



City of Abilene City Council Agenda

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

Anthony Williams, Mayor

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

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on November 5, 2020, at 8:30 a.m., at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

INVOCATION

1. Councilmember Shane Price

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

CONSENT AGENDA

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

2. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on October 22, 2020 (**Shawna Atkinson**)
3. **Correction Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Execute a Contract Between the City of Abilene and the The Crowe Group, Inc., for the Construction of a New Fire Training Facility (**Cande Flores**)
4. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Authorize the City Manager to Execute a Contract with Texas Fire Apparatus, LLC for the Purchase of One (1) Custom Built HazMat/Communication Apparatus (**Chief Cande Flores**)

5. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Resolution Authorizing the City Manager to Continue the Agreement Between the Abilene Public Library and Overdrive, for the Purchase of Library Materials **(Julee Hatton)**
6. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Resolution Authorizing the City Manager to Continue the Agreement Between the Abilene Public Library and Midwest Tape (Hoopla), for the Purchase of Library Materials **(Julee Hatton)**
7. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Resolution Authorizing the City Manager to Continue the Agreement Between the Abilene Public Library and Baker & Taylor, for the Purchase of Library Materials **(Julee Hatton)**
8. **Resolution:** Receive A Report, Hold A Discussion And Public Hearing, And Take Action On A Resolution Authorizing The Continuation Of The Agreement With The Abilene Library Consortium **(Julee Hatton)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

9. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2021 Annual Operating Budget for the City of Abilene by Appropriating Funds to Add Four Customer Service Representative II Positions to the Water Utilities Department **(Rodney Taylor)**
10. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal year 2021 Annual Operating Budget of the City of Abilene by Appropriating Funds necessary for Adding One Additional Telecommunicator Position to the Abilene Police Department's 9-1-1 System **(Stan Standridge)**
11. **Resolution SNC-2020-01:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Street Name Change request to add an honorary street name “Larry and Mary Gill’s Way” to the street known as Lytle Way Circle extending west from Lytle Way in southeast central Abilene **(Mike Warrix)**
12. **Ordinance (Final Reading) CUP-2020-07:** Receive A Report, Hold A Discussion And Public Hearing, And Take Action On A Request Conditional Use Permit Allowing Multiple-Family Dwellings In General Retail (GR) District and In An Adjoining Office (O) District **(Mike Warrix)**
13. **Ordinance (Final Reading) Z-2020-14:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Rogers Recreation Inc., agent Jacob & Martin LLC, to rezone property from Planned Development (PD) District Number 58 to a Residential Single-Family (RS-6) District and a Residential Medium-Density (MD) District on 60.83 acres of now-vacant land wrapped around (but not adjoining) the southeast corner of Maple Street and Berry Lane in southeast central Abilene **(Mike Warrix)**
14. **Ordinance (Final Reading) Z-2020-10:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Sharon Riley, agent H.C. Zachry, to amend existing Planned Development (PD) District Number 32 by removing from subparagraph (f) 1 and 2 stating “no other signs shall be allowed” from Lots 25-30 and allowing all signage allowed in General Retail (GR). **(Zack Rainbow)**

PUBLIC COMMENTS

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

EXECUTIVE SESSION

15. **The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:**

A. 551.071 (Consultation with Attorney)

1. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
2. Officer Patrick Sumrall and City of Abilene, Case No. 01-18-000-8653; Appeal of Indefinite Suspension to Arbitration, filed February 6, 2018
3. 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.
4. City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019
5. 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
6. 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
7. 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
8. 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
9. Kimberly Mattson v. City of Abilene (Board of Building Standards); Cause No. 12197-D, In the 350th Judicial District Court, Taylor County, Texas, filed July 30, 2020
10. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-004598, In the 53rd Judicial District Court, Travis County, Texas; filed September 1, 2020
11. Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District, et al.; Cause No. P-8277-83-CV, In the 83rd Judicial District Court, Pecos County, Texas; filed September 11, 2020
12. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
13. Governor's Executive Orders - COVID-19
14. Cedar Creek Reservoir

B. 551.072 (Deliberations about Real Property)

1. Clyde Water
2. Cedar Creek Reservoir

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

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

E. 551.076 (Deliberations about Security Devices)

F. 551.087 (Business Prospect/Economic Development)

1. Abilene Convention Center Hotel Project

RECONVENE

REGULAR AGENDA

16. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approval of Consent to Deed of Trust (Leasehold) and Estoppel Certificate between the YMCA and AIMBank pertaining to YMCA's lease at Redbud Park **(Robert Hanna)**
17. **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)**
 - Abilene Housing Authority
 - Airport Development Board
 - Board of Adjustments
 - Board of Building Standards
 - Civil Service Commission
 - Landmarks Commission
 - Planning & Zoning Commission
 - Street Maintenance Advisory & Appeals Board

ADJOURNMENT

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

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 30th day of October, 2020, at 4:05 p.m.

Shawna Atkinson, TRMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 2. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on October 22, 2020 (*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting Held on October 22, 2020

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 10-22-2020 Minutes - Regular - Evening

CITY COUNCIL MEETING
October 22, 2020 at 4:30 p.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 October 22, 2020, at 4:30 p.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 and Kyle McAlister. Councilmember Travis Craver was absent. Also present were Deputy City Manager Mindy Patterson, City Attorney Stanley Smith, City Secretary Shawna Atkinson, and various members of the City staff.

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 4:30 p.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:

- 22. A. 551.071 (Consultation with Attorney)
 - 1. Chandler Brooks v. Taylor County, et al; Civil Action No 1:20-cv-00049
 - 2. John Doe v. Robert Hanna, Individually & as City Manager; Cause No 28078-B
- 22. B. 551.087 (Deliberations about Real Property)
 - 1. Clyde Water
 - 2. Resolution Modifying & Extending Declaration of Local Disaster (Also agenda item #12)
- 22. D 557-074 (Personnel Matters)
 - 1. Personnel Matters – City Manager

The Executive Session ended at 4:45 p.m. and reconvened to Open Session at 5:30 p.m. as noted on the posted agenda. Mayor Williams reported no votes or action were taken in Executive Session.

Councilmember Jack Rentz delivered the invocation.

Augusta Brumley, Emily Brumley and Grace Williams with the Cadette Girl Scouts 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
 - John Brunett – 25 Years – Fire Department
 - Philip Crockett – 25 Years – Fire Department
 - Charles Galco – 25 Years – Fire Department
 - Jennifer Matthews – 25 Years – Police Department

CONSENT AGENDA

The Consent Agenda consisted of items 4-17. Item's # 5, 7, 11, 12, 13 and 16 were pulled for individual consideration.

Items pulled for individual consideration were as follows:

- Jerry Tucker, citizen – Item #5
- David Swart, citizen – Item #7, 12 and 13
- Deputy Mayor Pro-tem Albus – Item #11
- Councilmember Price – Item #16

Mayor Pro-tem Hurt moved to approve the Consent Agenda, now consisting of items 4, 6, 8-10, 14-15 and 17. Councilmember Rentz seconded the motion. Motion carried.

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

NAYS (0): None

ABSENT (1): Councilmember Craver

4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on October 8, 2020
6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action Approving a Hepatitis C Program
[ASSIGNED RESOLUTION NO. 202-2020]
8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving Amendments to the Visual Arts Jury Bylaws
[ASSIGNED RESOLUTION NO. 204-2020]
9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve Contract with Freese and Nichols, Inc. for the Design of the Cedar Creek Trail Project through RFP #CB-2075
[ASSIGNED RESOLUTION NO. 205-2020]
10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Contract to Fletco Services, LP. for Security Access Control Center (SACC) at Dyess Air Force Base
[ASSIGNED RESOLUTION NO. 206-2020]
14. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2021 Annual Operating Budget for the City of Abilene by Appropriating Funds to Add Four Customer Service Representative II Positions to the Water Utilities Department
15. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal year 2021 Annual Operating Budget of the City of Abilene by Appropriating Funds necessary for Adding Additional Licensed Telecommunicator Positions to the Abilene Police Department's 9-1-1 System
17. Ordinance (First Reading) Z-2020-43: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Rogers Recreation Inc., agent Jacob & Martin LLC, to rezone property from Planned Development (PD) District Number 58 to a Residential Single-Family (RS-6) District and a Residential Medium-Density (MD) District on 60.83 acres of now-vacant land wrapped around (but not adjoining) the southeast corner of Maple Street and Berry Lane in southeast central Abilene

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

5. Resolution: Receive a Report, Hold A Discussion and Public Hearing, and Take Action on the Award of Bid No. CB-2102 - Sale of Land 22.98 Acres
[ASSIGNED RESOLUTION NO. 201-2020]
The item was pulled by Jerry Tucker, citizen.

Having pulled the item, Jerry Tucker stated that he lives on Penny Lane and is concerned with the entrance and exit access on that street. Mr. Tucker stated that the city used to have another entrance.

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

Travis McClure, Land Agent, responded to Mr. Tucker's concerns stating that the developer will establish access to the west, and that there is no access on Penny Lane.

Councilmember McAlister moved to approve the item as presented. Councilmember Price 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

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing and Take Action on the Purchase and Installation of New Video and Audio/Visual Equipment in the City Council Chambers and City Hall Emergency Operations Center with Swagit Video Service and Visionality Audio/Visual
[ASSIGNED RESOLUTION NO. 203-2020]

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart stated that the current video seems to be fine and questioned if this would be an upgrade to a 4k or 8k. Also questioned if this purchase was budgeted.

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

Mari Cockerell, Communication Director, responded to Mr. Swart's concerns stating that this will not affect the budget; the cost will come from the CARES Act money and the PEG Fund. Video will now have picture in picture for sign language interpretation and it will be 4k.

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

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

11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2101 to Raydon Inc. on Colony Hill Road Repair
[ASSIGNED RESOLUTION NO. 207-2020]

The item was pulled by Deputy Mayor Pro-tem Albus.

Having pulled the item, Deputy Mayor Pro-tem Albus questioned why the bid was awarded to Raydon, Inc, which is a Breckenridge company, when Bontke Construction is local and their bid was only \$2,000 below Raydon.

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

Michael Rice, Assistant City Manager responded to Deputy Mayor Pro-tem Albus's concerns stating that Raydon's accountant is in Breckenridge, but they are actually a local business.

Councilmember Rentz moved to approve the item as presented. Deputy Mayor Pro-tem Albus 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

12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster Issued September 24, 2020
[ASSIGNED RESOLUTION NO. 208-2020]

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart stated that we keep approving this declaration to keep our name in the hat for COVID funding. Mr. Swart stated he understands that we sent a letter to the governor requesting more control on a local level, but hopes it didn't travel by mail, as there has been too many issues with the courier service.

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

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

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

NAYS (1): Mayor Pro-tem Hurt

ABSENT (1): Councilmember Craver

13. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Execute a Contract Between the City of Abilene and the The Crowe Group, Inc., for the Construction of a New Fire Training Facility
[ASSIGNED RESOLUTION NO. 209-2020]

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart stated that this would be a great benefit for the northeast side of town if it will also have an active engine stationed there; that way if Ladder 5 is busy, the new station can respond.

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

Councilmember McAlister moved to approve the item as presented. Councilmember Price 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

16. Ordinance (First Reading) CUP-2020-07: Receive A Report, Hold A Discussion And Public Hearing, And Take Action On A Request Conditional Use Permit Allowing Multiple-Family Dwellings In General Retail (GR) District and In An Adjoining Office (O) District

The item was pulled by Councilmember Price.

Having pulled the item, Councilmember Price stated he would like staff work with Planning & Zoning to bring a recommendation on changes to the Land Development Code to address housing density limitations for zonings that allow MF by means of a Conditional Use Permit.

Mayor Pro-tem Hurt stated he would like additional zoning specifically for duplexes.

Mayor Williams opened the public hearing. 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 (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

REGULAR AGENDA

18. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve a Contract with Matrix Design Group for Dyess JLUS Implementation Consulting (CB-2071)
[ASSIGNED RESOLUTION NO. 210-2020]

Don Green, Director of Transportation, presented the item. Adoption of the item would approve a contract with Matrix Design Group for the Dyess Joint Land Use Study (JLUS) Implementation Consulting.

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

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

19. Presentation: Receive a Report, and Hold a Discussion and Public Hearing on Updating the City Council on the Progress of the Smart Water Meter Replacement and Advanced Metering Infrastructure Installation Project

Rodney Taylor, Director of Water Utilities, presented the item. Mr. Taylor went over the progress of the Smart Water Meter Replacement and Advanced Metering Infrastructure installation project in detail.

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

- David Swart – stated his experience with the new water meters has been so-so. Mr. Swart stated that the website said he would be notified when his meter was going to be replaced, and he received a notification three weeks after the fact. He also thinks he had been overbilled in the past and that he likes the new meters. His only negative feedback would be the customer service.
- Samuel Garcia – thanked Rodney Taylor and his staff with this process and presentation. Stated that he doesn't ever worry about water, because they do such an amazing job.

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

This item was for presentation only. No votes or action were taken.

20. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an ordinance amending Chapter 32, "Utilities", Article III, "Industrial Wastes", of the Abilene Municipal Code, by amending certain sections as set out below; proving a severability clause, and declaring a penalty
[ASSIGNED ORDINANCE NO. 39-2020]

Rodney Taylor, Director of Water Utilities, presented the item. Adoption of the item would amend chapter 32 of the Abilene Municipal Code, "Utilities", Article III "Industrial Wastes", with small modifications that are necessary in order to comply with provisions of the National Pretreatment Regulations of the Environmental Protection Agency (EPA).

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

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

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

NAYS (0): None

ABSENT (1): Councilmember Craver

21. Ordinance (Final Reading) Z-2020-10: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Sharon Riley, agent H.C. Zachry, to amend existing Planned Development (PD) District Number 32 by removing from subparagraph (f) 1 and 2 stating "no other signs shall be allowed" from Lots 25-30 and allowing all signage allowed in General Retail (GR)
[PULLED FROM CONSIDERATION]

This item required a super-majority vote from Council. Because a member were absent and another will be abstaining, it was pulled from consideration and Mayor Williams announced that it will be held at the following meeting on 11/5.

PUBLIC COMMENTS

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

- David Swart – stated that he saw the presentation about the new Police Chief and questioned why there was not any local candidates selected, especially considering the cost of using the consultant and flying candidates here. Mr. Swart stated that the citizens of Aurora Colorado had lost confidence in the police department there, and Mr. Dudley’s department was three and a half times larger than Abilene’s department.
- Sheila Becker – spoke about fireworks set off around town during holidays, and asked if there is anything staff and Council could do about them. Ms. Becker also stated that there is hogs outside of town causing destruction and thought the City could take care of them and donate the meat to the homeless ministries in town.
- Samuel Garcia – spoke about his interest in the Development Corporation of Abilene. Mr. Garcia stated that the DCOA is wanting to change their bylaws to decrease the number of board meetings, and that he doesn’t agree with the CEO having the authority to spend \$200,000 without Council approval, when the City Manager has to seek approval over \$50,000. Mr. Garcia also voiced his concerns with how unprofessional the DCOA board meeting are, and their lack of set dates.
- Cynthia Alvidrez – stated that there is a problem with how ACU has been awarded \$1.5 million in TIRZ money, as Mayor Williams is employed by this entity, when there are more deserving areas in the TIRZ that could use the money more.

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

ADJOURNMENT

There being no further business, the meeting adjourned at 6:46 p.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Robert Hanna, City Manager

FROM: Cande Flores, Fire Chief

SUBJECT: 3. Correction Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Execute a Contract Between the City of Abilene and the The Crowe Group, Inc., for the Construction of a New Fire Training Facility (Cande Flores)

GENERAL INFORMATION

Correction is required to the contract price of this construction contract. Alternate Bid 1 and Alternate Bid 2 were added to the construction contract, but the total contract price previously approved by the City Council inadvertently did not reflect these additions. All other items of the construction project remain the same.

In 2015, the citizens of Abilene approved a Bond Package that include five (5) projects for the Abilene Fire Department (AFD). The last of these projects is the new Fire Training Facility. This Facility will be utilized for all AFD training events, including the Fire Academy.

This contract is for the construction of a ten thousand (10,000) square foot training facility by The Crowe Group, Inc. The Crowe Group's bid for this project was submitted for the lump sum total of two million, six hundred and sixty-one thousand, and four-hundred and twenty-five dollars (\$2,661,425.00).

Three alternates were also proposed as part of the bidding process. Abilene is choosing to include Alternate #1 bid at \$45,836.00 and Alternate #2 bid at \$61,239.00.

SPECIAL CONSIDERATIONS

This contract was awarded through the "best value" competitive bid process.

The Fire Training Facility Project is utilizing the Design-Bid-Build construction method. The Project was designed by CADCO Architects-Engineers, Inc.

FUNDING/FISCAL IMPACT

Funding for this construction project will come from the remainder of the 2015 Bond Fund and the Minor Improvement Fund.

The total for this contract, including Alternates #1 and #2, is \$2,661,425.00.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution to authorize to execute this contract.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2020 Corrected Resolution-Fire Training Facility Construction Contract
2. Abilene Fire Training Facility Contractor Letter of Recommendation
3. AFD Best Value Bid Evaluation TF Project
4. Construction Contract - Fire Training Facility
5. TF Construction Contract Presentation

**A CORRECTED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE CROWE
GROUP, INC. FOR THE CONSTRUCTION OF A NEW FIRE TRAINING FACILITY**

WHEREAS, in 2015, the City of Abilene successfully passed a Bond Package that included, for the Abilene Fire Department, three (3) fire stations, an apparatus maintenance facility, and a fire training facility; and

WHEREAS, this contract is for the construction of the fire training facility, which is the last project of the 2015 Bond Package; and

WHEREAS, on May 9, 2019, the City of Abilene entered into a Professional Services Contract with CADCO Architects-Engineers, Inc., for the design of the new Fire Training Facility and construction bidding assistance; and

WHEREAS, five sealed bids were received on September 24, 2020, and evaluated for best value competitive bidding, and The Crowe Group, Inc. was evaluated as providing the best value for the project; and

WHEREAS, the total cost of this construction contract is \$2,661,425.00; and

WHEREAS, funding for the construction of the fire training facility will come from the 2015 Bond Project Fund and the Minor Improvement Fund; and

WHEREAS, this corrected Resolution will replace Resolution 209-2020.

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

Part 1: The City Manager is hereby authorized to execute a contract between The Crowe Group, Inc. and the City of Abilene for the construction of a new Fire Training Facility.

Part 2: This Corrected Resolution shall take effect immediately from and after passage, and replaces Resolution 209-2020.

ADOPTED and approved by the City Council on the 5th of November, 2020.

ATTEST:

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

APPROVED:

Stanley Smith
City Attorney



September 29, 2020

Fire Chief Cande Flores
Fire Department
City of Abilene
250 Grape St.
Abilene, Texas 79601

RE: Abilene Fire Training Facility

Chief Flores:

Sealed proposals for the above referenced project were received in the Purchasing Office at 2:00 PM, Thursday, September 24, 2020, opened, and read aloud immediately thereafter in the Council Chambers.

The following is a list of contractors that provided sealed proposals (not noted in ranked order):

1. Teinert Construction
2. Collier Construction
3. Fletco Services
4. WB Kibler Construction
5. The Crowe Group, Inc.

There were not any exceptions or deviations to the contract documents taken by any proposers. Alternate #1 and #2 have been accepted by the City of Abilene.

CADCO Architects-Engineers, Inc. has ranked the order of the contractors based on the City of Abilene's categories taken from bidding document "Statement of Bidder's Qualifications" as noted on the attached documents and recommends that the City of Abilene accept the rank order of the contractors as presented.

Should you have any questions or require additional information, please advise.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Shawnda Rixey", with a stylized flourish at the end.

Shawnda Rixey, AIA NCARB
Architect

	City of Abilene									
	Best Value Competitive Bidding Process Review									
	Date: September 29,2020									
	Name of Project: Fire Training Facility									
Rank	Company Name/ Description	Overall Price (Including Alternates #1 & #2)	Experience and Reputation	Quality of the Goods and/or Services	Proposed Completion Date	Safety record	Proposed Personnel	Whether the Bidder's financial capability is appropriate to the size and scope of the project	Past Working Relationship with the City of Abilene.	Total
1	Teinert Construction	3	1	1	3	1	1	1	1	13
2	Collier Construction	4	1	1	3	1	3	1	1	15
3	Fletco Services	1	3	2	2	1	1	1	3	14
4	W.B. Kibler	5	1	1	2	1	1	1	1	13
5	Crowe Group	2	1	1	1	1	1	1	1	9
		Rated Scale with 1=Best and 5=Worst. Lowest Overall Score Receives Highest Ranking								
Final Rank		1	Crowe Group							
		2	Teinert Construction							
		3	W.B. Kibler							
		4	Fletco Services							
		5	Collier Construction							
	Evaluators	Organization								
	Shawnda Rixey, AIA - Architect	CADCO								

	City of Abilene									
	Best Value Competitive Bidding Process Review									
	Date: September 29,2020									
	Name of Project: Fire Training Facility									
Rank	Company Name/ Description	Overall Price (Including Alternates #1 & #2)	Experience and Reputation	Quality of the Goods and/or Services	Proposed Completion Date	Safety record	Proposed Personnel	Whether the Bidder's financial capability is appropriate to the size and scope of the project	Past Working Relationship with the City of Abilene.	Total
1	Teinert Construction	3	1	1	3	1	1	1	1	13
2	Collier Construction	4	1	1	3	1	1	1	1	13
3	Fletco	1	3	2	2	1	2	2	3	16
4	W.B. Kibbler	5	1	1	2	1	1	1	1	14
5	Crowe Group	2	1	1	1	1	1	1	1	9
		Rated Scale with 1=Best and 5=Worst. Lowest Overall Score Receives Highest Ranking								
Final Rank		1	Crowe Group							
		2	Teinert Construction							
		3	Collier Construction							
		4	W.B. Kibbler							
		5	Fletco							
	Evaluators	Organization								
	Cande Flores - Fire Chief	Abilene Fire Dept.								
	John Brunett - Deputy Fire Chief	Abilene Fire Dept.								

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made on the 5th day of November, 2020, is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and The Crowe Group, 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 required in the Contract Documents – incorporated herein by reference – ABILENE FIRE TRAINING FACILITY

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

In consideration of this Work, the City will pay the Contractor the sum of \$2,661,425.00.

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

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

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

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

6. Indemnity.

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

“Contractor’s employees” shall mean any employees, officers, agents, subcontractors, licensee and invitees of Contractor.

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

- (i) injury or damage to any property or right
- (ii) injury, damage, or death to any person or entity
- (iii) attorney’s fees, witness fees, expert witness fees and expenses, and
- (iv) all other costs and expenses of litigation

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

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

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

B. Indemnity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONTRACTOR

Name of Contractor:

The Crowe Group, Inc.

Business Address:

417 S 11th St

Abilene, Texas 79602

Signature

Business Phone No.

325-676-0132

Name – Typed or Printed

Joseph Crowe

Federal Tax I.D. # 75-2743027

ATTEST: (If Corporation)

Title – Typed or Printed

President

Corporate Secretary's Signature

Corporate Seal

(If none, write "None")

CITY OF ABILENE

Authorized Signature

ATTEST:

APPROVED:

City Secretary

City Attorney

Seal

Training Facility Construction Contract

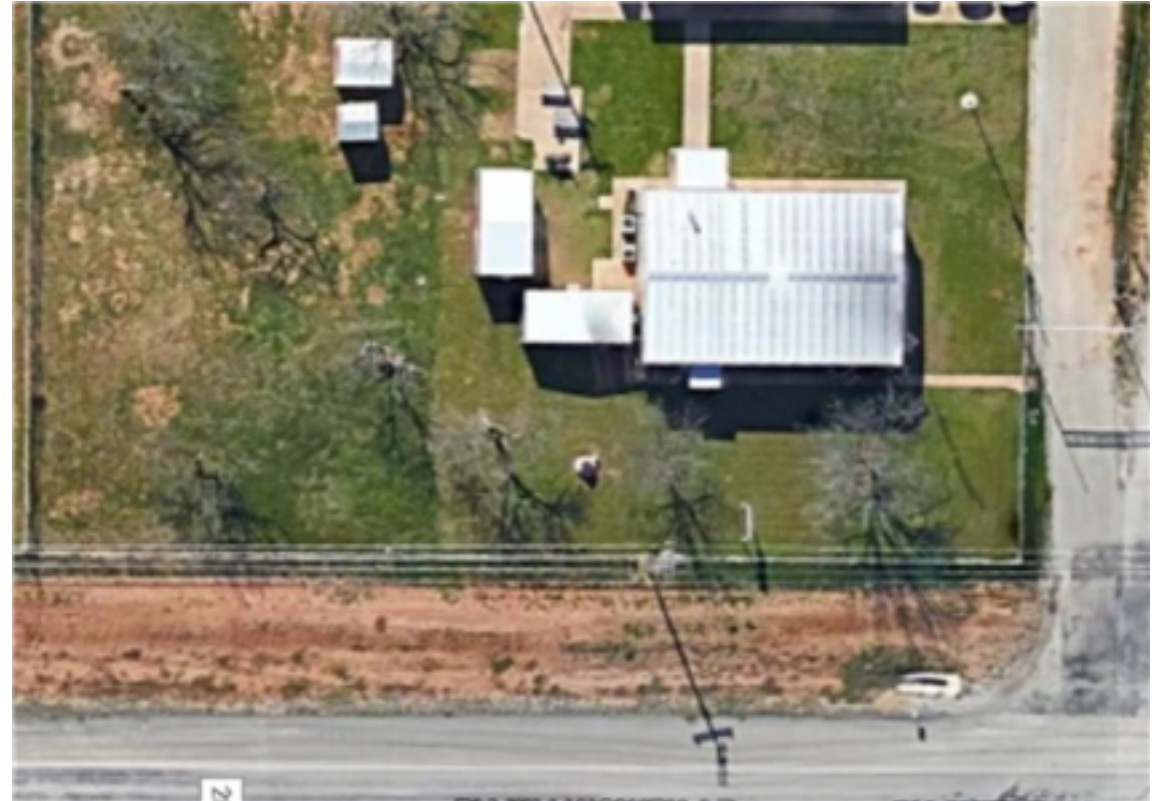
ABILENE FIRE DEPARTMENT

November, 2020



TRAINING FACILITY PROJECT

- Last 2015 Bond Package Project
- New Training Facility will replace current facility built in the 1970s
- Constructed adjacent to current training facility



PROJECT FEATURES

- 10,000+ Square Feet
- Large Open-Style Classroom that can be divided into two smaller classrooms
- Attached Apparatus Bay
- Fitness Room
- (7) Offices
- Conference Room
- Break Area for Staff and Students
- Design Adaptable for Future Expansion



DESIGN – BID - BUILD

DESIGN

- CADCO Architects-Engineers, Inc.

BID

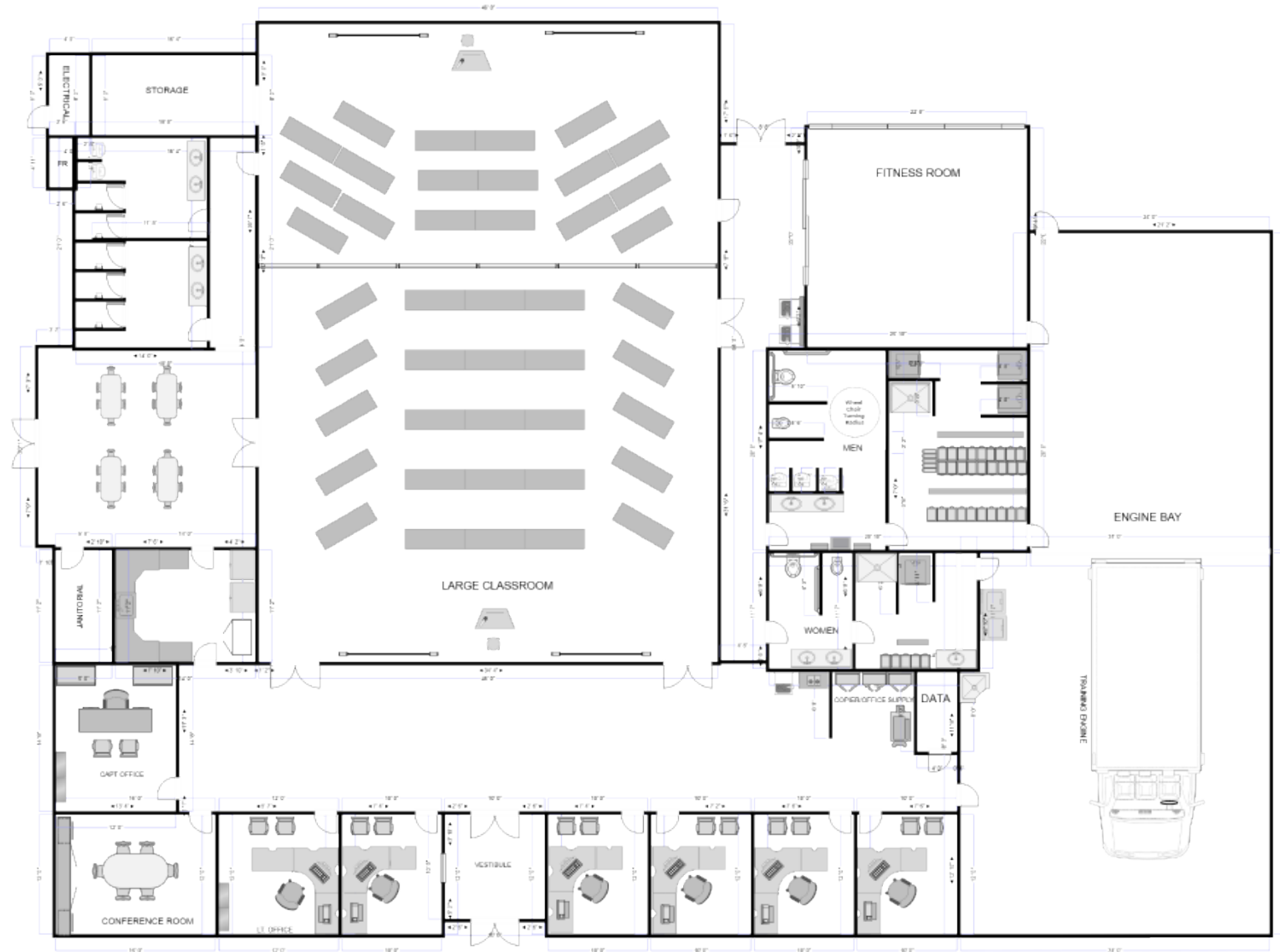
- Competitive Bidding Process was utilized
- Total of (5) Qualified Bids were received and rated
- Bids included (3) Alternates

BUILD

- The Crowe Group received the highest rated bid and were awarded the project contract



FACILITY LAYOUT



DESIGN CONCEPT



ALTERNATES

- Alternate #1
 - Renovation of the main entrance gate, including an entry wall with lettering. Fencing and all electrical requirements for access controlled entry.
- Alternate #2
 - Replacement of the existing asphalt parking lot with 5" concrete paving.
- Alternate #3
 - Electrical power for relocated portable buildings.



FUNDING

Funding for this contract will come from the 2015 Bond Projects Fund and the Minor Improvement Fund

Base Bid of \$2,554,350.00

Alternate #1: \$45,836.00

Alternate #2: \$61,239.00

Contract Total: \$2,661,425.00



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Robert Hanna, City Manager

FROM: Cande Flores, Fire Chief

SUBJECT: 4. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Authorize the City Manager to Execute a Contract with Texas Fire Apparatus, LLC for the Purchase of One (1) Custom Built HazMat/Communication Apparatus *(Chief Cande Flores)*

GENERAL INFORMATION

In 2019, the Fire Apparatus Replacement Plan was updated to include AFD fleet replacements through the year 2040. This plan called for the purchase of one (1) HazMat Response Vehicle in 2020. This replacement plan was created to comply with recommendations outlined in NFPA Standard 1901 and to support the Class 1 Public Protection Classification (PPC) by the Insurance Service Office (ISO).

This purchase is for one (1) custom built HazMat/Communication Apparatus, not including additional equipment and tools. The purchase will be made through Texas Fire Apparatus and constructed by Emergency Vehicles Inc. of Lake Park, FL. The total price for this apparatus is \$497,825.00.

SPECIAL CONSIDERATIONS

This purchase will be made using Buy Board pricing, contract # 601-19. This option confirms best pricing.

FUNDING/FISCAL IMPACT

Funding for this apparatus is available through the Fire Apparatus Replacement Fund.

The total used for this purchase is \$497,825.00.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution to authorize to execute this contract.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution-HazMat-Communicatoin Apparatus Purchase
2. Abilene Hazmat-Communications Unit 7-23-2020 proporal
3. PURCHASE AGREEMENT HAZ-MAT COMMUNICATION UNIT
4. TFA HazMat Vehicle Presentation

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN TEXAS
FIRE APPARATUS, LLC AND THE CITY OF ABILENE, FOR THE PURCHASE OF
ONE (1) CUSTOM HAZMAT/COMMUNICATION APPARATUS.**

WHEREAS, in 2019, the Fire Apparatus Replacement Plan was updated to include AFD fleet replacements through the year 2040. This plan called for the purchase of one (1) HazMat Response Vehicle in 2020. This replacement plan was created to comply with recommendations outlined in NFPA Standard 1901 and to support the Class 1 Public Protection Classification (PPC) by the Insurance Service Office (ISO).

WHEREAS, this purchase is for one (1) custom built HazMat/Communication Appartus, not including additional equipment and tools. The purchase will be made through Texas Fire Apparatus and constructed by Emergency Vehicles Inc. of Lake Park, FL. The total price for this apparatus is \$497,825.00.

WHEREAS, the purchase will be made using BuyBoard. This option confirms best pricing.

WHEREAS, funding for this apparatus is available through the Fire Apparatus Replacement Fund.

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

Part 1: The City Manager is hereby authorized to execute a contract between Texas Fire Apparatus, LLC and the City of Abilene, for the purchase of one (1) custom HazMat/Communication Apparatus.

Part 2: This Resolution shall take effect immediately from and after passage.

ADOPTED and approved by the City Council on the 5th of November, 2020.

ATTEST:

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

APPROVED:

Stanley Smith
City Attorney



311 Hwy 175 W, Suite B. Eustace, Texas 75124

TDMV License # P155052 Rush Truck Center Buy Board Contract #601-19

1-877-FIRETRK (877-247-3875)

July 23, 2020

Abilene Fire Department

Texas Fire Apparatus LLC is pleased to provide you with the following quote for a 2021 Emergency Vehicle Inc. Peterbilt 348 Hazmat/Communication in cooperation with Rush Truck Center as proposed.

Texas Fire Apparatus is an exclusive EVI Dealer for the State of Texas and provides mobile service for the State. We are opening Service Centers in Forney and Palestine. We are also planning on opening other centers in the State in the Future.

The following is proposed pricing for the currently specs, if changes are to be made, then adjustments will be necessary.
CHASSIS: 2021 Peterbilt 348 w/ 450 hp.

Total Cost - Buy Board fee included.	\$497,825.00
--------------------------------------	---------------------

This price includes a Professional Davis Weather Station.

We look forward to working with you on this project. Included in this proposal is 3 Fire Department members to attend a precon at the EVI plant, and once the unit is complete, 3 members for a final inspection. If COVID is still active, modifications will need to be made to Precon. Proposal also includes delivery & vehicle orientation.

PO shall be made out to Texas Fire Apparatus LLC, 311 Hwy 175W, Suite B. Eustace, Texas 75124 / Rush Truck Center 3901 N Medford Dr, Lufkin, TX 75901

Prepay Discount available upon request.

Regards,

Randy Harley
Owner/General Manager
Texas Fire Apparatus LLC
903-288-8907



TDMV License # P155052 Rush Truck Center BuyBoard Contract # 601-19

311 US Hwy 175, W. Suite B. Eustace, Texas 75124

1-877-FIRETRK (877-347-3875)

Purchase Agreement

For

HazMat/Communication Apparatus

THIS AGREEMENT, made and entered into this day of , 2020 by and between Texas Fire Apparatus LLC hereinafter called "TFA" representing Emergency Vehicles Inc. of Lake Park, FL, hereinafter called "EVI", and Rush Truck Center, hereinafter called "RTC: and the City of Abilene "Abilene Fire Department" of Abilene, Texas hereinafter called "PURCHASER", in accordance Texas Department of Motor Vehicles Dealer requirements.

WITNESSETH:

1. PURCHASE: Purchaser hereby agrees to buy and TFA hereby agrees to sell and furnish to Purchaser the apparatus and equipment according to the TFA Proposal attached hereto and made a part hereof, and to deliver the same as hereinafter provided.
2. PAYMENT: Purchaser agrees to pay for said apparatus and equipment the total purchase base price of (\$497,825.00) based on Chassis payable upon receipt of chassis at EVI Factory. Balance due upon delivery and /or acceptance per proposal attached.
3. DELIVERY: The apparatus being purchased hereunder shall be delivered to Purchaser at Abilene Fire Department within approximately 140-160 after the receipt of the Chassis.
4. WARRANTIES: EVI's and Peterbilt warrants the apparatus purchased according to the specifications presented by the corresponding manufacture.
5. NFPA COMPLIANCE: The EVI HazMat/Communication Unit shall be tested per NFPA #1901 EVI's manufacturing facility. Purchaser agrees that the apparatus and equipment being purchased hereunder will not be driven or used in any manner until it is paid for in full, provided, however, that if there are any minor shortages, Purchaser may withhold a sum equivalent to the retail purchase price of any equipment shortages at the time of delivery and may use the apparatus and equipment during this period.
6. DEFAULT: In the case of any default in payment hereunder or in the payment on any notes, negotiable paper, obligations or other instruments issued by Purchaser, Texas Fire Apparatus / EVI may take full possession of any and all apparatus and equipment or of the piece or pieces upon which default has been made, and any payments that have been made theretofore shall be applied as rent in full for the use of the apparatus and equipment up to the date of taking possession by TFA/EVI.

7. PURCHASER WARRANTIES: With the signing of this agreement, Purchaser warrants that it has the full power and legal authority to enter into this agreement and guarantees that funds for its purchase are available or in the process of collection.
8. ACCEPTANCE: This agreement shall not be binding until it is signed and approved by an officer of Texas Fire Apparatus LLC representing EVI/RTC.
9. TAXES, ETC.: The purchase price provided for herein does not include any federal, state or local sales tax, duties, imposts, revenues, excise or other taxes which may hereafter be imposed by governmental authority or otherwise and which are made applicable to the apparatus or equipment covered by the agreement. In the event that any such taxes are subsequently imposed and become applicable, the purchase price herein shall be increased by the amount of such taxes and such sum shall be immediately paid by Purchaser to TFA. To the extent applicable, the prices and deliveries set forth herein are subject to the Defense Production Act.
10. INSURANCE: EVI shall provide insurance insuring the apparatus and equipment against loss by fire, theft or collision and insuring against property damage and personal injury through the three (3) day delivery period or until acceptance by Fire Department.
11. GENERAL: This agreement and the TFA proposal provided herein take precedence over all previous negotiations, oral or written, and no representations or warranties are applicable except as specifically contained in this agreement or in the TFA proposal attached hereto. No alteration, modification, amendment or change of this Agreement shall be binding unless executed in writing by the parties and if such alteration, modification, amendment or changes are in reference any EVI Apparatus, then EVI must approve in addition. No waiver of any of the provisions of this Agreement shall be deemed a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver.

This Agreement shall be governed and controlled as to interpretation, enforcement, validity, construction, effect and in all other respects by the laws, statutes and decisions of the State of Texas. Exclusive jurisdiction and venue for any litigation at all related to this Agreement, directly or indirectly, based upon contract, tort, or other theory of law, shall lie in Henderson County, County Court of Law in Athens, Texas and or the County of jurisdiction in which EVI or RTC lies in, and the parties hereto consent and submit to the general jurisdiction of this court. All the terms and provisions of this Agreement shall be binding upon and inure to the benefit of and be enforceable by TFA, EVI, RTC, Purchaser, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly executed and attested by its duly authorized representatives, effective as of the date below when accepted at TFA offices.

TEXAS FIRE APPARATUS LLC
By: Randy Harley
TFA Representative

PURCHASER
THE City of Abilene, Texas
By: _____
Title: _____

By

Title: Owner/General Manager

Date

By

Title:

Date

Texas Fire Apparatus

AFD HazMat/Communications Apparatus Purchase

November 2020



HAZMAT 5

- 1992 Ford Eldorado
 - 28 Years Old
 - Procured from CityLink
 - Overweight
 - Undersized
 - 237,000 Miles



APPARATUS PURCHASE PLAN

- Updated in 2019
- Replace HazMat Vehicle in 2020
 - Budget of \$550,000
- Plan is Funded at \$1,100,000 Per Year



AFD REPLACEMENT PLAN

- Frontline Apparatus
 - 15 Years
- Reserve Apparatus
 - Additional 5 Years
 - Total of 20 Years
- Plan is In-Line with NFPA 1901 Guidelines

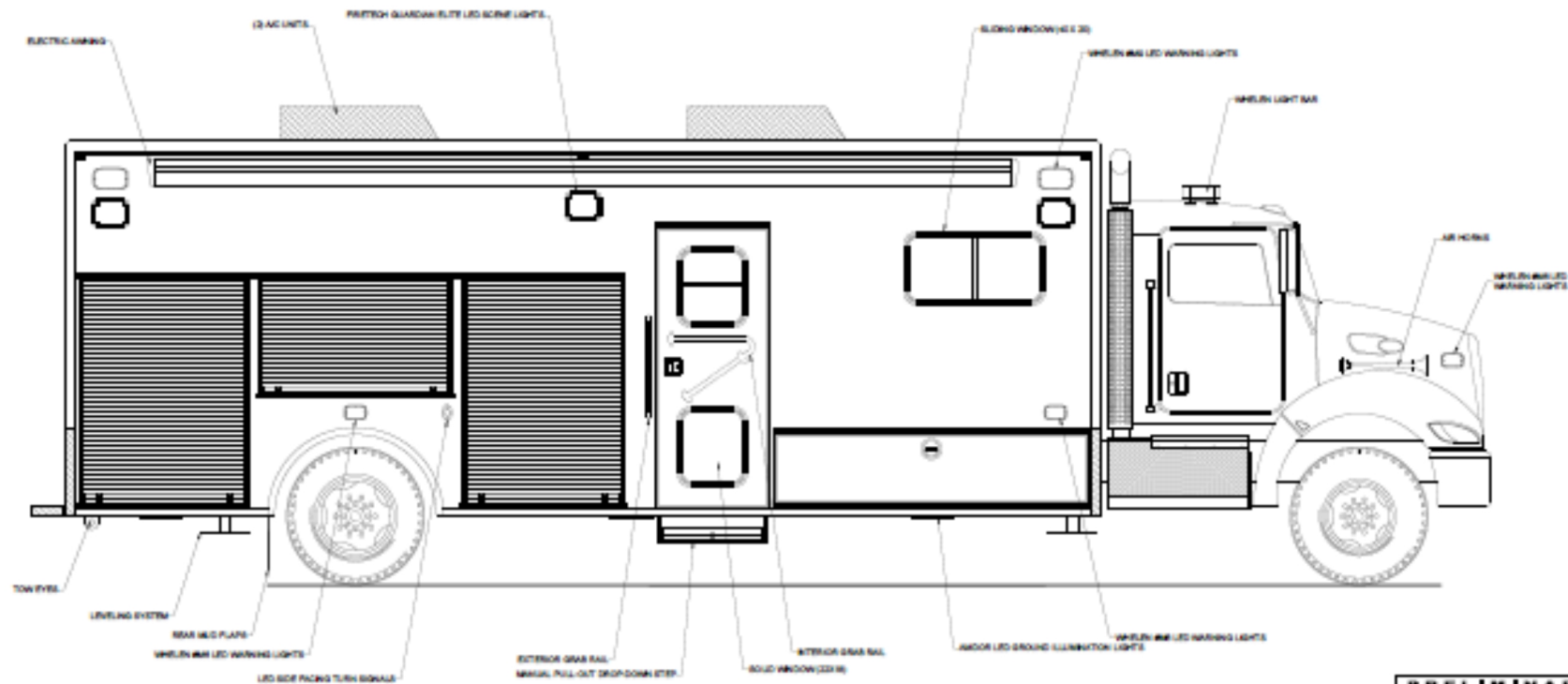


HAZMAT/COMMUNICATION APPARATUS

- Peterbilt Chassis
 - Multiple Compartments for HazMat Equipment
 - Professional Weather Station
 - Communication Equipment
 - Wifi on board
 - Live feed tv monitors
 - Laptops
 - Base Radio and Portables
 - Interior, Climate-Controlled Dressing Area for HazMat Personnel
 - Towing Package – Capable of Pulling Air Trailer
 - Slide-Out for Additional Interior Space
- 140-160 Days to Construct



Abilene Fire Department
Abilene, Texas



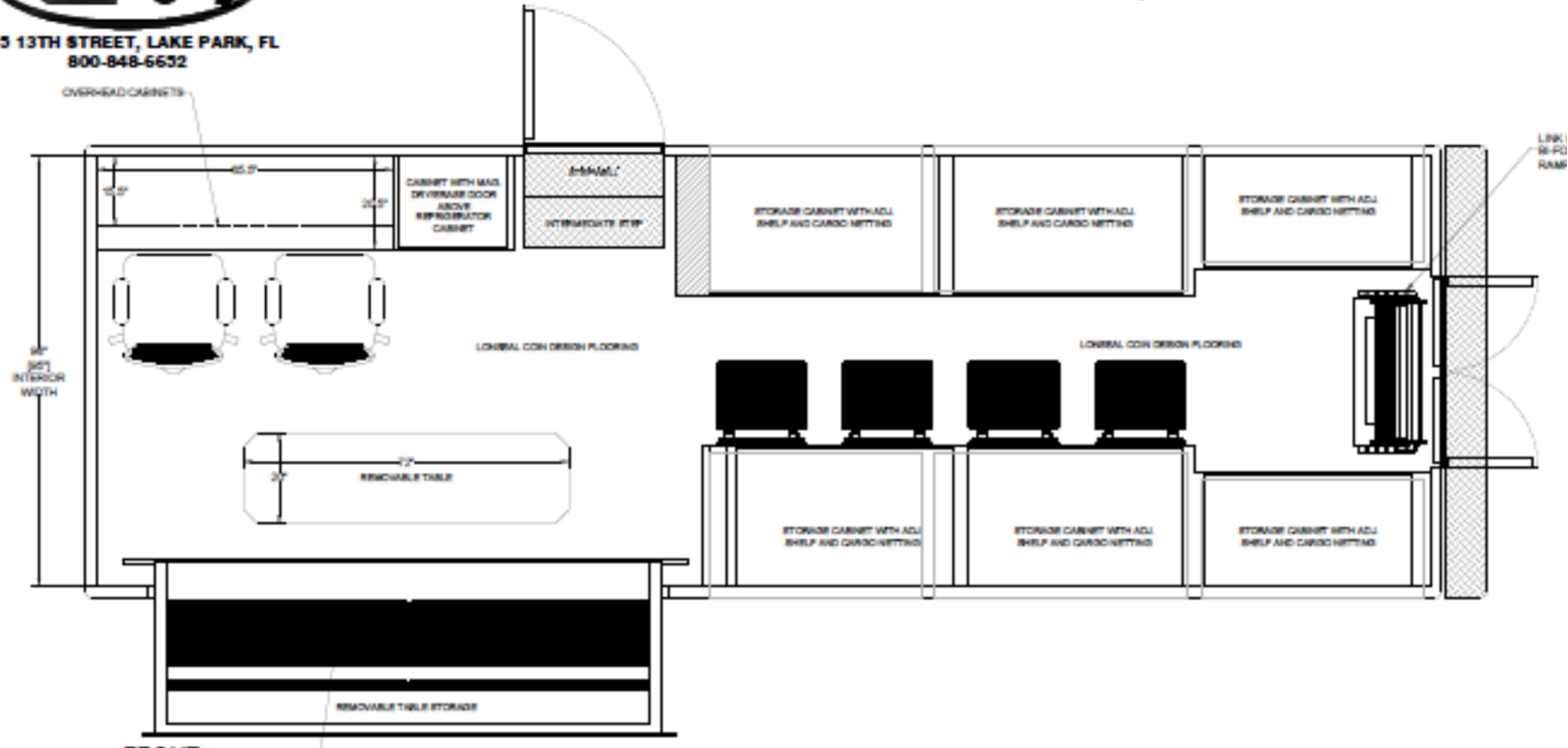
PRELIMINARY

INTERIOR



705 13TH STREET, LAKE PARK, FL
800-848-6652

*Abilene Fire Department
Abilene, Texas*



VENDOR AND MANUFACTURER

- TEXAS FIRE APPARATUS
 - Corporate Office – Palestine, TX
 - Longstanding Vendor – Name has Changed Over the Years
 - Sutphen Dealer for AFD
- EMERGENCY VEHICLES INC.
 - Based in Lake Park, FL
 - Custom Emergency Vehicle Manufacturer Since 1971



PURCHASE DETAILS

- Total Purchase Price of \$497,825.00
- Funding comes from the Apparatus Replacement Fund
- BuyBoard Pricing



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Robert Hanna, City Manager

FROM: Julee Hatton, Library Director

SUBJECT: **5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Resolution Authorizing the City Manager to Continue the Agreement Between the Abilene Public Library and Overdrive, for the Purchase of Library Materials (Julee Hatton)**

GENERAL INFORMATION

- Overdrive provides service for patrons to download digital content, such as eBooks and audiobooks.
- Partnership with Tom Green County Library since 2006 to provide service for combined patron base.
- APL Overdrive current collection size is 26,435 items
- FY20 Overdrive Statistics
 - 6,886 unique users
 - 198,276 total checkouts
 - 55,581 total holds

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

Abilene Public Library budget for all forms of materials - \$534,990

Expected material purchase from Overdrive projected - \$60,000

STAFF RECOMMENDATION

Recommend approval

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Resolution Overdrive Nov 2020
2. Overdrive Backup Material Nov 20
3. Council Presentation Overdrive Agreement Nov 2020

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO CONTINUE THE AGREEMENT BETWEEN THE
ABILENE PUBLIC LIBRARY AND OVERDRIVE.**

WHEREAS, The City of Abilene entered into an agreement with Overdrive on October 24, 2006; and

WHEREAS, The City of Abilene entered into an agreement with Tom Green County Library to share the collection; and

WHEREAS, The Abilene Public Library purchases many formats of materials including print, movies, music on DVD, Blu-ray, CD and digital downloadable eBooks, and audiobooks; and

WHEREAS, Overdrive is sole source thereby meeting our competitive bidding requirements; and

WHEREAS, The Abilene Public Library budgets for all forms of materials approved by City Council each year.

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

Part 1: The City Manager is hereby authorized to continue the agreement for library materials from Overdrive.

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

ADOPTED this 5th day of November 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor
APPROVED:

Stanley Smith, City Attorney

Overdrive at APL

The electronic book in public libraries debut in 2000 began with Stephen King's novel Bag of Bones which was published exclusively on the Internet, for use with the Glassbook eBook reader. Users could download the book for \$2.50 to read on a computer or personal organizer. The eBook sold 500,000 copies in 48 hours.

In 2000, Overdrive launched their digital marketplace, Content Reserve (now OverDrive Marketplace), which now contains millions of titles from more than 5,000 publishers. In 2003, they launched a download service for libraries, which provides eBook, audiobook, and other digital content to millions of library users.

The Friends of the Library provided the initial funding for APL. By 2006, APL was approached by Tom Green County to participate in a joint venture to supply electronic eBooks and audiobooks to their combined patron base. The initial budget is believed to have been \$10,000 for APL - (\$6,000 platform fee and \$4,000 for materials). Most circulation was for audiobooks. In 2011, the eBook was added and they immediately became popular with the public.

The term of the initial agreement was four years with automatic renewal every two years after that on a continuous basis unless formally terminated. It has been automatically renewed since.

APL's Overdrive current collection size is 26,435 items

FY20 Overdrive Statistics

6,886	unique users
198,276	total checkouts
55,581	total holds

Abilene Public Library budget for all forms of materials - \$534,990

Expected material purchase from Overdrive projected - \$60,000

Resolution: Agreement Between Abilene Public Library and OverDrive



General Information:

- OverDrive provides service for patrons to download digital content, such as eBooks and audiobooks.
- Partnership with Tom Green County Library since 2006 to provide service for combined patron base.
- APL OverDrive current collection size is 26,435 items
- FY20 OverDrive Statistics
 - 6,886 unique users
 - 198,276 total checkouts
 - 55,581 total holds



FY2021 Fiscal Impact:

- Abilene Public Library budget for all forms of materials - \$534,990
- Expected material purchase from OverDrive projected - \$60,000

Staff Recommendation:

- Staff recommends the City Council authorize the City Manager to continue the library purchases from OverDrive.



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Robert Hanna, City Manager

FROM: Julee Hatton, Library Director

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Resolution Authorizing the City Manager to Continue the Agreement Between the Abilene Public Library and Midwest Tape (Hoopla), for the Purchase of Library Materials (*Julee Hatton*)

GENERAL INFORMATION

Approval of this resolution will authorize the City Manager to Continue the Agreement Between the Abilene Public Library and Midwest Tape (Hoopla), for the Purchase of Library Materials.

Hoopla is a product of Midwest Tape and provides access to materials including books, papers, eBooks and eAudio content.

Midwest Tape hold exclusive distribution rights for books, papers and related materials, including rare materials.

For non-exclusive, materials APL purchases through the State CO-OP program of which Midwest Tape (Hoopla) is a vendor member.

FY20 Hoopla Statistics
3,584 unique users
49,170 total checkouts

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

Abilene Public Library budget for all forms of materials - \$534,990

Expected materials purchase from Midwest Tape total projected - \$150,000 (\$120,000 for Hoopla)

STAFF RECOMMENDATION

Recommend approval.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Resolution Midwest Tape Hoopla Nov 2020
2. Hoopla Nov 2020
3. Council Presentation Midwest Tape for Hoopla Nov 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO CONTINUE THE PURCHASE OF LIBRARY MATERIALS FROM MIDWEST TAPE FOR HOOPLA THROUGH THE CITY'S PARTICIPATION IN THE STATE CO-OP PROGRAM CMBL/HUB FOR LIBRARY MATERIALS.

WHEREAS, The City of Abilene is a participant in the State of Texas CO-OP program as outlined by the State Comptroller of Public Accounts; and

WHEREAS, Midwest Tape is on the State of Texas Centralized Master Bidders List/Historically Underutilized Business (CMBL/HUB) vendor list; and

WHEREAS, The Abilene Public Library purchases many formats of materials including print, movies, music on DVD, Blu-ray, CD and digital downloadable eBooks, and audiobooks; and

WHEREAS, The State of Texas CO-OP meets our competitive bidding requirements according to the Texas Comptroller of Public Accounts; and

WHEREAS, The Abilene Public Library budgets for all forms of materials approved by City Council each year.

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

Part 1: The City Manager is hereby authorized to continue the agreement for library materials from Midwest Tape for Hoopla.

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

ADOPTED this 5th day of November 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Hoopla

Hoopla is a product of Midwest Tape. Their materials are very popular and our use, since allowing eight checkouts per month, has risen on a steady track. Hoopla was initially funded by the Friends of the Library. Midwest Tape is on the State Contract.

Abilene Public Library began using the Hoopla service in 2014. Initially checkouts were restricted to a small number per person. Due to patron requests in 2015 we opened up the number of borrows to eight per person per month.

Audiobooks account for over half of the activity on Hoopla. Our average circulation cost was \$1.85 per item in FY20. This is much lower than our average cost for circulating a traditional print book for example where the cost of the book can fluctuate anywhere between \$6 for a paperback and upwards of \$50 for some print titles.

There is no signed agreement with Hoopla. The service is done on a Purchase Order with funds on deposit and we may withdraw or change our service thresholds at any time.

FY20 Hoopla Statistics

3,584	unique users
49,170	total checkouts

Resolution: Abilene Public Library Purchases from Midwest Tape for Hoopla



General Information:

- Hoopla is a product of Midwest Tape and provides access to materials including books, papers, eBooks and eAudio content.
- Midwest Tape hold exclusive distribution rights for books, papers and related materials, including rare materials.
- For non-exclusive, materials APL purchases through the State CO-OP program of which Midwest Tape (Hoopla) is a vendor member.
- FY20 Hoopla Statistics
 - 3,584 unique users
 - 49,170 total checkouts



2021 Fiscal Impact:

- Abilene Public Library budget for all forms of materials - \$534,990
- Expected material purchase from Midwest Tape projected - \$150,000 (\$120,000 for Hoopla)

Staff Recommendation:

- Staff recommends the City Council authorize the City Manager to continue the library purchases from Midwest Tape for Hoopla.



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Robert Hanna, City Manager

FROM: Julee Hatton, Library Director

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Resolution Authorizing the City Manager to Continue the Agreement Between the Abilene Public Library and Baker & Taylor, for the Purchase of Library Materials (*Julee Hatton*)

GENERAL INFORMATION

Approval of this resolution will authorize the City Manager to continue the agreement between the Abilene Public Library and Baker & Taylor, for the Purchase of Library Materials.

SPECIAL CONSIDERATIONS

none.

FUNDING/FISCAL IMPACT

Abilene Public Library budget for all forms of materials - \$534,990

Expected material purchase from Baker & Taylor projected - \$150,000

STAFF RECOMMENDATION

Recommend approval.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Resolution Baker & Taylor Nov 2020
2. Baker & Taylor Nov 2020
3. Council Presentation Baker & Taylor Nov 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO CONTINUE THE PURCHASE OF LIBRARY MATERIALS FROM BAKER & TAYLOR THROUGH THE CITY'S PARTICIPATION IN THE STATE CO-OP PROGRAM CMBL/HUB FOR LIBRARY MATERIALS.

WHEREAS, The City of Abilene is a participate in the State of Texas CO-OP program as outlined by the State Comptroller of Public Accounts; and

WHEREAS, Baker & Taylor is on the State of Texas Centralized Master Bidders List/Historically Underutilized Business (CMBL/HUB) vendor list; and

WHEREAS, The Abilene Public Library purchases many formats of materials including print, movies, music on DVD, Blu-ray, CD and digital downloadable eBooks, and audiobooks; and

WHEREAS, The State of Texas Comptroller of Public Accounts CO-OP meets our competitive bidding requirements; and

WHEREAS, The Abilene Public Library budgets for all forms of materials approved by City Council each year.

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

Part 1: The City Manager is hereby authorized to continue the purchases of library materials from Baker & Taylor.

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

ADOPTED this 5th day of November 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Baker & Taylor

Baker & Taylor offers the most extensive selection of products and services for public libraries, and is the only vendor that can truly offer a one-stop shopping experience for all formats, including print, movies and music on DVD, Blu-ray and CD, and now digital downloadable eBooks and eAudio content.

The Library has used Baker & Taylor as its primary jobber for library materials purchases for many years (at least as far back as 1996).

Competitive bidding is not required for the purchase of books, papers and other materials for a public library if those books, papers or materials are available only from the persons holding exclusive distribution rights to the materials. Additionally, competitive bidding requirements do not apply to the purchase of rare books, papers and other rare library materials for a public library.

For those materials that are not exclusive (most of the items fall here), the library follows the State of Texas CO-OP program as outlined by the Texas Comptroller of Public Accounts. Using the CO-OP meets our competitive bidding requirements according to the Texas Comptroller of Public Accounts. The city of Abilene is a participant in the CO-OP program and utilizes vendors that are listed in the CMBL/HUB vendor list. The book jobbers we deal with that are members of this program are:

Baker & Taylor - 1473179974900/492772

Ingram Library Services - 1621746696600/44085

Brodart - 1232248758300/13060

Midwest Tape (Including Hoopla - one of their subsidiaries) 1371499686800/47964

ProQuest LLC - 1392053855300/51124

The library purchases materials from all of these vendors. Baker & Taylor receives the majority of our purchase orders because of their scale, ability to deliver in a timely fashion, (almost any title we request,) and provide a significant discount from the list price. In addition, we use Baker & Taylor to pre-process much of our material, which reduces the personnel costs in technical services for barcoding, covering, applying RFID tags and spine labels to the material. While we still do many of these tasks, for a nominal fee Baker & Taylor can deliver many of the items in a shelf-ready state. In those cases, we add them to the electronic inventory once they are received here and then proceed to place them on the shelf.

This year our budget for materials from all vendors is \$534,990.

\$220,000 is budgeted for library materials in print format, the majority of which will be purchased from Baker & Taylor for approximately \$150,000

Resolution: Abilene Public Library Purchases from Baker & Taylor



General Information:

- Baker & Taylor provides extensive one stop shopping for all formats of media, including print, movies, music, Blu-ray, CD and digital eBooks and eAudio content.
- Baker & Taylor has been primary vendor for many years for Abilene Public Library (APL).
- Baker & Taylor hold exclusive distribution rights for books, papers and related materials, including rare materials.
- For non-exclusive materials APL purchases through the State CO-OP program of which Baker & Taylor is a vendor member.



FY2021 Fiscal Impact:

- Abilene Public Library budget for all forms of materials - \$534,990
- Expected material purchase from Baker & Taylor projected - \$ 150,000

Staff Recommendation:

- Staff recommends the City Council authorize the City Manager to continue the library purchases from Baker & Taylor.



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Robert Hanna, City Manager

FROM: Julee Hatton, Library Director

SUBJECT: 8. Resolution: Receive A Report, Hold A Discussion And Public Hearing, And Take Action On A Resolution Authorizing The Continuation Of The Agreement With The Abilene Library Consortium (*Julee Hatton*)

GENERAL INFORMATION

Approval of this resolution will authorize the City Manager to continue the agreement with the Abilene Library Consortium (ALC) for automated library services. This agreement has been in place since the inception of the agreement in 1999.

SPECIAL CONSIDERATIONS

none.

FUNDING/FISCAL IMPACT

The FY 2021 cost for the Abilene Public Library's membership in the Abilene Library Consortium is \$87,146 and is included in the approved budget.

STAFF RECOMMENDATION

Recommend approval.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Resolution Abilene Library Consortium Nov 2020
2. Abilene Library Consortium Nov 2020
3. Council Presentation Abilene Library Consortium Nov 2020

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CONTINUATION OF THE AGREEMENT WITH THE ABILENE
LIBRARY CONSORTIUM.**

WHEREAS, On March 1, 1999 the City of Abilene contracted with the Abilene Library Consortium for automated library services; and

WHEREAS, This agreement automatically renews from year to year; and

WHEREAS, Cost of membership in the Abilene Library Consortium is based on service population and any additional services that a member engages; and

WHEREAS, The Abilene Library Consortium membership amount for fiscal year 2020-2021 is \$87,146; and

WHEREAS, The Abilene Public Library will be requesting a similar amount for the 2021-2022 fiscal year through the normal budget process.

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

Part 1: The City Manager is hereby authorized to continue the agreement with the Abilene Library Consortium.

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

ADOPTED this 5th day of November 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Abilene Public Library membership in the Abilene Library Consortium

In 1999, a contract with the Abilene Library Consortium (ALC) and the City of Abilene for provision of automated library services was executed by Roy McDaniel, City Manager. The term of the agreement was automatic renewal from year to year and it has been in continuous effect since 1999.

In partnership with Abilene Christian University, Hardin-Simmons University, McMurry University, and Howard Payne University, the City of Abilene has direct involvement in the governance and operations of the ALC.

Services provided by ALC include a shared electronic catalog, currently using Sirsi/Dynix Symphony software. This software manages circulation, inventory, acquisitions, and patron management functions for all five major members of the ALC. ALC staff maintain and troubleshoot the system, provide customized reports to the library, and assist with technical issues experienced by the staff.

Under grants from the Texas State Library and Archives Commission and the Dodge Jones Foundation, the ALC staff digitized important documents and images pertaining to Abilene. For the City, this has specifically been the digitization of Council documents that have been added to the Portal to Texas History at the University of North Texas. In addition, other archival records held at Abilene Public Library have been digitized, as have special collections of original material from the four university members.

ALC also brokers significant savings for some online library products that support the research needs of our patrons. Most significantly, the integration of the Ebsco EDS system that allows the public to find and view articles pertaining to research in the catalogs of the entire group.

The annual cost of membership in the consortium is based on service population and any additional services that a member engages. The current budget shows membership as follows:

FY 2020-2021

Abilene Christian University	\$ 88,248.00
Abilene Public Library	\$ 87,146.00
Howard Payne University	\$ 65,978.00
Hardin-Simmons University	\$ 71,380.00
McMurry University	\$ 54,512.00
Dyess AFB	\$ 1,103.00
OJAC	\$ 331.00
Grace Museum	\$ 331.00
(Endowment)	\$ 10,000.00
	\$ 379,029.00

This partnership in the Consortium has saved the City of Abilene a significant amount of money over the years. A typical integrated library system can cost a significant amount to implement,

requires support staff that the city has not had to maintain and typically comes with significant maintenance payments to the system owner each year in the tens of thousands range and up. By remaining in the partnership; Abilene community members have access to academic collections, and by use of the integrated catalog can see and request materials too prohibitive for the Abilene Public Library system to purchase.

Resolution: Agreement Between City of Abilene and Abilene Library Consortium



General Information:

- 1999 –City of Abilene contracted with Abilene Library Consortium (ALC) for automated library services. Term of agreement is automatic annual renewal.
- ALC provides management of electronic catalog system, which includes circulation, inventory, acquisitions and patron management functions for members.
- ALC is in partnership with the City of Abilene, Abilene Christian University, Hardin-Simmons University, McMurray University and Howard Payne University.
- Deputy City Manager is member of governing board and Director of Library Services sits on Administrative Council for ALC.



FY21 Fiscal Impact:

- FY 20 Abilene Library Consortium agreement - \$82,996
- FY 21 Abilene Library Consortium agreement - \$87,146
- Membership cost based on service population and services provided

Staff Recommendation:

- Staff recommends continuing the agreement with ALC in the amount of \$87,146 for 2021 fiscal year.



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: 9. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2021 Annual Operating Budget for the City of Abilene by Appropriating Funds to Add Four Customer Service Representative II Positions to the Water Utilities Department (Rodney Taylor)

GENERAL INFORMATION

The Water Department is requesting that the City Council authorize the City Manager to hire four additional Customer Service Representative II Positions for the Water Utilities Department's Customer Service Center.

The new positions are necessary in order to improve customer service by reducing call wait times, improving the processing time for emails, website applications and return calls, and reopening the front office to allow walk in customers.

\$161,560 from the Water Utilities Department Undesignated Fund Balance will be transferred to the 2021 Annual Operating Budget, Utility Office Division.

SPECIAL CONSIDERATIONS

The new CSRs will be assigned to front office duties of taking customer calls, responding to customer emails, processing online applications, and making outbound customer return calls, and engaging walk in customers.

Two of the positions will be filled immediately at the Customer Service Representative II (CSR

II) level of the City's pay plan. The remaining two CSR II positions will be filled at later dates as determined by the Director based on performance metrics for that division. The estimated first year annual impact on the Water Utilities budget, including benefits, is \$40,390 per position.

The Customer Service Center (previously the utility billing office) has been experiencing a growing demand for customer service interactions over the past few years, while permanent full time staffing levels have not been adjusted. The demand for customer interactions now exceeds the capacity of existing staffing levels. Technology improvements such as web based online payments and service applications and an IVR over the phone payment system have been implemented, but that has not significantly reduced the demand for customer interactions with CSR staff. Over the past few years contract labor services have been utilized extensively to assist with both meter reading and CSR staffing needs.

Water Administration and Divisional staff continue to evaluate and quantify the customer demands and the staffing capacity needs of the Customer Service Center.

FUNDING/FISCAL IMPACT

The estimated annual impact on the Water Utilities annual operating budget for the combined four positions including benefits is \$161,560, which will be transferred from the Water Utilities undesignated fund balance to the FY 2021 annual operating budget of the Water Utilities Department.

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council approve the Ordinance Amendment as described above.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. ORDINANCE-Amending FY2021 Annual Operating Budget-Transfer funds-Add four CSR II positions-10-22-2020 (1)
2. Presentation-Ordinance Amending FY2021 Annual Operating Budget-Add four CSRs-transfer funds-Final Reading-11-5-2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FISCAL YEAR 2021 ANNUAL OPERATING BUDGET FOR THE CITY OF ABILENE; BY APPROPRIATING FUNDS NECESSARY FOR ADDING FOUR NEW CUSTOMER SERVICE REPRESENTATIVE II POSITIONS TO THE WATER UTILITIES DEPARTMENT'S CUSTOMER SERVICE CENTER AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, on August 13th, 2020 the City Council of the City of Abilene (City) approved on final reading the Fiscal Year 2021 Annual Operating Budget (FY2021 Budget); and

WHEREAS, the FY2021 Budget included sufficient funding for nine approved Customer Service Representative I/II positions within the Water Billing Office Division of the Water Utilities Department; and

WHEREAS, the City's Customer Service Center (FKA Water Billing Office) is currently not adequately staffed to consistently provide a high level of customer service for front office tasks of taking incoming calls, processing emails and website applications, and making outgoing return calls to customers; and

WHEREAS, additional staffing is needed in order to meet the high level of service expectations of citizen customers, the Abilene City Council, and the City organization; and

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

PART 1: That the Fiscal Year 2021 Annual Operating Budget be amended by Increasing from nine (9) to thirteen (13) the approved number of full time Customer Service Representatives I/II positions in 8020 Water Utility Office of the Appendix - Personnel Schedule by Department, as detailed below:

500 Water Utilities, 8020 Water Utility Office

FT 11006/11308 Customer Service Representative I/II 13

PART 2: That the Fiscal Year 2021 Annual Operating Budget be amended by transferring \$161,560 from the Water Utilities Department Undesignated Fund Balance to the Fiscal Year 2021 Annual Operating Budget, Water and Sewer Operating Fund, Utility Office Division.

PART 3: That any ordinance, resolution, policy or any provision or section of the code of the City of Abilene, Texas, as amended, in conflict herewith, be, and the same is hereby repealed to the extent of any conflict.

PASSED ON FIRST READING this 22nd day of October, 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 1st day of November, 2020, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 5th day of November, 2020, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 5th day of November, A.D., 2020.

ATTEST:

City Secretary

Mayor

APPROVED:

City Attorney

Ordinance (Final Reading): An Ordinance amending the Fiscal Year 2021 Annual Operating Budget to add four Customer Service Representative positions for the Customer Service Center.



Amending the FY2021 Annual Operating Budget

- The Fiscal Year 2021 Annual Operating Budget was approved by the Abilene City Council on July 23rd, 2021.
- The budget includes funding for nine Customer Service Representative (CSR) positions for the Customer Service Center.
- The Customer Service Center is not adequately staffed to consistently provide a high level of customer service for front office tasks of taking incoming calls, processing emails and website applications, and making outgoing return calls to customers.



Amending the FY2021 Annual Operating Budget

- **This amendment increases the approved number of full time CSR positions from 9 to 13.**
- **This amendment authorizes the transfer of \$161,560 from the Water Utilities Department undesignated fund balance to the FY2021 Annual Operating Budget, Utility Office Division.**
- **Two CSR positions will be filled immediately.**
- **Water Administration and Division Management will continue to monitor performance metrics to justify the filling of the two remaining CSR positions.**



Ordinance (Final Reading): An Ordinance amending the Fiscal Year 2021 Annual Operating Budget to add four Customer Service Representative positions for the Customer Service Center.

QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Robert Hanna, City Manager

FROM: Stan Standridge, Police Chief

SUBJECT: 10. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal year 2021 Annual Operating Budget of the City of Abilene by Appropriating Funds necessary for Adding One Additional Telecommunicator Position to the Abilene Police Department's 9-1-1 System (Stan Standridge)

GENERAL INFORMATION

Effective October 1, 2020, the Abilene / Taylor County 9-1-1 District Board approved funds to compensate the City of Abilene for 9-1-1 Telecommunicator salaries at 60 percentile, versus the historic amount that was based on the number of positions (roughly 30 percent).

These funds will also enable the Communications Division to promote one telecommunicator to a supervisor position, thus regaining a Quality Assurance Supervisor / Training Coordinator / and TCOLE Compliance Manager.

The additional funds will also enable the Department to overstaff the Division for hiring purposes, allowing for inherent attrition during the eight month training process. It is not financially prudent to hire one or two telecommunicators at a time, but instead new hires need to be done in 6-person batches. This ensures better staffing during the 4-month recruiting and onboarding processes, followed by eight months of rigorous training and certifications.

Telecommunicators are now licensed by the Texas Commission on Law Enforcement, necessitating rigorous pre-employment and training requirements.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The 9-1-1 District Board has authorized an additional \$494,000 for dispatch staffing costs. These dollars are allocated for the approved and official budgeted staffing costs. These new dollars need to be appropriated into the approved budget.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. ORDINANCE-Amending FY2021 Annual Operating Budget-Transfer funds-Add 911 Telecommunicator positions-10-22-2020
2. Appropriation of 9-1-1 funds (2)

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FISCAL YEAR 2021 ANNUAL OPERATING BUDGET FOR THE CITY OF ABILENE; BY APPROPRIATING ADDITIONAL FUNDS FOR ADDING ONE TELECOMMUNICATOR SUPERVISOR POSITION TO THE ABILENE POLICE DEPARTMENT'S 9-1-1 SYSTEM AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, on August 13, 2020 the City Council of the City of Abilene (City) approved on final reading the Fiscal Year 2021 Annual Operating Budget (FY2021 Budget); and

WHEREAS, the Abilene/Taylor County 9-1-1 District Board collects 9-1-1 user fees for the Abilene/Taylor County 9-1-1 district, including the unincorporated portions of the county; and

WHEREAS, the fees are used for the setup, maintenance and operations of the 9-1-1 system; and

WHEREAS, on September 23, 2020, the Abilene/Taylor County 9-1-1 District Board approved funding based on 60% of approved and official budgeted staffing costs; and

WHEREAS, the City of Abilene currently employs (36) full-time licensed telecommunicators in its 9-1-1 system, and an additional full-time licensed telecommunicator is needed; and

WHEREAS, the revised budget of the 9-1-1 Board has allocated an additional \$494,000 for the City of Abilene, effective October 1, 2020; and

WHEREAS, the additional 9-1-1 Board funds will be used to promote one telecommunicator to Quality Assurance Supervisor/Training Coordinator/TCOLE Compliance Manager, as well as overstaffing the Division for hiring purposes, allowing for inherent attrition during the 4-month recruiting and onboarding process, followed by an 8-month rigorous training process.

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

PART 1: That the Fiscal Year 2021 Annual Operating Budget be amended by increasing from thirty-six (36) to thirty-seven (37) the approved number of full time 9-1-1 Telecommunicator positions in 5025 – Communications - Abilene Police Department of the Appendix – Personnel Schedule by Department, as detailed below

FT 13019 Division Manager - Police Communications	1
FT 12318 Telecommunicator Supervisor	6 7
FT 11832 Telecommunicator	29
	36 37

PART 2: That the Fiscal Year 2021 Annual Operating Budget be amended by adding an additional \$494,000 from the Abilene/Taylor County 9-1-1 District Board to the Fiscal Year 2021 Annual Operating Budget, Abilene Police Department, for licensed Telecommunicator positions.

PART 3: That any ordinance, resolution, policy or any provision or section of the code of the City of Abilene, Texas, as amended, in conflict herewith, be, and the same is hereby repealed to the extent of any conflict.

PASSED ON FIRST READING this 22nd day of October, 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 1st day of November, 2020, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 5th day of November, 2020, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 5th day of November, A.D., 2020.

ATTEST:

City Secretary

Mayor

APPROVED:

City Attorney

Appropriation of new 9-1-1 Funds for the approved and budgeted staffing costs for Police Telecommunicators

- The Police and Fire Communications Division is currently staffed by 1 Division Manager, (6) supervisors, and (27) telecommunicators. They operate 24/7 and process more than 300,000 calls annually, including 70,000 plus 9-1-1 calls.
- Historically the Abilene / Taylor County 9-1-1 District Board has reimbursed the City for the number of budgeted positions.
- On September 23, 2020, the District Board approved funding based on 60% of approved and official budgeted staffing costs.
- This resulted in a \$494,000 increase to the City of Abilene, which needs to be appropriated into the current FY budget.



Appropriation of new 9-1-1 Funds for the approved and budgeted staffing costs for Police Telecommunicators

- These new dollars will allow the City to accomplish two primary goals:
 - Promote (1) telecommunicator to Dispatch Supervisor to be assigned as the Quality Assurance Supervisor / Training Coordinator / and TCOLE Compliance Manager. Telecommunicators were recognized as licensed professionals by TCOLE in January 2014.
 - Overstaff the Division for hiring purposes, allowing for inherent attrition during the 4-month recruiting and onboarding process, followed by an 8-month rigorous training process. The Department has historically seen a 25% attrition rate during this hiring phase, but in the last cycle it was 33%.



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: 11. Resolution SNC-2020-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Street Name Change request to add an honorary street name “Larry and Mary Gill’s Way” to the street known as Lytle Way Circle extending west from Lytle Way in southeast central Abilene *(Mike Warrix)*

GENERAL INFORMATION

Request from Lytle Lake Water Control and Improvement District, agent Dennis O’Connell, to add an honorary street name “Larry and Mary Gill’s Way” to the street known as Lytle Way Circle extending west from Lytle Way in southeast central Abilene, Taylor County, Texas.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

Approval

ATTACHMENTS:

1. SNC-2020-01 Resolution
2. SNC-2020-01 Council staff report
3. SNC-2020-01 Council Presentation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
ESTABLISHING LARRY & MARY GILL’S WAY AS AN HONORARY STREET NAME.

WHEREAS, the City has received a request to add an Honorary Street Name designation to Lytle Way Circle; “Larry & Mary Gill’s Way” in Exhibit A.

WHEREAS, at times it is appropriate to honor persons, places, or events by use of an honorary street name designation; and

WHEREAS, all applicable procedures required by the City's Honorary Street Name Designation Policy (Resolution No. 7-1992) have been met, including having a public hearing; and

WHEREAS, the name of "Larry & Mary Gill’s Way" is proposed to be honorary;

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

PART 1: That Lytle Way shall be hereby designated with the Honorary Street Name of “Larry & Mary Gill’s Way.”

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

ADOPTED THIS 5th day of November, A.D. 2020.

ATTEST:

CITY SECRETARY

MAYOR

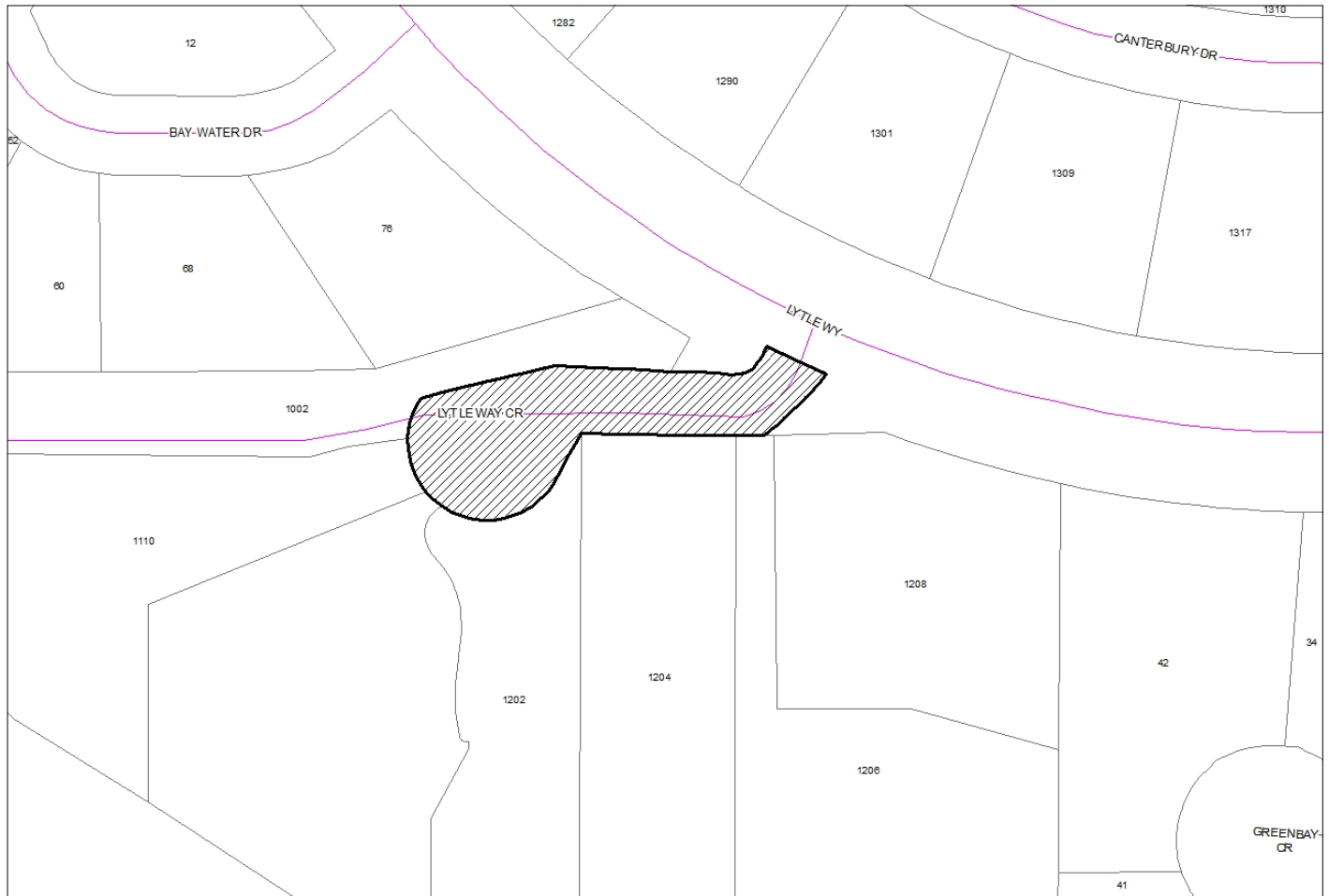
APPROVED:

CITY ATTORNEY

RESOLUTION NO. _____

EXHIBIT "A"

Lytle Way Circle shall be hereby designated with the Honorary Street Name of “Larry & Mary Gill’s Way.”



-END-

STREET NAME CHANGE SNC-2020-01

STAFF REPORT



REQUEST:

Honorary Street Name Change of Lytle Way Circle to “Larry & Mary Gill’s Way”

APPLICANT INFORMATION:

Applicant: Lytle Lake Water Control Improvement District

Agent: Dennis O’Connell

HEARING DATES:

P & Z Commission: October 13, 2020

City Council Reading: November 5, 2020

REQUESTED ACTION:

The Lytle Lake Water Control Improvement District is seeking to add the honorary street name “Larry & Mary Gill’s Way” to the street known as “Lytle Way Circle” extending west from Lytle Way in southeast central Abilene.

BACKGROUND:

The applicant is requesting an honorary street name pursuant to the City's Honorary Steet Name Designation Policy. Lytle Way Circle has been a public street within the City of Abilene since at least 1969 when originally identified as a dedicated 40-foot-wide right-of-way which appears on the approved subdivision plat for Lots 1 & 2 of Block 1 in the Maddox Addition subdivision.

Application Citation:

"Larry and Mary Gill live on Lytle Lake, use it regularly and care for it as they have for other projects in Abilene. On any given weekend, one can see Larry and Mary paddling around and picking up trash from the lake. To this end, Larry has served as a board member on the Lytle Lake Water Control Improvement District since 2010 and as President since 2012."

ANALYSIS:

Abilene’s honorary street name designation policy also enumerates certain criteria for any such honorary designation. These include the following:

- *Each name proposed for honorary designation shall be one which has had a significant impact in such areas as government, education or medicine. The name shall also be one which represents contributions at the local, state or national level.*
- *There must be present a significant, broad-based community support of the proposed honorary designation.*
- *Streets to be considered for honorary designation should be numbered streets (e.g., North 3rd or South 10th) and should have a natural break at either end.*
- *Honorary designation should be limited to individuals who are deceased, historic sites or occurrences.*

Proposed honorary designation to “Lytle Way Circle” does not comply with some above-stated criteria, specifically:

Proposed designation is not of a deceased individual, historic site or historic occurrence.

However, these criteria are expressed in a policy statement of City Council and not in any actual ordinance or statute. Commission members may thereby view these criteria as “advisory” and not “mandatory.”

RECOMMENDATIONS:

Development Review Committee (Section 1.1.6.2):

The Development Review Committee members expressed no opposition to proposed honorary designation of “Larry & Mary Gill’s Way” on “Lytle Way Circle.”

Staff Recommendation:

Staff recommends approval of this Honorary Street Name Change request.

Planning and Zoning Commission Recommendation:

On October 13, 2020, the Planning and Zoning Commission recommended approval of this request by a vote of six (6) to zero (0).

NOTIFICATION:

Property owners within the 200-foot of the subject rights-of-way were notified.

Owner	Situs	Response
BARNETT RANDALL R & LYNN K	1206 LYTLE WAY CR	
BULKLEY DOUGLAS & OLA MAE	1317 CANTERBURY DR	
ELLIS DONALD CHARLES & STEPHANIE	1290 CANTERBURY DR	
FAVOR JUDY K	68 BAY WATER DR	Opposed
GILL LAWRENCE E & MARY M	1202 LYTLE WAY CR	
GILL LAWRENCE E & MARY M	1204 LYTLE WAY CR	
HOUSER ANDREW & RANDALYN	1110 LYTLE WAY CR	
LYTLE LAKE WATER DISTRICT	1002 LYTLE WAY CR	
MADDOX RAY A III		
MC NALLY DAVID & JULIE	1309 CANTERBURY DR	
MERRITT DAVID MATTHEW &	1282 CANTERBURY DR	
PARKHILL ROBERT D & NIKKI B	1301 CANTERBURY DR	
PRICE EDWARD IV & CHRISTIE G	42 GREENBAY CR	
ROSE THOMAS & DIANE	60 BAY WATER DR	
SANCHEZ ERIC & BRENDA L	1208 LYTLE WAY CR	
SMITH RANDALL D	76 BAY WATER DR	

ATTACHMENTS:

- Application
- Petition of Support
- SNC Policy Ordinance



Development Application

Planning

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

Other: Honorary Street Name

Project Name: Larry and Mary Bill's Way

Address: corner of Lytle way + Lytle way circle No. of lots: _____ Acreage: _____

Legal Description: _____

Subdivision Name: _____ Block: _____ Lot: _____

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

OWNER AND AUTHORIZATION

Owner Name: City of Abilene

Address: _____

City, State, Zip: _____ Fax: _____

Phone: _____ Email: _____

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

Agent Name: Dennis O'Connell (on behalf of LLWCID)

Address: 2210 Shoreline Dr

City, State, Zip: Abilene TX 79602 Fax: _____

Phone: 325-669-6283 Email: dconnell@hscatx.edu

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: [Signature] Date: 9/3/20

FOR OFFICE USE ONLY

Received: [Signature] Fee: \$ 800.00 Receipt No.: 0001055144

Case No.: SNC-2020-01 Reviewed By: [Signature]



Development Application

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

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

Please see attached



Development Application

RECOMMENDATIONS

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

PUBLIC NOTIFICATION

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

PLEASE READ BEFORE SIGNING

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

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

SIGNED: _____

DATE: _____

9-3-20

Request 1: To have an honorary street sign created and placed at Lytle Way Circle.

Sign Name: Larry and Mary Gill's Way

Request 2: Keep this a secret from Larry and communicate with Mary Gill

Larry and Mary Gill are wonderful supporters of all things Abilene. Before and since his retirement from the US Air Force, Larry Gill has been one of movers and shakers in Abilene. As the Development Officer for the Dodge Jones Foundation, Larry has helped many individuals and groups better themselves, their organizations, our citizens and our city.

Simply stand downtown and look in any direction to see institutions and programs that Larry, through the Dodge Jones Foundation, has funded. These include but are not limited to: Frontier Texas, The Grace Museum, the Paramount, the T&P railroad right-of-way, Meals on Wheels, The Noah Project, Abilene Regional Airport and a north-side complex of Texas Tech Health Sciences Center schools.

Mary Gill, of course, is a human dynamo and a force of nature. She has been a founder of Abilene Habitat for Humanity and a long-time member of the Grace, serving on the Board and even filling in as President when needed. She has a long history of volunteer work with St. Vincent DePaul Thrift Store and Pregnancy Resources of Abilene. Like her husband, Larry – there are few places in Abilene where she has not had a positive, personal impact!

Most specifically related to this request, Larry and Mary Gill live on Lytle Lake, use it regularly and care for it as they have for other projects in Abilene. On any given weekend, one can see Larry and Mary paddling around and picking up trash from the lake. To this end, Larry has served as a board member on the Lytle Lake Water Control Improvement District since 2010 and as President since 2012.

Thus, the LLWCID Board wishes to honor them with an honorary street sign.

POC: Dennis O'Connell, LLWCID Board Member

2210 Shoreline Drive, 79602

oconnell@hsutx.edu

325.669.6283

Petition to Add an Honorary Street Sign to the Lytle Way Circle Street Sign

By adding my personal information and my signature below, I am agreeing to have an honorary street- sign added/affixed to the Lytle Way Circle sign that will honor the contributions of the Gills to Lytle Lake Water Improvement Control District.

Mr. Gill has been a long-time member of the Board of Directors as well as the President of the Board and has done wonderful things for Lytle Lake and the Abilene Community.

I understand that this additional signage will not affect my legal mailing address or property address in any way. I understand that the sign will be a different color than the official green/white street sign and will be placed without initial or upkeep costs to me.

Printed Name: Signature: Street Address: Zip Code:

<u>Andrew House</u>	<u>[Signature]</u>	<u>1118 Lytle Way</u>	<u>79602</u>
<u>Lynn Barnett</u>	<u>[Signature]</u>	<u>1206 Lytle Way</u>	<u>79602</u>
<u>RAY MADDOX</u>	<u>[Signature]</u>	<u>1202 Lytle Way</u>	<u>79602</u>
<u>Shawn Cordry</u>	<u>[Signature]</u>	<u>1002 Lytle Way Cr</u>	<u>79602</u>
<u>R.C. SANCHEZ</u>	<u>[Signature]</u>	<u>1208 Lytle Way Cr</u>	<u>79602</u>
_____	_____	_____	_____
_____	_____	_____	_____

RESOLUTION NO. 7-1992

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ESTABLISHING
A STREET NAMING POLICY.

WHEREAS, it is in the City's best interest to coordinate the designation of street names and addresses in order to avoid motorist confusion, facilitate emergency services, and help ensure prompt delivery of goods and services.

WHEREAS, the Subdivision Regulations of the City of Abilene prohibit unnecessary duplication of street names by requiring continuation of existing street names for certain types of street extensions.

WHEREAS, at times it is appropriate to honor persons, places, or events by use of an honorary street name designation.

WHEREAS, it is the opinion of the City Council of the City of Abilene that the City should prescribe additional guidelines for platting and naming of streets and in the designation of honorary street names, not in limitation but in partial expansion of subdivision regulation; now, therefore;

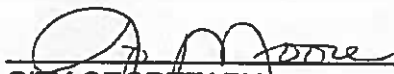
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

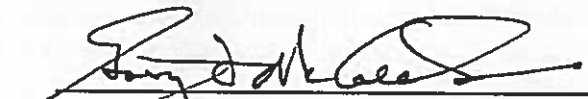
PART 1: That the guidelines indicated on the attached "Attachment B" shall hereby be employed in the platting and naming of streets and in the designation of honorary street names.

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

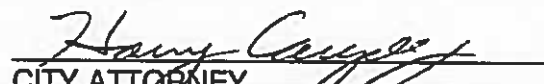
ADOPTED THIS 23 day of January, A.D. 1992.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

00014

ATTACHMENT "B"

Honorary Street Name Designation Policy

Purpose:

Because of their significance in the lives of the citizens of Abilene, it is appropriate to honor certain persons, places, and events. One highly visible and lasting means of conveying such honor is by naming a street for the person, place, or event. To minimize the adverse impact for residents and businesses on the street, an honorary street name designation should be used instead of a formal name change. This will allow the existing street name to remain as the official name. The purpose of this policy is to establish the criteria and procedure to be utilized for designating an honorary street name.

Criteria:

1. Each name proposed for an honorary designation shall be one which has had a significant impact in such areas as government, education, or medicine. The name shall also be one which represents contributions at the local, state, or national level. The application for the Honorary Street Name designation should specifically enumerate the accomplishments and significance of the proposed name.
2. There must be present a significant, broad-based community support of the proposed honorary designation. It is the responsibility of the sponsor(s) of the request to prove this support by means of letters of support and/or petitions.
3. At the time of application, the sponsor(s) must submit a petition indicating that at least 51% of the owners of all lots abutting the street favor the honorary street name designation.
4. The associated costs of a Honorary street Name Change or Designation are the responsibility of the sponsor(s).
5. Streets to be considered for an honorary designation should be numbered streets (i.e., North 3rd, South 10th) and should have a natural break at either end.
6. Honorary designation should be limited to individuals who are deceased, historic sites or occurrences.
7. Honorary street Name Designations shall comply with the Street Naming Policy (Resolution No. 85-1983) in order to avoid motorist confusion, facilitate emergency services, and to help ensure prompt delivery of goods and services.

00015

Procedure:

1. Application, petition, and fee is submitted to Current Planning staff no less than 21 days prior to the date of the Planning and Zoning Commission meeting at which the request is to be heard. Prior to the application deadline date, the proponent should consult with staff so that the fee may be determined. At that time the proponent may choose to request signs at all intersections or at major intersections only. The Planning Department will provide the applicant with an itemized break-down of the associated costs of the request. If the request is not approved, the fee will be refunded, less the administrative portion of the fee.
2. All requests and other subdivision-related proposals are submitted to Plat Review Committee members 2-3 days following application submittal.
3. Notice of the Plat Review Committee meeting is posted 4-5 days prior to the meeting. The notice contains the agenda, which itself contains honorary street name designation requests.
4. Notice of the request is published in the newspaper 15 days prior to the date of City Council final action on the resolution approving the honorary street name designation.
5. The Plat Review Committee reviews the request and makes a recommendation to the Planning and Zoning Commission.
6. The Planning and Zoning Commission holds a public hearing on the request. If denied and not appealed within ten (10) days, the issue cannot be submitted for at least one year. If approved or denied and appealed, the request goes to City Council in the form of a resolution at the next scheduled City Council meeting which meets public notice requirements.
7. The City Council considers the resolution with one reading in a public hearing.

00016

SEP 30 AM 10:03

CASE #: SNC-2020-01

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

Name: FAVOR JUDY K
Address: 68 BAY WATER DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:

Judy FAVOR
68 Bay Water

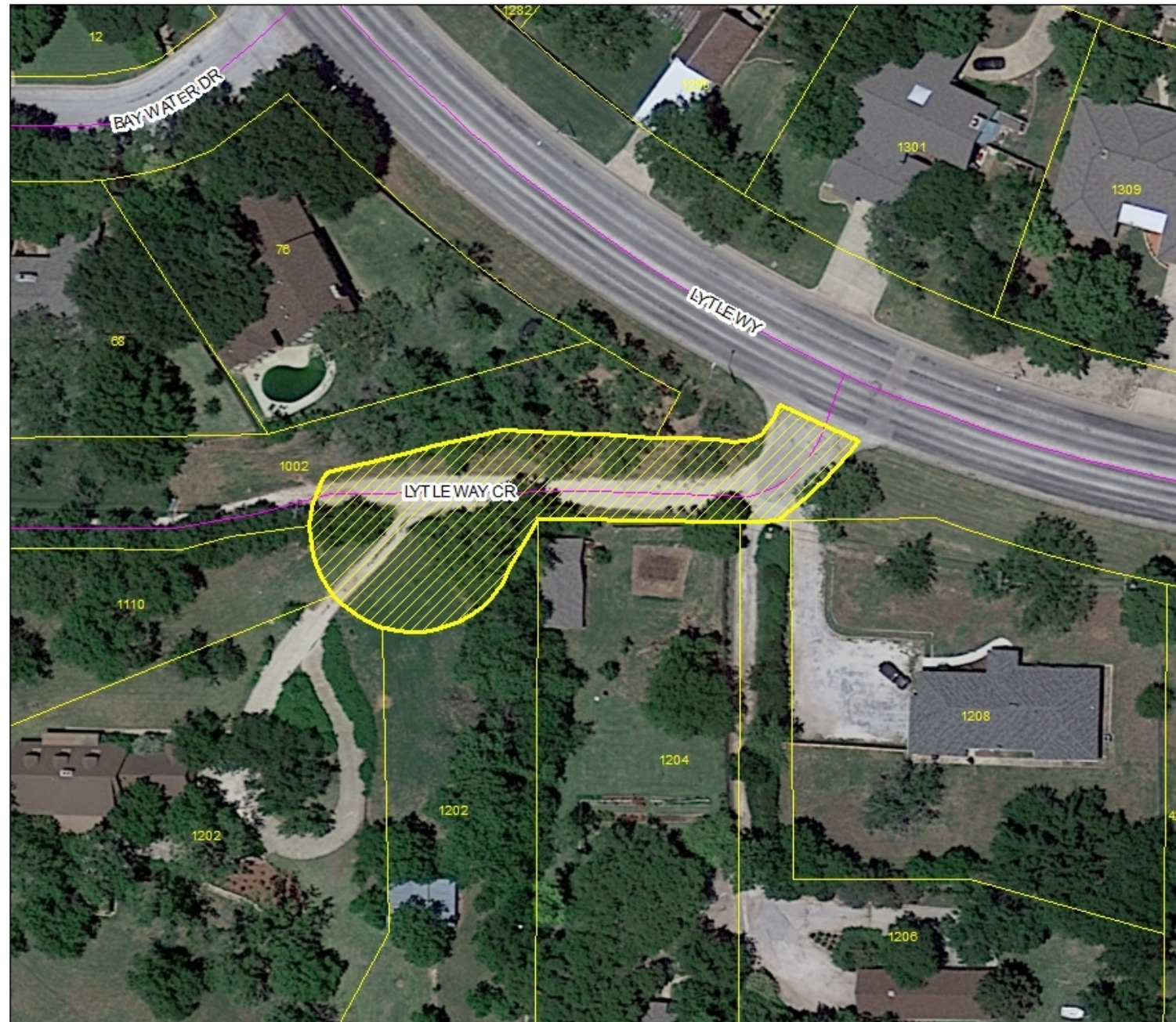
Because 50-75 yr no one
will remember the Gills but
they will know they live by Lytle
Lake. So I vote keep the Lytle Name.

Or name a new street
in their honor

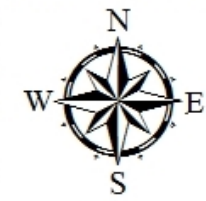
Case:	SNC-2020-01
Applicant:	Lytle Lake Water Control Improvement District
Agent:	Dennis O’Connell
Request:	Honorary Street Name Change: Add the honorary street name “Larry & Mary Gill’s Way” to Lytle Way Circle, extending west from Lytle Way in southeast central Abilene, Taylor County, Texas.
Notification:	1 in favor, 1 opposed
Planning & Zoning Recommendation:	Approval

Abilene's honorary street name designation policy also enumerates certain criteria for any such honorary designation. These include the following:

- *Each name proposed for honorary designation shall be one which has had a significant impact in such areas as government, education or medicine. The name shall also be one which represents contributions at the local, state or national level.*
- *There must be present a significant, broad-based community support of the proposed honorary designation. (51% of abutting lot owners in favor)*
- *Streets to be considered for honorary designation should be numbered streets (e.g., North 3rd or South 10th) and should have a natural break at either end.*
- *Honorary designation should be limited to individuals who are deceased, historic sites or occurrences.*



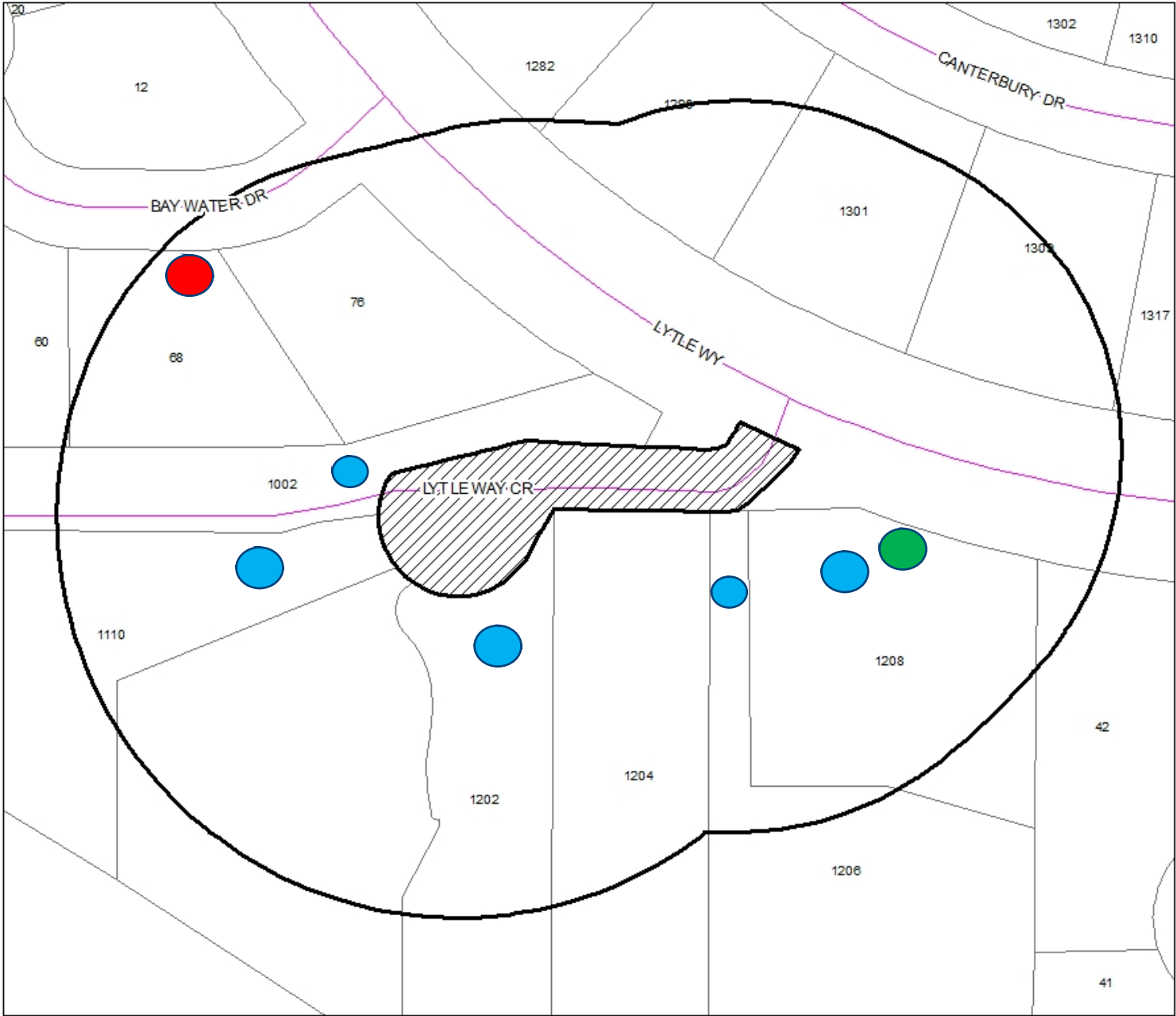
Location Map



Legend

 SNC-2020-01

SNC-2020-01 NOTIFICATION MAP



Notification Map



Legend

- 200'
- Notification Area
- SNC-2020-01

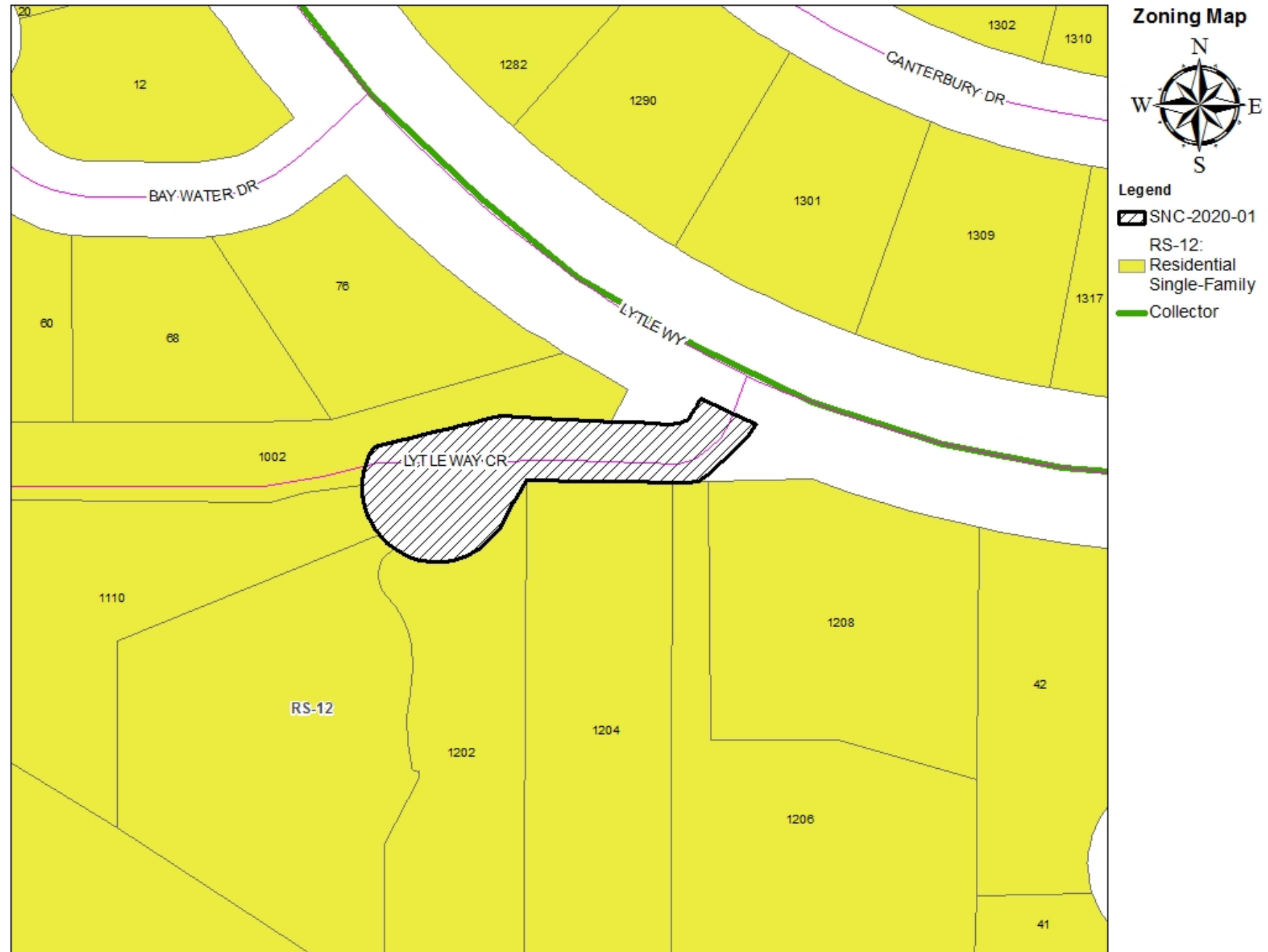
1- In Favor-

1- Opposed-

5% Opposition

5- In Favor Petition-

71.43% in favor





- DRC Recommendation: Approval
 - No opposition to proposed honorary street name designation of Larry & Mary Gill's Way added to Lytle Way Circle.
- Proposed honorary designation to Lytle Way Circle does not comply with some above-stated criteria, specifically:
 - Proposed designation is not of a deceased individual, historic site or historic occurrence. However, these criteria are expressed in a policy statement of City Council and not in any actual ordinance or statute. Commission members may thereby view these criteria as “advisory” and not “mandatory.”
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **12. Ordinance (Final Reading) CUP-2020-07: Receive A Report, Hold A Discussion And Public Hearing, And Take Action On A Request Conditional Use Permit Allowing Multiple-Family Dwellings In General Retail (GR) District and In An Adjoining Office (O) District (Mike Warrix)**

GENERAL INFORMATION

This is a request from PB 6950 LLC, agent Jacob & Martin LLC, for approval of Conditional Use Permit to allow the development of multiple-family dwellings in a General Retail (GR) District and in an Office (O) District. Legal description being approximately 8.30 acres (in GR District) and 13.66 acres (in O District) out of east half of Section No. 12, Lunatic Asylum Lands in the City of Abilene, Texas, with all this acreage being in the 6800-6900 blocks (west side) of Highway 83-84.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

Approval

ATTACHMENTS:

1. CUP-2020-07- ordinance
2. CUP-2020-07 Council staff report
3. CUP-2020-07 Council Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY APPROVING A CONDITIONAL USE PERMIT (CUP) AFFECTING CERTAIN PROPERTY; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

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

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than 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 22th day of October 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 19th day of September, 2020, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 p.m. on the 5th day of November, 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 5th day of November, A.D. 2020.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Conditional Use Permit (CUP) to allow multiple-family dwellings in an Office (O) zoning district and in part of an adjoining General Retail (GR) District, the specific descriptions of which are described below:

Legal description:

all of an Office (O) zoning district comprised of 13.66 acres out of the northeast quarter of Section No. 12, Lunatic Asylum Lands, E. Pogue Survey, Abstract No. 832, City of Abilene, Taylor County, Texas and the southeast quarter of Section No. 12, Lunatic Asylum Lands, M. Jones Survey, Abstract No. 766, City of Abilene, Taylor County, Texas and being out of the south-central portion of that certain 56.32-acre tract as shown per survey for the Estate of Dorothy Parker by Williams Surveying Company in December, 2011, said 13.66-acre tract being more particularly described in metes-and-bounds as follows:

BEGINNING at a point for the southeast corner of this described tract, and being in the most easterly south line of said 56.32-acre tract, from which the most easterly southeast corner of said 56.32-acre tract (being in the west line of right-of-way for U.S. Highway 83-84) bears N. 89° 29' 49" E. 600.16 feet;

THENCE S. 89° 29' 49" W. along the south line of this described tract, same being the most easterly south line of said 56.32-acre tract, a distance of 984.39 feet to a point for the southwest corner of this described tract, from which an interior corner in the south line of said 56.32-acre tract bears S. 89° 29' 49" W. 196.64 feet;

THENCE N. 00° 16' 40" E. along the west line of this described tract, and over and across said 56.32-acre tract, a distance of 602.24 feet to a point for the northwest corner of this described tract;

THENCE N. 89° 27' 26" E. along the north line of this described tract and continuing over and across said 56.32-acre tract, a distance of 990.09 feet to a point for the northeast corner of this described tract;

THENCE S. 00° 49' 07" W. along the east line of this described tract, and continuing over and across said 56.32-acre tract, a distance of 603.04 feet to said POINT OF BEGINNING and containing 13.66 acres of land, more or less;

-and-

all except the north 250.03 feet of the east 272.06 feet of a General Retail (GR) zoning district comprised of 9.86 acres out of the northeast quarter of Section No. 12, Lunatic Asylum Lands, E. Pogue Survey, Abstract No. 832, City of Abilene, Taylor County, Texas and the southeast quarter of Section No. 12, Lunatic Asylum Lands, M. Jones Survey, Abstract No. 766, City of Abilene, Taylor County, Texas and being out of the east end of that certain 56.32-acre tract as shown per survey for the Estate of Dorothy Parker by Williams Surveying Company in December, 2011, said 9.86-acre tract being more particularly described in metes-and-bounds as follows:

BEGINNING at a point for the northeast corner of this described tract and said 56.32-acre tract, being in the west line of right-of-way for U.S. Highway 83-84;

THENCE S. 00° 49' 07" W. along the east line of this described tract, same being the most northerly east line of said 56.32-acre tract, same being the west line of right-of-way for U.S. Highway 83-84, a distance of 853.52 feet to a point for the southeast corner of this described tract, same being the most northerly southeast corner of said 56.32-acre tract;

THENCE S. 89° 29' 49" W. along the south line of this described tract, same being the most easterly south line of said 56.32-acre tract, a distance of 600.16 feet to a point for the most westerly northwest corner of this described tract;

THENCE N. 00° 49' 07" E. along the most southerly west line of this described tract, and over and across said 56.32-acre tract, a distance of 603.04 feet to a point for the most westerly northwest corner of this described tract;

THENCE N. 89° 27' 26" E. along the most westerly north line of this described tract, and over and across said 56.32-acre tract, a distance of 330.47 feet to a point for an interior corner of this described tract;

THENCE N. 00° 16' 40" E. along the most northerly west line of this described tract, and over and across said 56.32-acre tract, a distance of 250.03 feet to point for the most northerly northwest corner of this described tract, and being in the north line of said 56.32-acre tract;

THENCE N. 89° 27' 26" E. along the most easterly north line of this described tract, same being the north line of said 56.32-acre tract, a distance of 272.06 feet to said POINT OF BEGINNING and containing 9.86 acres of land, more or less.



ZONING CASE CUP-2020-07

STAFF REPORT



REQUEST: Conditional Use Permit allowing multiple-family dwellings in General Retail (GR) District and in an adjoining Office (O) District.

APPLICANT:

Owner: PB 6950, LLC

Agent: Jacob & Martin, LLC

HEARING DATES:

P & Z Commission: October 6, 2020

City Council 1st Reading: October 22, 2020

City Council 2nd Reading: November 5, 2020

LOCATION:

- The subject property includes approximately 8.30 vacant acres in a General Retail (GR) District and 13.66 vacant acres in an adjacent Office (O) District, all of which lie in the 6800-6900 blocks (west side) of Highway 83-84 in far south Abilene
- All this acreage lies in the east half of Lunatic Asylum Lands Section 12 inside the City limits of Abilene.

BACKGROUND:

The subject properties together comprise approximately 21.96 acres. This acreage is part of a larger 57.2-acre collection of contiguous land under common ownership by the proponents. All 57.2 acres are now vacant.

All this vacant acreage was annexed to the City of Abilene in 1980 and was then automatically embraced within an Agricultural Open Space (AO) zoning district. That zoning classification remained in effect on these 57.2 acres until last year, when all of this property was rezoned to be in one of the following zoning classifications: General Retail (GR), Neighborhood Retail (NR), Neighborhood Office (NO), Office (O), Residential Multiple-Family (MF), Residential Medium-Density (MD) or Residential Patio Home (PH).

The present owners of these 57.2 acres now seek approval of a Conditional Use Permit (CUP) to allow multiple-family dwellings on:

- all 13.66 acres in the O zoning district, and
- all except the northernmost 1.56 acres in an adjacent GR District comprised of 9.86 acres total. The southern 8.30 acres of this GR District are proposed to allow multiple-family dwellings, extending all the way east to Highway 83-84.

A multiple-family dwelling includes any building with three (3) or more residential units therein. Since the adoption of Ordinance 35-2017, such buildings are not permitted in O and GR zoning districts, but, instead, require City Council's approval of a Conditional Use Permit.

ANALYSIS:

Criteria Analysis:

City staff has reviewed the request, based upon factors itemized in Section 1.4.3.5 of the Land Development Code, which concerns criteria for approval of Conditional Use Permits. These factors are identified and addressed below:

1. The proposed use at the specified location is consistent with policies embodied in the adopted Comprehensive Plan.

Abilene's Comprehensive Plan has an overarching objective to "*promote development characterized by a mix of mutually supportive and integrated residential and nonresidential use, combined with a network of interconnected streets with good pedestrian and bicycle access.*" Even if all 21+ acres embraced within this CUP are developed with multi-family dwellings, as proposed, directly to the north are another 7.25 acres of vacant land planned for future office and retail use. Urban-scale residences in PH, MD and MF Districts are planned to the west, farther from Highway 83-84. When such development is someday complete and connected by a network of collector and subcollector streets, the above-stated objective will be fulfilled.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.

Office (O) and General Retail (GR) zoning classifications are both intended for relatively intense commercial uses with building mass comparable to that of multi-family residences. However, the specific commercial uses allowed therein are not altogether incompatible with nearby residences, given the limitations of both Office (O) and General Retail (GR) zoning.

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

The immediate vicinity surrounding the subject 21.96 acres remains vacant. The closest nonfarm use of land includes single-family home sites 250 feet to the north. The intervening vacant acreage is located within Neighborhood Retail (NR) and Neighborhood Office (NO) zoning districts designed for close compatibility with adjacent single-family homes. With future development of this intervening acreage as well as the subject property itself, any adverse impacts should be mitigated by routine application of ordinary standards for land use buffering and landscaping.

4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with existing and anticipated traffic in the neighborhood.

A planned collector street alignment extends east-to-west through the center of these subject 21.96 acres. That future collector street will someday connect on the east with South Clack Street (frontage road for Highway 83-84) and on the west with a future extension of an arterial street on Memorial Drive. With this street network in place and the subject property so close to (no more than 1000

feet from) Highway 83-84, traffic generated by multi-family dwellings should pose no substantial threat of traffic congestion.

5. **The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.**

The subject property and its surroundings are now vacant. There is nothing now to adjust, with the aim of reducing development-related traffic on neighborhood streets. Care must nonetheless be taken (with future subdivision of this acreage) to minimize traffic generated from high-density residences flowing through low-density residential neighborhoods.

6. **The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.**

Multi-family residential construction will be required to comply with ordinary Site Development Regulations (in Chapter 4) of Abilene's Land Development Code. These include but are not limited to minimum standards for landscaping, screening unsightly features and shielding exterior illumination. Effective enforcement of these standards will help minimize adverse effects on adjacent properties.

7. **The proposed use meets applicable standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.**

Construction of multiple-family dwellings will be required to comply with all applicable standards of similar such construction in Residential Multiple-Family zoning districts. These include limitations on overall density (24 units per acre) and building height (3 stories or 40 feet) as well as minimum building setbacks and minimum paved parking requirements. With this requested CUP, the proponents are simply seeking permission to allow construction of multiple-family dwellings on now-vacant acreage in General Retail (GR) and Office (O) zoning districts.

Comprehensive Planning Analysis

The 2004 Comprehensive Plan includes a graphic plan map of Future Land Use and Development in and around Abilene. On that plan map, the subject property and its surroundings are encompassed within an area designated as GATEWAY / MIXED USE. As expressed earlier, this subject property lies close to Highway 83-84 in far south Abilene. This particular segment of Highway 83-84 functions as a major gateway to Abilene, from the south. The 2004 Comprehensive Plan goes on to state this Highway 83-84 gateway should *"be protected and enhanced to reflect citizens' aspirations for improving the design, appearance and image of Abilene."* Constructing multiple-family dwellings on this subject property is consistent with that goal of making Highway 83-84 an attractive entryway to Abilene. Promoting mixed use in this same environment will furthermore be enhanced by leaving some adjacent areas available for compatible retail and office use.

Existing Land Use

Location	Zoning	Existing Land Use
North	NO, NR	vacant acreage
South	AO	vacant acreage
East	GR	vacant acreage
West	MF, MD	vacant acreage

STAFF RECOMMENDATION:

Staff recommends approval of the requested CUP allowing multiple-family dwellings, as allowed in MF zoning, on this subject property. Such residential use will help promote goals for enhancing the appearance of development on Highway 83-84, especially where it functions as a major entryway to Abilene.

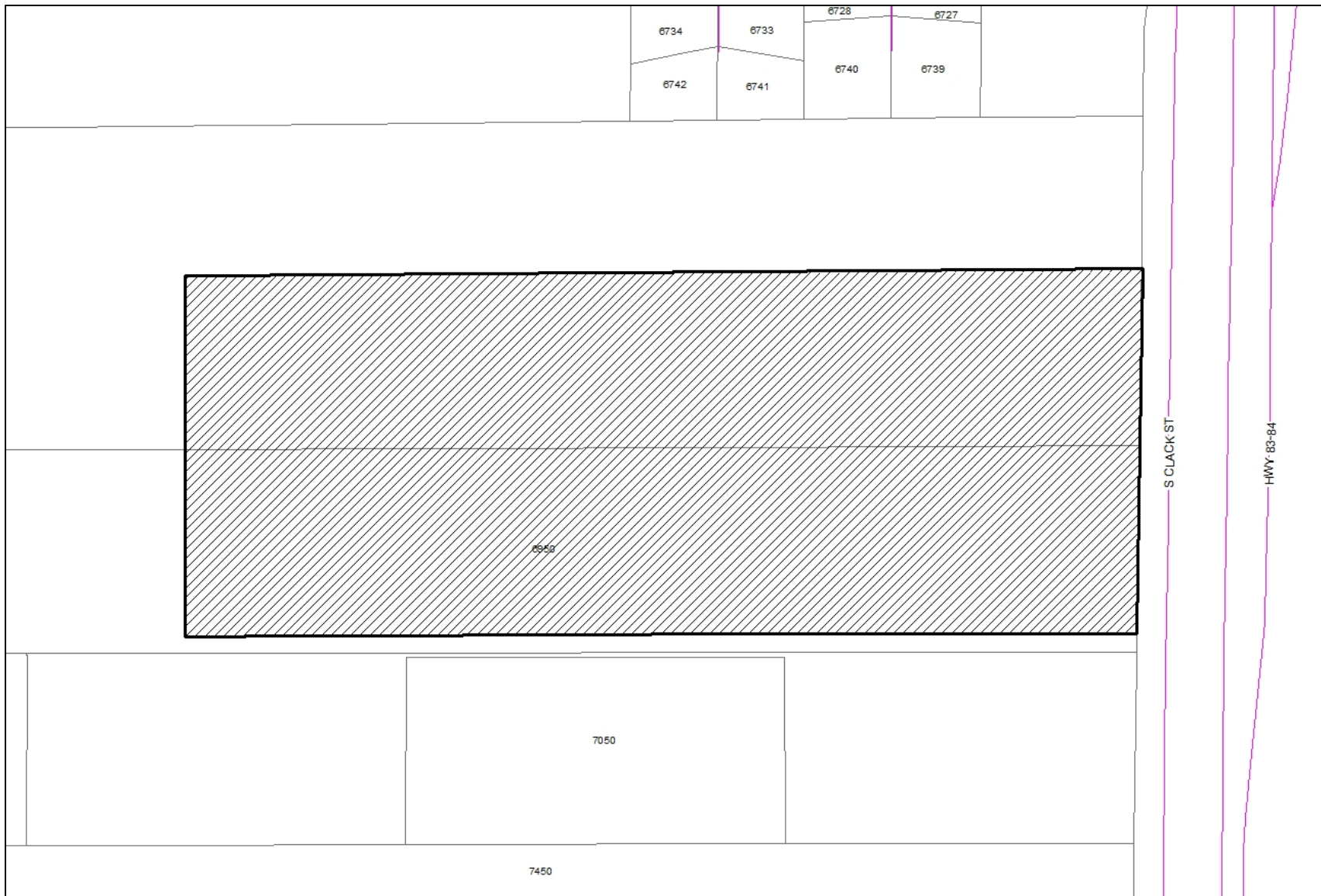
PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval of this request by a vote of five (5) to zero (0), on October 6, 2020.

NOTIFICATION:

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

Owner	Situs	Response
PARKER CYNTHIA	7050 HWY 83-84	
PARKER CYNTHIA		
PB 6950 LLC	6950 HWY 83-84	In Favor
PB 6950 LLC		In Favor





Development Application

Planning

- ☒ Conditional Use
 ☐ Special Exceptions
 ☐ Rezoning
 ☐ Variance
☐ PDD Amendment
 ☐ Street Name Change
 ☐ Thoroughfare Abandonment
 ☐ Easement Release
☐ Historic Certification of Appropriateness
 ☐ Historic Project Tax Reduction

Relief Procedures

- ☐ Petition for Relief
 ☐ Proportionality Appeal
 ☐ Vested Rights Petition
 ☐ Appeal
 Other: _____

Project Name: PB6950 Highway 83-84 Tract

Address: Approx. No. of lots: _____ Acreage: _____
 A0832 SUR 12 L A L NE/4, TRACT 4 FASSHAUER, ACRES 31.896 A0766 SUR 12 L A L SE/4, ACRES 4.95 A0831 SUR 12 L A L SW/4, TRACT 7, ACRES 1.72

Legal Description: A0766 SUR 12 L A L SE/4, TRACT 5, ACRES 22.818 A0766 SUR 12 L A L SE/4, ACRES 4.95

Subdivision Name: _____ Block: _____ Lot: _____

Current Zoning: Multiple Proposed Zoning (if applicable): CUP for MF within O and GR district
See attached exhibit

OWNER AND AUTHORIZATION

Owner Name: PB 6950, LLC.

Address: 3409 S. 14th Street, Suite 204

City, State, Zip: Abilene, TX 79606

Fax: _____

Phone: _____ Email: _____

Agent Name: Jacob & Martin

Address: 3465 Curry Lane

City, State, Zip: Abilene, TX 79606

Fax: _____

Phone: 325-695-1070 Email: cfarrow@jacobmartin.com

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: M. McGuffin Date: 8/3/2020

FOR OFFICE USE ONLY

Received: _____

Fee: \$ _____

Receipt No.: _____

Case No.: _____

Reviewed By: _____

AUG 3 PM 4:27



Development Application

RECOMMENDATIONS

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

PUBLIC NOTIFICATION

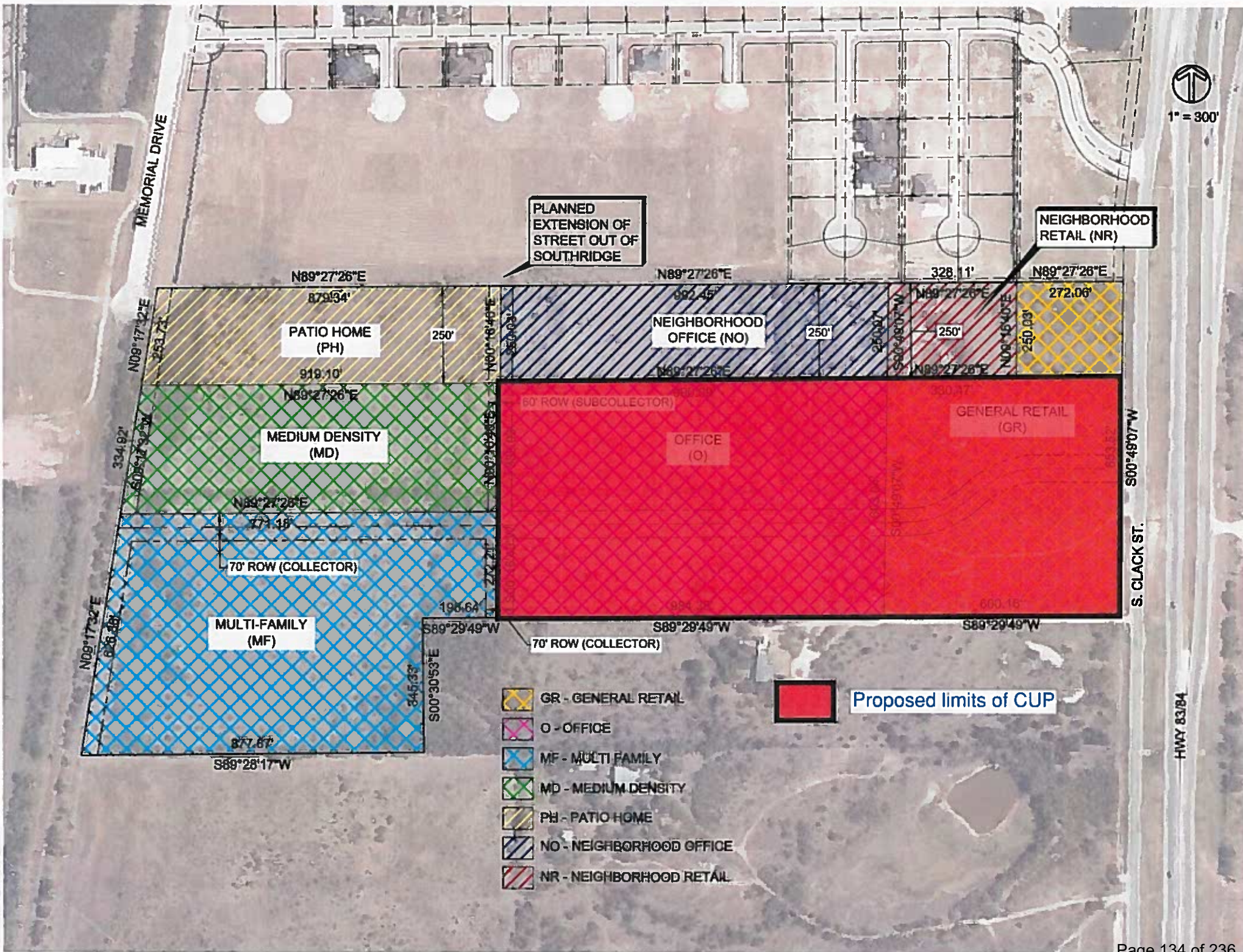
The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood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

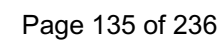
PLEASE READ BEFORE SIGNING

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

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

SIGNED: M. Mcguffin DATE: 8/3/2020





CASE #: CUP-2020-07

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

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

Name: PB 6950 LLC / Kyle Row
Address: 3409 S 14th St 201, Abilene TX 79605

email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: _____

AUG 28 AM 10:09

CASE #: CUP-2020-07

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

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

Name: PB 6950 LLC / Kyle Rowl
Address: 3109 S 14TH St 201, Abilene TX 79605

email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: _____

AUG 28 AM 10:09

Case: CUP-2020-07

Owner: PB 6950, LLC

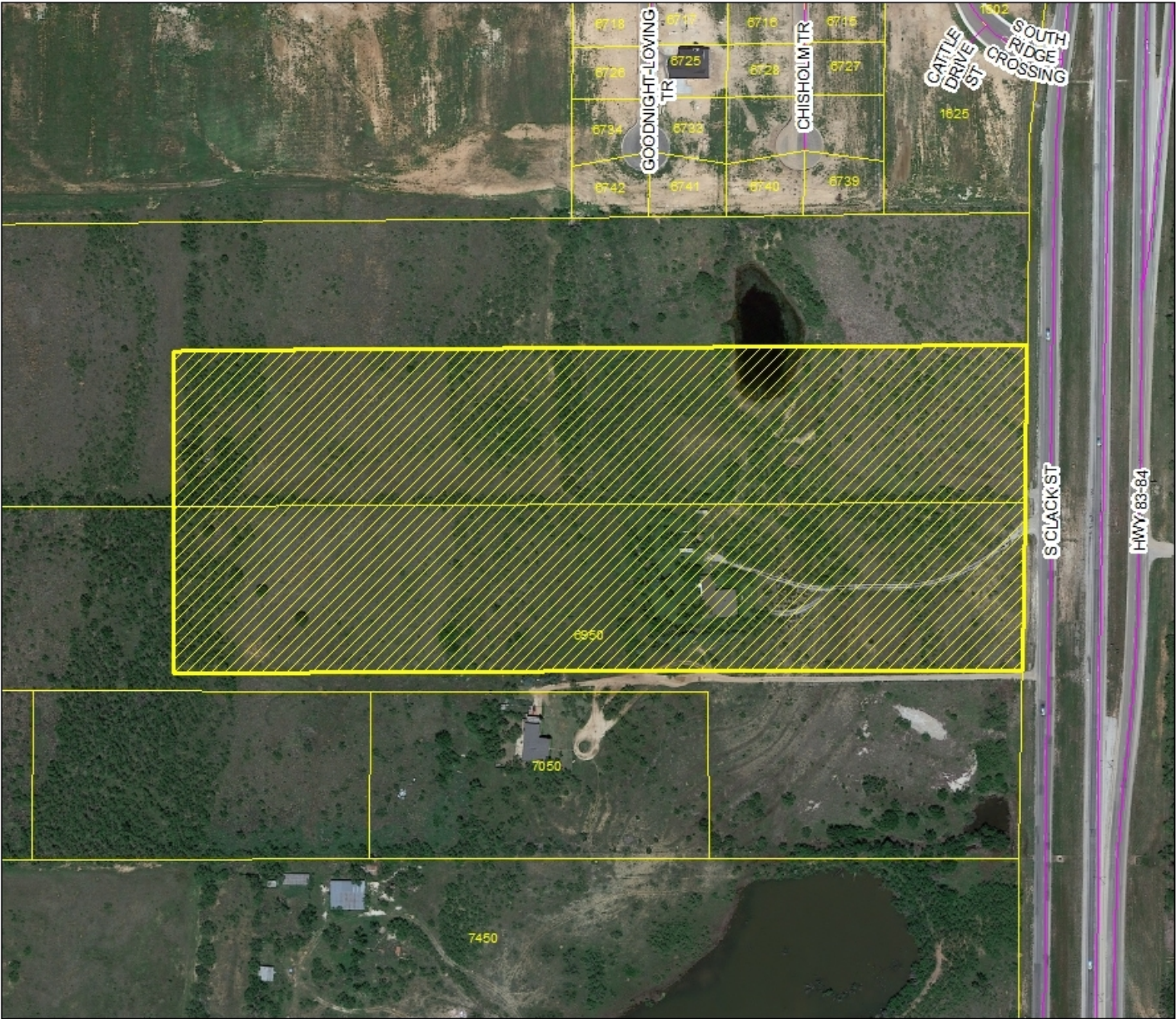
Agent: Jacob & Martin, LLC

Request: Conditional Use Permit to allow Multi-Family Dwellings in General Retail (GR) District and in an adjoining Office (O) District

Location: 8.30 acres and 13.66 acres in the 6800 - 6900 blocks (west side) of Highway 83/84

Notification: 2 in Favor, 0 Opposed

Planning & Zoning Recommendation: Approval



Location Map



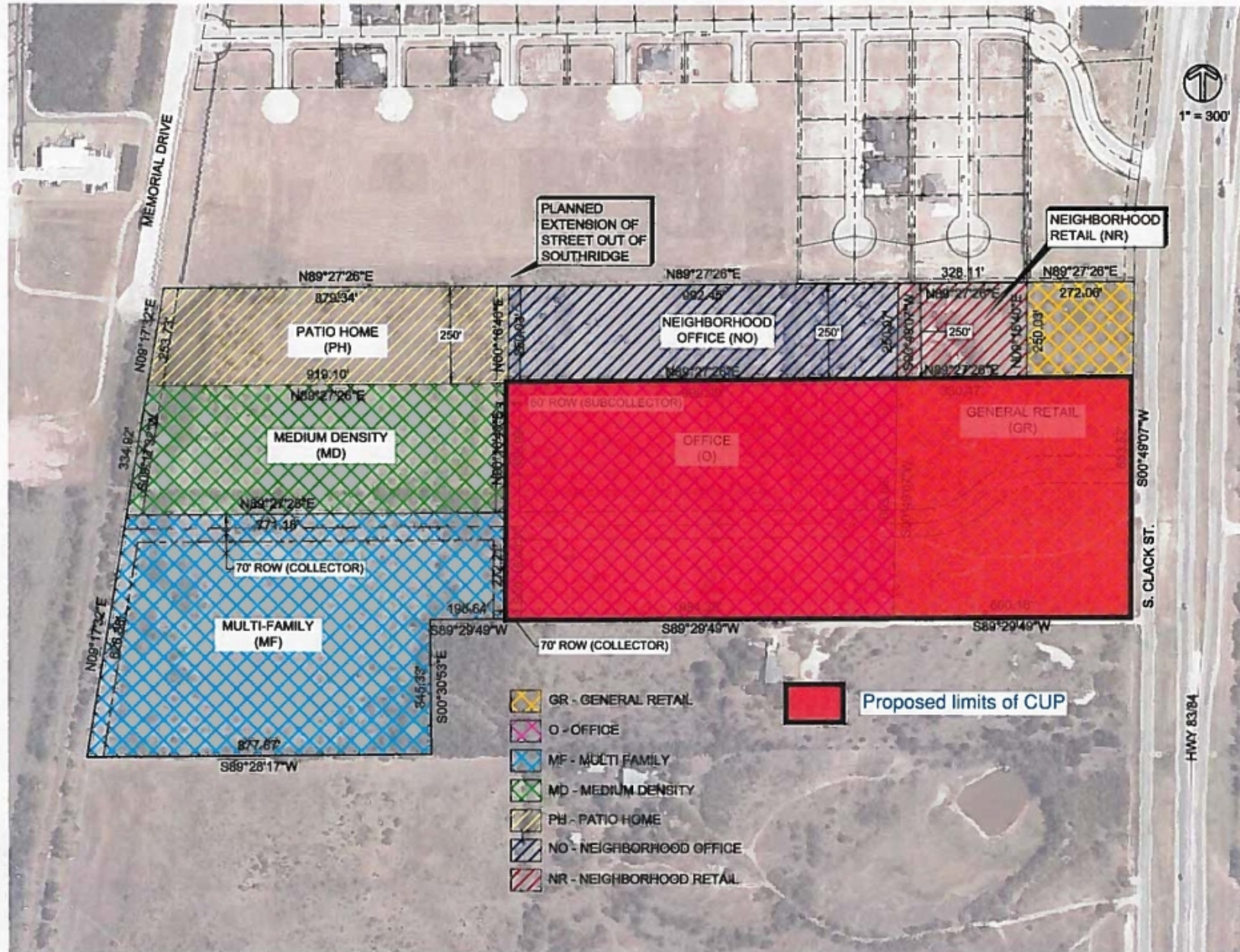
Legend

 CUP-2020-07

CUP-2020-07 ZONING MAP

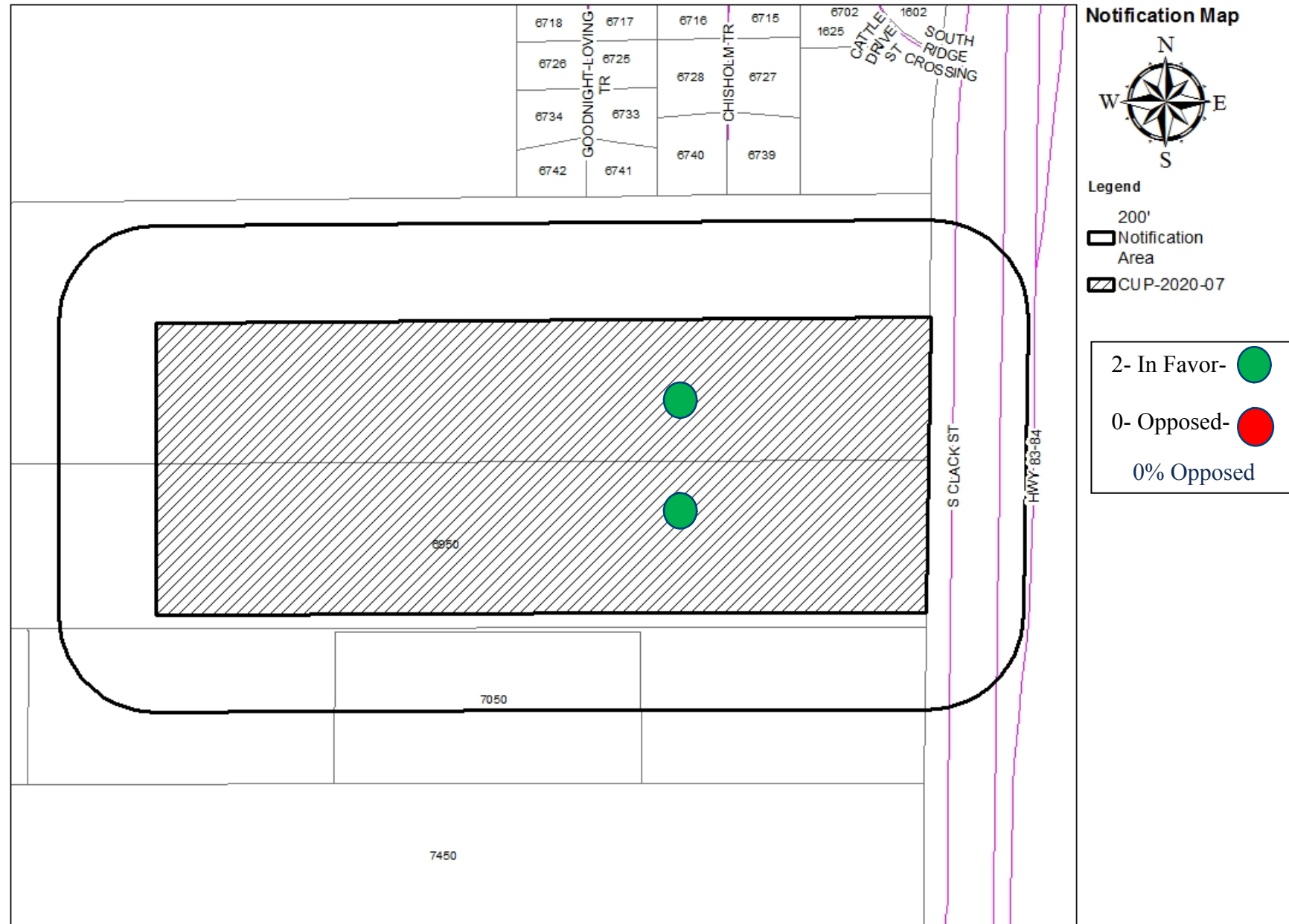






Site plan of the proposed development showing building footprints, parking spaces, and landscaping. The plan includes dimensions for building footprints, setbacks, and parking spaces. Building types are labeled as BLDG TYPE 1, BLDG TYPE 2, BLDG TYPE 5, BLDG TYPE 7, and BLDG TYPE 9. The plan also shows a 25' front yard setback, a 32' R.O.W., and a 30' front yard setback. A scale bar indicates 1 inch equals 40 feet.

CUP-2020-07 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Consistent with General Land Use and Zoning Character of Immediate Area (Section 2.3.3.10)
- Reviewed Pursuant to Section 1.4.3.5 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **13. Ordinance (Final Reading) Z-2020-14: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Rogers Recreation Inc., agent Jacob & Martin LLC, to rezone property from Planned Development (PD) District Number 58 to a Residential Single-Family (RS-6) District and a Residential Medium-Density (MD) District on 60.83 acres of now-vacant land wrapped around (but not adjoining) the southeast corner of Maple Street and Berry Lane in southeast central Abilene (*Mike Warrix*)**

GENERAL INFORMATION

The applicant is requesting to rezone property from Planned Development (PD) District Number 58 to a Residential Single-Family (RS-6) District and a Residential Medium-Density (MD) District on 60.83 acres of now-vacant land wrapped around (but not adjoining) the southeast corner of Maple Street and Berry Lane.

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 5 - 0.

ATTACHMENTS:

1. Z-2020-14 Ordinance
2. Z-2020-14 Council Staff Report
3. Z-2020-14 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 22nd day of October, 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 19th day of September, 2020, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 5th day of November, 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 5th day of November, 2020.

ATTEST:

CITY SECRETARY

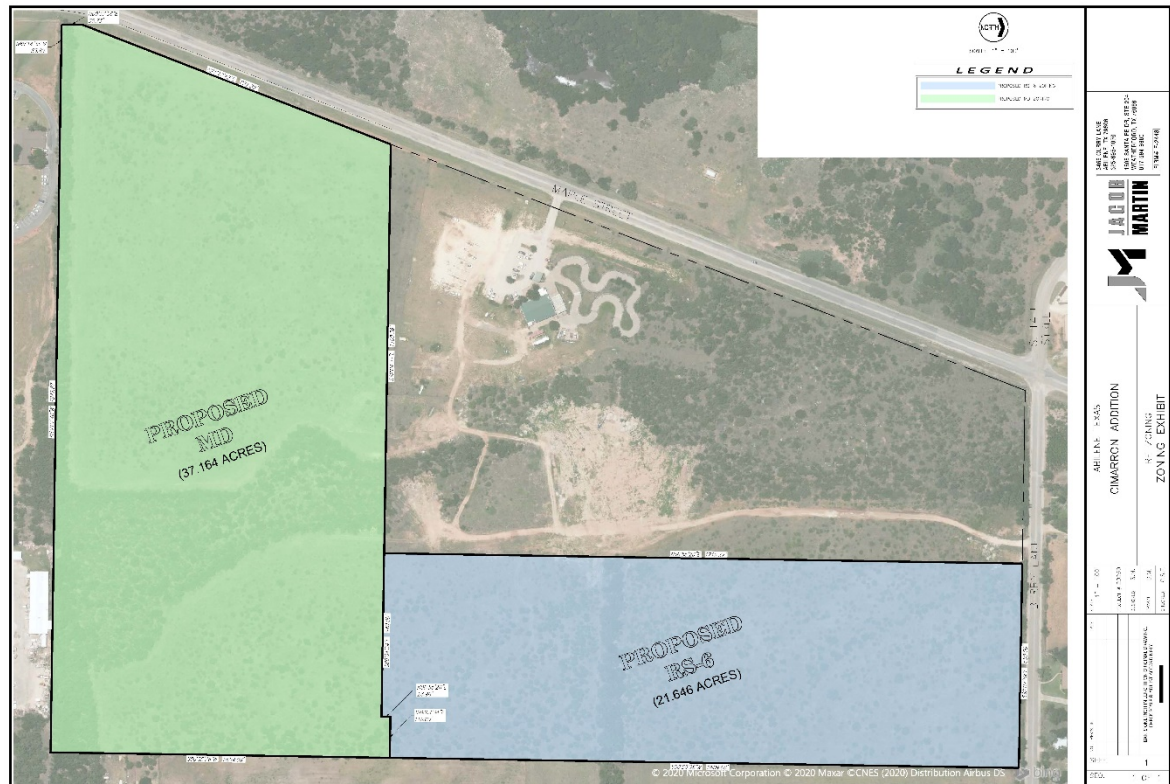
MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Rezone property from Planned Development District 58 (PDD 58) zoning classification, to a combination of Medium Density (MD) and Residential Single-Family (RS-6) zoning districts, as follows:



Location: 6800-6900 blocks (west side) of Highway 83-84 Abilene, Taylor County, Texas.

Medium Density (MD) zoning district

BEING a 37.164 acre zoning tract out of the northwest quarter of Section No. 51, Blind Asylum Lands, Abstract No. 630, City of Abilene, Taylor County, Texas, and being out of the southern portion of Lot 1, Block A, Section 2, Parkview Addition as shown per plat recorded in Cabinet 3, Slide 270, Plat Records, Taylor County, Texas, and further conveyed (called "TRACT TWO") in a Warranty Deed to Rogers Recreation, Inc. recorded in Volume 2236, Page 860, Official Public Records, Taylor County, Texas, and also being out of "Tract Three" as described in said Volume 2236, Page 860. Said 37.164 acre zoning tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the southwest corner of this described tract and said "TRACT THREE", and being in the southeasterly right-of-way line of Maple Street;
 THENCE N. 00° 37' 56" E. along the west line of this described tract, same being the west line of said "TRACT THREE", same being the southeasterly right-of-way line of said Maple Street, a distance of 55.73 feet to a point for corner of this described tract;

THENCE N. 21° 10' 42" E. along the northwest line of this described tract, same being the northwest line of said "TRACT THREE", same being the southeasterly right-of-way line of said Maple Street, a distance of 891.39 feet to a point for the northwest corner of this described tract;

THENCE along the northerly lines of this described tract; and over and across said "TRACT THREE" and said Lot 1, Block A, the following bearing and distances:

- S. 89° 04' 34" E, at 106.47 feet pass the southeast line of said "TRACT THREE", same being the northwest line of said Lot 1, Block A, and continuing on for a total distance of 1540.36 feet to a point for an interior corner of this described tract;
- N. 00° 55' 26" E a distance of 23.96 feet to a point for a corner of this described tract;
- S. 89° 04' 34" E a distance of 110.00 feet to a point for the northeast corner of this described tract, and being in the east line of said Lot 1, Block A;

THENCE S. 00° 55' 26" W along the east line of this described tract, same being the east line of said Lot 1, Block A, a distance of 913.96 feet to a point for the southeast corner of this described tract, same being the southeast corner of said Lot 1, Block A;

THENCE N. 89° 07' 46" W along the south line of this described tract, same being the south line of said Lot 1, Block A, a distance of 1872.87 feet to a point for a slight angle point of this described tract, and being at the southwest corner of said Lot 1, Block A, same being the southeast corner of said "TRACT THREE";

THENCE N. 89° 14' 38" W, and continuing along the south line of this described tract, same being the south line of said "TRACT THREE", a distance of 85.80 feet to the POINT OF BEGINNING and containing 31.164 acres of land, more or less.

Single Family Residential (RS-6) zoning district

BEING a 21.646 acre zoning tract out of the northwest quarter of Section No. 51, Blind Asylum Lands, Abstract No. 630, City of Abilene, Taylor County, Texas, and being out of the eastern portion of Lot 1, Block A, Section 2, Parkview conveyed (called "TRACT TWO") in a Warranty Deed to Rogers Recreation, Inc. recorded in Volume 2236, Page 860, Official Public Records, Taylor County, Texas. Said 21.646 acre zoning tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the northeast corner of this described tract, and said Lot 1, Block A, and being in the south right-of-way line of Berry Lane;

THENCE S. 00° 55' 26" W along the east line of this described tract, same being the east line of said Lot 1, Block A, a distance of 1695.10 feet to a point for the southeast corner of this described tract;

THENCE along the southerly lines of this described tract, and over and across said Lot 1, Block A, the following bearings and distances:

- N. 89° 04' 34" W a distance of 110.00 feet to a point for an interior corner of this described tract;
- S. 00° 55' 26" W a distance of 23.96 feet to a point for a corner of this described tract;
- N. 89° 04' 34" W a distance of 440.00 feet to a point for the southwest corner of this described tract;

THENCE N. 00° 55' 26" E, and continuing over and across said Lot 1, Block A, and along the west line of this described tract, a distance of 1719.32 feet to a point for the northwest corner of this described tract, and being in the north line of said Lot 1, Block A, same being the south right-of-way line of said Berry Lane;

THENCE S. 89° 02' 59" E along the north line of this described tract, same being the north line of said Lot 1, Block A, same being the south right-of-way line of said Berry Lane, a distance of 550.00 feet to the POINT OF BEGINNING and containing 21.646 acres of land, more or less.

-END-

ZONING CASE Z-2020-14

STAFF REPORT



REQUEST: Rezoning

APPLICANT:

Owner: Rogers Recreation Inc.

Agent: Jacob & Martin

HEARING DATES:

P & Z Commission: October 6, 2020

City Council 1st Reading: October 22, 2020

City Council 2nd Reading: November 5, 2020

LOCATION:

- 1873 Maple Street
- Legal description(s): 23.64 acres (in proposed RS-6 District) out of northeast part of Lot 1 in Block A of Section 2, Parkview Addition; and 37.19 acres (in proposed MD District) out of south part of Lot 1 in Block A of Section 2, Parkview Addition and in the south part of a certain 6.374-acre tract (bordering Maple Street) in the northwest quarter of Section 51, Blind Asylum Lands in the City of Abilene, Taylor County, Texas.

BACKGROUND:

The subject property was annexed into the City limits of Abilene in 1957, at which time it was zoned Agricultural Open (AO). In 1995, this property was rezoned to a Planned Development District (PDD 58). The PD ordinance adopted by City Council allows for the development of an amusement park; permitting a wide range of recreational and commercial entertainment activities. In 1997, a certificate of occupancy was issued for an amusement center at this location. It is believed that this site was occupied by the amusement center until 2006. Since 2006 the property has been vacant. Under its current Planned Development District zoning, the property has not shown much potential for future development. The applicant is now seeking to remove approximately 60.83 acres from this Planned Development District and rezone it to a mixture of Medium Density (MD) and Single-Family Residential (RS-6) Zoning.

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone from Planned Development (PD) District Number 58 to a Residential Single-Family (RS-6) District and a Residential Medium-Density (MD) District on 60.83 acres of now-vacant land wrapped around (but not adjoining) the southeast corner of Maple Street and Berry Lane.

APPLICATION REVIEW:

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

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

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area as Low-Density Residential. The proposed zone change is consistent with the characteristics of Low-Density Residential land use. The proposed zone change will promote the Comprehensive Plan's

objective of infill by encouraging the development of land within the interior region of the City that has been vacant since being annexed into the City of Abilene in 1957.

(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 proposed land use is consistent with the surrounding properties in the immediate vicinity which are primarily residential. Furthermore, the proposed zone change will provide Residential Medium Density (MD) zoning which will serve as an effective transitional “buffer” between the Abilene State School to the south and the proposed Single Family Residential (RS-6) zoning proposed to the north.

Zoning		Existing Land Use
North	AO/RS-6	Single Family Residences
South	AO	Abilene State School
East	AO	Single Family Residence
West	AO	Vacant Land

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

The subject property currently has access to existing utilities and public amenities which are adequate for servicing the development that would result from this change in zoning. The subject property is located along both an existing arterial street (Maple St.) and collector street (Berry Ln.). Roads of this nature are customarily appropriate for accommodating the projected increase in traffic which will result from the approval and subsequent development of this property.

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

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

STAFF COMMENTS:

The subject property has remained vacant since at least 2006. Under its current Planned Development District (PDD 58) zoning, the property shows little development potential. Rezoning this property to Medium Density (MD) and Single-Family Residential (RS-6) will promote the Comprehensive Plan’s objective of infill within the inner city region. This proposed zone change is consistent with the Future Land Use and Development Plan Map, which designates this area to be Low-Density Residential.

STAFF RECOMMENDATION:

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

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval by a vote of five (5) to zero (0), on October 6, 2020.

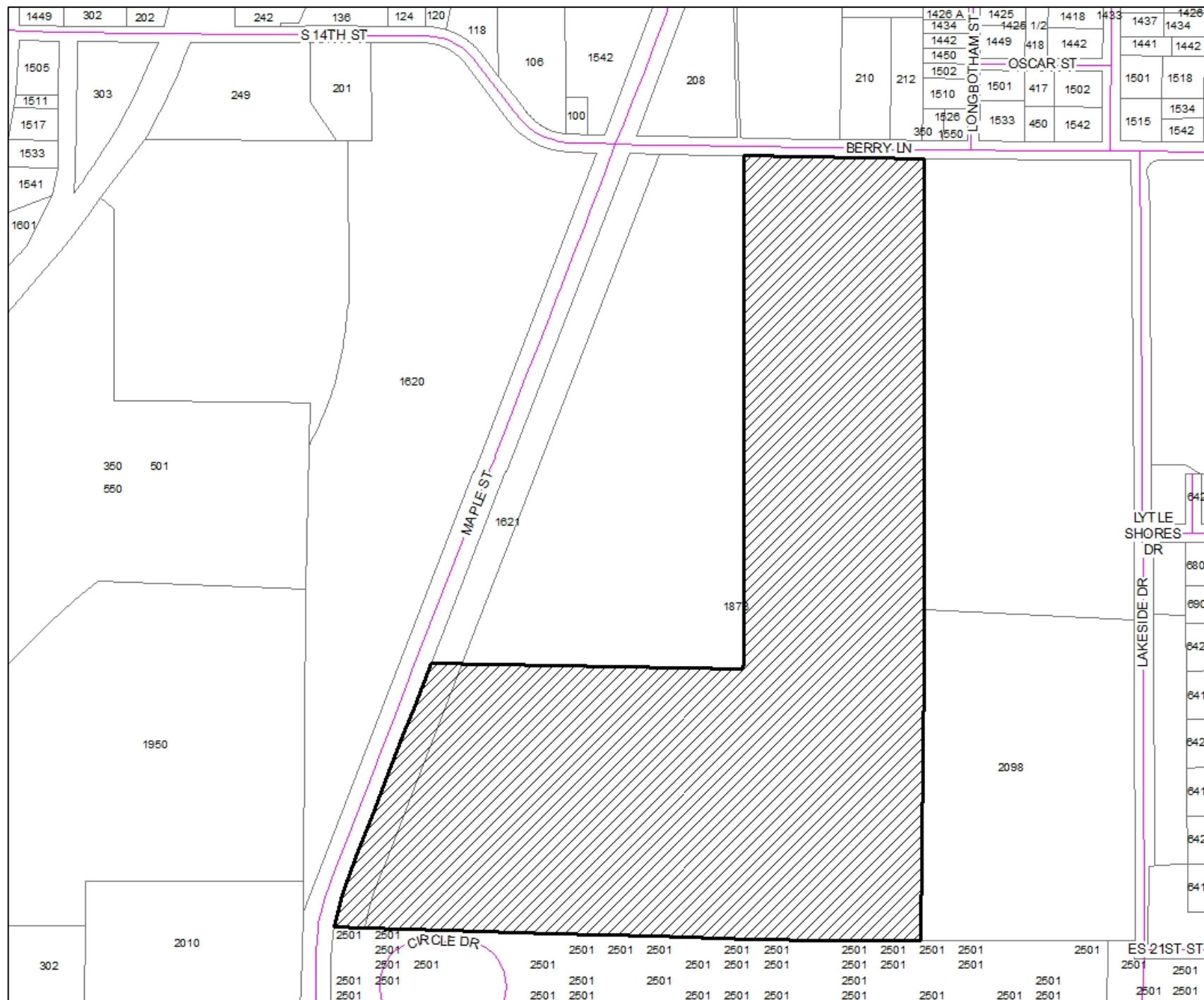
NOTIFICATION:

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
ABILENE IND SCHOOL DIST	1950 MAPLE ST	
ABILENE STATE SCHOOL	2501 MAPLE ST	
CARPENTER DAVID M	1510 LONGBOTHAM ST	Opposed
ELLIS CODY & KRISTINA	1550 LONGBOTHAM ST	
ELLIS CODY & KRISTINA	1526 LONGBOTHAM ST	
HAM CAROL BETH		Opposed
HAM CAROL BETH	208 BERRY LN	Opposed
HIME JOHN K	1533 LONGBOTHAM ST	
LEWIS DONALD	2098 LAKESIDE DR	
MAYFIELD AMY MARCELE	212 BERRY LN	Opposed
MILLER BETTY L TR	2010 MAPLE ST	Opposed
ROGERS RECREATION INC	1621 MAPLE ST	In favor
ROGERS RECREATION INC	1873 MAPLE ST	In favor
SCHWERTNER CHARLES & KAYE TRUST	1620 MAPLE ST	
SKAGGS KATHY E	210 BERRY LN	
TORRES QUIRICO U & CYNTHIA M		
	350 BERRY LN	

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

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

Project Name: Maple St. & Berry St Residential Development
 Address: 1873 MAPLE STREET No. of lots: _____ Acreage: _____
 Legal Description: PARKVIEW SEC 2, BLOCK A, LOT 1, ACRES 83.355 A0630 SUR 51 B A L NW/4, ACRES 6.374
 Subdivision Name: _____ Block: _____ Lot: _____
 Current Zoning: PDD Proposed Zoning (if applicable): RS-6 & MD

OWNER AND AUTHORIZATION

Owner Name: Rogers Recreation Inc
 Address: 7406 Ashland Drive
 City, State, Zip: Amarillo, TX 79119-6420 Fax: _____
 Phone: 5757997703 Email: Tinarogers2@hotmail.com

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

Agent Name: Jacob & Martin
 Address: 3465 Curry Lane
 City, State, Zip: Abilene, TX 79606 Fax: 325-691-5134
 Phone: 325-695-1070 Email: cfarrow@jacobmartin.com

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: Christina L Rogers Date: 9/2/2020

FOR OFFICE USE ONLY

Received: 9/2/20 Fee: \$ 1,500 Receipt No.: 0001055143
 Case No.: Z-2020-14 Reviewed By: [Signature]



Development Application

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

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

This zoning request is to support a residential development at this location. Adjacent uses are the state school to the south, AO to the immediate east, a variety of single-family residential further to the east and north, and an existing PD for an amusement park that remains undeveloped across Maple Street to the west. The intent of the development is to create single family residential with a pocket of medium density for anticipated duplex construction. The medium density would be situated along the south property line adjacent to the State School to transition in intensity down to a residential use.

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

CASE #: Z-2020-14

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

Name: ROGERS RECREATION INC
Address: 1621 MAPLE ST

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: Christina Rogers

OCT 2 AM 11:29

CASE #: Z-2020-14

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

Name: ROGERS RECREATION INC
Address: 1873 MAPLE ST

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: _____

OCT 2 AM 11:29

CASE #: Z-2020-14

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

Name: HAM CAROL BETH
Address: 208 BERRY LN

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: Carol Beth Ham

OCT 6 AM 10:57

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

CASE #: Z-2020-14

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

Name: MAYFIELD AMY MARCELE
Address: 212 BERRY LN

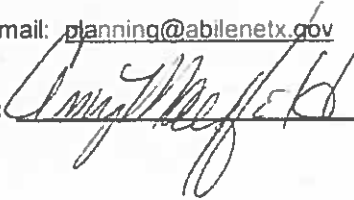
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: _____



RECEIVED
SEP 30 2020
PLANNING

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2020-14

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

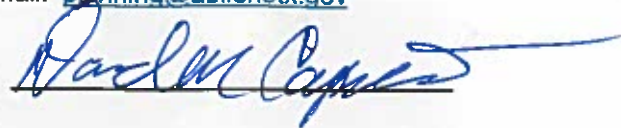
Name: CARPENTER DAVID M
Address: 1510 LONGBOTHAM ST

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: 



MILLER BETTY L TR
 % MILLER FAMILY REV LV TR
 2010 MAPLE ST
 ABILENE, TX 79602-5040

NOTICE OF PUBLIC HEARING

RE: Zone Change Application Number Z-2020-14

09/24/2020

The Planning and Zoning Commission will hold a public hearing on **Tuesday, October 6, 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 Rogers Recreation Inc., agent Jacob & Martin LLC, to rezone property from Planned Development (PD) District Number 58 to a Residential Single-Family (RS-6) District and a Residential Medium-Density (MD) District on 60.83 acres of now-vacant land wrapped around (but not adjoining) the southeast corner of Maple Street and Berry Lane in southeast central Abilene. Legal description being 23.64 acres (in proposed RS-6 District) out of northeast part of Lot 1 in Block A of Section 2, Parkview Addition; and 37.19 acres (in proposed MD District) out of south part of Lot 1 in Block A of Section 2, Parkview Addition and in the south part of a certain 6.374-acre tract (bordering Maple Street) in the northwest quarter of Section 51, Blind Asylum Lands in the City of Abilene, Taylor County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as 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 **November 5, at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

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

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2020-14

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

Name: MILLER BETTY L TR

Address: 2010 MAPLE ST

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: _____

We just moved to this address, especially because of the wildlife, not much traffic. Turning the above acreage into residential would ruin both of these. We see 15-20 deer daily.

CASE #: Z-2020-14

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

Name: HAM CAROL BETH
Address:

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

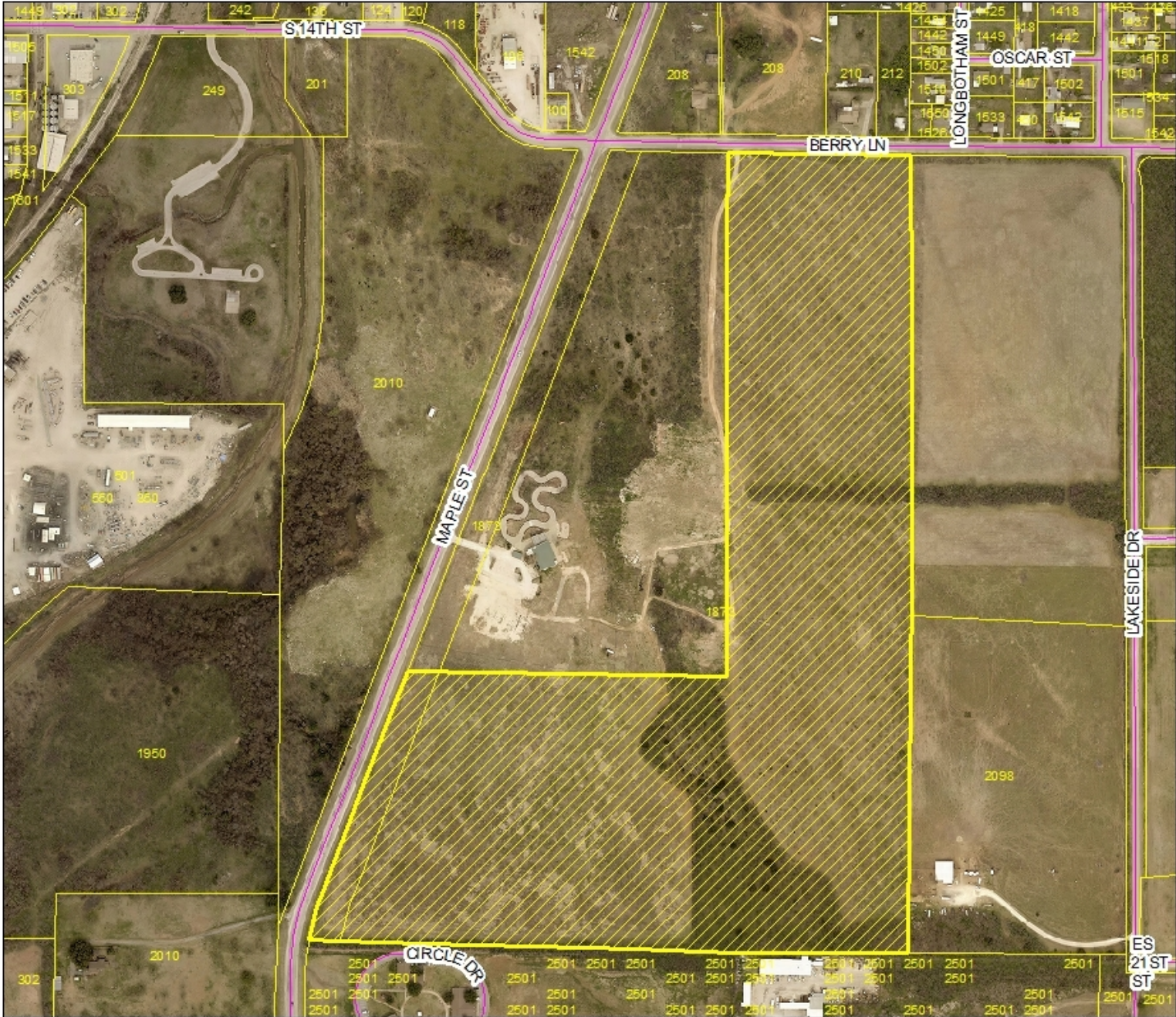
Signature:

Carol Beth Ham

OCT 6 AM 10:57

Case:	Z-2020-14
Owner:	Rogers Recreation Inc.
Agent:	Jacob & Martin
Request:	Rezone from PDD 58 to RS-6 and MD
Legal Description:	23.64 acres (in proposed RS-6 District) out of northeast part of Lot 1 in Block A of Section 2, Parkview Addition; and 37.19 acres (in proposed MD District) out of south part of Lot 1 in Block A of Section 2, Parkview Addition and in the south part of a 6.374-acre tract (bordering Maple Street) in the northwest quarter of Section 51, Blind Asylum Lands in the City of Abilene, Taylor County, Texas.
Notification:	2 in Favor, 5 Opposed
Planning & Zoning Recommendation:	Approval

Z-2020-14 AERIAL LOCATION MAP



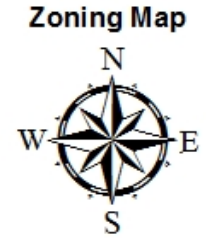
Zoning Map



Legend

 Z-2020-14

Z-2020-14 ZONING MAP





RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Homeless/Emergency Shelter
- C Rehabilitation Facility
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- C Day-Care Operation - Center-Based
- P School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)
- C Permitted as a Conditional Use Permit, Requiring Approval by City Council
- TP Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P/C Day Care Operation – Home-Based
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- P Garage Sale
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- P School: Public/Private

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- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

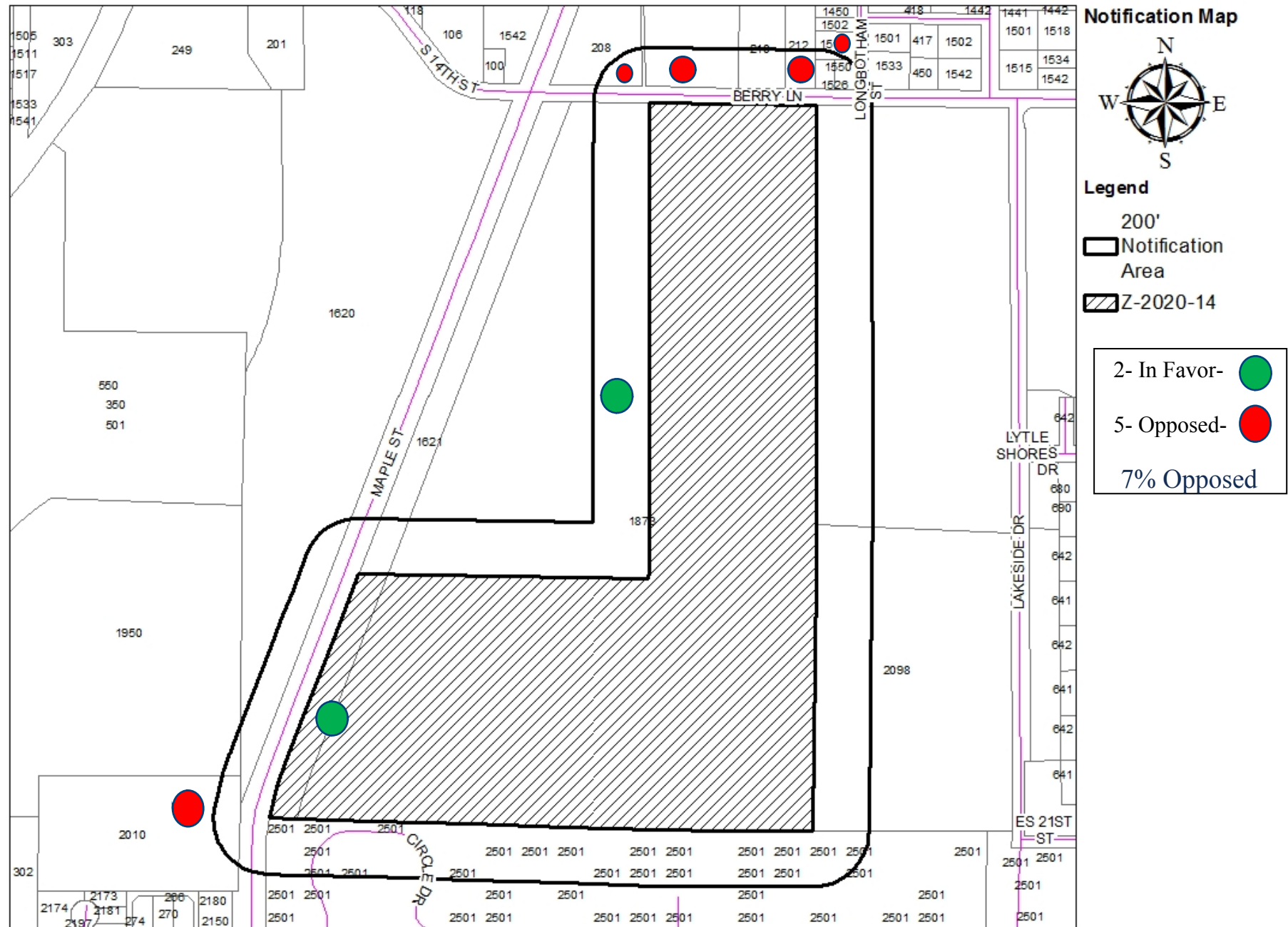
- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)
- C Permitted as a Conditional Use Permit, Requiring Approval by City Council
- TP Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment



Z-2020-14 NOTIFICATION AREA MAP



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

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **14. Ordinance (Final Reading) Z-2020-10: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Sharon Riley, agent H.C. Zachry, to amend existing Planned Development (PD) District Number 32 by removing from subparagraph (f) 1 and 2 stating “no other signs shall be allowed” from Lots 25-30 and allowing all signage allowed in General Retail (GR). (*Zack Rainbow*)**

GENERAL INFORMATION

Lot 232 (2050 Antilley Road) is the subject property of potential construction for an off-site advertising billboard. Such a billboard is not permitted due to the current restrictions of the Planned Development 32 Ordinance. The underlying zoning for this lot is General Retail (GR), a zoning district that permits off-site advertising billboards. The applicant is requesting to amend the current PD 32 ordinance to allow one off-site advertising billboard on Lot 232. The proposed ordinance amendment will include an updated graphic concept plan to illustrate the re-platting of Lot 30 to accurately reflect the lots which currently exist within this PD.

SPECIAL CONSIDERATIONS

The applicant applied only for their lot to be allowed to have off-site advertising. However, due to verbiage of the Planned Development (PD) ordinance, it was the opinion of staff to include additional lots in the immediate area of 2050 Antilley Road that may be affected by the change if approved. Therefore, a portion of this request is being initiated by staff. These additional properties are shown on various maps included in the staff report and included in the adopting ordinance.

A super-majority (3/4th) vote of the Council will be required for approval of this zoning change.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

At its September 1, 2020 regular meeting, the Planning and Zoning Commission voted unanimously (5-0) to recommend approval of this item to City Council.

ATTACHMENTS:

1. 1- Z-2020-10 recommended PD ordinance (6)
2. 2- Z-2020-10 Council Staff Report
3. 3- Z-2020-10 Council Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE AND CONCERNING PD-32, A PLANNED DEVELOPMENT DISTRICT, AS WELL AS ORDINANCE NUMBERS 49-1985 AND 77-1986; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That the Land Development Code of the City of Abilene is hereby amended by changing Ordinance Number 77-1986 specifically 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 ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 24th day of September 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 15th day of August, 2020, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 5th day of November, 2020, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 5th day of November, 2020.

ATTEST:

Shawna Atkinson,
City Secretary

Anthony Williams,
Mayor

APPROVED:

Stanley Smith,
City Attorney

ORDINANCE NO. _____

Exhibit "A"
2nd Amendment to Ordinance No. 49-1985

PART 7: Specific Modifications: Part 7, Section A, Paragraph 3

DELETE: "Lot 30"

ADD: Lots 130, 131, 232, 233

Lot 30 has since been subdivided into four new lots, Paragraph 3 should now read:

3. Lots 25-29 and 130, 131, 232, 233

DELETE: Existing subparagraph (f), which reads as:

f. For all office-type uses as categorized by the Zoning Ordinance, including medical or dental clinics or offices, and any allowed residential use, either of the following standards for signs shall apply at the proponent's option:

1. Business and/or Identification Sign: Freestanding, maximum thirty-six (36) square feet in area; maximum (12) feet in height; located at least ten (10) feet from all property lines; one sign per use; illumination permitted. A nameplate or placard is allowed for each use and shall not exceed three (3) square feet in area and is to be wall-mounted.

All other sign regulations prescribed for Office-type uses shall furthermore apply and no other sign shall be allowed.

-or-

2. Business and/or Identification Sign: One wall sign no larger than 25% of the area of the wall upon which it is located; only one wall sign per use. A nameplate or placard is allowed for each use and shall not exceed three (3) square feet in area and is to be wall-mounted.

All other sign regulations prescribed for office-type uses shall furthermore apply, and no other signs shall be allowed.

ADD: New subparagraph (f), to read as follows:

f. For all office-type uses as categorized by the Zoning Ordinance, including medical or dental clinics or offices, and those residential uses permitted in a General Retail district, either of the following standards for signs shall apply at the proponent's option:

1. Business and/or Identification Sign: Freestanding, maximum thirty-six (36) square feet in area; maximum (12) feet in height; located at least ten (10) feet from all property lines; one sign per use; illumination permitted. A nameplate or placard is allowed for each use

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 3

and shall not exceed three (3) square feet in area and is to be wall-mounted. All other on-site regulations pertinent to Office (O) zoning districts shall otherwise be applicable.

-or-

2. Business and/or Identification Sign: One wall sign no larger than 25% of the area of the wall upon which it is located; only one wall sign per use. A nameplate or placard is allowed for each use and shall not exceed three (3) square feet in area and is to be wall-mounted. All other on-site sign regulations pertinent to Office (O) zoning districts shall otherwise be applicable.

ADD: New subparagraph (g), to read as follows:

- g. Off-site advertising signs ordinarily allowed within General Retail (GR) zoning districts shall be permitted, subject to all applicable standards governing location, size, height, spacing, et cetera.



ZONING CASE Z-2020-10

STAFF REPORT



REQUEST: Amend existing Planned Development District Number 32 (PD 32)

APPLICANT:

Owner: Sharon Riley
Agent: HC Zachry and City of Abilene

HEARING DATES:

P & Z Commission: September 1, 2020
City Council 1st Reading: September 24, 2020
City Council 2nd Reading: October 22, 2020

LOCATION:

2050 Antilley Road
Legal description: Lot 232 of Humana West Addition

BACKGROUND:

A Planned Development (PD) District is one that permits flexibility in building siting, mixtures of housing types and land uses, usable open spaces, and the preservation of significant natural features in new development.

Planned Development District 32 (PD 32) was approved in May of 1985. PD 32 is intended to provide a mixture of retail, office and medical care facilities. The PD 32 ordinance was amended by City Council in September of 1986 to modify sign regulations on lots 25-30 as identified on the originally provided site exhibit. This amendment limits all free standing signs constructed on lots 25-30 to 36 square feet in area with a maximum height of 12-feet. Furthermore, all other sign regulations prescribed by office zoning would apply and no other signs would be permitted. Since this time Lot 30 has been subdivided into four new lots which are respectively Lots 130, 131, 232, 233 of Humana West Addition.

PROPOSAL AND REQUESTED ACTION:

The applicant is the owner of Lot 232, the proposed site of an “off-site” advertising billboard. Such a billboard is not permitted due to the current restrictions of the PD 32 ordinance, although the underlying zoning for this lot is General Retail (GR) which is a zoning district that ordinarily permits off-site advertising billboards. The applicant is requesting to amend the current PD 32 ordinance to allow one off-site advertising billboard on Lot 232. This amendment shall provide an updated graphic concept plan which illustrates the replatting of Lot 30 to accurately reflect the lots which currently exist within this PD. The verbiage in the existing PD restricts lots 25-29 and Lot 30, which are now Lots 130, 131, 232, 233 respectively, in the area of signage. It is the opinion of staff that by amending the PD the other lots will be affected by the change. As a result, the City has requested to include the additional lots as part of this request.

APPLICATION REVIEW:

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

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

The subject property is located near the intersection of Highway 83-84 and Antilley Road. The Future Land Use and Development Plan Map considers this area to be a special activity center. The Comprehensive Plan states that special activity centers should provide unique services and uses to the local and regional economy, this particular special activity center serves as a medical hub for South Abilene and provide a mixture of both medical office and retail uses. It is customary for billboard advertising signs to be located near interstate and major arterial interchanges such as this. These locations provide the greatest exposure for promotion of businesses throughout Abilene.

(2) Whether the proposed zoning amendment will be appropriate in the immediate area of the subject property.

Abilene's Land Development Code provides a list of roads which permit off-site advertising signs. Antilley road is included on this list of roads that allow billboards. The immediate area of the subject property is entirely commercial in nature; therefore installation of a billboard will not appear out of place or inconsistent with the surrounding land uses. Furthermore, the base zoning of the subject property within PD 32 is (GR), thereby permitting all uses ordinarily allowed within this zoning classification. Traditionally, off-site advertising signs are permitted within General Retail (GR) zoning.

	Zoning	Existing Land Use
North	PDD-32	Vacant
South	PDD-25	Medical Use
East	PDD-32	Medical Use
West	PDD-32	General Retail

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

The proposed change will not adversely affect existing utilities and will not be required to provide public improvements and services.

(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 and potential uses would not negatively affect the public health, safety, morals, or general welfare of the City of Abilene.

STAFF COMMENTS:

Abilene's Land Development Code identifies zoning districts which permit off-site advertising signs, General Retail (GR) zoning is one such zoning classification that is listed. The subject property falls within a Planned Development District with a base underlying zoning of General Retail (GR). Furthermore, Abilene's Land Development Code provides a list of roads which permit off-site advertising signs, specifically "Type II" signs, Antilley Road is listed as an appropriate road to locate off-site advertising Type II signs. Type II signs are be defined as off-site advertising signs permitted along arterial and collector roads as identified in

Abilene's Thoroughfare Plan, Type II signs are permitted to have a maximum area of 378 square feet and maximum height of 35-feet. Lastly, the proposed location of this sign meets all separation requirements for off-site advertising signs as outlined in Section 4.2.8.9 in Abilene's Land Development Code.

STAFF RECOMMENDATION:

Staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission recommended approval of this request by a vote of five (5) to zero (0) on Tuesday, September 1, 2020.

NOTIFICATION:

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

Owner	Situs	Response
6050 HOSPITAL DRIVE LLC	6050 HOSPITAL DR	
ABILENE SOUTH REALTY LP	2015 HOSPITAL PL	
ABILENE SOUTH REALTY LP	2009 HOSPITAL PL	
ARMC LP	1888 ANTILLEY RD	
ASMO PROPERTIES LLC	2074 ANTILLEY RD	Opposed
CENTRAL PARK 91 JV		In Favor
COULTER PROPERTIES LLC	1901 ANTILLEY RD	
FIRST FINANCIAL BANK NA	1801 ANTILLEY RD	
FIRST FINANCIAL BANK NA	1725 ANTILLEY RD	In Favor
GFC LEASING CORP	24 HOSPITAL DR	
GFC LEASING CORP	1926 ANTILLEY RD	
HIT VENTURES LLC	1925 HOSPITAL PL	Opposed
HUMANA WEST LTD	5 HOSPITAL DR	
HUMANA WEST LTD	2 HOSPITAL DR	
MANGREM JOSEPH T & KELSI D	6 HOSPITAL DR	
MANGREM JOSEPH T & KELSI D	7 HOSPITAL DR	In Favor
NC SCHI INC	23 HOSPITAL DR	
NC SCHI INC	21 HOSPITAL DR	
PHYSICIAN RELIANCE INVEST	1957 ANTILLEY RD	
PROSPERITY BANK	2001 ANTILLEY RD	
RILEY SHARON		In Favor
RILEY SHARON	2050 ANTILLEY RD	In Favor
SHRINGERI AKKAMAHADEVI P	2100 ANTILLEY RD	
TENISON OIL CO	2005 HOSPITAL PL	In Favor
TENISON OIL CO	1963 HOSPITAL PL	In Favor
WILLIS THOMAS LEE	8 HOSPITAL DR	
WILLIS THOMAS LEE	4 HOSPITAL DR	

ATTACHMENTS:

- Application
- Site Plan Exhibit
- PowerPoint





Hoff's
Burgers

SUBWAY





Development Application

Planning

- | | | | |
|--|---|---|---|
| ☐ Conditional Use | ☐ Special Exceptions | ☐ Rezoning | ☐ Variance |
| ☒ PDD Amendment | ☐ Street Name Change | ☐ Thoroughfare Abandonment | ☐ Easement Release |
| ☐ Historic Certification of Appropriateness | ☐ Historic Project Tax Reduction | | |

Relief Procedures

- | | | | |
|--|---|---|---------------------------------|
| ☐ Petition for Relief
Other: _____ | ☐ Proportionality Appeal | ☐ Vested Rights Petition | ☐ Appeal |
|--|---|---|---------------------------------|

Project Name: Sharon's Barbeque D.S. Jul Sign

Address: 2050 Antilley Rd No. of lots: 1 Acreage: _____

Legal Description: _____

Subdivision Name: Humana West Block: _____ Lot: 232

Current Zoning: PDD-32 Proposed Zoning (if applicable): ~~PDD-32~~ ~~Other~~

OWNER AND AUTHORIZATION

Owner Name: Sharon Riley

Address: P.O. Box 3877

City, State, Zip: Abilene, Tex 79604 Fax: _____

Phone: _____ Email: _____

Agent Name: EHT

Address: 402 Cedar

City, State, Zip: Abilene, Tex 79606 Fax: _____

Phone: 698-5560 Email: david.todd@e-hi.com

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 submission, 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: 6/4/12

FOR OFFICE USE ONLY

Received: _____ Fee: \$ _____ Receipt No.: _____

Case No.: _____ Reviewed By: _____

Remove from Subparagraph (f) 1 & 2 the wording "no other signs shall be allowed"

THE STATE OF TEXAS

COUNTY OF TAYLOR

Know all men by these presents that the undersigned owner of the real property described on the reverse side hereof, has made, constituted and appointed, and by these presents does make, constitute and appoint H.C. ZACHRY, my true and lawful attorney, for me in my name, place, and stead, to:

(1) File an application for (check all that apply):

- ☒ Zone Change,
- ☐ Plat,
- ☐ Thoroughfare Closure, or
- ☐ Appeal to the Board of Adjustment, and

(2) Appear on my behalf at all necessary meeting of the appropriate board, commission, or City Council, as the case may be.

The undersigned further agrees that this power of attorney may be voluntarily revoked only by written revocation filed with the Planning and Development Services Division for the City of Abilene, Texas.

Witness my hand this 22 day of JUNE, 2020

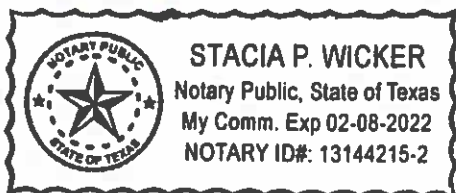
Sharon Riley
Owner

THE STATE OF TEXAS .

COUNTY OF TAYLOR .

BEFORE ME, the undersigned authority, on this date personally appeared Sharon Riley known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 22 day of June, 20 20.



Stacia P. Wicker
Notary Public, Taylor County, Texas

Zoning

ORDINANCE NO. 49-1985

613 0000 3-4

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING HUMANA WEST PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended; 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 One Thousand Dollars (\$1,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 9 day of May,
A.D. 19 85.

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 5 day of May, 19 85, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 9:00 a.m., on the 23 day of May, 19 85, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING this 23 day of _____
May, A.D. 19 85.

ATTEST:

Patricia Patton
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

Karen L. Anderson
CITY ATTORNEY

00133

Exhibit "A"

ORDINANCE NO. 49-1985

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

PART 2: Development Specifications. All development in the Planned Development District shall be in accordance with the maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance. Site Plan (and vicinity map) is attached as Exhibit B.

Further, all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of this P.D.D. are hereby incorporated by reference and included as part of this ordinance. (Some of these documents may be attached as Exhibit C.)

All use and development within the Planned Development District must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

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

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space) District to PD MX (Planned Development Mixed Use) District.

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

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

ORDINANCE NO. 49-1985

EXHIBIT "A"

Page 2

Legal Description:

BEING all that certain lot, tract or parcel of land out of a 64.41 acre tract out of a 78.12 acre tract out of lot 4 out of Alfred & Mary Fasshauer Subdivision of Survey 10 and 12, Lunatic Asylum Lands, Abilene, Taylor County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod, found, for the Northwest corner of said 64.41 acre tract, for the Northwest corner of this tract;

THENCE North 89 degrees 31 minutes 13 seconds East along the North line of said 64.41 acre tract a distance of 1061.62 feet to a 3/8" iron rod, found, for the Northeast corner of this tract;

THENCE South 0 degrees 06 minutes 03 seconds West a distance of 1349.61 feet to a 3/8" iron rod, set, on the North right-of-way of Antilley Road for the Southeast corner of this tract;

THENCE South 88 degrees 09 minutes 11 seconds West along said North right-of-way of Antilley Road a distance of 1018.82 feet to a 3/8" iron rod, found, for the Southwest corner of this tract

THENCE North 1 degree 42 minutes 22 seconds West along the West line of said 64.41 acre tract a distance of 1374.17 feet to the place of beginning containing 32.52 acres of land.

PART 6: Purpose. The purpose of the Humana West Planned Development district is to integrate development of facilities for retail, office, and medical care. District regulations described in the following Part 7 are designed to achieve the following:

- A. designate particular areas within the district for appropriate selected activities, and
- B. integrate the scale of building development in the district with less intensive residential use existing and anticipated to the west, as well as with relatively intensive commercial use existing and anticipated to the north and east.

PART 7: Specific Modifications.

- A. The following regulations shall govern the use and development of the Planned Development district, for each of the lots indicated on the site plan (attached as Exhibit B) and as set forth below:

- 1. Lots 1-20. Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Office (O) zoning classification.
 - a. Surgical centers shall be permitted as a right-of-use, rather than by special exception only.
 - b. Buildings shall be limited to two stories or 30 feet, whichever is greater, excluding architectural exceptions as generally allowed by Zoning Ordinance.
 - c. Building setbacks shall be a minimum of 30 feet from the bounding arterial street (Antilley Road) and 20 feet from other bounding street rights-of-way.
- 2. Lots 21-24. Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Limited Commercial (LC) zoning classification.
 - a. Surgical centers shall be permitted as a right-of-use, rather than by special exception only.
 - b. Building setbacks shall be a minimum of 30 feet from the bounding arterial street (Antilley Road) and 20 feet from other bounding street rights-of-way.
 - c. The number of business signs shall be restricted to just one (1) per business, no taller than 30 feet in height and no greater than 150 square feet in area.
- 3. Lots 25-30. Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Shopping Center (SC) zoning classification.
 - a. Hotel and motel facilities shall be permitted as a right-of-use.
 - b. Building height shall be limited to two stories or 30 feet, whichever is greater, excluding architectural exceptions as normally allowed by Zoning Ordinance.
 - c. Building setbacks shall be a minimum of 30 feet from the bounding arterial street (Antilley Road) and 20 feet from any other bounding street rights-of-way. Rear building setbacks shall be a minimum of 20 feet, and building setbacks from the (interior) side lot line shall be a minimum of 10 feet.

- d. Unless some specific use may be identified, for which parking demand may be more specifically measured, off-street parking spaces shall be provided as follows:
- (1) One space for each 222 square feet of gross retail area.
 - (2) One space for each 300 square feet of gross office area.
 - (3) One space for each motel or hotel unit.
 - (4) For other activities, as specified within the Zoning Ordinance.

- e. Except as otherwise specified below, no more than one (1) business sign shall be permitted per business, and such sign shall be a wall sign no larger than 25 percent of the building wall area to which it is attached. Businesses have customer access and/or building frontage within 100 feet of adjacent street rights-of-way, may have two (2) such business signs mounted on walls of the building in which they are located. In addition to permitted wall signs, a hotel, motel or restaurant may have one (1) free-standing sign mounted on a pole, so long as such sign is no more than 150 square feet in area and extends to a height no more than 30 feet. Also, any shopping center(s) located on the lot shall have no more than one free-standing sign per street frontage, identifying the name of the overall shopping center development. Such signs shall be no more than 150 square feet in area and extend no more than 30 feet in height.

- f. For activities other than of a commercial nature, sign regulations pertinent to the Office (O) zoning classification shall be applicable.

Lot 31. Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Medical Use (MU) zoning classification.

- a. Standard restaurant facilities shall be allowed to occupy up to 25% of the total floor area of an appropriate structure in which the restaurant is located.
- b. Buildings, or portions thereof, constructed on the western 100 feet of the lot shall be no greater than two stories or 30 feet, whichever is greater, excluding architectural exceptions normally allowed by Zoning Ordinance.
- c. Buildings, or portions thereof, constructed on the remainder of Lot 31, shall be no greater in height than 3 stories or 40 feet, whichever is greater, excluding architectural exceptions normally allowed by Zoning Ordinance.
- d. Building setbacks from all bounding street rights-of-way shall be a minimum of 20 feet.
- e. For any future lot resubdivided within Lot 31, the minimum (interior) side building setback shall be 10 feet.
- f. The minimum building setback from any rear lot boundary (not adjoining a street) shall be 10 feet.
- g. The Zoning Ordinance requirement for an additional one (1) foot of building setback, for every additional one foot of building height above 30 feet, shall not be applicable.
- h. Screening requirements associated with activities in the MU district shall be applicable only to power and/or heat generation facilities, refuse collection facilities, off-street loading spaces and open storage.

- B. Except as otherwise specified below, subdivision or resubdivision of any one or more lots represented on the site plan (attached as

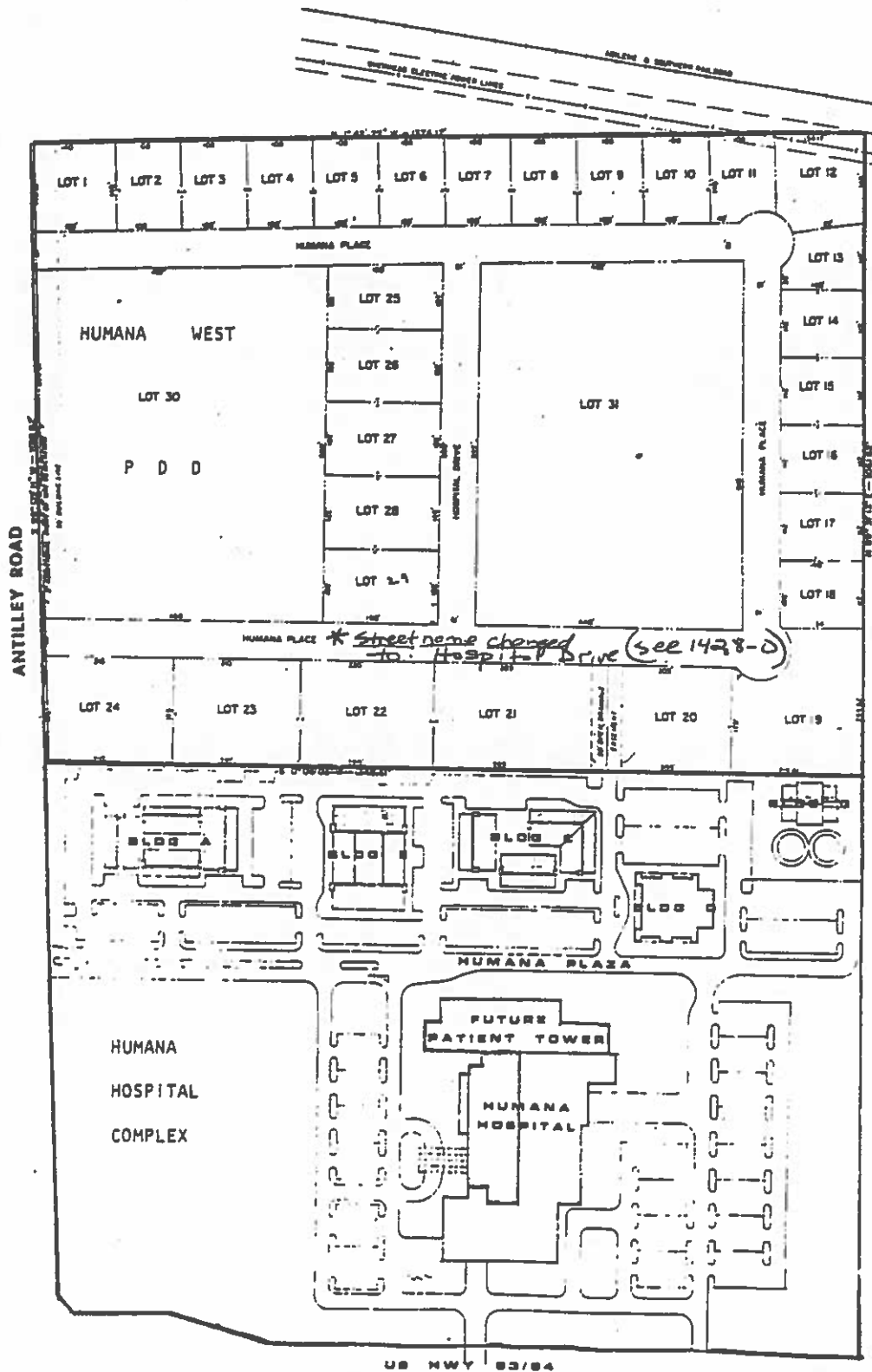
no longer applicable as it implies the old signs. See reg.

Lot 30

Exhibit B) shall be undertaken in conformance with Subdivision Regulations of the City of Abilene applicable at the time of resubdivision. Amendment of this Planned Development ordinance shall not be necessary for resubdivision; however, above-described regulations regarding use and development shall remain applicable to the lots represented on the attached site plan, unless such regulations are modified by amendment to this ordinance.

1. Provisions of Utility Placement Policy shall be modified to permit installation of electric, communication and gas utility lines (and all associated above-ground appurtenances) within any appropriately-designated easements located on private property.
2. Provisions of the Street Naming Policy shall be modified to permit one street name for a U-shaped street extended throughout the Humana West Planned Development district.

ORDINANCE NO. 49-1985
EXHIBIT "B"



00139

Cur. Plan.

ORDINANCE NO. 77-1986

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE AND ORDINANCE NO. 49-1985, CONCERNING THE HUMANIA WEST PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing Ordinance No. 49-1985, 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 One Thousand Dollars (\$1,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 11 day of September, A.D. 19 86.

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 31 day of August, 19 86, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 9:00 a.m., on the 25 day of September, 19 86, to permit the public to be heard prior to final consideration of this ordinance. Such ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING this 25 day of September, A.D. 19 86.

ATTEST:

Patricia Patton
CITY SECRETARY

Died Stubbeman
MAYOR

APPROVED:

Harry Cayle
CITY ATTORNEY

ORDINANCE NO. 77-1986

EXHIBIT "A"

1st amendment to Ordinance #49-1985

Amend Ordinance #49-1985, Part 7, Paragraph 3, subparagraph (f)

DELETE: subparagraph (f)

ADD: New subparagraph (f), to read as follows:

f. For all office-type uses as categorized by the Zoning Ordinance, including medical or dental clinics or offices, and those residential uses permitted in a Shopping Center district, either of the following standards for signs shall apply at the proponents option:

1. Business and/or Identification Sign: Freestanding, maximum thirty-six (36) square feet in area; maximum twelve (12) feet in height; located at least ten (10) feet from all property lines; one sign per use; illumination permitted. A nameplate or placard is allowed for each use and shall not exceed three (3) square feet in area and is to be wall-mounted.

~~All other sign regulation prescribed for Office-type uses shall furthermore apply and no other signs shall be allowed.~~

-or-

2. Business and/or Identification Sign: One wall sign no larger than 25% of the area of the wall upon which it is located; only one wall sign per use. A nameplate or placard is allowed for each use and shall not exceed three (3) square feet in area and is to be wall-mounted.

All other sign regulation prescribed for office-type uses shall furthermore apply, and no other signs shall be allowed. '

TENISON OIL CO
STE B101
209 S DANVILLE DR
ABILENE, TX 79605-1451

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2020-10

07/20/2020

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 Sharon Riley, agent Enprotec/Hibbs and Todd, Inc., to amend existing Planned Development (PD) District Number 32 by removing from subparagraph (f) 1 and 2 the language stating “no other signs shall be allowed” from Lot 232 and allowing all signage allowed in General Retail (GR); Legal description being Lot 232 of Humana West Addition, Abilene, Taylor County, Texas and located at 2050 Antilley Road.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as 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, 2020, at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

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

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

CASE #: Z-2020-10

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

Name: TENISON OIL CO

Name: TENISON OIL CO
Address: 1963 HOSPITAL PL

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

Email: planning@abilenetx.gov

I am in favor ☒

Additional Comments:

I am opposed ☐

Signature: ChDK 02

July 28, 2020

City of Abilene
Planning and Zoning Commission

RE: Rezoning Application Number Z-2020-10

Dear Planning and Zoning Commission,

I am writing in response to rezoning Application Number Z-2020-10, concerning lot number 232 of Humana West Addition located at 2050 Antilley Road. that asks for a change in language to allow further signage.

The owners respectfully ask for no language change to the current Planned Development on this parcel not because we are anti-growth but because we are enthusiastic supporters of smart, planned urban development. Our most compelling reasons include:

- The request is based exclusively upon a desire to make more money out of the property as we have been made aware of the development plans to place a large, obnoxious sign in the said area.
- The particular physical surroundings do not support the need of such as sign in that particular location, especially that it will detract from our current office at 2074 Antilley and will obstruct our planned sign addition at the corner of 2074 Antilley.
- Another visual distraction will exacerbate current traffic congestion that may result in more accidents, injuries, or fatalities. This might be alleviated by a new traffic signal at the intersection which should be considered by the City of Abilene.
- It is a neighborly consideration to give equal air space to everyone in the area.

In as such, we **oppose** the said variance/language change and rezoning request. We respectfully ask for the Planning and Zoning Commission to deny this application.

Regards,



Bryan R. Vela
Administrator
ASMO Properties
2074 Antilley Road
Abilene, Texas 79606

CASE #: Z-2020-10

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

Name: ASMO PROPERTIES LLC
Address: 2074 ANTILLEY RD

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

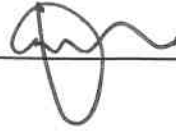
Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: _____

A handwritten signature in black ink, consisting of a stylized 'A' followed by a wavy line, written over a horizontal line.



Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Rezoning

Kelsi Mangrem <kmangrem@hollandhearing.com>
To: cheryl.sawyers@abilenetx.gov

Fri, Au

I support the rezoning application relating to signage changes in our development area on Antilley between 83/84 and Memorial Drive.

Thank you!

Dr. Kelsi Mangrem
Holland Hearing Center
[7 Hospital Drive](#)



Dr. Kelsi Mangrem
Owner/Audiologist

kmangrem@hollandhearing.com | Phone: 325-437-4730
7 Hospital Dr. Abilene, TX 79606 | hollandhearing.com



Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Zoning

1 message

Logan Huffington <huffingtonpilatesandfitness@gmail.com>
To: cheryl.sawyers@abilenetx.gov

Thu, Aug 13, 2020 at 12:28 PM

I support the rezoning application relating to signage changes in our development area.

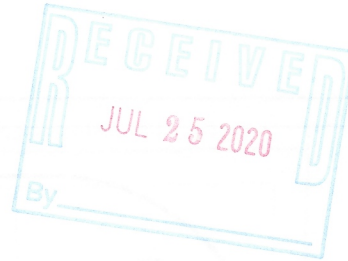
Dayna Huffington

Huffington Fitness Studio

[9 Hospital Drive](#)



TENISON OIL CO
STE B101
209 S DANVILLE DR
ABILENE, TX 79605-1451



NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2020-10

07/20/2020

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This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as 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, 2020, at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

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

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

CASE #: Z-2020-10

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

Name: TENISON OIL CO
Address: 2005 HOSPITAL PL

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: 

CASE #: Z-2020-10

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

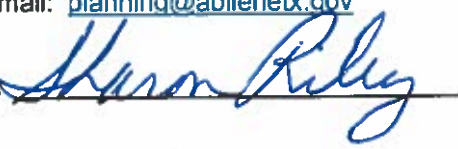
Name: RILEY SHARON
Address: 2050 ANTILLEY RD

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: 

AUG 10 AM 10:19



Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Rezoning application

1 message

Steve Walker <steve@walkertradesman.com>

Fri, Aug 14, 2020 at 5:01 PM

To: "cheryl.sawyers@abilenetx.gov" <cheryl.sawyers@abilenetx.gov>

I support the rezoning application relating to signage changes in our development area.

Steve & Diane Walker

Walker Tradesman Plumbing

[31 Windmill Circle Ste B](#)

Sincerely,

Steve Walker, Owner/Operations Manager

[31 Windmill Circle, Suite B](#)

[Abilene, Texas 79606](#)

Phone: 325.704.4100

Fax: 325.672.4769

<http://walkertradesmanplumbing.com>

Walker Tradesman Plumbing and Walker Tradesman Construction – *"Together We Can Make It Happen".*

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Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Rezoning Application

1 message

Andrew Kouba <akouba@abilenedc.com>

Fri, Aug 14, 2020 at 2:39 PM

To: "cheryl.sawyers@abilenetx.gov" <cheryl.sawyers@abilenetx.gov>

Good Afternoon Ms. Sawyers,

I support the rezoning application relating to signage changes in our development area.

Andrew Kouba CEO

Medical Mall of Abilene

[1665 Antilley Road](#)

Andrew Kouba, CPA

Chief Executive Officer



[1665 Antilley Rd, Suite 180](#)

[Abilene, TX 79606](#)

[325-437-8645 \(office\)](#)

[806-535-4000 \(cell\)](#)

akouba@abilenedc.com

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If you have received this email in error, please destroy all copies and any attachments.

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Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Signage in our development area

2 messages

Kris Seale <kris.seale@funeraldirectorslife.com>
To: "cheryl.sawyers@abilenetx.gov" <cheryl.sawyers@abilenetx.gov>

Sat, Aug 15, 2020 at 9:56 AM

Cheryl:

I understand that HC Zachry has a rezoning application filed for a "billboard" on Antilley Blvd. I support the rezoning application relating to signage changes in our development area.

Kris Seale

Funeral Director's Life

6550 Director's Parkway

Blessings,

Kris

Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>
To: Kris Seale <kris.seale@funeraldirectorslife.com>

Sat, Aug 15, 2020 at 2:46 PM

Thank you Kris, I'll put your response in the packet for the commission and council.

[Quoted text hidden]

--

CHERYL SAWYERS

Planning Services Manager

Planning & Development Services

City of Abilene

555 Walnut Street, Suite 110

Abilene, Texas 79601-5254

Post Office Box 60

Abilene, Texas 79604-0060

(325) 676-6230 (Office)

[City of Abilene Planning & Development Services](#)





Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Billboard zoning opinion

1 message

Jason Heuerman <jmdrugsouth@yahoo.com>

Wed, Aug 12, 2020 at 11:23 AM

To: "cheryl.sawyers@abilenetx.gov" <cheryl.sawyers@abilenetx.gov>

I support the rezoning application relating to signage changes in our development area.

Trey Guffey

James McCoy's Drug Store South

[1725 Antilley Road](#)



CENTRAL PARK 91 JV
PO BOX 6868
ABILENE, TX 79608-6868

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2020-10

08/21/2020

The Planning and Zoning Commission will hold a public hearing on **Tuesday, September 1, 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 Sharon Riley, agent H.C. Zachry, to amend existing Planned Development (PD) District Number 32 by removing from subparagraph (f) 1 and 2 the language stating "no other signs shall be allowed" from Lots 25-30 and allowing all off-site advertising signage ordinarily allowed in General Retail (GR); Legal description Lot 232 of Planned Development 32, Humana West Addition, Abilene, Taylor County, Texas and located at 2050 Antilley Road.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as 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 **October 8, 2020, at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

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

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2020-10

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

Name: CENTRAL PARK 91 JV

Address:

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: _____

CASE #: Z-2020-10

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

Name: RILEY SHARON

Address:

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: Sharon Riley

AUG 10 AM 10:19



Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

[Planning] Rezoning application Z-2020-10

1 message

Gary Milliorn <GMilliorn@ffin.com>

Tue, Aug 25, 2020 at 2:49 PM

To: "planning@abilenetx.gov" <planning@abilenetx.gov>

This message was sent securely using Zix®

First Financial Bank

[1725 Antilley](#)

1801 Antilley

Approve

Gary Milliorn

VP Property Manager

First Financial Bank, N.A. | Abilene[400 Pine St.](#), 2nd Floor | Abilene, Texas 79601

Office: 325-627-7151 Cell: 325-307-8146

Fax: 325-627-7187

gmilliorn@ffin.comThis message was secured by **Zix**®^{#174}.

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To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/DM5PR19MB1307D0437A8AEEEE05E7A95FCB570%40DM5PR19MB1307.namprd19.prod.outlook.com>.



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

[Planning] Case#: Z-2020-10

1 message

Bryan Vela <velab67@gmail.com>
To: planning@abilenetx.gov

Tue, Aug 25, 2020 at 6:30 PM

Please find my position of "opposed" to the above referenced case.

Please note we are the new owners of 1925 Hospital Place and have not received letter from this department.

Regards,

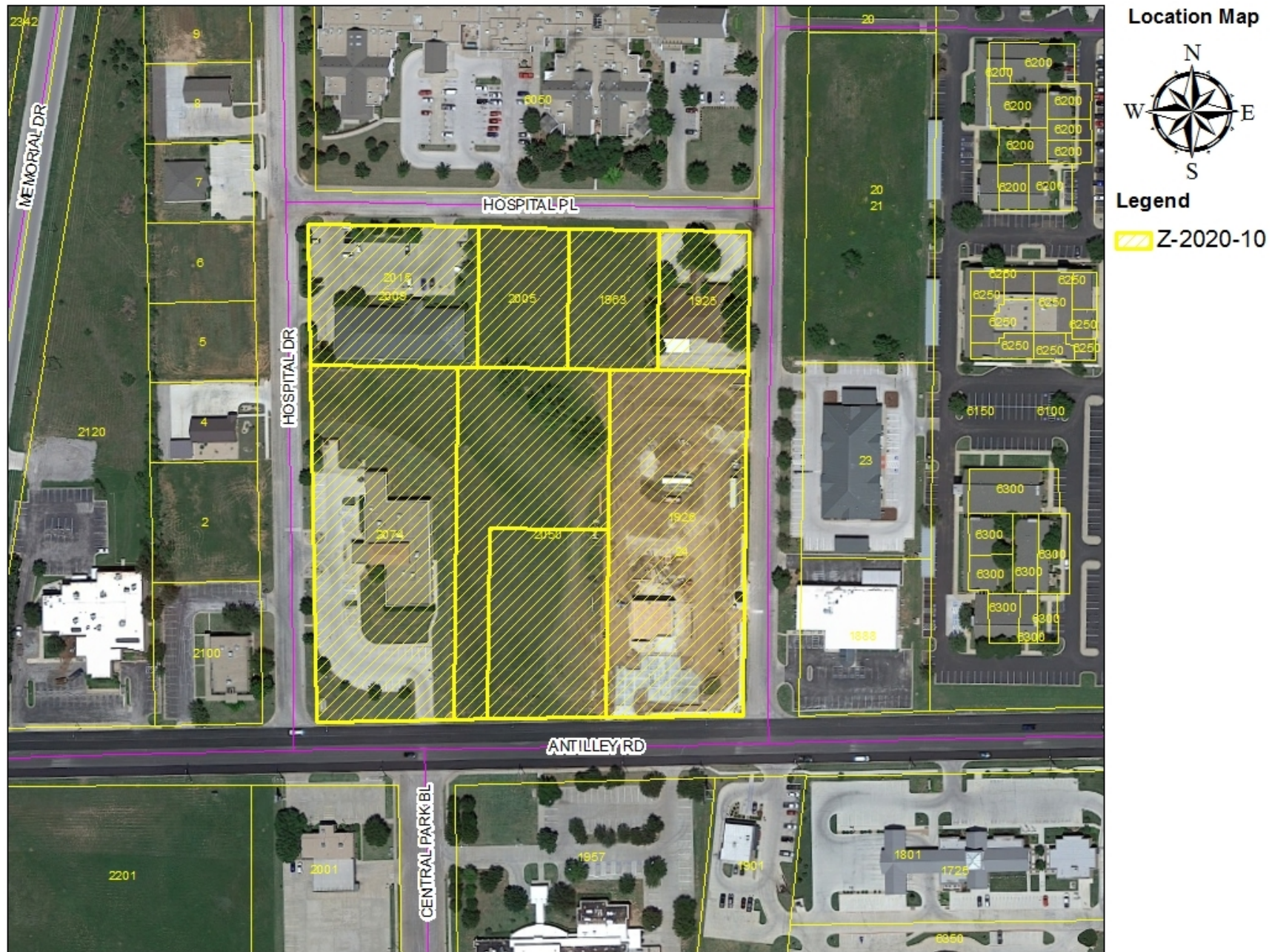
Bryan and Erika Vela
1925 Hospital Place
Abilene, TX 79606

--

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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/208E6C5C-899B-40F9-B680-31A81400E80B%40gmail.com>.

Case: Z-2020-10
Owner: Sharon Riley
Agent: HC Zachry and City of Abilene
Request: Amend existing Planned Development District
Number 32 (PD 32)
Location: 2050 Antilley Road
Notification: 12 in Favor, 2 Opposed
Planning & Zoning Recommendation: Approval

Z-2020-10 AERIAL LOCATION MAP (Amended Portion of PD32)

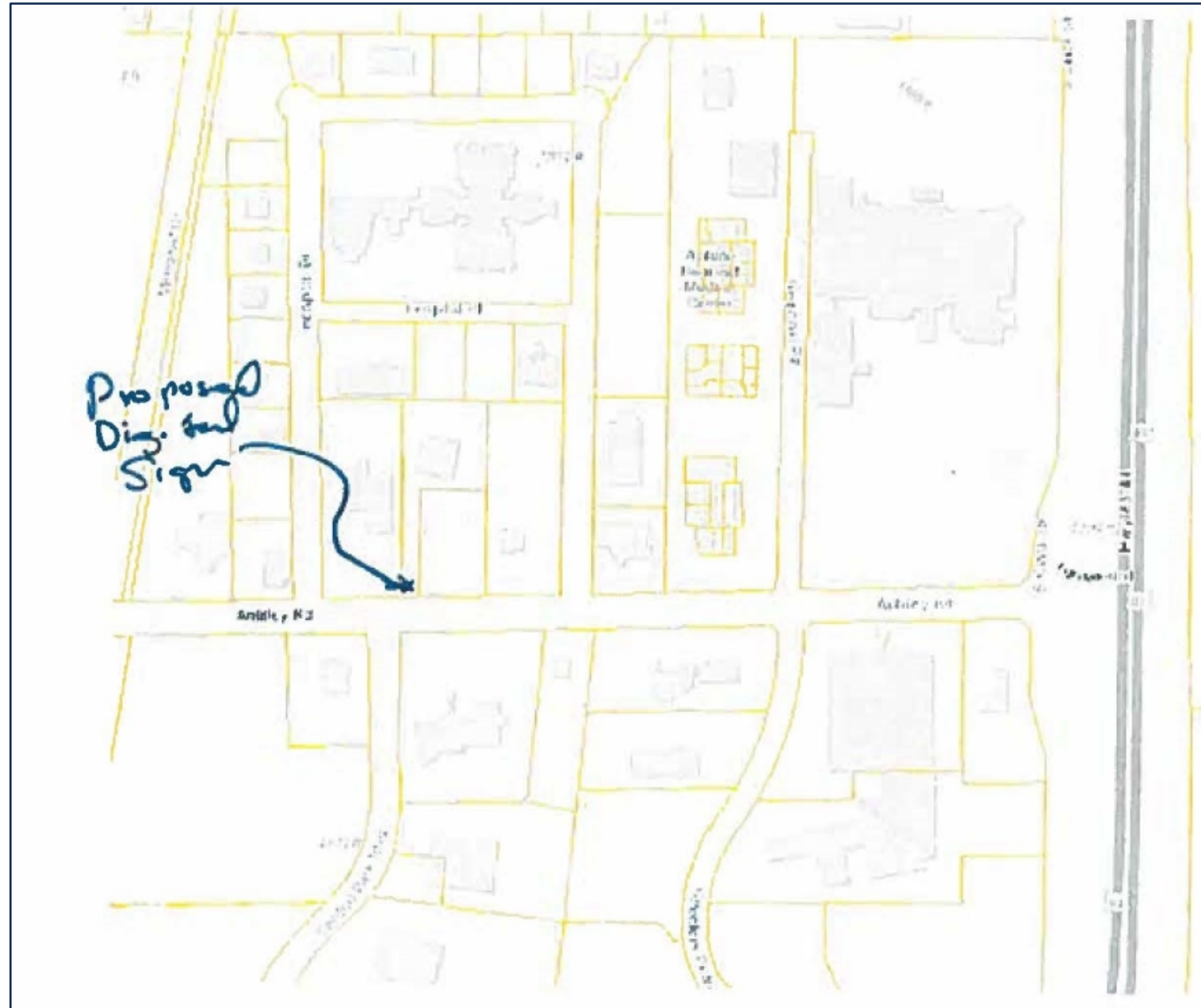


Z-2020-10 AERIAL LOCATION MAP (Proposed Billboard Location)



Z-2020-10 ZONING MAP







Z-2020-10 VIEWS OF SUBJECT PROPERTY

Subject Property



Neighboring property to the East



Neighboring property to the West



Property South of Antilley Rd.



MEMORIAL DR

HOSPITAL-PL

HOSPITAL-DR

ANTILLEY RD

CENTRAL PARK BL

2015
2009

2005

1893

1925

2050

2074

1928
24

2001

1957

1901

2120

2100

6050

6200

6200

6200

6200

6200

6150

6250

6250

6250

6250

6300

6100

6250

6200

6300

6300

6300

6300

6300

1888

1725

1801

200'

 Notification Area

 Z-2020-10

2- Opposed- 

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- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Consistent with General Land Use and Zoning Character of Immediate Area (Section 2.3.3.5)
- Reviewed Pursuant to Section 1.4.3.5 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 15. The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:

GENERAL INFORMATION

The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:

A. 551.071 (Consultation with Attorney)

1. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
2. Officer Patrick Sumrall and City of Abilene, Case No. 01-18-000-8653; Appeal of Indefinite Suspension to Arbitration, filed February 6, 2018
3. 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.
4. City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019
5. 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
6. 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
7. 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

8. 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
9. Kimberly Mattson v. City of Abilene (Board of Building Standards); Cause No. 12197-D, In the 350th Judicial District Court, Taylor County, Texas, filed July 30, 2020
10. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-004598, In the 53rd Judicial District Court, Travis County, Texas; filed September 1, 2020
11. Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District, et al.; Cause No. P-8277-83-CV, In the 83rd Judicial District Court, Pecos County, Texas; filed September 11, 2020
12. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
13. Governor's Executive Orders COVID-19
14. Cedar Creek Reservoir

B. 551.072 (Deliberations about Real Property)

1. Clyde Water
2. Cedar Creek Reservoir

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

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

E. 551.076 (Deliberations about Security Devices)

F.551.087 (Business Prospect/Economic Development)

1. Abilene Convention Center Hotel Project

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None



**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Honorable Mayor & Members of City Council

FROM: Robert Hanna, City Manager

SUBJECT: 16. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approval of Consent to Deed of Trust (Leasehold) and Estoppel Certificate between the YMCA and AIMBank pertaining to YMCA's lease at Redbud Park (Robert Hanna)

GENERAL INFORMATION

More information will be provided during the Meeting.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

On October 29, 2020, the Parks and Recreation Board voted unanimously to approve the consent to the deed of trust.

ATTACHMENTS:

1. PPT for YMCA Lease

Resolution: Pertaining to YMCA Lease at Redbud Park



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 11/5/2020

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 17.

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)

- Abilene Housing Authority
- Airport Development Board
- Board of Adjustments
- Board of Building Standards
- Civil Service Commission
- Landmarks Commission
- Planning & Zoning Commission
- Street Maintenance Advisory & Appeals Board

GENERAL INFORMATION

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

SPECIAL CONSIDERATIONS

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

FUNDING/FISCAL IMPACT

No cost consideration to the city.

STAFF RECOMMENDATION

(Re)Appointment

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

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

RESOLUTION NO. _____

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

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

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

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

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

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

PASSED this 5th day of November, 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____

Board	Term End Date
<i>Abilene Housing Authority</i>	
James Batiste [Reappointment]	November 2022
Jud Beall [Reappointment]	November 2022
David Ekombe [Reappointment]	November 2022
<i>Airport Development Board</i>	
Nanci Liles [New]	November 2023
<i>Board of Adjustment</i>	
Scott Hay [Reappointment]	November 2022
Mark Odle [Reappointment]	November 2022
Dani Ramsay [Reappointment] [Alternate]	November 2022
Bryce Stickney [New] [Alternate]	November 2021 [unexpired term]
Bob Thomas [Reappointment] [Alternate]	November 2022
<i>Board of Building Standards</i>	
Delbert Allred [Reappointment]	November 2022
<i>Civil Service Commission</i>	
Izair Lankford [Reappointment]	November 2023
<i>Landmarks Commission</i>	
Pebbles Lee [Reappointment]	November 2023
<i>Planning & Zoning Commisison</i>	
Izair Lankford [Reappointment]	November 2023
<i>Street Maintenance Advisory & Appeals Board</i>	
Niccolus Moses [New]	March 2021 [unexpired]

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

- Abilene Housing Authority
- Airport Development Board
- Board of Adjustments
- Board of Building Standards
- Civil Service Commission
- Landmarks Commission
- Planning & Zoning Commission
- Street Maintenance Advisory & Appeals Board

