonably necessary to cope with this disaster are hereby authorized.
6. To the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct of City business or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement with would impede the City's emergency response necessary to cope with this declared disaster, are hereby suspended, but only for the duration of this declared local disaster and only for that limited purpose.
7. Pursuant to Section 418.108(g) of the Government Code, the City of Abilene may control ingress to and egress from a disaster area within the incorporated limits of the City of Abilene and control the movement of persons and the occupancy of premises in that area.
8. Pursuant to Section 122.006 of the Texas Health and Safety Code, the City of Abilene may adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease.
9. The intent of this Order is to protect the physical health and well-being of City of Abilene residents, to protect the financial health and well-being of City of Abilene residents and businesses, and to slow the spread of COVID-19 to the maximum extent possible while safeguarding the Constitutional liberties of City of Abilene residents by utilizing the least restrictive means possible and encouraging the highest level of personal responsibility.

All persons should follow the CDC recommended guidelines to protect themselves from exposure and to protect the public from further community spread.

10. The City of Abilene hereby adopts and incorporates herein Governor Greg Abbott's Executive Order GA-28, as amended, and Executive Order GA-29, the same as if they were copied and set-forth at length herein. The City of Abilene will follow and enforce the conditions and restrictions as set forth in GA-28 and GA-29, and adopts and incorporates any further Proclamations modifying, amending or superseding GA-28 or GA-29 during the term of Abilene's declaration of local disaster.

The City Manager is authorized without further Council action to enforce these provisions to the fullest extent allowed by law.

11. In the event the Governor of the State of Texas amends or modifies his Executive Order GA-28 or GA-29, this Declaration and Order is automatically amended or modified without further Council action to reflect said amendments or modifications to the Governor's

Executive Order. It being the express intent of the City Council and this Declaration and Order to follow the Governor's Executive Order.

12. All public, private and commercial laboratories operating within the City of Abilene and performing COVID-19 testing shall report by 5:00 p.m. each day for the prior 24-hour period to the Abilene-Taylor County Public Health District the following information:

- (a) The number of COVID-19 tests performed;
- (b) The number of positive COVID-19 tests; and
- (c) The patient names and demographic information of positive COVID-19 tests.

This information will be used solely for public health purposes to monitor the testing conducted in the City of Abilene, and mitigate and contain the spread of COVID-19.

13. That any City ordinance or regulation imposing a time requirement for payment, filing or appealing a decision, may be extended by the Mayor without further confirmation by the City Council.

14. That the Mayor may suspend or modify any other ordinance or regulation of the City of Abilene for a period of not more than seven days from the date of this resolution unless continued or renewed by the City Council.

15. That the City Manager or designee of the City Manager is authorized, without further approval of the City Council, to:

- (a) Make application for local, state and federal assistance as necessary and/or applicable;
- (b) Accept on behalf of the City services, gifts, grants, equipment, supplies, and/or materials whether from private, nonprofit, or governmental sources;
- (c) Enter into Interlocal cooperation agreements or memorandums of understanding with other cities, counties, or jurisdictions to provide for law enforcement assistance or other shared services to assist in this Resolution or the COVID-19 pandemic;
- (d) Contract for expenditures for budgeted items and emergency expenditures in an amount not to exceed \$250,000; and
- (e) Defer any fines or fees imposed by the City.

After cessation of this emergency and state of disaster, the City Manager shall provide the City Council a list of all actions taken under this paragraph.

16. That although not required by law and out of an abundance of caution, the City Manager is authorized to (and any prior acts in response to the COVID-19 pandemic are ratified):
 - (a) Close, including closure to the public, of any City offices, facilities, or properties, including parks, playgrounds, or playground equipment; and
 - (b) Provide city services by means other than in-person delivery, such as accepting permit applications online or by mail only, and/or to cease any city service that are not required by state or federal law.
17. That any ordinances, rules, or regulations of the City of Abilene, Texas, that conflict with this Resolution are hereby suspended, such suspension to remain in effect until the state of disaster is terminated or until there is a subsequent Resolution of this Council, whichever occurs first.
18. That pursuant to Section 418.020(d) of the Texas Government Code, the City of Abilene is authorized to:
 - (a) Temporarily or permanently acquire by lease, purchase, or other means sites required for installation of temporary housing units or emergency shelters for disaster victims; and
 - (b) Enter into arrangements necessary to prepare or equip the site to use the housing units or shelters, including arrangements for the purchase of temporary housing units or shelters and the payment of transportation charges.
19. That failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
20. Pursuant to Section 418.173, Government Code, failure to comply with this Order is an offense punishable by a fine not to exceed \$1,000. Pursuant to the Governor's Executive Order GA-29, failure to wear a face covering as required in GA-29 is punishable by a fine not to exceed \$250 for a second violation and each subsequent violation.
21. That any violation of this Resolution, Declaration and Order can be enjoined by the City of Abilene by a suit filed in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Resolution, Declaration and Order or in the Code of Ordinances, City of Abilene, Texas.
22. That nothing in this Resolution, Declaration and Order shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any

cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this Resolution.

23. All provisions of this Resolution, Declaration and Order should be interpreted to effectuate its intent.

24. That this Declaration and Order is effective immediately and continues until 11:59 p.m. ~~September 24~~~~August 27~~, 2020 unless otherwise modified, terminated or extended.

25. That the terms and provisions of this Resolution, Declaration and Order shall be deemed to be severable and that if any section, subsection, sentence, clause, phrase or word herein shall be declared to be invalid or unconstitutional, the same shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word herein, and the remainder of this Resolution, Declaration and Order shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

ADOPTED this ~~27th~~~~23rd~~ day of ~~August~~~~July~~, 2020.

ATTEST:

Anthony Williams, Mayor

Shawna Atkinson, City Secretary

APPROVED:

Stanley Smith, City Attorney



GOVERNOR GREG ABBOTT

August 8, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:30pm O'CLOCK

AUG 8 2020

Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation renewing the declaration stating that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in Texas.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have issued proclamations renewing the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, a state of disaster continues to exist in all counties due to COVID-19;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation for all counties in Texas.

Pursuant to Section 418.017, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to cope with this declared disaster, I hereby suspend such statutes and rules for the duration of this declared disaster for that limited purpose.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 8th day of August, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:30 PM O'CLOCK

AUG 08 2020

Governor Greg Abbott
August 8, 2020

Proclamation
Page 2

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:30 PM O'CLOCK

AUG 08 2020



GOVERNOR GREG ABBOTT

June 26, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:45 AM 'CLOCK

JUN 26 2020
[Signature]
Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-28 relating to the targeted response to the COVID-19
disaster as part of the reopening of Texas.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

[Signature]
Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
June 26, 2020

EXECUTIVE ORDER GA 28

*Relating to the targeted response to the COVID-19 disaster
as part of the reopening of Texas.*

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain social-distancing restrictions for Texans in accordance with guidelines promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC); and

WHEREAS, I issued Executive Order GA-14 on March 31, 2020, expanding the social-distancing restrictions for Texans based on guidance from health experts and the President; and

WHEREAS, I subsequently issued Executive Orders GA-16, GA-18, GA-21, GA-23, and GA-26 from April through early June 2020, aiming to achieve the least restrictive means of combatting the threat to public health by continuing certain social-distancing restrictions, while implementing a safe, strategic plan to Open Texas; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texas residents safe is for all Texans to consistently follow good hygiene and social-distancing practices, especially those set forth in the minimum standard health protocols from DSHS; and

WHEREAS, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, targeted and temporary adjustments to the reopening plan are needed to achieve the

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SECRETARY OF STATE
8:45am O'CLOCK

JUN 26 2020

least restrictive means for reducing the growing spread of COVID-19 and the resulting imminent threat to public health, and to avoid a need for more extreme measures; and

WHEREAS, everyone must act safely, and to that end, this executive order and prior executive orders provide that all persons should follow the health protocols from DSHS, which whenever achieved will mean compliance with the minimum standards for safely reopening, but which should not be used to fault those who act in good faith but can only substantially comply with the standards in light of scarce resources and other extenuating COVID-19 circumstances; and

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by a fine not to exceed \$1,000, and may be subject to regulatory enforcement;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, and in accordance with guidance from DSHS Commissioner Dr. Hellerstedt and other medical advisors, the Governor’s Strike Force to Open Texas, the White House, and the CDC, do hereby order the following on a statewide basis effective at noon on June 26, 2020:

Every business establishment in Texas shall operate at no more than 50 percent of the total listed occupancy of the establishment; provided, however, that:

1. There is no occupancy limit for the following:
 - a. any services listed by the U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.1 or any subsequent version;
 - b. religious services, including those conducted in churches, congregations, and houses of worship;
 - c. local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation, and document-filing services, as determined by the local government;
 - d. child-care services;
 - e. youth camps, including but not limited to those defined as such under Chapter 141 of the Texas Health and Safety Code, and including all summer camps and other daytime and overnight camps for youths; and
 - f. recreational sports programs for youths and adults;
2. Except as provided below by paragraph number 5, this 50 percent occupancy limit does not apply to outdoor areas, events, or establishments, except that the following outdoor areas or outdoor venues shall operate at no more than 50 percent of the normal operating limits as determined by the owner:
 - a. professional, collegiate, or similar sporting events;
 - b. swimming pools;
 - c. water parks;
 - d. museums and libraries;
 - e. zoos, aquariums, natural caverns, and similar facilities; and

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SECRETARY OF STATE
8:45am O'CLOCK

JUN 26 2020

- f. rodeos and equestrian events;
- 3. This 50 percent occupancy limit does not apply to the following establishments that operate with at least six feet of social distancing between work stations:
 - a. cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade;
 - b. massage establishments and other facilities where licensed massage therapists or other persons licensed or otherwise authorized to practice under Chapter 455 of the Texas Occupations Code practice their trade; and
 - c. other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services;
- 4. Amusement parks shall operate at no more than 50 percent of the normal operating limits as determined by the owner;
- 5. For any outdoor gathering in excess of 100 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order;
- 6. For dine-in services by restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, the occupancy limit shall remain at 75 percent until 12:01 a.m. on June 29, 2020, at which time such restaurants may only operate at up to 50 percent of the total listed occupancy of the restaurant, subject to paragraph number 9 below;
- 7. People shall not visit bars or similar establishments that hold a permit from the Texas Alcoholic Beverage Commission (TABC) and are not restaurants as defined above in paragraph number 6; provided, however, that the use by such bars or similar establishments of drive-thru, pickup, or delivery options for food and drinks is allowed to the extent authorized by TABC;
- 8. People shall not use commercial rafting or tubing services, including rental of rafts or tubes and transportation of people for the purpose of rafting or tubing;
- 9. For any business establishment that is subject to a 50 percent “total listed occupancy” limit or “normal operating limit,” and that is in a county that has filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding minimal cases of COVID-19, the business establishment may operate at up to 75 percent of the total listed occupancy or normal operating limit of the establishment;
- 10. For purposes of this executive order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed;
- 11. Staff members are not included in determining operating levels, except for manufacturing services and office workers;
- 12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people should not be in groups larger than ten and should maintain six feet of social distancing from those not in their group;
- 13. People over the age of 65 are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the

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SECRETARY OF STATE
8:45am O'CLOCK

JUN 26 2020

home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation;

14. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by DSHS;
15. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer to follow additional hygiene measures when obtaining services. Individuals are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering;
16. People shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible; and
17. For the remainder of the 2019-2020 school year, public schools may resume operations for the summer as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency (TEA). Private schools and institutions of higher education are encouraged to establish similar standards. Notwithstanding anything herein to the contrary, schools may conduct graduation ceremonies consistent with the minimum standard health protocols found in guidance issued by TEA.

Notwithstanding anything herein to the contrary, the governor may by proclamation add to the list of establishments or venues that people shall not visit.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list or scope of services as set forth in this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

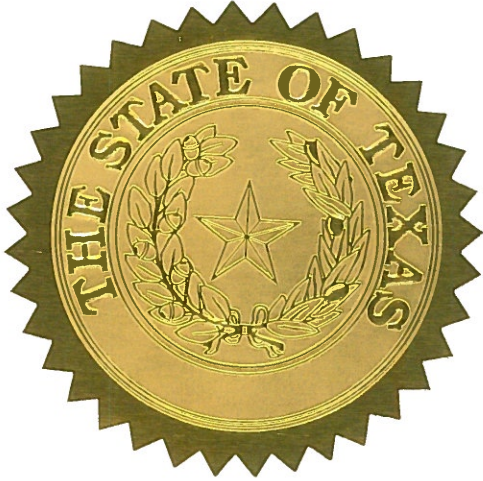
All existing state executive orders relating to COVID-19 are amended to eliminate confinement in jail as an available penalty for violating the executive orders. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes Executive Order GA-26, but does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-24, GA-25, or GA-27. This

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:45am O'CLOCK

JUN 26 2020

executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 26th
day of June, 2020.

A handwritten signature in black ink, reading "Greg Abbott", written over a horizontal line.

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink, reading "Ruth R. Hughes", written over a horizontal line.

RUTH R. HUGHES
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:45am O'CLOCK

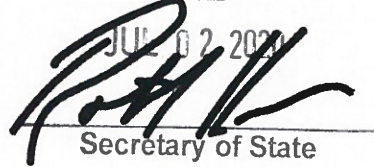
JUN 26 2020



GOVERNOR GREG ABBOTT

July 2, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30pm O'CLOCK


Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

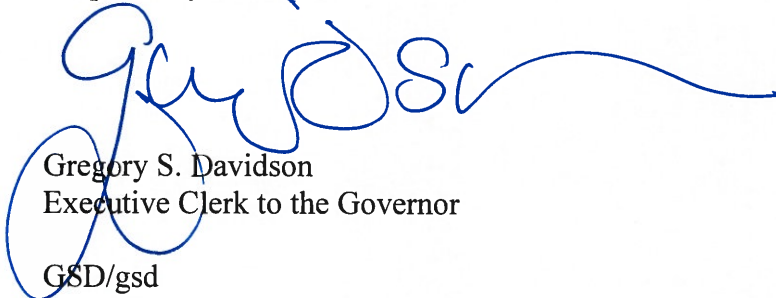
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation amending Executive Order GA-28 relating to mass gatherings in Texas during the disaster posed by the novel coronavirus (COVID-19).

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, I issued Executive Order GA-28 on June 26, 2020, relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas; and

WHEREAS, additional measures are needed to slow the spread of COVID-19 in Texas;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3, 2020, to read as follows:

5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order;
12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group;

This proclamation shall remain in effect and in full force for as long as Executive Order GA-28 is in effect and in full force, unless otherwise modified, amended, rescinded, or superseded by the governor.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 2nd day of July, 2020.

A handwritten signature in black ink, reading "Greg Abbott", is written over a horizontal line.

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30pm O'CLOCK

JUL 02 2020

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

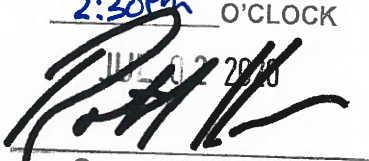
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2:30 PM O'CLOCK
JUL 02 2020



GOVERNOR GREG ABBOTT

July 2, 2020

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30 PM O'CLOCK
JUL 02 2020

Secretary of State

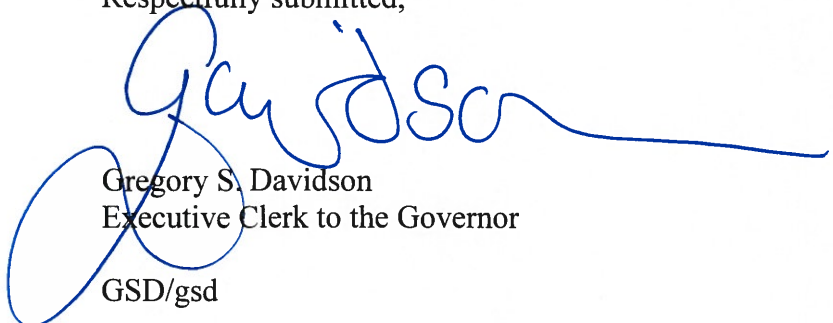
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-29 relating to the use of face coverings during the
COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
July 2, 2020

EXECUTIVE ORDER GA 29

Relating to the use of face coverings during the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texans safe is for all people to consistently follow good hygiene and social-distancing practices; and

WHEREAS, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, further measures are needed to achieve the least restrictive means for reducing the growing spread of COVID-19, and to avoid a need for more extreme measures; and

WHEREAS, I have joined the medical experts in consistently encouraging people to use face coverings, and health authorities have repeatedly emphasized that wearing face coverings is one of the most important and effective tools for reducing the spread of COVID-19; and

WHEREAS, given the current status of COVID-19 in Texas, requiring the use of face coverings is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

WHEREAS, wearing a face covering is important not only to protect oneself, but also to avoid unknowingly harming fellow Texans, especially given that many people who go into public may have COVID-19 without knowing it because they have no symptoms; and

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SECRETARY OF STATE
2:30pm O'CLOCK

JUL 02 2020

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by fine;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective at 12:01 p.m. on July 3, 2020:

Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the following:

1. any person younger than 10 years of age;
2. any person with a medical condition or disability that prevents wearing a face covering;
3. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
5. any person while the person is driving alone or with passengers who are part of the same household as the driver;
6. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal-care service involving the face, but only to the extent necessary for the temporary removal;
7. any person while the person is in a swimming pool, lake, or similar body of water;
8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
9. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
10. any person while the person is giving a speech for a broadcast or to an audience; or
11. any person in a county (a) that meets the requisite criteria promulgated by

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SECRETARY OF STATE
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JUL 02 2020

the Texas Division of Emergency Management (TDEM) regarding minimal cases of COVID-19, and (b) whose county judge has affirmatively opted-out of this face-covering requirement by filing with TDEM the required face-covering attestation form—provided, however, that wearing a face covering is highly recommended, and every county is strongly encouraged to follow these face-covering standards.

Not excepted from this face-covering requirement is any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not in the same household.

TDEM shall maintain on its website a list of counties that are not subject to this face-covering requirement pursuant to paragraph number 11. The list can be found at: www.tdem.texas.gov/ga29.

Following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

Local law enforcement and other local officials, as appropriate, can and should enforce this executive order, Executive Order GA-28, and other effective executive orders, as well as local restrictions that are consistent with this executive order and other effective executive orders. But no law enforcement or other official may detain, arrest, or confine in jail any person for a violation of this executive order or for related non-violent, non-felony offenses that are predicated on a violation of this executive order; provided, however, that any official with authority to enforce this executive order may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner.

This executive order hereby prohibits confinement in jail as a penalty for the violation of any face-covering order by any jurisdiction.

Executive Order GA-28 is hereby amended to delete from paragraph number 15 the phrase: “, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.”

The governor may by proclamation amend this executive order or add to the list of people to whom this face-covering requirement does not apply.

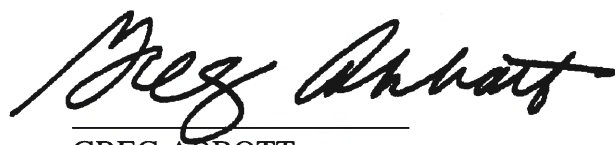
This executive order does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-24, GA-25, GA-27, or GA-28 as amended. This executive order shall remain in effect and in full force until modified, amended, rescinded, or superseded by the governor.

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SECRETARY OF STATE
2:30 PM O'CLOCK

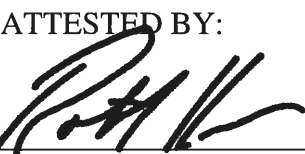
JUL 02 2020



Given under my hand this the 2nd
day of July, 2020.



GREG ABBOTT
Governor

ATTESTED BY:


RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30pm O'CLOCK
JUL 02 2020

Resolution:
Modifying & Extending the
Local Disaster Declaration
Issued on July 23, 2020



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/27/2020

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 11. Resolution: Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve a Revenue Guarantee Agreement with SkyWest Airlines to Provide Daily Service to Houston George Bush Intercontinental Airport for United Airlines (*Don Green*)

GENERAL INFORMATION

SkyWest Airlines and City of Abilene have negotiated a revenue guarantee agreement for SkyWest to operate as a United Airlines regional carrier for daily scheduled service between Abilene Regional Airport and Houston's George Bush Intercontinental Airport effective October 21, 2020 using a 50-passenger regional jet.

Under the agreement, SkyWest will be reimbursed by the City quarterly for flights in the previous quarter that do not meet the passenger revenue requirements to cover current fuel and non-fuel hourly costs to operate the aircraft on that route.

The City will use the Small Community Air Service Development Program Grant funds of \$1,000,000, plus \$200,000 in City funds for a total of up to \$1,200,000 to pay this cash guarantee.

The City, with funding from Development Corporation of Abilene, will also spend at least \$209,689 for marketing the service. Additionally, the Airport will not charge SkyWest for Airport rents and fees for up to two years.

If the cumulative revenue for flights in a quarter meets or exceeds the cost to operate those flights, the City will not pay SkyWest for the service for that quarter. SkyWest will provide the City a detailed report/invoice showing revenues and costs each quarter.

The intent of this guarantee, marketing and no-airport-fees is to offset the airline's start-up cost and risk when entering a new market until customers begin to use this service regularly.

SPECIAL CONSIDERATIONS

With the downturn in passenger boardings nationwide due to COVID-19, Airport staff negotiated an addition to the agreement that if passenger demand for this service falls below expectations due to persistence of the pandemic, SkyWest and Airport staff will discuss options, including a temporary reduction or suspension of scheduled flights, so that the revenue guarantee funds are not used to support service that is not reasonably able to break even or be profitable.

FUNDING/FISCAL IMPACT

Funding for the \$200,000 will come from the City's General Fund and is already identified for such use.

The funds for marketing the service (\$209,689) will be funded by DCOA through its Airport marketing contract with the City.

The value of the waived Airport rents and fees for two years is estimated at a minimum of \$90,768.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board recommended approval at its August 19, 2020 meeting.

ATTACHMENTS:

1. SkyWest Revenue Guarantee Agreement Resolution 8-27-20
2. FINAL SkyWest Transportation Services Agreement ABI 2020 (7-27-20)
3. SkyWest Revenue Agreement Presentation (8-27-20)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING A REVENUE GUARANTEE AGREEMENT WITH SKYWEST AIRLINES, INC.**

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

WHEREAS, SkyWest Airlines, Inc. has expressed its intent to operate daily scheduled air service from Abilene Regional Airport in exchange for certain new air service risk mitigations offered by the City; and

WHEREAS, in accordance with the Small Community Air Service Development Program Grant, the City will make available up to \$1,200,000 in revenue guarantee to offset demonstrable quarterly revenue shortfalls in the operation of the air service per the agreement; and

WHEREAS, the City shall market the air service and waive the first two years of fees and charges under the Airport Lease and Operating Agreement; and

WHEREAS, the Airport Development Board approved its recommendation at its August 19, 2020 meeting.

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

1. That the City Manager is authorized to execute this agreement.
2. That this resolution takes effect immediately upon Council approval.

ADOPTED this 27th Day of August 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

TRANSPORTATION SERVICES AGREEMENT
Between Abilene Regional Airport and SkyWest Airlines

This Agreement is made and entered into this 27th day of July 2020, by and between SkyWest Airlines, Inc. ("SkyWest") whose affiliated companies are doing business as United Express, and the City of Abilene, Texas, Abilene Regional Airport ("Airport").

WITNESSETH:

WHEREAS SkyWest will provide nonstop jet service between Abilene Regional Airport (ABI) and Houston (IAH); and

WHEREAS, SkyWest has agreed to provide such service subject to the terms and conditions hereinafter set forth; and

WHEREAS, Airport anticipates receiving subsidy funds in the form of a SCASDP Grant of \$1,000,000 ("subsidy funds"), and the City of Abilene, Texas will contribute additional funds of \$200,000 ("City funds");

NOW, THEREFORE, in consideration of the premises and of the mutual obligations and undertakings hereinafter set forth, the parties agree as follows:

1. SkyWest will schedule two daily United Express-branded round trip flights on the CRJ-200 between ABI and IAH beginning on October 21st, 2020.
2. At the end of each three-month period during the term of this Agreement, SkyWest will determine, in accordance with standard accounting practices, the following data: average segment fares for the flights in the ABI-IAH market, the number of revenue passengers, the number of operations, and the total block hours operated.
3. For the purpose of determining operating profits/losses attributable to the service, passenger revenue will be calculated as the product of total revenue passengers and average segment fares in the market.
4. Total costs are the sum of non-fuel costs and fuel costs. Non fuel costs are \$2,188 per block hour through February 28, 2021 and \$2,488 per block hour thereafter. Fuel costs will be the actual fuel costs, including related fueling costs, taxes and fees associated with operating the scheduled service, and any and all discounts, subsidies, markdown, rebate, or other reduction on cost (if any) that may be provided to SkyWest. If passenger revenue is greater than costs no subsidy is owed for the quarter. In the case that costs are greater than passenger revenue, the difference will be paid to SkyWest as its subsidy for the quarter.
5. SkyWest agrees to maintain two daily nonstop roundtrip jet flights each day between ABI and IAH for the duration of this agreement. Some temporary exceptions may be possible on limited days subject to United Airlines targeted schedule reductions in IAH. All frequencies are to be scheduled on a nonstop basis and with jet aircraft providing a

capacity of 50 seats or greater. Operational issues resulting in cancellations will not be billed to the Airport.

6. Segment profits/losses to compensate SkyWest for the agreed upon service levels will be computed upon the conclusion of each of three-month period and Airport will reimburse SkyWest within thirty days of receipt of any statement of shortfall. Airport will reimburse SkyWest for the above up to a maximum amount of \$1,200,000 during the term of this Agreement. In the event that the subsidy funds received by Airport shall be less than \$1,000,000, Airport shall only be obligated to reimburse SkyWest for the above up to the actual subsidy funds amount received plus the amount of the City funds. In no event shall Airport be obligated to reimburse SkyWest from any funds other than the subsidy funds and the City funds, as defined herein.
7. The term of this Agreement shall commence on October 21, 2020, and terminate on February 28, 2022 or shall terminate when all subsidy funds have been exhausted, whichever comes first. SkyWest will operate these flights under a codeshare agreement with United Airlines, as such, if United withdraws its permission for SkyWest to operate the codeshare flights for any reason, this Agreement may be terminated by SkyWest upon 60 days written notice to Airport. The parties have no expectations and have received no guarantees that this Agreement will not be terminated before the end of the Agreement term. The parties have bargained for the flexibility of terminating this Agreement upon tender of the requisite notice at any time during the term of the Agreement. All work and services under the Agreement shall be suspended upon termination of Agreement becoming effective.
8. The Airport agrees to use its best effort to promote the new service. This includes \$209,689 of committed marketing services, funds or in kind provided by or through the Airport.
9. SkyWest grants the Airport the limited right to use all of its trademarks, symbols, or other protected intellectual property for the inclusion of such names and/or symbols in any of the media designed and displayed by Airport and approved by SkyWest for the purpose of promoting travel on SkyWest to/from the Airport. To ensure compliance with DOT regulations, the Airport agrees to submit the content and artwork for any promotions to SkyWest for prior approval in advance of publication.
10. The Airport agrees to waive rent and landing fees at the Abilene Regional Airport (ABI) to SkyWest during the term of this Agreement, or for two years from the start of this agreement, whichever occurs first.
11. In the event of a significant downturn in demand due to COVID-19, SkyWest and the Airport will immediately conference to discuss mitigation options to protect the subsidy funds. Options can include temporarily reducing service to one flight per day or even suspending service. Such actions will be determined between SkyWest and the Airport. Actions must be mutually agreed upon in writing and will be implemented on a rolling monthly basis. SkyWest will share bookings and load factor data with the Airport to help assist in these decisions.
12. SkyWest also agrees not to start new prorated service to any other airports within 110 miles of ABI prior to April 1, 2021.

13. This Agreement shall be governed by the laws of the State of Texas. Exclusive venue for any claims, suits or any other action arising from or connected in any way to this Agreement or the performance of this Agreement shall be in Texas.
14. Neither party will be responsible to the other party for its failure to perform its responsibilities hereunder in the event and to the extent that such performance is delayed or prevented by any cause beyond its control and not caused by the party claiming relief hereunder, including, without limitation, acts of God, public enemies, war, insurrection, acts or orders of governmental authorities, fire, flood, explosion, riots, pandemic or the recovery from such cause ("Force Majeure"). Notwithstanding the foregoing, either party may terminate this Agreement immediately if the other Party is unable to perform its obligations hereunder due to any such event, which continues for a period of thirty (30) consecutive days or more.
15. All notices, demands, requests, consents, and approvals by either party to this agreement shall be made in writing and sent by U.S. mail, or by recognized overnight courier, or by hand delivery, or by facsimile transmission (if confirmed by email, overnight courier or hand deliver). All such notices shall be addressed as follows:

To: Abilene Regional Airport
2933 Airport Blvd., Suite 200
Abilene, TX 79602
Attn: Don Green

To: SkyWest Airlines
444 South River Road
St. George, UT 84790
Attn: Greg Atkin

16. 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 SkyWest verifies that the company does not boycott Israel and will not boycott Israel during the term of this contract.

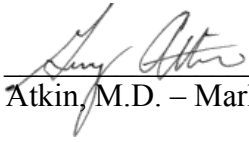
17. SkyWest agrees to comply with all applicable Federal Grant Assurances in Appendix A in accordance with the Small Community Air Service Development Grant Agreement between U.S. Department of Transportation and City of Abilene. For purposes of Appendix A, SkyWest is the "contractor".

IN WITNESS WHEREOF, the parties hereto affix their duly authorized signatures as of the date set forth on the first page of this Agreement.

CITY OF ABILENE, TEXAS

By: _____
Robert Hanna, City Manager

SKYWEST AIRLINES, INC.

By:  _____
Greg Atkin, M.D. – Market Development

Sample Schedule:
(Times subject to change)

<u>Market</u>	<u>Departure Time</u>	<u>Arrival Time</u>
ABI-IAH	0700	0820
ABI-IAH	1200	1325
IAH-ABI	1000	1120
IAH-ABI	2000	2125

APPENDIX A

Grant Assurances per Small Community Air Service Development Grant Agreement Between U.S. DOT and City of Abilene

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or DOT to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or DOT, as appropriate, and will set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or DOT may determine to be appropriate, including, but not limited to: a. withholding payments to the contractor under the contract until the contractor complies; and/or
b. cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or DOT may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition,

the contractor may request the United States to enter into the litigation to protect the interests of the United States.

7. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- • Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- • The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- • Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- • Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- • The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- • Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- • The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- • Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. Parts 37 and 38;
- • The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- • Executive Order 12898 (as amended by Executive Order 12948), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- • Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with

- Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- • Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq*).

Revenue Guarantee Agreement with SkyWest Airlines



Revenue Guarantee Agreement with SkyWest Airlines

- SkyWest Airlines and City of Abilene have negotiated a revenue guarantee agreement for SkyWest to operate as a United Airlines regional carrier for daily scheduled service between Abilene Regional Airport and Houston's George Bush Intercontinental Airport effective October 21, 2020 using a 50-passenger regional jet.
- SkyWest will be reimbursed quarterly by the City for flights in the previous quarter that do not meet the passenger revenue requirements to cover current fuel and non-fuel hourly costs to operate the aircraft on that route. This is done to offset the airline's start-up cost of entering a new market.
- The City will use the Small Community Air Service Development Program Grant funds of \$1,000,000, plus \$200,000 in City funds for a total of up to \$1,200,000 to pay this cash guarantee.







**City Council
Agenda Memo**

City Council Meeting Date: 8/27/2020

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve an Airport Lease and Operating Agreement with SkyWest Airlines (Don Green)

GENERAL INFORMATION

SkyWest Airlines and Airport staff have negotiated an agreement for SkyWest to lease office space and common use space to operate at Abilene Regional Airport.

This is a three-year initial term with two one-year options. Years one and two will be at no cost to SkyWest per the Air Service Development Incentive Policy passed by Council and effective January 1, 2006. This is also included as part of the City's incentives offered in the Revenue Guarantee Agreement and the Small Community Air Service Development Program Grant.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The waived rents and charges have no measurable impact to the airport's budget during the first two years. The additional years of the lease will be at the airport's current rates at that time and will represent new revenue.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved its recommendation at its August 19, 2020 meeting.

ATTACHMENTS:

1. SkyWest Lease Resolution 8-27-20
2. Air Svc Dev Incentive Executed Policy 2-28-06
3. SkyWest Lease Agreement Presentation (8-27-20)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING A LEASE AND OPERATING AGREEMENT WITH SKYWEST AIRLINES, INC.
AT ABILENE REGIONAL AIRPORT**

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

WHEREAS, SkyWest Airlines, Inc. has expressed its intent to operate daily scheduled air service from Abilene Regional Airport; and

WHEREAS, the Airport has certain space and facilities available to meet SkyWest's intended operating needs; and

WHEREAS, SkyWest and the City have agreed to terms of an operating agreement and lease that includes an initial three-year term with two one-year extension options; and

WHEREAS, in accordance with the City's Air Service Incentive Policy, the City will waive all Airport rents and fees for the first two years of the agreement; and

WHEREAS, the Airport Development Board approved its recommendation at its August 19, 2020 meeting.

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

1. That the City Manager is authorized to execute this agreement.
2. That this resolution takes effect immediately upon Council approval.

ADOPTED this 27th Day of August 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

CITY OF ABILENE
AIR SERVICE DEVELOPMENT INCENTIVE POLICY
Effective January 1, 2006

WHEREAS, the City of Abilene ("City") operates the Abilene Regional Airport ("Airport") and considers it and the air service it facilitates to serve the West Central Texas region to be vital to the economic growth, well being and quality of life of the region; and

WHEREAS, the City is in competition with other airport operators to attract airlines to serve their markets through their respective airports; and

WHEREAS, under the Policy and Procedures Concerning the Use of Airport Revenue issued by the Federal Aviation Administration ("FAA") on February 16, 1999, the City, to attract airline service, can offer economic incentives to the airlines on a nondiscriminatory basis for a promotional period;

THEREFORE, the City of Abilene City Council does hereby adopt the following Air Service Development Incentive Policy for scheduled commercial service, as follows:

1. Incentives shall mean (a) the waiver of any rate or charge including, but not limited to landing fees, space rental, and loading bridge charges, (b) conducting a marketing, advertising, and/or public relations campaign, (c) promotion of air service through appropriate distribution channels such as travel agencies and internet web sites, and (d) any other item deemed necessary by the City to attract new air service to the Airport.
2. Incentives may be offered to any airline offering the following qualifying service:
 - a. Add new non-stop service in aircraft with no fewer than 30 passenger seats to a new destination not then available from Abilene on a non-stop basis;
 - b. Add additional non-stop service in aircraft with no fewer than 30 passenger seats to an existing destination;
 - c. Upgrade existing turbo-prop service to jet service;
 - d. Add Low Cost Carrier (as defined by U.S. DOT/BTS) non-stop service in aircraft with no fewer than 30 passenger seats to any destination;
 - e. Common-rate fares with the fares the airline charges at the following airports to Abilene's top 20 markets: Midland/Odessa, Lubbock, DFW, and Dallas Love Field.
3. Incentives may be offered for a promotional period not exceeding two years unless the City determines a longer period is necessary to compete with other airports, or the FAA determines that a period in excess of two years qualifies as a promotional period.
4. Incentives may be offered in differing forms and amounts based on the destination, frequency of service, and type of aircraft flown on the route.
5. Incentives shall be offered on a nondiscriminatory basis to all airlines taking into consideration all the relevant factors stated above. A waiver of any rate or charge shall apply only for the individual flights which provide the qualifying service defined in paragraph 2 above.

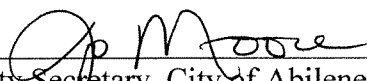
6. Incentives other than a waiver of any rate or charge, such as marketing, advertising and/or public relations support, shall be instituted in a manner that, in addition to promoting the new service and/or airline, shall also promote the Airport.
7. In addition, the City may advocate for the operational subsidy, revenue guarantee or other financial assistance by other entities which may be available to an airline to achieve the purposes of this policy.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ON THE 10TH DAY OF FEBRUARY, 2006.



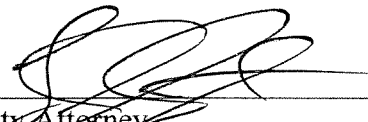
Mayor, City of Abilene, Texas

ATTEST:



City Secretary, City of Abilene, TX

APPROVED:



City Attorney

Lease and Operating Agreement with SkyWest Airlines



Lease and Operating Agreement with SkyWest Airlines

- SkyWest Airlines and Airport staff have negotiated an agreement for SkyWest to lease office space and common use space to operate at Abilene Regional Airport.
- This is a three-year initial term with two one-year options. Years one and two will be at no cost to SkyWest per the Air Service Development Incentive Policy passed by Council and effective January 1, 2006.
- The waived rents and charges have no impact to the airport's budget during the first two years. The additional years of the lease will be at the airport's current rates at that time and will represent new revenue.







**City Council
Agenda Memo**

City Council Meeting Date: 8/27/2020

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **13. Ordinance (Final Reading) Z-2020-11: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Cade and Katie Browning to rezone property from Single Family Residential 12 (RS-12) to Single Family Residential 12/Historic Overlay (RS-12/HO) zoning located at 910 Highland Avenue. (*Mike Warrix*)**

GENERAL INFORMATION

The applicant is requesting to rezone from Residential Single Family (RS-12) to Residential Single Family with Historic Overlay Designation (RS-12/H).

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of 4-0.

ATTACHMENTS:

1. Z -2020-11 ordinance
2. 1- Z-2020-11 Council Staff Report
3. 2- Z-2020-11 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 13th day of August A.D. 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 18th day of July, 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 5:30 p.m. on the 27th day of August, 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 27th day of August, A.D. 2020.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Rezone property from RS-12 (Single-Family Residential) to RS-12/HO (Single-Family Residential/Historic Overlay).

Legal description being all of Lot 5 in Block 20 of the Continuation to the Highland Addition to the City of Abilene, Taylor County Texas



-END-

Location: 910 Highland Avenue

Historic Overlay District

CASE Z-2020-11

STAFF REPORT



REQUEST: Historic Overlay Zoning

APPLICANT:

Owner: Cade & Katie Browning

HEARING DATES:

Landmarks Commission: June 23, 2020

P & Z Commission: August 4, 2020

City Council 1st Reading: August 13, 2020

City Council 2nd Reading: August 27, 2020

LOCATION:

910 Highland Avenue, at the southwest corner of South 9th Street and Highland Avenue. Legal Description being all of Lot 5 in Block 20 of the Continuation to the Highland Addition to the City of Abilene, Taylor County Texas.

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to add Historic Overlay (HO) District Zoning to the subject property. The subject property is zoned RS-12. If approved, this would result in RS-12/HO zoning for the subject property.

The William J. Fulwiler house, built in 1925, is one of the few landmarks here in Abilene that represents Italian Renaissance architecture. As Abilene's premier example of this type of architecture, this residence exhibits rich ornamentation and classically inspired detailing that distinguishes the building from others in the neighborhood. The symmetrical façade, round arched first floor openings, and broken pediment are typical of Italian Renaissance. The building is also associated with historical context in "The Railroad and Abilene's Development into a Wholesale and Distribution Center in West, Texas 1881 – 1939;" a historical resource published with the National Park Service. The book cites the involvement of the original owner, William J. Fulwiler. Mr. Fulwiler was the owner of Fulwiler Motors Company, Manager of Fulwiler Electric Company, and involved in several investments such as McMurry University, Camp Barkley, and the original Hilton Hotel, now known as the Windsor Hotel.

This structure was accepted into the National Park Service National Register of Historic Places on November 26, 2018 and placed on the Texas Historical Commission list of Historic Structures on December 9, 2019.

APPLICATION REVIEW:

According to Section 2.3.4.4 (c), Criteria for Designation, of the City of Abilene's Land Development Code (LDC), Historic Overlay Districts shall be established only if principal districts, conservation districts, area, sites, structures, buildings, properties, or objects within the boundaries of a proposed zone exhibit any one or more of the following characteristics:

- (1) Possesses significance with respect to history, culture, architecture, archeology, paleontology, or as a natural site with a demonstrable cultural association;**
- (2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, national, or international history;**

- (3) Embodies characteristics distinct to a type, period, or method of construction or architecture,
- (4) Is associated with the lives of persons significant in local, regional, state, national, or international history;
- (5) Represents a distinctive and familiar visual feature of a neighborhood or of the city;
- (6) Represents the works of a master designer, architect, builder, or craftsman.

It is the opinion of staff that the subject property meets more than one of the criteria stated in Section 2.3.4.4.

According to Section 1.4.1.4, Criteria for Approval, 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 designate this area as “Low Density Residential.” The neighborhood has been in the city limits since at least 1922 with multiple historic properties in the area, some of which are located to the west at Sayles Boulevard and 9th Street.

- (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 historic designation permitted by the proposed zone change would be appropriate in the immediate area. There are six (6) properties with Historic Overlay (HO) zoning approximately 175 to 400 feet from the subject property.

	<u>Zoning</u>	<u>Existing Land Use</u>
North	RS-12	Residential Uses
South	RS-12	Residential Uses
East	RS-12	Residential Uses
West	RS-6	Residential Uses

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

This proposed zoning request should not have a negative impact on surrounding public schools, streets, water supply, sanitary sewers, and other public services or utilities. The subject property adjoins fully improved and paved streets.

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

It is the opinion of staff that the proposed rezoning would not negatively affect the public health, safety, morals, or general welfare of the surrounding residents or property owner(s).

LANDMARKS COMMISSION RECOMMENDATION:

On June 23, 2020, the Landmarks Commission recommended approval based on the criteria for designation contained in Section 2.3.4.4 (c).

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request was reviewed pursuant to Sections 2.3.4.4 (Criteria for Designation) and 1.4.1.4 (Criteria for Approval).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval of this request by a vote of four (4) to zero (0), on August 4, 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
ARRANT LUCIA	2309 S 10TH ST	
ARRANT LUCIA	1002 SANTOS ST	
BOYLES JOHN H & LAUREN	889 SANTOS ST	
BRINKMAN SAMUEL & LORA	2201 S 10TH ST	
BROWNING CADE W &	910 HIGHLAND AV	
BUIE BRENDA SUE	918 SANTOS ST	
CAPRA TWIG HANNAH NICOLE	917 GRAND AV	
CAUDLE MATTHEW R & NICOLE C	890 SANTOS ST	
CHALMERS MARILYN TULL	898 SAYLES BL	
COLLIER PATRICIA W	902 SANTOS ST	In Favor
CORLEY RICKY E & CINDY	902 SAYLES BL	
COX CONALD W & JANIE	881 HIGHLAND AV	
CREEL JAMES FRED JR &	886 HIGHLAND AV	
GALLOWAY PATRICIA KAY	917 HIGHLAND AV	
KEEBLE WILLIAM R III & DIANE	877 SANTOS ST	
KNIGHT KELLY D	901 GRAND AV	Opposed
LEE NORMAN L	920 SAYLES BL	
LONDON NICOLE J	926 SANTOS ST	
MARTIN HOWARD L &	901 HIGHLAND AV	
MUMME JUNE LEISHMAN	897 HIGHLAND AV	
MYSTUFF LLC	888 HIGHLAND AV	
NALL JOHNNIE L	881 SANTOS ST	
NEAL MARK H & MARJORIE J	933 GRAND AV	
PASSEL CHARLOTTE	909 GRAND AV	
RECTOR TIEL & RECTOR KETRIN	942 SANTOS ST	In Favor
ROBERTSON LARRY D & CHRISTY A	2143 S 10TH ST	
SHAW RONALD L &	880 HIGHLAND AV	
THOMAS KITTY BENTLEY	2243 S 10TH ST	In Favor
WEAVER CHRISTOPHER H	940 SAYLES BL	
WIGGINS ROBERT E & HELEN S	2210 S 10TH ST	
WINTERS DAN BARRY	2142 S 10TH ST	
WOODS JUSTIN M	941 GRAND AV	

ATTACHMENTS:

- Application
- Zoning Map
- Aerial map
- Copies of original plat with subdivision notes
- 1987 subdivision survey
- Formal letter from United States Department of Interior Standards
- Certificate of eligibility from Texas Historical Commission
- Photographs of Property and Building



Landmarks Application

Planning

☐ Historic Certification of Appropriateness

☒ ~~Historic Project Tax Reduction~~

☒ ^{AIN} Historic Overlay Zoning

Project Name: Fulwiler House

Address: 910 Highland No. of lots: _____ Acreage: 1.2351

Legal Description: HIGHLAND ADDN CONT 1, BLOCK 20, LOT 5

Subdivision Name: Highland Block: 20 Lot: 5

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

OWNER AND AUTHORIZATION

Owner Name: Cade and Katie Browning

Address: PO Box 1600

City, State, Zip: Abilene, Texas 79604 Fax: 325-437-1799

Phone: 325-437-3737 Email: cade@browningfirm.com

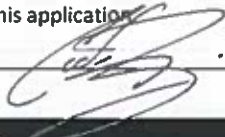
Agent Name (if applicable): _____

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: 5.11.20

FOR OFFICE USE ONLY

Received: _____

Fee: \$ _____

Receipt No.: _____

Case No.: _____

Reviewed By: _____

Staff may request additional information to be submitted with the application or prior to the Landmarks Commission meeting. Staff will provide assistance in determining which of the following information is needed:

1. A current description of and/or photograph(s) of the existing structure.
2. Sketches, plans, elevations, and/or specifications of the proposed work to be done.
3. Historic photographs (if available) that the proposed work is based on.
4. Sample of material(s) and colors to be used. A product brochure may be sufficient.

I have read and completed this application and certify that all information contained therein is complete, true and correct, and I request that this application be submitted to the Landmarks Commission for consideration.

Date _____

For Office Use Only

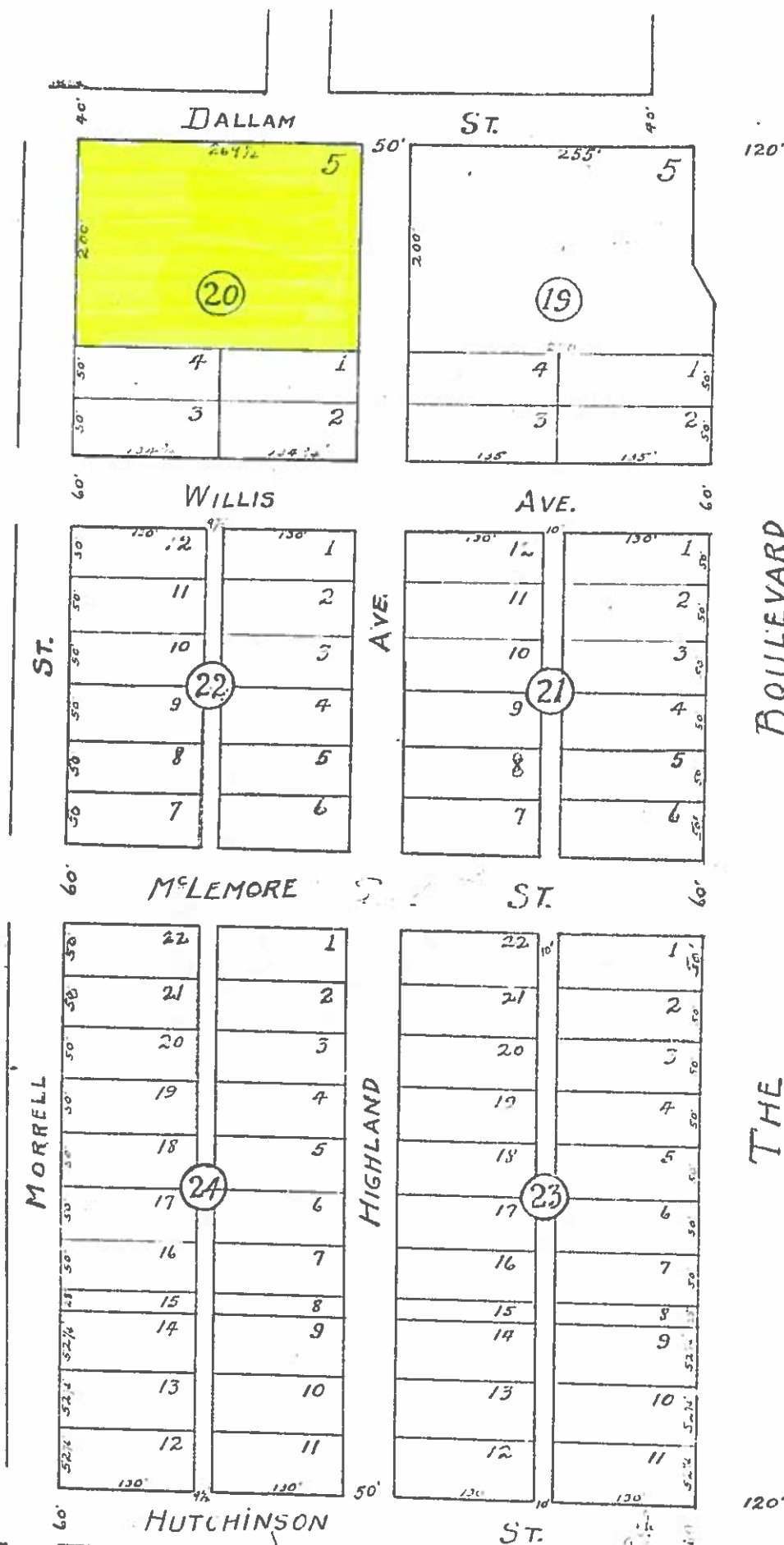
☐ Approved

☐ Approved with Conditions

☐ Denied

, Landmarks Commission, Chair	Date
-------------------------------	------

, Historic Preservation Officer Date



N

Noted M. Sayles by his
duly authorized agent
and attorney in fact
Henry Sayles Jr.
Henry Sayles Jr.
Ed. S. Hughes
H. H. Suggett
H. L. Fairbank

The above endorsement
was on back of original
map — Clerk

THE CONTINUATION TO
THE HIGHLANDS ADDITION
TO THE CITY OF ABILENE, TAYLOR COUNTY, TEX.

THE STATE OF TEXAS.)
COUNTY OF TAYLOR)

Dedication of streets and alleyways for the use and benefit of adjoining property owners and the public, and subdivision into lots and blocks, to be known as *The Continuation to The Highlands Addition to the City of Abilene, Taylor County, Texas, of a part of Block Number Thirteen. (lying west of Meander Street) of the Subdivision of Benjamin Austin Survey N° 91, Taylor County, Texas, and bounded by Dallam, Morrell, and Hutchinson Streets, and the Sayles Boulevard.*

Abilene, Texas, February 8th 1922.

Mathe M. Sayles,
by her duly authorized
agent and attorney in
fact Henry Sayles, Jr.

Henry Sayles, Jr.
K. K. Legett
W. J. Fulwiler
Ed S. Hughes

THE STATE OF TEXAS.)
COUNTY OF TAYLOR.)

Before me, the undersigned authority, a Notary Public in and for said State and County, on this day personally appeared Henry Sayles Jr., K. K. Legett, and W. J. Fulwiler, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and the said Sayles in the capacities therein stated

Given under my hand and seal of office this 8th day of February, 1922.

(seal)

E. B. Sayles,
Notary Public, Taylor County, Texas.

THE STATE OF NEW YORK,)
COUNTY OF NEW YORK.)

Before me, the undersigned authority, a Notary Public in and for said State and County, on this day personally appeared Ed S. Hughes, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 18th day of February, 1922.

(seal)

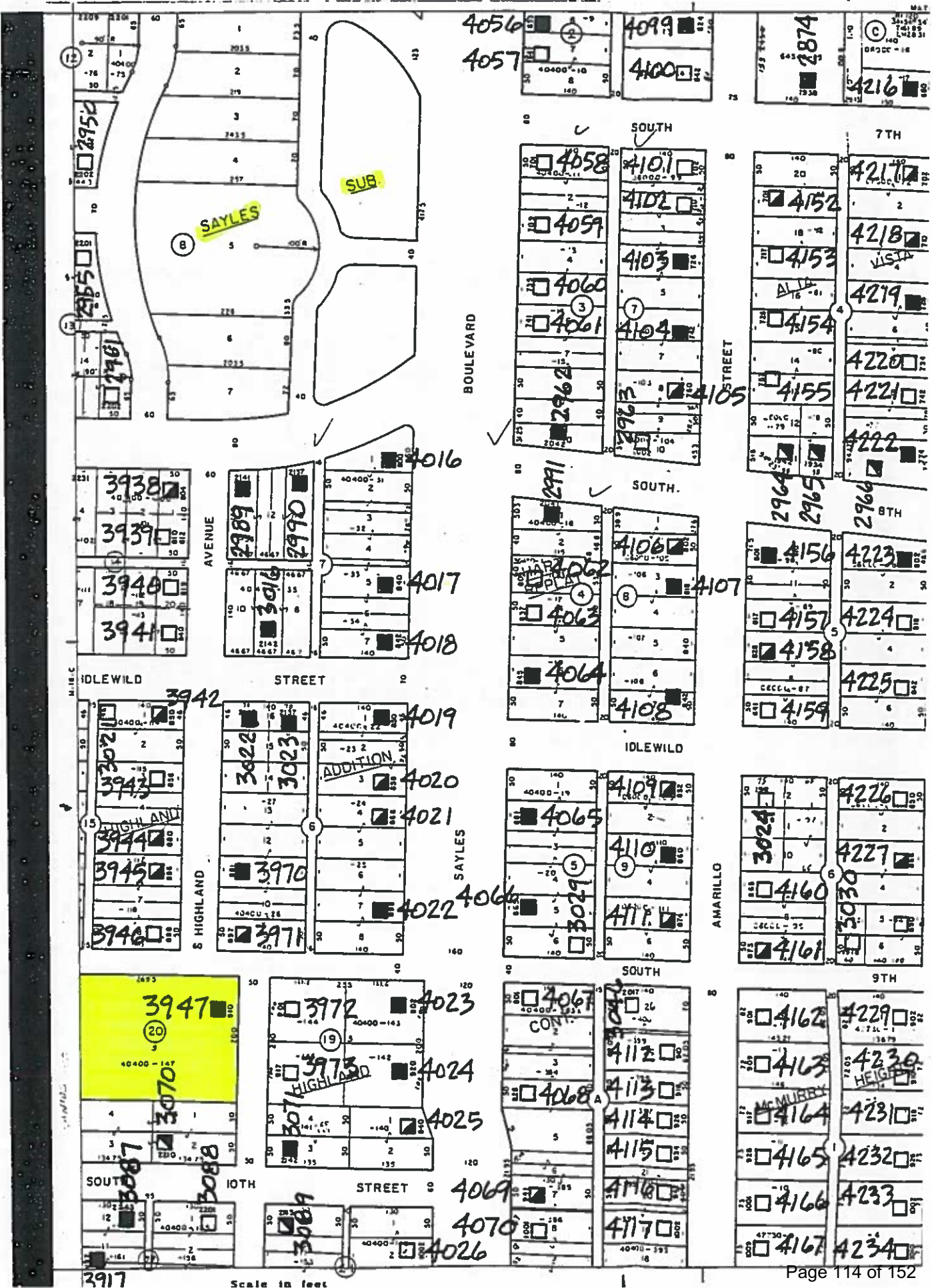
Earle W. Lytle
Notary Public, New York County, New York.
N. Y. Co. Clerk NE 463
N. Y. Registers N° 3370A
Commission expires March 30, 1928.

FILED FOR RECORD FEB. 23, 1922, AT 11⁴⁰ A.M.

RECORDED MARCH 3, 1922 AT 10 A.M.

W. E. BEASLEY, COUNTY CLERK,
TAYLOR COUNTY, TEXAS.

File #2565

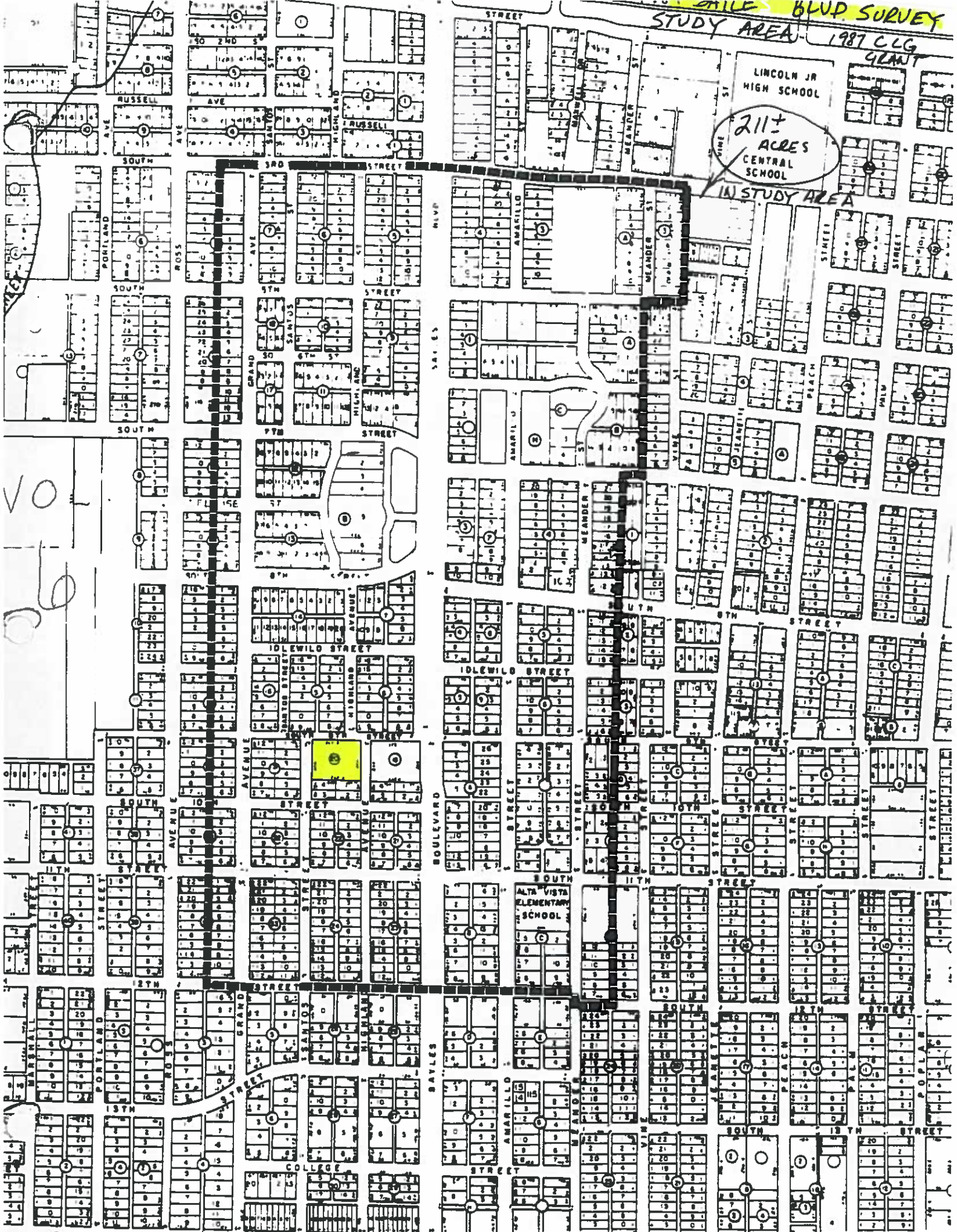


STUDY AREA - 1987 CLG GRANT

LINCOLN JR
HIGH SCHOOL

211+
ACRES
CENTRAL
SCHOOL

IN STUDY AREA





75. 910 HIGHLAND AVENUE • FULWILER-SHOULTZ HOUSE
• Built 1925

This is one of Abilene's few landmark examples of Italian Renaissance and/or Colonial Revival styles of architecture.

This home was built by W.J. Fulwiler, owner of Fulwiler Motors Company (Lincoln-Ford) and manager of Fulwiler Electric Company.



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

December 10, 2018

Mr. Cade Browning
802 Mulberry
Abilene, TX 79601-4008

PROPERTY: **Fulwiler House, 910 Highland, Abilene, TX**
PROJECT NUMBER: **39543**

Application: **Part 1**

Action: **Approval**

Dear Mr. Browning:

The National Park Service (NPS) has reviewed the Historic Preservation Certification Application -- Part 1 for the property cited above, and has determined that the property appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer.

Because the property contains more than one building, and those buildings were functionally related historically to serve an overall purpose, program regulations require NPS to determine which of the buildings contribute to the significance of the historic property, and therefore will be "certified historic structures" when the property is listed.

Based on the documentation presented, the following buildings appear to contribute to the significance of the property:

- House
- Garage

This determination is preliminary only. These buildings will become "certified historic structures" only when the property is listed in the National Register of Historic Places.

The documentation also indicates that the following building does not contribute to the significance of the property:

- Pool house

This building is not a "certified historic structures" for purposes of rehabilitation

Federal regulations also require NPS to review the rehabilitation work as a single overall project, and to issue rehabilitation certification on the merits of the overall project rather than for each structure. Consequently, your Part 2 of the application, the Description of Rehabilitation, must describe all proposed work on the property, although the 20% investment tax credit is based only on costs for the rehabilitation of "certified historic structures"

A copy of this decision will be forwarded to the Internal Revenue Service. If you have any questions regarding the review of your Part 1 application, please contact the State Historic Preservation Office or me at 202-354-2278.

Sincerely,


Roger Reed, Historian
National Register of Historic Places

cc: IRS
TX SHPO

TEXAS HISTORICAL COMMISSION

real places telling real stories

December 6, 2018

Katie and Cade Browning
P.O. Box 1600
Abilene, Texas 79604

Re: William J. Fulwiler House
910 Highland Street
Abilene, Taylor County, Texas
November 26, 2018

Dear Mr. & Mrs. Browning:

Congratulations! The National Park Service listed your property in the National Register of Historic Places on the date referenced above. As the nation's official list of historically significant properties, National Register listing denotes that your property is especially worthy of preservation. Your property joins some 3183 properties in Texas with this designation.

Various historic preservation programs may be available to aid in the preservation of your property, including investment tax credits for certain income producing properties. Although funding is limited, grants may also be available to aid in the further preservation of your property. For more information regarding grant programs, contact the THC's Division of Architecture at 512/463-6094.

Thank you for all your efforts to recognize this historic property. Your continued interest in the preservation of Texas' heritage is greatly appreciated.

Sincerely,



Mark Wolfe
State Historic Preservation Officer

Enclosures



Summarize supplementary or amended information. Attach additional pages if necessary.

The basement was also restored. There was a non-working steam boiler and various unneeded and outdated pipes in the basement, making it non-usable. The steam boiler and unneeded pipes were removed, the floors redone, the cabinetry painted, walls patched and painted, and butcher block counter-tops installed. The basement is now a usable inviting game room for guests, complete with historic refrigerator. Before and after photographs are attached.

TIC Official Use Only

The Texas Historical Commission has reviewed the Historic Preservation Tax Credit Application: Amendment for the above-named property and has determined that:

- ☒ The proposed rehabilitation work described in the amendment is consistent with the character of the property and, where applicable, with the district in which it is located, and meets the *Secretary of the Interior's Standards for Rehabilitation*. This letter is a preliminary determination only, since a formal certification of rehabilitation can be issued to the owner(s) of a certified historic structure only after rehabilitation work is complete and found to conform to the description provided in the application.
- ☐ The proposed rehabilitation work described in the amendment will meet the *Secretary of the Interior's Standards for Rehabilitation* if the attached conditions are met.
- ☐ The proposed rehabilitation work described in the amendment is not consistent with the historic character of the property or the district in which it is located, and does not meet the *Secretary of the Interior's Standards for Rehabilitation*.

Brian M. Hagan, LSHPE
Texas Historical Commission Authorized Signature

2.28.2020
Date

3/2019

TEXAS HISTORICAL COMMISSION
real places telling real stories

February 27, 2020

Cade Browning
P.O. Box 1600
Abilene, TX 79604

PROPERTY: Fulwiler House, Abilene, Taylor County
PROJECT NUMBER: THPTC-0438-19-014
APPLICATION: Part C and Dec. 18, 2019 Amendment
DECISION: Approved

Dear Mr. Browning,

The Texas Historical Commission has reviewed your Part C: Request for Certification of Completed Work as well as your Amendment submitted December 18, 2019 for the above-named property, and this letter represents the official determination of the Executive Director of the Texas Historical Commission. This project correlates with corresponding federal tax credit project #39543, which was certified by the National Park Service on February 18, 2020. As such, the rehabilitation of the above property, as shown in the submitted documentation, meets the Secretary of the Interior's Standards for Rehabilitation and is a certified rehabilitation under the THPTC program.

Enclosed is the Certificate of Eligibility for your project, confirming that this property is a certified historic structure, and that this project is a certified rehabilitation for the purposes of the Texas Historic Preservation Tax Credit program. Note that this certificate alone does not entitle the holder to a franchise tax credit. Further steps must be taken to establish credit with the Texas Comptroller of Public Accounts. Information and necessary forms are available online at: <https://comptroller.texas.gov/taxes/historic-structures>.

Congratulations on the successful completion of your project, and thank you for your interest in the cultural heritage of Texas. Photos and general information about successfully completed projects may be used to promote our program in the future – however, your private information will not be shown in publicity materials. If you have any questions concerning our review or if we can be of further assistance, please contact Valerie Magolan at valerie.magolan@thc.texas.gov, or at 512-463-3857.

Sincerely,



Bess Althaus Graham, AIA, NCARB, LEED AP BD+C
Director, Deputy SHPO, Division of Architecture
Texas Historical Commission



TEXAS HISTORICAL COMMISSION

TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM

CERTIFICATE OF ELIGIBILITY

The Texas Historical Commission grants this Certificate of Eligibility to declare that the below property is a certified historic structure, and that the below project is a certified rehabilitation, which meets the Secretary of the Interior's Standards for Rehabilitation and other requirements as stated in Texas Administrative Code, Title 13.

This Certificate of Eligibility alone does not entitle the holder to a franchise tax credit for certified rehabilitation of a certified historic structure. Refer to Texas Administrative Code, Title 34, Part 1, Chapter 3, Subchapter V, Rule 3.598 for information on how to apply for and claim the credit.

PROJECT NUMBER: THPTC-0380-18-075 **PLACED IN SERVICE:** December 9, 2019

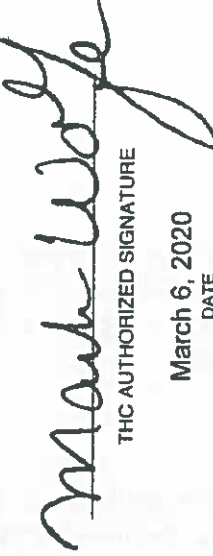
Property name:
Fulwiler House

Property address:

910 Highland Ave.
Abitene, TX 79602

Historic designation:
Individually Listed in the
National Register of Historic
Places

Applicants:
Cade Browning
Katie Browning


THC AUTHORIZED SIGNATURE
March 6, 2020
DATE

**TEXAS
HISTORICAL
COMMISSION** 
REAL PLACES TELLING REAL STORIES



Smith, Jared <jared.smith@abilenetx.gov>

[Planning] Rezoning Application Number Z-2020-111 message

Patty Collier <pc6572@gmail.com>
To: planning@abilenetx.gov

Mon, Aug 3, 2020 at 4:42 PM

I am in favor of rezoning 910 Highland to Residential Single Family with Historic Overlay Zoning (RS-12/H).

Patricia W. Collier
902 Santos
Abilene, TX 79605

--

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/CAEbFTM2n3Sgjfd7gdrsfiEk3fmdaNkVfYJNXxm13TpfEWM8nA%40mail.gmail.com>.



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

[Planning] Resining z-2020-111 message

Ketrin Jones <ketrinjones@gmail.com>

Mon, Aug 3, 2020 at 9:07 PM

To: planning@abilenetx.com

Cc: Tiel Rector <tielrector@gmail.com>

Hello,

We are in favor of the rezoning of 910 highland avenue.

Ketrin Rector
942 santos street
Abilene Texas 79605
325-320-1547

--

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/638BE1D5-E175-4F8B-98E1-04C00AD8F9B2%40gmail.com>.



THOMAS KITTY BENTLEY
2243 S 10TH ST
ABILENE, TX 79605-3224

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2020-11

07/24/2020

The Planning and Zoning Commission will hold a public hearing on **Tuesday, August 4, 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 Cade and Katie Browning to **rezone 910 Highland Avenue from Residential Single Family (RS-12) to Residential Single Family with Historic Overlay Zoning (RS-12/H)**. Legal descriptions being all of lot 5 in Block 20 of the Continuation to the Highland Addition to the City of Abilene, Taylor County Texas.

This hearing is open to any interested person. Opinions, questions and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as 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 **August 27, 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 & Historic Preservation Officer at (325) 437-4585 or nick.watts@abilenetx.gov

For the PLANNING & ZONING COMMISSION

Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2020-11

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.

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

Name: THOMAS KITTY BENTLEY
Address: 2243 S 10TH ST

planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature:

Kitty Thomas

AUG 3 AM 10:37

*Something
chewed on this. :-)*

PLANNING & ZONING COMMISSION

Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2020-11

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.

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:



Z-2020-11 HISTORIC OVERLAY ZONING

Case: Z-2020-11

Owner: Cade & Katie Browning

Request: Rezone from RS-12 to RS-12/HO

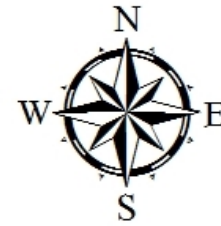
Location: 910 Highland Avenue; all of Lot 5 in Block 20 of the Continuation to the Highland Addition to the City of Abilene, Taylor County Texas.

Notification: 3 in Favor, 1 Opposed

Landmarks Commission Recommendation: Approval

Planning & Zoning Recommendation: Approval

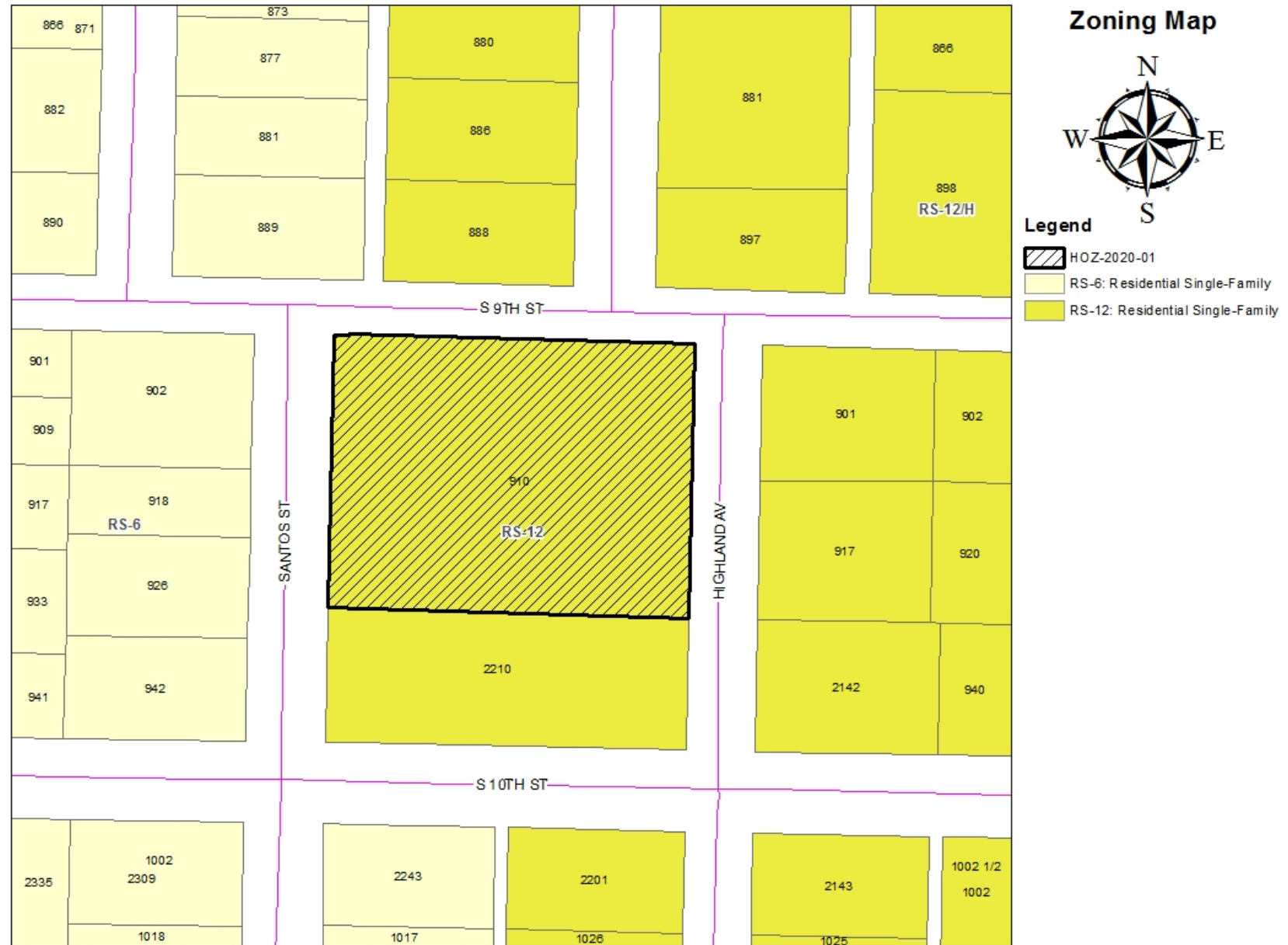




Legend

 HOZ-2020-01

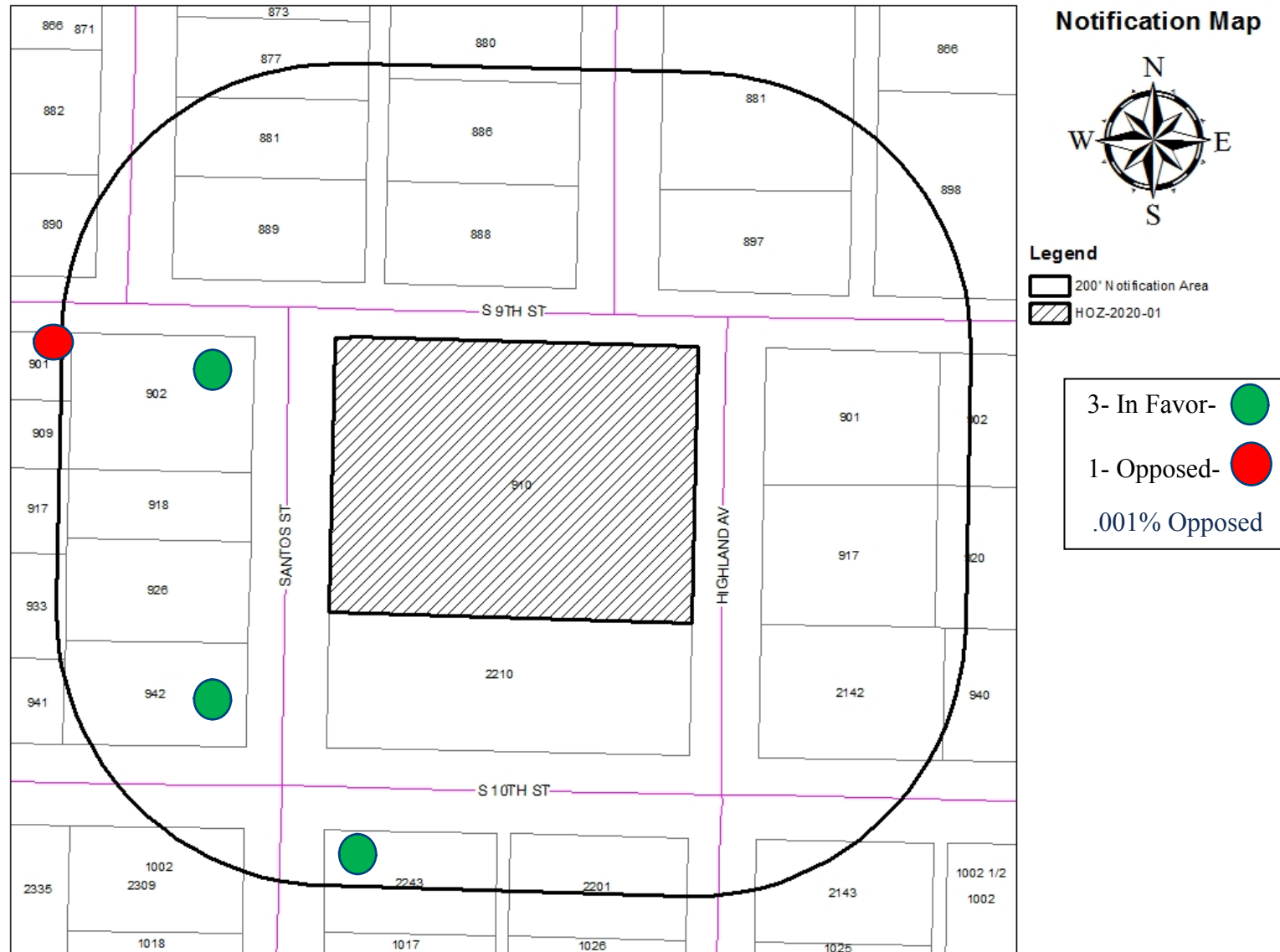
Z-2020-11 ZONING MAP



Z-2020-11 PHOTOS OF PROPERTY



Z-2020-11 NOTIFICATION MAP



FINDINGS AND RECOMMENDATIONS

- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Consistent with the criteria for historic designation (Section 2.3.4.4 (c))
- Reviewed Pursuant to Section 1.4.4.1 of the Land Development Code (Criteria for Approval)
- Landmarks Commission Recommendation: Approval
- Staff Recommendation: Approval



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 8/27/2020

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. 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
2. 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
3. Officer Patrick Sumrall and City of Abilene, Case No. 01-18-000-8653; Appeal of Indefinite Suspension to Arbitration, filed February 6, 2018
4. 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.
5. City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019
6. 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
7. 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

8. 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
9. John Doe v. Robert Hanna, Individually and as City Manager; Cause No. 28078-B; In the 104th Judicial District Court, Taylor County, Texas; filed July 7, 2020
10. Governor's Executive Orders COVID-19

B. 551.072 (Deliberations about Real Property)

1. Clyde Water
2. T&P Freight Warehouse, 901 North 1st Street, Abilene

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. Economic Development Agreement with KKP Investments, LLC

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None



**City Council
Agenda Memo**

City Council Meeting Date: 8/27/2020

TO:

FROM:

**SUBJECT: 15. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing,
and Take Action on the Evaluation of the City Manager**

GENERAL INFORMATION

To be discussed in Executive Session.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Evaluation of City Manager

Oral Resolution: Evaluation of the City Manager



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 8/27/2020

TO:

FROM:

**SUBJECT: 16. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing,
and Take Action on the Evaluation of the City Attorney**

GENERAL INFORMATION

To be discussed in Executive Session

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Evaluation of City Attorney

Oral Resolution: Evaluation of the City Attorney



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 8/27/2020

TO:

FROM:

**SUBJECT: 17. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing,
and Take Action on the Evaluation of the City Secretary**

GENERAL INFORMATION

To be discussed in Executive Session

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Evaluation of City Secretary

Oral Resolution: Evaluation of the City Secretary



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 8/27/2020

TO:

FROM: Shawna Atkinson, City Secretary

SUBJECT: 18.

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)

- Betty Hardwick Center Board of Directors
- Civil Service Commission

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 27th day of August, 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____
EXHIBIT "A"

Board	Term End Date
<i>Betty Hardwick Center Board of Trustees</i>	
Rosendo Contreras [New]	August 2021 [Unexpired Term]
<i>Civil Service Commission</i>	
Regi McCabe-Gossett [New]	November 2022 [Unexpired Term]

Resolution:

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

- Betty Hardwick Center Board of Trustees
- Civil Service Commission

