City of Abilene
City Council Agenda

Shane Price, Council Member Bruce Kreitler, Council Member Kyle McAlister, Council Member Robert Hanna, City Manager	Norm Archibald, Mayor	Anthony Williams, Mayor Pro-tem Jay Hardaway, Council Member Steve Savage, Council Member Stanley Smith, City Attorney Danette Dunlap, City Secretary

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on Thursday, July 28, 2016 at 8:30 AM at 555 Walnut Street, 2nd Floor Council Chambers, 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.

1. CALL TO ORDER

2. INVOCATION

1. Councilman McAlister

3. PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

4. PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUCEMENTS

1. Proclamation - National Water Quality Month

5. MINUTES

1. Approval of the Joint Workshop with the DCOA on July 12th and the Regular Council Meeting on July 14th 2016.

6. 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.

1. **Ordinance:** *(First Reading)* **Z-2016-27** A request from Weatherbee Ranch, LLC, agent OPG Autumn Sage Partners, LLC, to rezone property from AO (Agricultural Open Space) to MF (Multi-Family Residential) zoning, being approximately 1.75 acres located on the south side of Autumn Sage Dr west of Rebecca Ln; and setting a public hearing for August 11, 2016. ***(Schoening)***
2. **Ordinance:** *(First Reading)* **Z-2016-28** A request from James Lynn Corbin to

rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning, located at 5350 Meadow Dr; and setting a public hearing for August 11, 2016. ***(Schoening)***

3. **Ordinance:** *(First Reading)* **Z-2016-29** A request from Scott Family Enterprises, LLC, agent Erik Johnson, to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 709, 717, 727, 733, 741, 749, 757, 765, & 773 S. Treadaway Blvd; and setting a public hearing for August 11, 2016. ***(Schoening)***
4. **Ordinance:** *(First Reading)* **Z-2016-30** A request from Floyd Kaerwer, agent Design Team Plus, LLC, to rezone property from LI (Light Industrial) to MU (Medical Use) zoning, located at 11 & 15 Windmill Cir; and setting a public hearing for August 11, 2016. ***(Schoening)***
5. **Ordinance:** *(First Reading)* **Z-2016-31** A request from Amy L. Sojourner Critz, agent Pam Yungblut, to rezone property from O (Office) to NR (Neighborhood Retail) zoning, located at 3109 & 3117 S. 27th St; and setting a public hearing for August 11, 2016. ***(Schoening)***
6. **Ordinance:** *(First Reading)* **Z-2016-32** A request from G. Laughlin Partners, LP, agent Jacob & Martin, to rezone property from NR (Neighborhood Retail) to PD (Planned Development) zoning, located at 600 N. Pioneer Dr & 600 N. Jefferson Dr; and setting a public hearing for August 11, 2016. ***(Schoening)***
7. **Resolution:** Authorizing an Application to Amend Certificate of Adjudication 12-4161 Lake Fort Phantom Hill ***(Taylor)***
8. **Resolution:** Authorizing the City Manager to Execute a Contract with United States Geological Survey for Streamflow Monitoring Stations. ***(Taylor)***

7. REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

1. **REMOVE FROM THE TABLE**
   Ordinance & Public Hearing: *(Final Reading)* **Z-2016-21** A request from LBHDS, LLC, agent Chris Barnett, to rezone property from RS-6 (Single-Family Residential) to NO (Neighborhood Office), MF (Multi-Family Residential), & TH (Residential Townhouse) zoning, being approximately 26.3 acres located on the south side of the 4500 Block of Antilley Rd. ***(Schoening)***
2. **Ordinance & Public Hearing**: (Final Reading) Amending Chapter 29, Streets and Sidewalks Article V. Street Use Licenses, Sections 29-92, AND 29-93. ***(Patterson)***
3. **Oral Resolution & Public Hearing:** Application/Permit to allow Sojourner Drilling Corp. of Abilene to Drill and/or Operate an Oil and/or Gas Well within the city limits 209 S. Danville.(***Rice)***
4. **Resolution and Public Hearing:** Approval of FY 2016/2017 Action Plan and CDBG and HOME Programs. ***(Schoening)***
5. **Resolution:** Authorizing the City Manager to execute a contract with AAR, Inc. for the demolition of two buildings for the expansion of the Abilene Civic Center parking lot. ***(Andrews)***
6. **Resolution:** Authorizing the City Manager to purchase furniture for the South Branch Library from Library Interiors of Texas, LLC through the Choice

Partners purchasing cooperative. ***(Andrews)***

7. **Resolution:** Authorizing the City Manager to execute an amendment to the on-demand contract with Enprotec/Hibbs & Todd, Inc. for design services for the Abilene Civic Center parking lot. ***(Andrews)***
8. **Resolution**: Authorize the City Manager to execute Change Order #1 to the Abilene Civic Center Renovations Project – 2015 Bond Program for the rehabilitation of the Terrazzo Floor in the Civic Center Lobby. ***(Andrews)***
9. **Resolution**: Approving an amendment to the current Police Meet & Confer Agreement. ***(Standridge)***

8. EXECUTIVE SESSION

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, as authorized by Texas Government Code Sections
1. 551.071 (Consultation with Attorney)
2. 551.072 (Deliberations about Real Property)
3. 551.073 (Deliberations about Gifts and Donations),
4. 551.074 (Personnel Matters)
5. 551.087 (Business Prospect/Economic Development)
6.. 551.076 (Deliberations about Security Devices)

9. RECONVENE

1. Action if needed from Executive Session

10. REGULAR AGENDA

1. **Continuing Discussion of Revised FY 16 and Proposed FY 17 Budget Ordinances if not approved on July 26 or July 27 Budget Meetings**
   a. Consider on First Reading - Ordinance Approving Revised 2015-2016 Budget
   b. Consider on First Reading - Proposed 2016-2017 Budget
   c. Consider on First Reading - Ordinance Setting Tax Levy
   d. Consider on First Reading - Ordinance adopting fees and charges for FY 16-17
2. **Resolution:** Appointing members to various boards and commissions per the City Charter. ***(Dunlap)***
   2016 Spring Board appointments
   - *Abilene/Taylor Co Child Advocacy Center Board*
   - *Board of Building Standards*
   - *Civic Abilene*
   - *Frontier Texas! Board*
   - *Keep Abilene Beautiful*
   - *MPE/Swimming Pool Board of Appeals*
   - *Parks & Recreation Board*
   - *Senior Citizens Advisory Board*
   - *TIRZ Board*
   - *Planning & Zoning Commission*

11. 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 contact Danette Dunlap, City Secretary, at 325-676-6202.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the _____ day of July, 2016, at _____.

_____

Danette Dunlap, City Secretary

EXECUTIVE SESSION
(Consultation with Attorney) Section 551.071
A) Administrative Services Agreement with DCOA

The following pending litigation subjects which may be discussed are:

1. City of Abilene, Texas v. Aurora Bumgarner; 104th Judicial District Court, Taylor County, Texas; filed November 17, 2011
2. Chad Carter v. City of Abilene, Texas; Cause No. 10138-D, In the 350th Judicial District Court, Taylor County, Texas, filed June 17, 2014
3. Gary Lee and Marilu Lee Corpian v. City of Abilene, Cause No. 48,766-A in the 42nd District Court, filed August 7, 2014
4. Margarita Mitchell, et al. v. The City of Abilene, et al., filed in the 350th Judicial District Court, Taylor County, Texas, on October 21, 2015
5. Susan Lewis King & Austin King MD vs Ken Paxton, Attorney General of Texas and the City of Abilene. Cause No. D-1-GN-16-001160, filed March 16, 2106.
6. Abilene Matera LLC v. Board of Building Standards for the City of Abilene and City of Abilene, Cause No. 10696-D. March 17, 2016.
7. Ruby Flores and Cory Almanza v. Jesus Verastegui, Alfredo Verastegui, Rosalva Verastegui, and City of Abilene, Cause No. 49368-A, 42nd District Court, Abilene, Taylor County, Texas, filed April 13, 2016
8. E.G., et al. v. Barry Bond, City of Abilene, and Abilene Independent School District, Case 1:16-cv-00068-BL, U.S. District Court, Northern District, Abilene Division, filed April 28, 2016
9. Gary Corpian and Marilu Lee Corpian v. City of Abilene, Texas, Cause No. 49451-A, In the 42nd Judicial District Court, Taylor County, Texas, filed June 24, 2016

(Personnel) Section 551.074
City Council may consider appointment, employment, 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.
The following Boards and Commissions may be discussed:
Abilene Economic Development Company, Inc.
Abilene Health Facilities Development Corp.
Abilene Higher Education Facilities Corporation
Abilene-Taylor County Events Venue District
Board of Adjustments
Board of Building Standards
Civic Abilene, Inc.
Civil Service Commission
Development Corporation of Abilene, Inc.

Firemen's Pension Fund Board
Friends of Safety City Board
Frontier Texas! Board of Directors
Abilene Housing Authority
Landmarks Commission
Library Board
Mechanical/Plumbing/Electrical & Swimming Pool Board of Appeals
Mental Health-Mental Retardation Board of Trustees
9-1-1 Emergency Communications District Board of Managers
Parks & Recreation Board
Planning and Zoning Commission
Taylor County Appraisal District
West Central Texas Municipal Water District
Tax Increment Reinvestment Zone Board
(**Real Property) Section 551.072**
(Business Prospect/Economic Development) Section 551.087
A) Project Wind
B) Project Plastic
C) Project Food
(Deliberations about Gifts and Donations) Section 551.073
(Deliberations about Security Devices) Section 551.076

SPECIAL CALLED MEETING
July 12th, 2016, 2:00 p.m.

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

The City Council of the City of Abilene, Texas, met in a Joint Special Called Meeting with the Development Corporation of Abilene to hear a presentation regarding the implementation of the Strategic Plan for future Economic Development. Mayor Norm Archibald was present and presiding with Councilmen Shane Price, Anthony Williams, Jay Hardaway, Kyle McAlister, and Bruce Kreitler. Councilman Steve Savage was absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, City Secretary Danette Dunlap, and various other members of staff.

Mayor Archibald gave the invocation.

Mayor Archibald led the pledge to the United States Flag and the Texas Flag.

Discussion included: 1) Develop "Quality of Place" that offers features, amenities and activities necessary to attract and retain talent; 2) talented employees available to meet present and future employer needs; 3) Abilene competes more effectively to attract quality employers to the community; 4) A shared vision – positioning for long-term growth and prosperity; 5) adapting to shifts in economic development, where incentives are becoming secondary to quality of place; and 6) making Abilene more effective at attracting Capital Investment, Jobs and Talent.

Implementation includes: 1) Aggressively market and promote Abilene as a destination for new investment & employment; 2) Build a deep and highly skilled talent base through development, retention, and attraction; 3) Develop an innovation ecosystem that spawns and supports innovative people and businesses; 4) Position Abilene as top of mind for businesses and talent in DFW; 5) Support the growth and prosperity of existing businesses; 6) Make downtown Abilene a center of employment and investment; 7) Continue redeveloping the Pine St Corridor as a central mixed-use artery connecting downtown and the city's emerging education and healthcare district; 8) Engage emerging leaders in economic development and civic affairs; 9) Leverage Dyess AFB as a source of talent and as an economic driver; and 10) Launch a community-wide public awareness campaign designed to encourage residents to become ambassadors for Abilene's success.

There being no further business, the meeting was adjourned at 3:12 p.m.

_____
Danette Dunlap
City Secretary

_____
Norm Archibald
Mayor

CITY COUNCIL MEETING
July 14th, 2016, at 8:30 a.m.

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

The City Council of the City of Abilene, Texas met in Regular Session on July 14th, 2016, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Bruce Kreitler, Anthony Williams, Jay Hardaway, and Kyle McAlister. Councilman Steve Savage was absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Williams gave the invocation.

Mayor Archibald introduced Lyon Walden who will be a 5th grader at Hawley Elementary he is the son of Mirenda Walden, Assistant Director of Community Services. Lyon led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

Mayor Archibald announced that the proponent for item 7.1 has requested that council table this item until the next council meeting on July 28th.

Mayor Archibald made the motion to TABLE item 7.1 an Ordinance for Case Z-2016-21 a request from LBHDS, LLC, agent Chris Barnett, to rezone property from RS-6 (Single-Family Residential) to NO (Neighborhood Office) MF (Multi-Family Residential & TH (Residential Townhouse) zoning, being approximately 26.3 acres located on the south side of the 4500 block of Antilley Rd. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister, and Mayor Archibald
NAYS: None

PROCLAMATION, PRESENTATIONS AND EMPLOYEE SERVICE AWARDS

Mayor Archibald presented the Parks and Recreation Month Proclamation to Jeff White and Richard Rodgers. Parks staff was in attendance.

Mayor Archibald and City Manager Robert Hanna recognized the following City employee for his years of service.

Steve Keith	Supervisor III – Traffic Op	25 Years

Mayor Archibald and City Manager Robert Hanna recognized the following Scholarship Awards.

Kalynn Rebecca Amburn is the daughter of Don Estes, Fire Lieutenant III EMT with the Fire Department. Kalynn graduated from Abilene High School, ranked 34 in her class of 433, with a 98.81 grade point average. She will attend Oral Roberts University, where she plans on studying Theology, particularly Evangelism and Outreach.

Patricia Desyrae England is the daughter of Michael England, Parks Maintenance Specialist with Community Services. Patricia graduated from Abilene High School, ranked 37 in her class of 433, with a 98.2 grade point average. She will attend Dallas Baptist University and would like to own her own photography business in the future.

Corrina Fuqua is the daughter of Lee Fuqua, Public Safety Dispatcher II with Police Communications. Corrina graduated from Clyde High School, ranked 1st in her class of 96, with a 4.0 grade point average. She will attend the University of North Texas Denton, where she plans to study Astronomy, Physics, and Linguistics.

Holly Elizabeth Pettijohn is the daughter of Chris Pettijohn, Division Manager for Fleet Maintenance. Holly graduated from Abilene High School, ranked 3 in her class of 433, with a 103.45 grade point average. She will attend Harding University, where she will major in Nursing with a minor in Mission Work.

Ty Rowdy Riggins is the son of Scott Riggins, Fire Fighter with the Fire Department. Ty graduated from Abilene High School, ranked 65 in his class of 433, with a 96.07 grade point average. He will attend Abilene Christian University, where he will major in Business with a concentration in Human Resources.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Workshop Meeting on June 21st, June 23rd Regular Council Meeting and Public Meeting on July 5th 2016 there being no deletions, no additions, and no corrections. Councilman Williams made a motion to approve the minutes as presented. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister, and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilman Kreitler pulled item 6.1. Councilman Price pulled item 6.3. Councilman Hardaway made the motion to approve item 6.2 as presented by staff. Councilman McAlister seconded the motion. Motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister, and Mayor Archibald
NAYS: None

Ordinance:

6.1 **Ordinance:** (First Reading) Amending Chapter 29, Streets and Sidewalks Article V Street Use Licenses, Sections 29-92 and 29-93; and setting a public hearing July 28th 2016. *(Item pulled from consent by Councilman Kreitler.)*

Resolutions:

6.2 **Resolution:** City Council authorized the Resolution Expressing Official Intent to Reimburse Costs of Projects for the Water Utility Department.

The City of Abilene Water Department expects to pay, or have paid on its behalf, expenditures in connection with the design, planning, acquisition and construction of the projects described on Exhibit "A" hereto (the "Projects") prior to the issuance of tax-exempt obligations or other obligations for which a prior expression of intent to finance or refinance is required by Federal or State law (collectively and individually, the "Obligations") to finance the Projects.

Resolution: **#87-2016**

RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF WATER AND WASTEWATER SYSTEM PROJECTS

6.3 **Resolution:** Awarding bid to Guardian Roofing & Sheet Metal, LLC for roof replacement and miscellaneous work at Fire Station #7 and the Fire Academy. *(Item pulled from consent by Councilman Price.)*

ITEMS PULLED FROM CONSENT

6.1 **Ordinance:** (First Reading) Amending Chapter 29, Streets and Sidewalks Article V Street Use Licenses, Sections 29-92 and 29-93; and setting a public hearing July 28th 2016. *(Item pulled Councilman Kreitler.)*

Council and Staff discussion included: 1) if there was opposition to the request the City Manager could deny then the request would come to council for their review on appeal.
Councilman Kreitler made the motion to approve the first reading of the Ordinance amending Chapter 29, Streets and Sidewalks Article V Street Use Licenses, Section 29-92 and 29-93; and setting a public hearing on July 28th 2016.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister, and Mayor Archibald
NAYS: None

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 29, STREETS AND SIDEWALKS, ARTICLE V. STREET USE LICENSES, SECTIONS 29-92, AND 29-93

6.3 **Resolution:** Awarding bid to Guardian Roofing & Sheet Metal, LLC for roof replacement and miscellaneous work at Fire Station #7 and the Fire Academy. *(Item pulled from consent by Councilman Price.)*

Council and Staff discussion included: 1) best value; 2) low bid and 3) separate the award.

Councilman Price made the motion to Award the bid for the Fire Academy to Lydick Hooks in the amount of $96,600.00 and Award the bid for the Fire Station #7 to Guardian Roofing & Sheet Metal, LLC in the amount of $99,088.00. Councilman Kreitler seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister, and Mayor Archibald
NAYS: None

Resolution: **#88-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BIDS REGARDING ROOF REPLACEMENT AND MISCELLANEOUS WORK ON FIRE STATION 7 AND THE FIRE ACADEMY

REGULAR ITEMS

7.1 Item was TABLED at the start of the meeting for the Ordinance for Case **#Z-2016-21** A request from LBHDS, LLC, agent Chris Barnett, to rezone property from RS-6 (Single-Family Residential) to NO (Neighborhood Office), MF (Multi-Family Residential), & TH (Residential Townhouse) zoning, being approximately 26.3 acres located on the south side of the 4500 Block of Antilley Rd.

7.2 Dana Schoening, Director of Planning & Development Services briefed the council on the Ordinance for Case **#Z-2016-22** A request from Keith & Amber Kimmel to rezone property from RS-6 (Single-Family Residential) & MD (Medium Density Residential) to MF (Multi-Family Residential) zoning, located on the north side of the 900 block of Minda St.

The applicant is proposing MF zoning in order to develop multi-family units, possibly as apartments. The MF zoning would allow for up to 24 units per acre.

STAFF RECOMMENDATION
Staff recommends approval of MD (Medium Density Residential) Zoning for the entire area

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by the applicant by a vote of five (5) in favor (Bixby, Calk, Dunnahoo, Famble, & McClarty) and none opposed

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the public hearing was closed.

Councilman Kreitler made the motion to approve the Ordinance for Case **#Z-2016-22** A request from Keith & Amber Kimmel to rezone property from RS-6 (Single-Family Residential) & MD (Medium Density Residential) to MF (Multi-Family Residential) zoning, located on the north side of the 900 block of Minda St. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister and Mayor Archibald
NAYS: None

Ordinance **#27-2016**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: located on the north side of the 900 block of Minda St.

7.3 Dana Schoening, Director of Planning & Development Services briefed the council on the Ordinance for Case **#Z-2016-23** A request from Robert J. Wray to rezone property from MF (Multi-Family Residential) to PD (Planned Development) zoning, located at 3457 N. 10th St.

The applicant is proposing to develop the site with a self-service storage unit facility with apartments for employees. The PD proposes to have GR zoning as the underlying zoning which allows for residential uses. The PD also would allow for the 'Self-Service Storage Units' use as a permitted principal use. The applicant is requesting specific development regulations regarding building materials, parking, buffer-yards, and setbacks.

STAFF RECOMMENDATION
Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval with an additional regulation that all entrances for the self-service storage units be oriented to the interior of the property by a vote of five (5) in favor (Bixby, Calk, Dunnahoo, Famble, & McClarty) and none opposed.

Mayor Archibald opened the public hearing and council heard from the following:

- Robert Wray – proponent for the zone change – spoke in favor

There being no one else present and desiring to be heard the public hearing was closed.

Councilman Hardaway made the motion to approve the Ordinance for Case **#Z-2016-23** A request from Robert J. Wray to rezone property from MF (Multi-Family Residential) to PD (Planned Development) zoning, located at 3457 N. 10th St. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister and Mayor Archibald
NAYS: None

Ordinance **#28-2016**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-154 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

Location: 3457 N. 10th St.

7.4 Dana Schoening, Director of Planning & Development Services briefed the council on the Ordinance for Case **#Z-2016-24** A request from Cordova Home, Inc. to rezone property from MH (Manufacture/Mobile Home) to MD (Medium Density Residential) zoning, located at 3125 Grape St & 3009 through 3097 Lafaye Ct.

The applicant is proposing to develop duplexes on the existing platted lots. The property was platted with the intention on building a small cul-de-sac street. Before any building permits can be issued, the street will need to be constructed.

STAFF RECOMMENDATION
Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION
The Planning and Zoning Commission recommends approval by a vote of five (5) in favor (Bixby, Calk, Dunnahoo, Famble, & McClarty) and none opposed.

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the public hearing was closed.

Councilman Price made the motion to approve the Ordinance for Case **#Z-2016-24** A request from Cordova Home, Inc. to rezone property from MH (Manufacture/Mobile Home) to MD (Medium Density Residential) zoning, located at 3125 Grape St & 3009 through 3097 Lafaye Ct. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister and Mayor Archibald
NAYS: None

Ordinance **#29-2016**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: 3125 Grape St & 3009 through 3097 Lafaye Ct

7.5 Dana Schoening, Director of Planning & Development Services briefed the council on the Ordinance for Case **#Z-2016-25** A request from David J. Randell, D.O., agent Jonathan Sharp, to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 33 Windmill Cir.

The applicant is proposing to develop a new restaurant. Due to its location just off the freeway, the site will have adequate access.

STAFF RECOMMENDATION
Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION
The Planning and Zoning Commission recommends approval of GC (General Commercial) zoning by a vote of five (5) in favor (Bixby, Calk, Dunnahoo, Famble, & McClarty) and none opposed.

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the public hearing was closed.

Councilman Williams made the motion to approve the Ordinance for Case **#Z-2016-25** A request from David J. Randell, D.O., agent Jonathan Sharp, to rezone property from LI (Light Industrial) to GC (Heavy Commercial) zoning, located at 33 Windmill Cir. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister and Mayor Archibald
NAYS: None

Ordinance: **#30-2016**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: 33 Windmill Cir

7.6 Dana Schoening, Director of Planning & Development Services briefed the council on the Ordinance for Case **#Z-2016-26** A request from Sonrise Ministries, agent Brian Massey, to rezone property from RS-6 (Single-Family Residential) to MD (Medium Density Residential) zoning, located at 3042 Hickory St

The applicant is proposing to develop up to 4 units for individuals and families with medical needs. The units will be for temporary stay while the individuals are receiving treatment from hospitals. Due to its location just off the freeway and near 2 arterial streets, the site will have adequate access.

STAFF RECOMMENDATION
Staff recommends approval

BOARD OR COMMISSION RECOMMENDATION
The Planning and Zoning Commission recommends approval as requested by a vote of five (5) in favor (Bixby, Calk, Dunnahoo, Famble, & McClarty) and none opposed.

Mayor Archibald opened the public hearing and council heard from the following citizens:

- Brian Massey – proponent for the zone change
- Ryan Goodman – supports zone change

There being no one else present and desiring to be heard the public hearing was closed.
Council and Staff discussion included: 1) small homes avg 320 sq feet; 2) temporary stays for people that have been in the hospital; and 3) 4 max – 2 on each tract.

Councilman Kreitler made the motion to approve the Ordinance for Case **#Z-2016-26** A request from Sonrise Ministries, agent Brian Massey, to rezone property from RS-6 (Single-Family Residential) to MD (Medium Density Residential) zoning, located at 3042 Hickory St. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister and Mayor Archibald
NAYS: None

Ordinance: **#31-2016**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: 3042 Hickory St.

7.7 Mike Rains, Director of Finance briefed the council on the Resolution authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of two and one-half cent per capita to the Atmos Cities Steering Committee to fund regulatory and repated activities related to Atmos Energy Corporation.

For over twenty (20) years the City of Abilene has been a member of the Atmos Energy Corporation, Mid-Tex Division (ATMOS) Cities Steering Committee (ACSC). ACSC has historically intervened in ATMOS rate proceedings and gas utility related matters to protect the interest of municipalities and gas customers residing within municipal boundaries. ACSC is participating in the Railroad Commission dockets and projects as well as court proceedings, affecting gas utility rates. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of the residential and small commercial customers within the cities. Cities are the only consumer advocates that work to keep natural gas rates reasonable. The work undertaken by ACSC has saved ratepayers millions of dollars in unreasonable charges. On May 12, 2016, the Atmos Cities Steering Committee ("ACSC") held a quarterly meeting with representatives from Atmos Energy. During the meeting, the group held a discussion of upcoming natural gas issues and approved the assessment for ACSC membership. In order for ACSC to continue its participation in these activities, which affect the provisions of gas utility services and rates to be charged, it must assess its members for such cost. Using the population-based assessment protocol previously adopted by ACSC, the assessment for 2016 is a per capita fee of $0.025. The per capita assessment for Abilene is approximately $3,005.

Councilman Hardaway made the motion to approve the Resolution authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of two and one-half cent per capita to the Atmos Cities Steering Committee to fund regulatory and repated activities related to Atmos Energy Corporation. Councilman McAlister seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister and Mayor Archibald
NAYS: None

Resolution: **#89-2016**

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF TWO AND ONE-HALF CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

7.8 Wayne Lisenbee, Director of Capital Improvements briefed the council on the Resolution considering the adoption of the 2016 Capital Improvements Program.

This year's 2016 Capital Improvements Program (CIP) is a one-year program that includes five projects in the General Fund Program ($2,000,000) and seven projects in the Water Utilities Program ($10,350,000). Each of these projects are: critical to the continued operation of a system, complimentary to a 2015 Bond project, or both.

The General Fund Program includes: 50% allocation to Park Improvements (critical parking lot failures), 35% allocation to Municipal Facilities (Civic Center), and 15% allocation to Public Safety Improvements (Police). The Water Utility Program includes: 28% allocation to the Potable Water System, 62% allocation to the Raw Water System, and 10% allocation to the Wastewater System.

Council and Staff discussion included: 1) Police Records building location; 2) calendar year vs fiscal year; 3) upsize the sewer line at Rose Park to make way for the new Aquatics Center; 4) improve parking lots for both new splash pads; and 5) civic center improvements.

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the public hearing was closed.

Councilman Williams made the motion to approve the Resolution adopting the Capital Improvements Program for 2016. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Price, Williams, Hardaway, McAlister and Mayor Archibald
NAYS: Councilman Kreitler

Resolution: **#90-2016**

A RESOLUTION OF THE CITY COUNCIL OF ABILENE APROVING AND ADOPTING THE 2016 CAPITAL IMPROVEMENTS PROGRAM.

7.9 Mike Rains, Director of Finance briefed the council on the Resolution directing the publication of Notice of Intention to Issue Certificates of Obligation, Series 2016.

Staff is recommending $2,000,000 in projects for the annual certificates of obligation sale. These projects are for the purpose of (i) constructing, improving and equipping a public safety facility for records storage; (ii) constructing

and equipping improvements and renovations to existing municipal buildings, including primarily the civic center; (iii) constructing and equipping parks and recreation improvements, including related infrastructure and parking lot rehabilitation; and (iv) legal, fiscal and engineering fees in connection with such projects.

Councilman Price made the motion to approve the Resolution directing the publication of Notice of Intention to Issue Certificates of Obligation, Series 2016. Councilman McAlister seconded the motion, motion carried.

AYES: Councilmen Price, Williams, Hardaway, McAlister and Mayor Archibald
NAYS: Councilman Kreitler

Resolution: **#91-2016**

DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

7.10 Robert Hanna City Manager briefed the council on the policy 2016-002 – parameters for pursuing an insurable loss.

This policy outlines how the City will pursue compensation for an insurable loss in regards to uninsured motorists.

Councilman Kreitler made the motion to approve Policy 2016-002 – parameters for pursuing an insurable loss. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister and Mayor Archibald
NAYS: None

7.11 Ronnie Kidd, Managing Director for Administration introduced Jarrad Willis with Holmes Murphy & Associates Jarrad presented the council with information regarding the city's compensation and benefits package.

The City has experienced significant large dollar claims during FY 16. The increase in claims is related to two issues. The first is the less advantageous contract agreements with our current third party administrator versus our previous third party administrator. This issue is increasing our costs over historical claim amounts. Our current plan design cannot withstand this new reality. The second issue is simply an expensive claim year. In an effort to mitigate the higher than normal claim costs, the City is making significant changes to the health plan and will also increase both the City's contribution and employee's contribution in the proposed budget.

2017 Changes

- Reduced Plan Election Options
  - From 3 PPO Plans to 2PPO Plans
- Better Align Employee Contributions (Eliminate Spouse Tier)
- Continue to Offer Flexible Spending Accounts
- Continue to offer Aetna comprehensive nationwide network
  - Eliminate Out-of-Network benefits

No action was taken by council.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 11:37 a.m. pursuant to the Open Meetings Act for the following:

Consultation with Attorney - Sections 551.071

A) Gary Lee and Marilu Lee Corpian v. City of Abilene, Cause No. 48,766-A in the 42nd District Court, filed August 7, 2014
B) Arthur Jefferson arbitration

Personnel – Section 551.074

C) City Attorney salary

Property – Section 551.072

D) West Texas Utilities Property

Business Prospect/Economic Development – Section 551.087

E) Hotel Incentives

The Council reconvened in Open Session at 12:52 p.m. and reported no votes or action was taken in Executive Session.

10.1 Robert Hanna City Manager, visited with the council on the Workshop meetings and the strategies going forward. Council will not have the evening meeting in July due to budget workshops. Workshop in August will have a public hearing for the budget so that citizens can have an opportunity in the evening to address the council regarding the budget.

Due to budget restraints council will not be attending TML Conference this year.

No action was taken by council.

10.2 **Oral Resolution**: Discussion and possible action related to Annual Salary for the City Attorney.

Councilman Williams made the motion to approve the annual salary for Stanley Smith City Attorney and will be placed on file with the City Secretary's office. Councilman Kreitler seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister, and Mayor Archibald
NAYS: None

There being no further business the meeting was adjourned at 1:03 p.m.

_____
Danette Dunlap, TRMC
City Secretary

_____
Norm Archibald
Mayor

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Dana Schoening, Director Planning & Development Services**

SUBJECT: **Ordinance: *(First Reading)* Z-2016-27 A request from Weatherbee Ranch, LLC, agent OPG Autumn Sage Partners, LLC, to rezone property from AO (Agricultural Open Space) to MF (Multi-Family Residential) zoning, being approximately 1.75 acres located on the south side of Autumn Sage Dr west of Rebecca Ln; and setting a public hearing for August 11, 2016. *(Schoening)***

GENERAL INFORMATION

Currently the property is undeveloped. The adjacent properties are undeveloped and primarily used for agricultural purposes. The Quail Hollow apartment complex is located northeast from this site across Rebecca Ln. The applicant is proposing to develop a tax-credit apartment project that is intended to be age restricted for seniors. Due to its location just off of Rebecca Ln, the site will have adequate access.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. Autumn Sage Ln is designated as a 'collector' roadway and connects Hwy 277 S. to the west with Rebecca Ln to the east. The intersection of Hwy 277 S. and Rebecca Ln is a grade-separated interchange which has some retail & service development. The location just off Rebecca Ln and its proximity to the intersection lends itself to future multi-family, office & retail uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

As reflected on the attached staff report, the public notification extended beyond the actual requested area for rezoning of property. The maps associated with the public notification area and existing zoning maps reflect an area of 152.24 acres, whereas the aerial maps reflect a 1.75 acres area constituting the actual requested area for rezoning. The Ordinance Exhibit as attached also reflect the 1.75 acres requested for rezoning.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description	Type
Ordinance Cover	Ordinance
Ordinance Exhibit	Exhibit
Staff Report With Maps	Exhibit

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL 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 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

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 this 28th day of July, A.D. 2016.

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 17th day of June, 2016, 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 11th day of August, 2016 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 11th day of August, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to MF (Multi-Family Residential) zoning.

Legal Description:

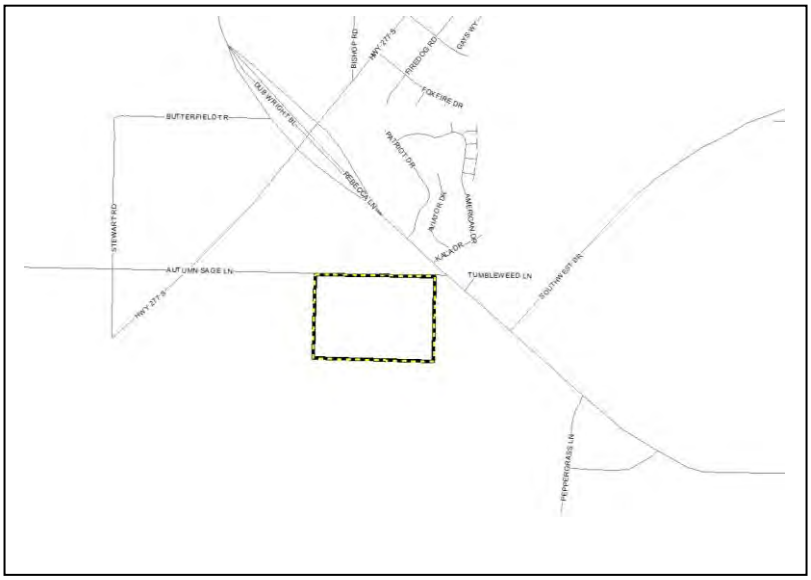
BEING ±1.75 ACRES OUT OF A0241 SUR 46 WILLIAM SCALLORN ACRES 152.24

Location:
Being ±1.75 acres located on the south side of Autumn Sage Dr west of Rebecca Ln

-END-

ZONING CASE Z-2016-27
STAFF REPORT

APPLICANT INFORMATION:
Weatherbee Ranch, LLC
Agent: OPG Autumn Sage Partners, LLC



HEARING DATES:
P & Z Commission: July 5, 2016
City Council 1st Reading: July 28, 2016
City Council 2nd Reading: August 11, 2016

LOCATION:
Being ±1.75 acres located on the south side of Autumn Sage Dr west of Rebecca Ln

REQUESTED ACTION:
Rezone property from AO (Agricultural Open Space) to MF (Multi-Family Residential) zoning

SITE CHARACTERISTICS:
The subject parcel totals approximately 1.75 acres and is currently zoned AO. It is undeveloped and proposed to be a tax-credit apartment project. The adjacent properties are zoned GR (General Retail) to the north, and AO to the south, west, & east. The Quail Hollow apartment complex exists to the northeast across Rebecca Ln with a mix of O (Office), NR (Neighborhood Retail), GC (General Commercial), & MF zoning.

ZONING HISTORY:
The property was annexed in 1986 and zoned AO at that time.

ANALYSIS:
- Current Planning Analysis
  Currently the property is undeveloped. The adjacent properties are undeveloped and primarily used for agricultural purposes. The Quail Hollow apartment complex is located northeast from this site across Rebecca Ln. The applicant is proposing to develop a tax-credit apartment project that is intended to be age restricted for seniors. Due to its location just off of Rebecca Ln, the site will have adequate access.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. Autumn Sage Ln is designated as a 'collector' roadway and connects Hwy 277 S. to the west with Rebecca Ln to the east. The intersection of Hwy 277 S. and Rebecca Ln is a grade-separated interchange which has some retail & service development. The location just off Rebecca Ln and its proximity to the intersection lends itself to future multi-family, office & retail uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:
Staff recommends approval as requested.

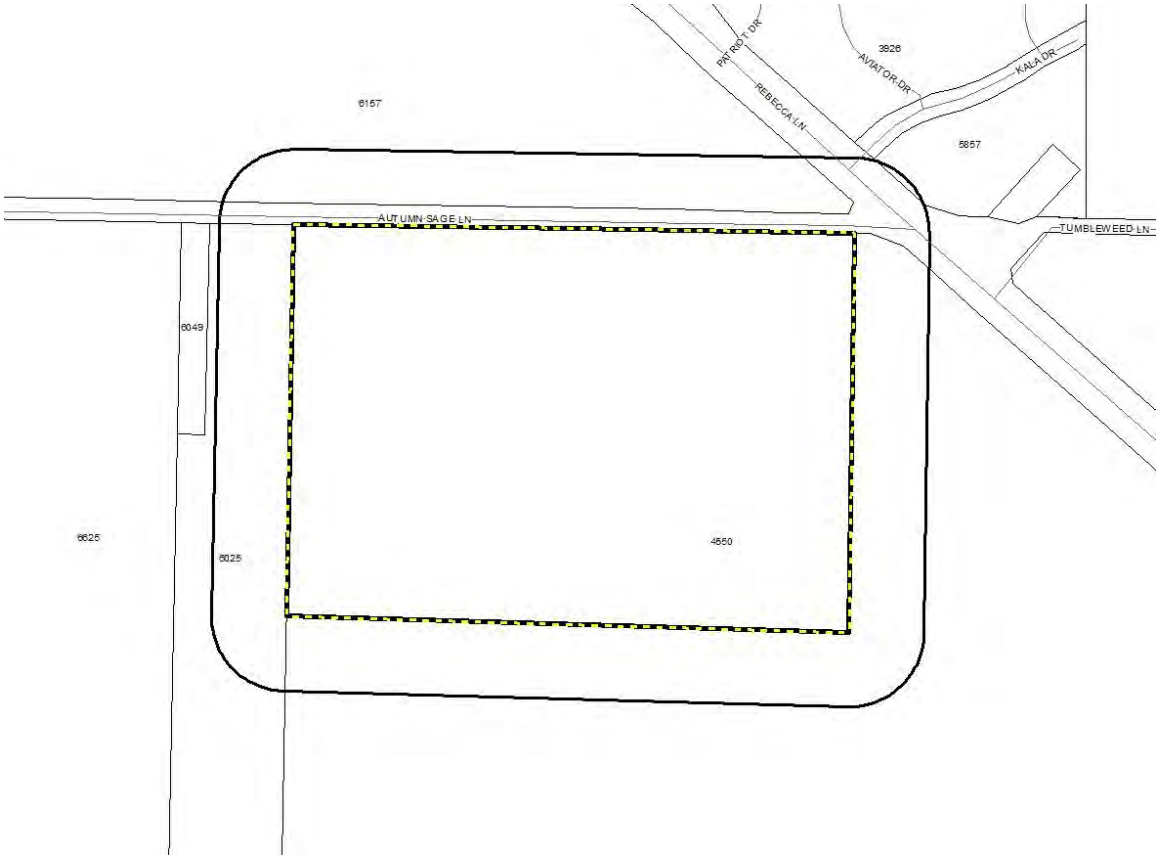
PLANNING AND ZONING COMMISSION RECOMMENDATION:
The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

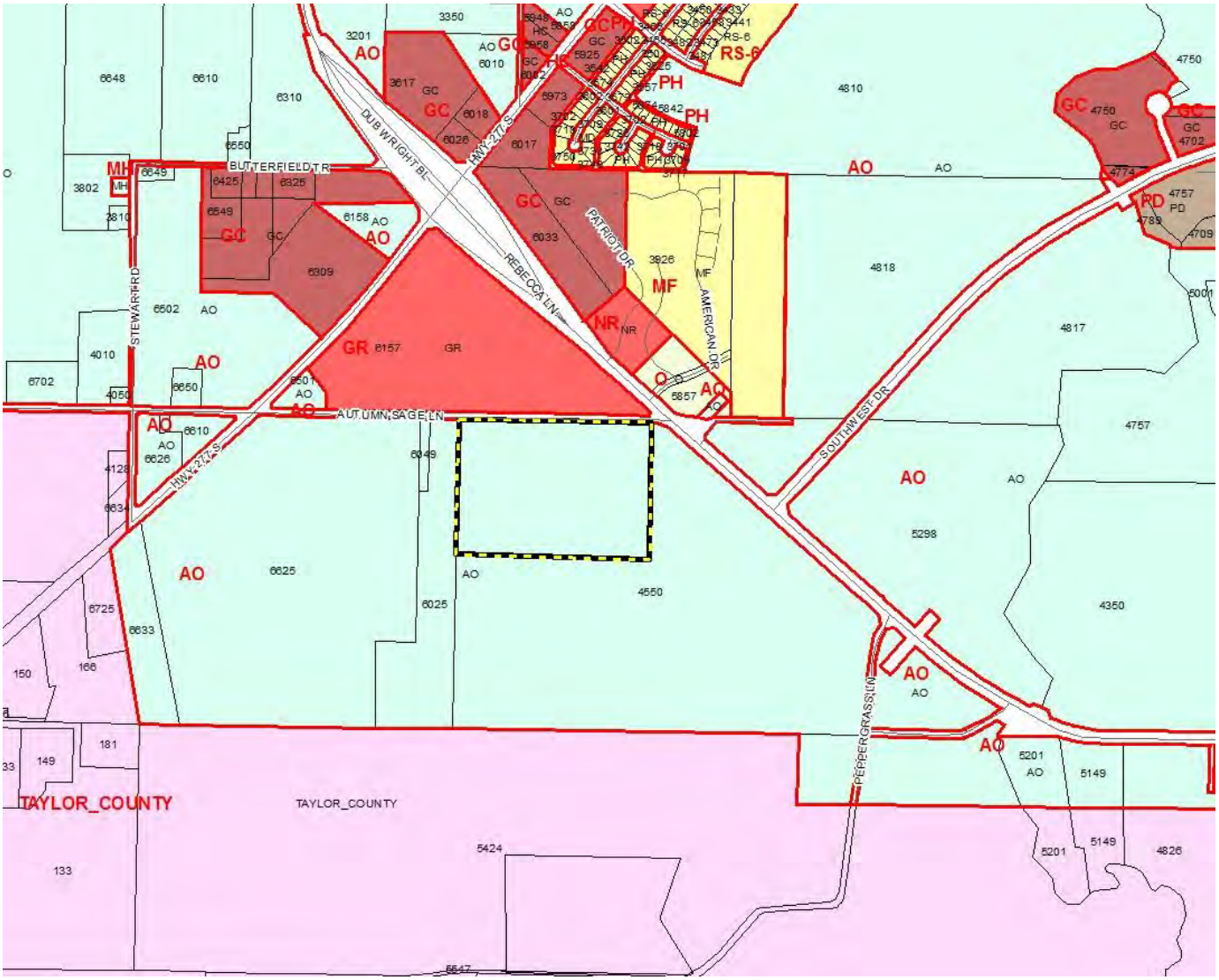
NOTIFICATION:
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
TX 360 SENIOR HOUSING GP LLC	6157 HWY 277 S	
DRUESEDOW BARBARA ANN LF EST	6025 AUTUMN SAGE LN	
WESTERN AH 406 LTD	5857 KALA DR	
WEATHERBEE RANCH LLC	4550 PEPPERGRASS LN	

0 in Favor- **Y**

0 Opposed- **N**





TAYLOR_COUNTY
TAYLOR_COUNTY
BUTTERFIELD TR
STEWART RD
DUBWRIGHT BL
HWY 277 S
REBECCA LN
PATRIOT DR
AMERICAN DR
AUTUMN SAGE LN
SOUTHWEST DR
PEPPERGRASS LN
AO
GC
GR
MF
NR
PH
RS-6
PD
MH

FOXFIRE DR
ABBEY RD
DUB WRIGHT BL
BUTTERFIELD TR
HWY 277 S
PATRIOT DR
AVIATOR DR
AMERICAN DR
STEWART RD
KALA DR
AUTUMN SAGE LN
AUTUMN SAGE LN
TUMBLEWEED LN
SOUTHWEST DR
REBECCA LN
SPECTRUM LN
SORREL WOOD LN
PEPPERGRASS LN

KALA DR
REBECCA LN
AUTUMN SAGE LN
TUMBLEWEED LN

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Dana Schoening, Director Planning & Development Services**

SUBJECT: **Ordinance:** ***(First Reading)*** **Z-2016-28 A request from James Lynn Corbin to rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning, located at 5350 Meadow Dr; and setting a public hearing for August 11, 2016.** ***(Schoening)***

GENERAL INFORMATION

Currently the property is developed with a house. The adjacent properties are all developed with single-family homes. The applicant is proposing to subdivide the property to allow for the ability to build another house. It is a corner lot, thus the property will have adequate frontage for a 2nd lot. However, the minimum lot size for the AO zoning is 5-acres requiring the need to rezone. The minimum lot size for the RR-1 district is 1-acre. The purpose of the rural residential zoning is to allow for a single-family residence and the keeping of livestock on a smaller lot than required with the AO zoning. Livestock animals such as horses & cows are permitted at a ratio of 1 animal per ½ acre of land.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

As provided for in City of Abilene Land Development Code Article 4, Division 1, Section 1.4.1.3(I)(1), when a written protest against the amendment is signed by the owners of twenty percent (20%) or more of either the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area, a zoning amendment shall not become effective except by the favorable vote of three fourths of all members of the City Council.

Regarding this particular rezoning item, three property owners have opposed the rezoning. Together these property owners constitute 52.8% of the land area within the radius area. The 200' radius area is the legally defined public notification area as provided for in Land Development Code and Texas State Statutes for rezoning applications. Therefore, because opposition is from 20% or more of land area in the public notification area, a super-majority vote of the City Council is required to approve an ordinance for this rezoning item.

For explanation on the 200' radius area constituting the public notification area, the radius begins at the property line of the property proposed for rezoning. The actual property area proposed for rezoning is not included as part of the public notification area. Only the 200' radius area constitutes the public notification

area, therefore the portion of the three properties located within the 200' radius area constitutes over 20% of the total land area that defines the 200' radius area.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description	Type
Ordinance Cover	Ordinance
Ordinance Exhibit	Ordinance
Staff Report with Maps	Backup Material
Surrounding Property Owner Responses	Backup Material

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL 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 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

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 this 28th day of July, A.D. 2016.

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 17th day of June, 2016, 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 11th day of August, 2016 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 11th day of August, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning.

Legal Description:

MYSTIC MEADOWS, LOT W/2 LT 5

Location:
5350 Meadow Dr

-END-

ZONING CASE Z-2016-28
STAFF REPORT

APPLICANT INFORMATION:
James Lynn Corbin

HEARING DATES:
P & Z Commission: July 5, 2016
City Council 1st Reading: July 28, 2016
City Council 2nd Reading: August 11, 2016

LOCATION:
5350 Meadow Dr

REQUESTED ACTION:
Rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning

SITE CHARACTERISTICS:
The subject parcel totals approximately 2.5 acres and is currently zoned AO. It is developed with a house. The adjacent properties are zoned AO to the south, west, & east and RS-8 (Single-Family Residential) to the north.

ZONING HISTORY:
The property was annexed in 1980 and zoned AO at that time.

ANALYSIS:
- Current Planning Analysis
  Currently the property is developed with a house. The adjacent properties are all developed with single-family homes. The applicant is proposing to subdivide the property to allow for the ability to build another house. It is a corner lot, thus the property will have adequate frontage for a 2nd lot. However, the minimum lot size for the AO zoning is 5-acres requiring the need to rezone. The minimum lot size for the RR-1 district is 1-acre. The purpose of the rural residential zoning is to allow for a single-family residence and the keeping of livestock on a smaller lot than required with the AO zoning. Livestock animals such as horses & cows are permitted at a ratio of 1 animal per ½ acre of land.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:
Staff recommends approval.

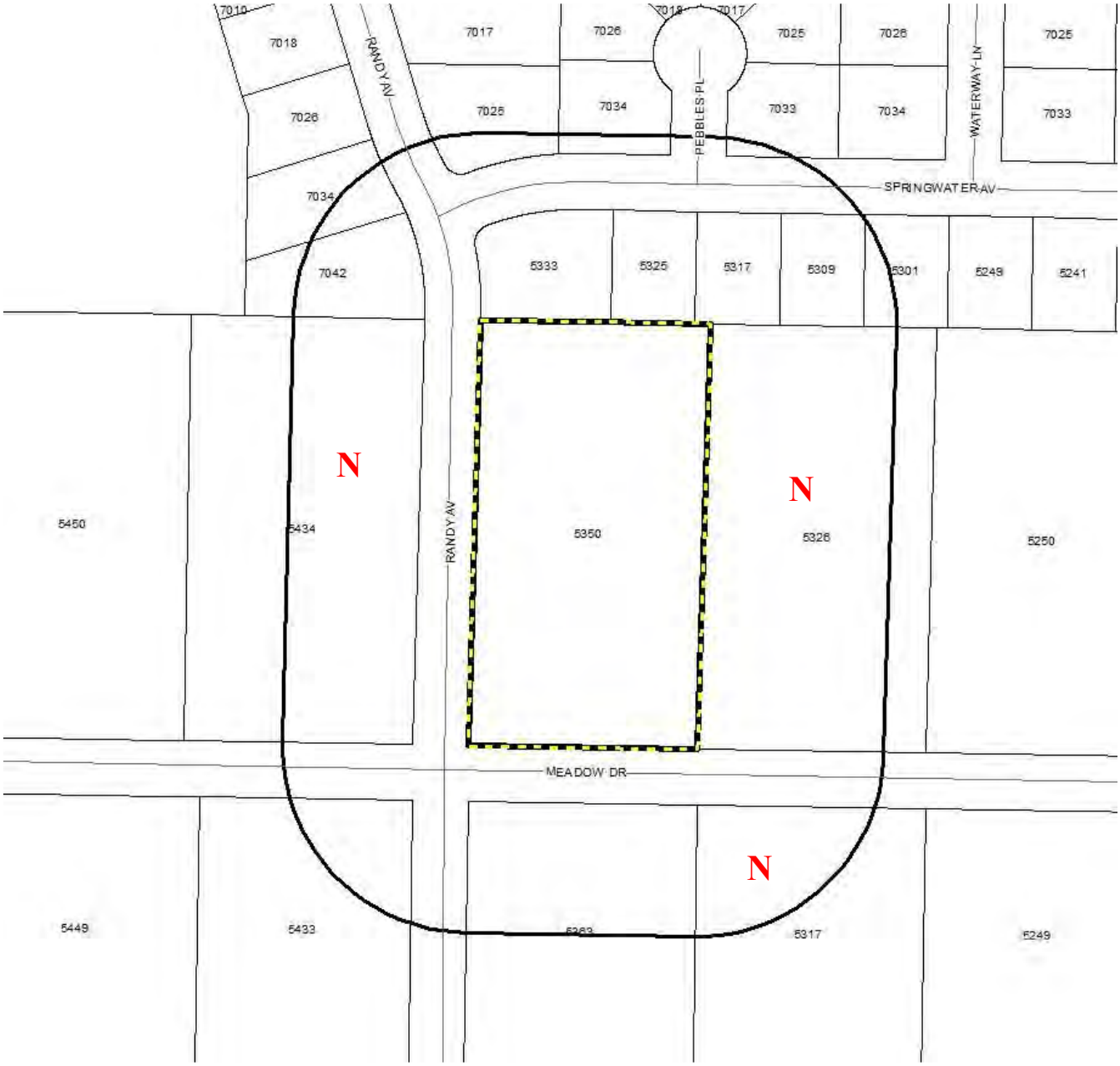
PLANNING AND ZONING COMMISSION RECOMMENDATION:
The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

NOTIFICATION:
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
SCHULLE JARRETT	5317 SPRINGWATER AV	
DORSEY ELANA L	5309 SPRINGWATER AV	
HERNANDEZ ROBERTO & CHRISTY	7034 RANDY AV	
CORBIN JAMES L & LAURIE L	5350 MEADOW DR	
RICH JERAD MICHAEL & KENNI BETH	7034 PEBBLES PL	
PUGSLEY JOHN E & REBECCA J	5333 SPRINGWATER AV	
WEBB GEORGE WALKER & MAMIE F	5433 MEADOW DR	
REGAN KEVIN & DIANA	5326 MEADOW DR	Opposed
GANESH JANET	5434 MEADOW DR	Opposed
CARROLL CLAUDETTE	5317 MEADOW DR	Opposed
SCOTT ROYCE A	5363 MEADOW DR	
BAKER BRIAN J	7033 PEBBLES PL	
GARNER SCOTT & JENNIFER G	7042 RANDY AV	
DEXTER ROBERT D & IRIS J	5301 SPRINGWATER AV	
LEE BILLY & RACHEL	7025 RANDY AVE	
SPEARS KEITH & HEATHER F	5325 SPRINGWATER AV	

0 in Favor- **Y**

3 Opposed- **N**



RS-8
RS-6
AO
RUSTY TR
SPRINGWATER AV
MEADOW DR
RANDY AV
BECK AV
WESTERN PLAINS AV

RUSTY TR
RIO MESA DR
SPRINGWATER AV
MEADOW DR
RANDY AV
BECK AV
WESTERN PLAINS AV
PENNEY LN
BUFFALO GAP RD

RANDY AV
PEBBLES PL
WATERWAY LN
CLEARLAKE CT
SPRINGWATER AV
RANDY AV
MEADOW DR

RECEIVED
JUL 05 2016
PLANNING

Re: ***request for re-zoning of AO property located at 5350 Meadow Dr. to RR1 property with hearing Tuesday, July 5, 2016, at 1: 30 PM. at Abilene City Council Chambers***

We are opposed to the re-zoning of the property located at 5350 Meadow Drive from AO to RR1 zoning designation.

Our property at 5326 Meadow Drive, designated AO, adjoins the property at 5350 Meadow Dr. and is directly affected by the request for re-zoning from AO to RR1. Further, the Meadow Drive neighborhood itself is directly affected by the re-zoning request.

If the 5350 Meadow Dr. property is re-zoned to RR1 this will allow, as is proposed by the property owner, the division of current AO property of 2.5 acres into two smaller properties with a maximum of 1.5 acres and a minimum of 1.0 acres each. This division can easily lead to a devaluation of my adjoining property.

This division, further, would materially affect the character of the Meadow Drive neighborhood by introducing substantially smaller RR1 tracts into the Meadow Drive neighborhood which is consistently designated AO with minimal 2.5 acre tracts lending uniformity and appeal to the neighborhood. Meadow Drive has a long history of being a quiet, quasi-rural neighborhood. Indeed, the large lots with acreage are what attracted us to this neighborhood street. Currently, Meadow Dr. is still an island in a sea of subdivision tract homes.

The development over the years of the properties to the north and south of the Meadow Drive properties has introduced markedly increased noise, traffic, and consequent material deterioration of the Meadow Dr. surface with little to no significant repair through the years. The introduction of further property size reduction into this neighborhood through re-zoning will accelerate these and other detrimental effects through an increase in the number of houses and thus the number of households residing immediately within the Meadow Drive neighborhood proper.

Another possibility consequent to the re-zoning of this property could be a subsequently divided RR1 tract from this property being used for a multi-purpose recreational center, which center would be opposed to the Meadow Drive neighborhood character and directly contrary to the interests of the owners of property located along Meadow Drive.

Please seriously consider these issues involved in the request for re-zoning of 5350 Meadow Drive AO property to RR1 property. For the above reasons we are opposed to the re-zoning of the property located at 5350 Meadow Drive from AO to RR1 zoning designation.

Kevin Regan
Diana Regan

Kevin and Diana Regan

Janet Ganesh
5434 Meadow Dr
Abilene TX 79606

Comments:
My concern is that in changing the property at 5350 Meadow Dr from AO to RR-1 would affect the integrity of the neighborhood in a negative way. I do not want to see that property changed to several small patio homes, or even changed to commercial property at a future time.

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Dana Schoening, Director Planning & Development Services**

SUBJECT: **Ordinance:** ***(First Reading)*** **Z-2016-29 A request from Scott Family Enterprises, LLC, agent Erik Johnson, to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 709, 717, 727, 733, 741, 749, 757, 765, & 773 S. Treadaway Blvd; and setting a public hearing for August 11, 2016.** ***(Schoening)***

GENERAL INFORMATION

Currently the property is developed with retail, service, & wholesale businesses. The adjacent properties are all developed with similar uses. When the Land Development Code was adopted, many uses were removed from the HI zoning. The applicant is proposing to rezone the properties to allow for greater flexibility in the permitted uses allowed by the LI zoning. A proposed use for battery sales and service requested to occupy one of the buildings but is not an authorized use in the HI zoning district. The previous use was a motorcycle sales & repair shop that opened in 2001. The requested change of zoning would allow for the proposed use and other similar uses for all of their properties in this block.

The Future Land Use section of the Comprehensive Plan designates this general area as 'industrial'. South Treadaway Blvd is designated as an 'arterial' roadway as well as an 'enhancement corridor'. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description	Type
Ordinance Cover	Ordinance
Ordinance Exhibit	Ordinance
Staff Report with Maps	Backup Material

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL 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 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

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 this 28th day of July, A.D. 2016.

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 17th day of June, 2016, 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 11th day of August, 2016 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 11th day of August, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning.

Legal Description:

LOTS 23 – 32 LESS ROW 164 2 TS ROLLINS OT ABL

Location:
709, 717, 727, 733, 741, 749, 757, 765, & 773 S. Treadaway Blvd

-END-

ZONING CASE Z-2016-29
STAFF REPORT

APPLICANT INFORMATION:
Scott Family Enterprises, LLC
Agent: Erik Johnson

HEARING DATES:
P & Z Commission: July 5, 2016
City Council 1st Reading: July 28, 2016
City Council 2nd Reading: August 11, 2016

LOCATION:
709 through 773 S. Treadaway Blvd

REQUESTED ACTION:
Rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning

SITE CHARACTERISTICS:
The subject parcels total approximately 1.47 acres and is currently zoned HI. The parcels are developed with retail, service, & wholesale businesses. The adjacent properties are zoned HI to the north, south, & east and HC (Heavy Commercial) to the west across S. Treadaway Blvd.

ZONING HISTORY:
The property is part of the original town limits incorporated in 1895 and was zoned HI dating back to at least 1974.

ANALYSIS:
- Current Planning Analysis
  Currently the property is developed with retail, service, & wholesale businesses. The adjacent properties are all developed with similar uses. When the Land Development Code was adopted, many uses were removed from the HI zoning. The applicant is proposing to rezone the properties to allow for greater flexibility in the permitted uses allowed by the LI zoning. A proposed use for battery sales and service requested to occupy one of the buildings but is not an authorized use in the HI zoning district. The previous use was a motorcycle sales & repair shop that opened in 2001. The requested change of zoning would allow for the proposed use and other similar uses for all of their properties in this block.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as 'industrial'. South Treadaway Blvd is designated as an 'arterial' roadway as well as an 'enhancement corridor'. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:
Staff recommends approval.

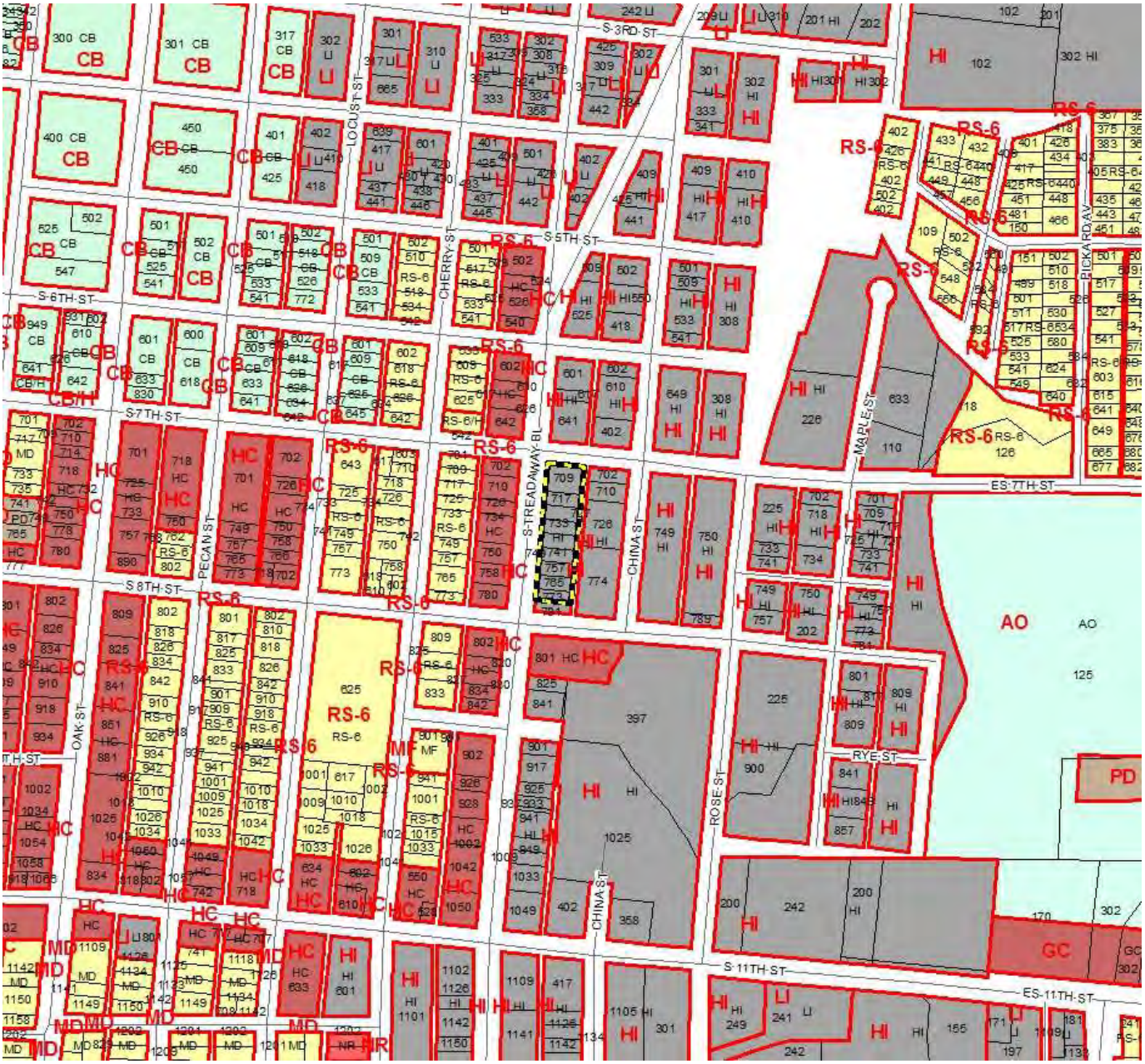
PLANNING AND ZONING COMMISSION RECOMMENDATION:
The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

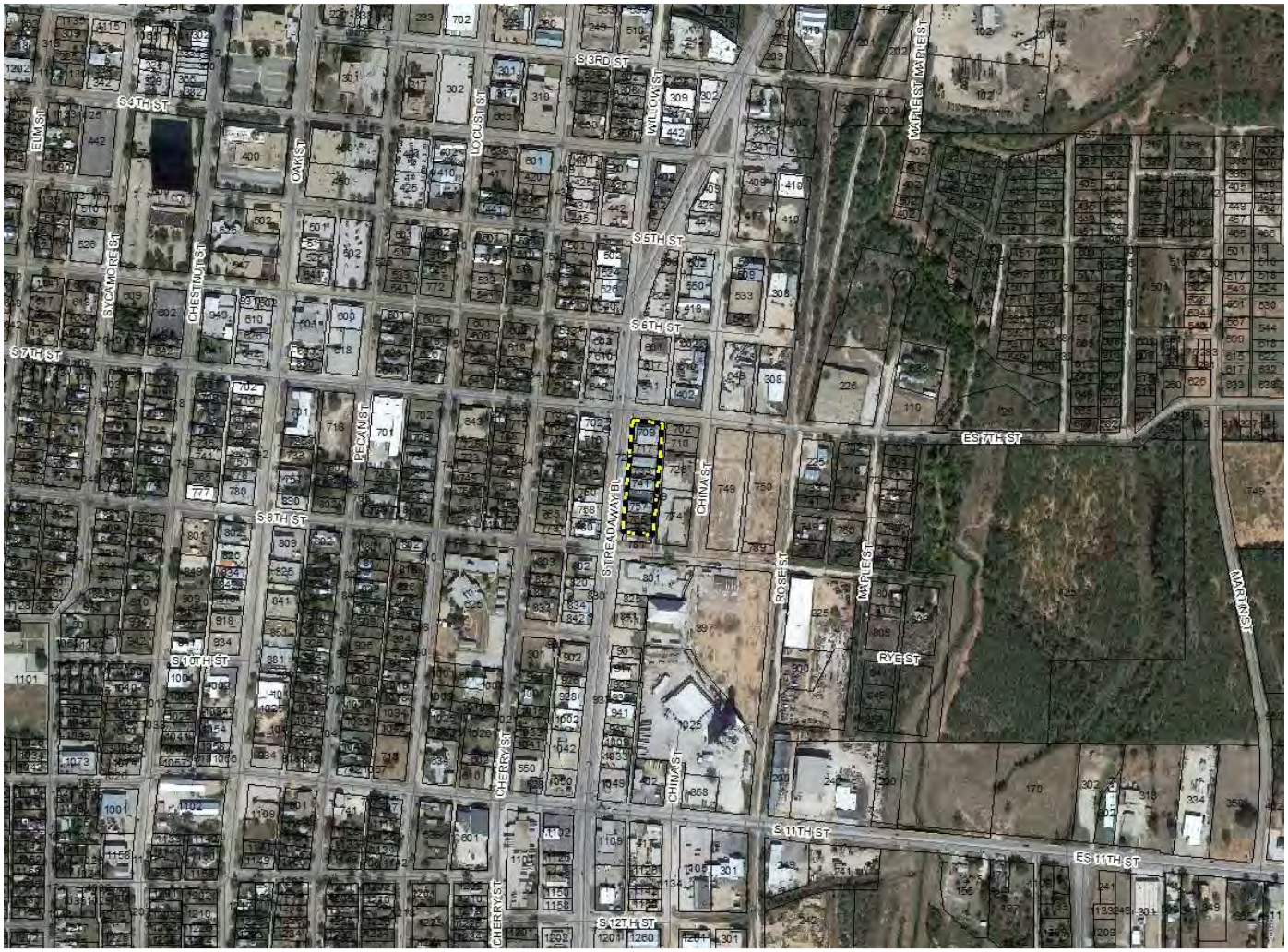
NOTIFICATION:
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
SCOTT FAMILY ENTERPRISES LLC	733 S TREADAWAY BL	
CAMPBELL JIMMY	726 S TREADAWAY BL	
PENROD PROPERTIES INC	802 S TREADAWAY BL	
CROSSLAND ASHLEY JUSTIN & TAGGART NICOLE JEAN CROSSLAND	781 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	717 S TREADAWAY BL	
WTG FUELS INC	641 S TREADAWAY BL	
ABILENE HOPE HAVEN INC	801 S TREADAWAY BL	In Favor
WATKINS 82 ENTERPRISES LLC	750 S TREADAWAY BL	
GARCIA JUAN & LONGORIA CASEY	702 CHINA ST	
MB RENTALS LTD	402 S 7TH ST	
ELITE ELECTRICAL SERVICE INC	726 CHINA ST	
GARCIA JUAN & LONGORIA CASEY	710 CHINA ST	
CAMPBELL JIMMY	702 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	765 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	757 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	727 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	773 S TREADAWAY BL	
CAMPBELL JIMMY	710 S TREADAWAY BL	
MORRIS & JACOBY PARTNERSHIP	780 S TREADAWAY BL	
SMITH ALTON HARVEY JR & ALICIA MALORIE	734 S TREADAWAY BL	
CAMPBELL LESLIE V III & KELLY W	758 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	749 S TREADAWAY BL	
HOEMKE ROBERT & HOLLY	750 CHINA ST	
SCOTT FAMILY ENTERPRISES LLC	709 S TREADAWAY BL	
TYLER GARY A	642 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	741 S TREADAWAY BL	
SIMONS TOMMY W	610 CHINA ST	

1 in Favor- **Y**

0 Opposed- **N**


S-3RD-ST
S-5TH-ST
S-6TH-ST
S-7TH-ST
S-8TH-ST
ES-7TH-ST
S-11TH-ST
ES-11TH-ST
LOCUST-ST
CHERRY-ST
PECAN-ST
OAK-ST
S-TREADAWAY-BL
CHINA-ST
ROSE-ST
MAPLE-ST
PICKARD-AV
RYE-ST
RS-6
HC
HI
CB
LI
MF
MD
AO
PD
GC


S 3RD ST
S 4TH ST
ELM ST
OAK ST
LOCUST ST
WILLOW ST
MAPLE ST
S 5TH ST
SYCAMORE ST
CHESTNUT ST
S 6TH ST
S 7TH ST
PECAN ST
E S 7TH ST
CHINA ST
S 8TH ST
S TREADAWAY BL
ROSE ST
MAPLE ST
MAPLE ST
RYE ST
S 10TH ST
CHERRY ST
CHINA ST
S 11TH ST
E S 11TH ST
CHERRY ST
S 12TH ST

S 7TH ST
ES 7TH ST
CHERRY ST
S TREADAWAY BL
CHINA ST
ROSE ST
MOUSER ST
S 8TH ST

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Dana Schoening, Director Planning & Development Services**

SUBJECT: **Ordinance:** ***(First Reading)*** **Z-2016-30 A request from Floyd Kaerwer, agent Design Team Plus, LLC, to rezone property from LI (Light Industrial) to MU (Medical Use) zoning, located at 11 & 15 Windmill Cir; and setting a public hearing for August 11, 2016.** ***(Schoening)***

GENERAL INFORMATION

Currently the property is undeveloped. The adjacent properties are halfway developed with industrial uses to the south & west and a mix of retail & services uses to the north. The newer Sam's Club business is located north from this site. Abilene Regional Hospital is located nearby to the south. The applicant is proposing to develop a single-tenant building for a physical rehab facility. Due to its location just off the freeway, the site will have adequate access. The purpose of the rezoning is to allow for in-patient care for patients who have suffered a stroke, head injury, loss of a limb, etc. and have been cleared from being in critical condition but are not able to return home without additional treatment offered by a trained therapist. This type of medical use with overnight stay is not allowed in the LI zoning district. The MU zoning district allows for this type of use. As a point of understanding, the MU zoning also allows for multi-family residential uses. Other districts that allow for the proposed medical facility with overnight stay include the GC & HC (Heavy Commercial) districts. Neither of these districts allow for multi-family residential uses. Given the surrounding zoning, any of these districts would be appropriate at this location.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a 'Gateway/Mixed Use' area with the primary focus at the intersection of Beltway S. and Hwy 83/84 but extending north along the highway to include this area. Additionally, a 'Special Activity Center' is designated at the intersection of Antilley Rd & Hwy 83/84 where the hospital is located. This area is slowly transitioning away from the industrial zoning to a retail/commercial area. The location just off the highway and its proximity to the Sam's Club and the hospital lends itself to future multi-family, office & retail uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

As provided for in City of Abilene Land Development Code Article 4, Division 1, Section 1.4.1.3(I)(1), when a written protest against the amendment is signed by the owners of twenty percent (20%) or more of either the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area, a zoning amendment shall not become effective except by the favorable vote of three fourths of all members of the City Council.

Regarding this particular rezoning item, three property owners have opposed the rezoning. Together these property owners constitute 37.48% of the land area within the radius area. The 200' radius area is the legally defined public notification area as provided for in Land Development Code and Texas State Statutes for rezoning applications. Therefore, because opposition is from 20% or more of land area in the public notification area, a super-majority vote of the City Council is required to approve an ordinance for this rezoning item.
For explanation on the 200' radius area constituting the public notification area, the radius begins at the property line of the property proposed for rezoning. The actual property area proposed for rezoning is not included as part of the public notification area. Only the 200' radius area constitutes the public notification area, therefore the portion of the three properties located within the 200' radius area constitutes over 20% of the total land area that defines the 200' radius area.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of a PD (Planned Development) district with MU zoning and the elimination of all residential uses by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description	Type
Ordinance	Ordinance
Staff Report with Maps	Backup Material
Request Letter from Applicant	Backup Material
Clafirication Letter from Applicant	Backup Material
Surrounding Property Owner Response	Backup Material

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-156 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

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

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

PASSED ON FIRST READING this 28th day of July A.D. 2016.

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 17th day of June , 2016, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 p.m., on the 11th day of August, 2016, 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 11th day of August, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

Exhibit "A"

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

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

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

PART 4: Zoning. That Chapter 23, Abilene Municipal Code, part known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From LI (Light Industrial) to PD (Planned Development) zoning.

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

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

WINDMILL ACRES, BLOCK A, LOT 111 REP
WINDMILL ACRES, BLOCK A, LOT 112 REP

Location:
11 & 15 Windmill Cir

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for used permitted within the MU (Medical Use) zoning but eliminating all residential uses.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the MU (Medical Use) zoning district, except as modified below:

1) PERMITTED USES:
   a. Residential uses shall not be permitted within the PD district.

-END-

ZONING CASE Z-2016-30
STAFF REPORT

APPLICANT INFORMATION:
Floyd Kaerwer
Agent: Design Team Plus, LLC

HEARING DATES:
P & Z Commission: July 5, 2016
City Council 1st Reading: July 28, 2016
City Council 2nd Reading: August 11, 2016

LOCATION:
11 & 15 Windmill Cir

REQUESTED ACTION:
Rezone property from LI (Light Industrial) to MU (Medical Use) zoning

SITE CHARACTERISTICS:
The subject parcel totals approximately 2.51 acres and is currently zoned LI. It is undeveloped and proposed to be a single-tenant building for a physical rehab facility. The adjacent properties are zoned PD (Planned Development) & GC (General Commercial) to the north, GR to the east, LI & GC to the south, and LI to the west.

ZONING HISTORY:
The property was annexed in 1978 and zoned LI in 1979.

ANALYSIS:
- Current Planning Analysis
  Currently the property is undeveloped. The adjacent properties are halfway developed with industrial uses to the south & west and a mix of retail & services uses to the north. The newer Sam's Club business is located north from this site. Abilene Regional Hospital is located nearby to the south. The applicant is proposing to develop a single-tenant building for a physical rehab facility. Due to its location just off the freeway, the site will have adequate access. The purpose of the rezoning is to allow for in-patient care for patients who have suffered a stroke, head injury, loss of a limb, etc. and have been cleared from being in critical condition but are not able to return home without additional treatment offered by a trained therapist. This type of medical use with overnight stay is not allowed in the LI zoning district. The MU zoning district allows for this type of use. As a point of understanding, the MU zoning also allows for multi-family residential uses. Other districts that allow for the proposed medical facility with overnight stay include the GC & HC (Heavy Commercial) districts. Neither of these districts allow for multi-family residential uses. Given the surrounding zoning, any of these districts would be appropriate at this location.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as part of a 'Gateway/Mixed Use' area with the primary focus at the intersection of Beltway S. and Hwy 83/84 but extending north along the highway to include this area. Additionally, a 'Special Activity Center' is designated at the intersection of Antilley Rd & Hwy 83/84 where the hospital is located. This area is slowly transitioning away from the industrial zoning to a retail/commercial area. The location just off the highway and its proximity to the Sam's Club and the hospital lends itself to future multi-family, office & retail uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:
Staff recommends approval.

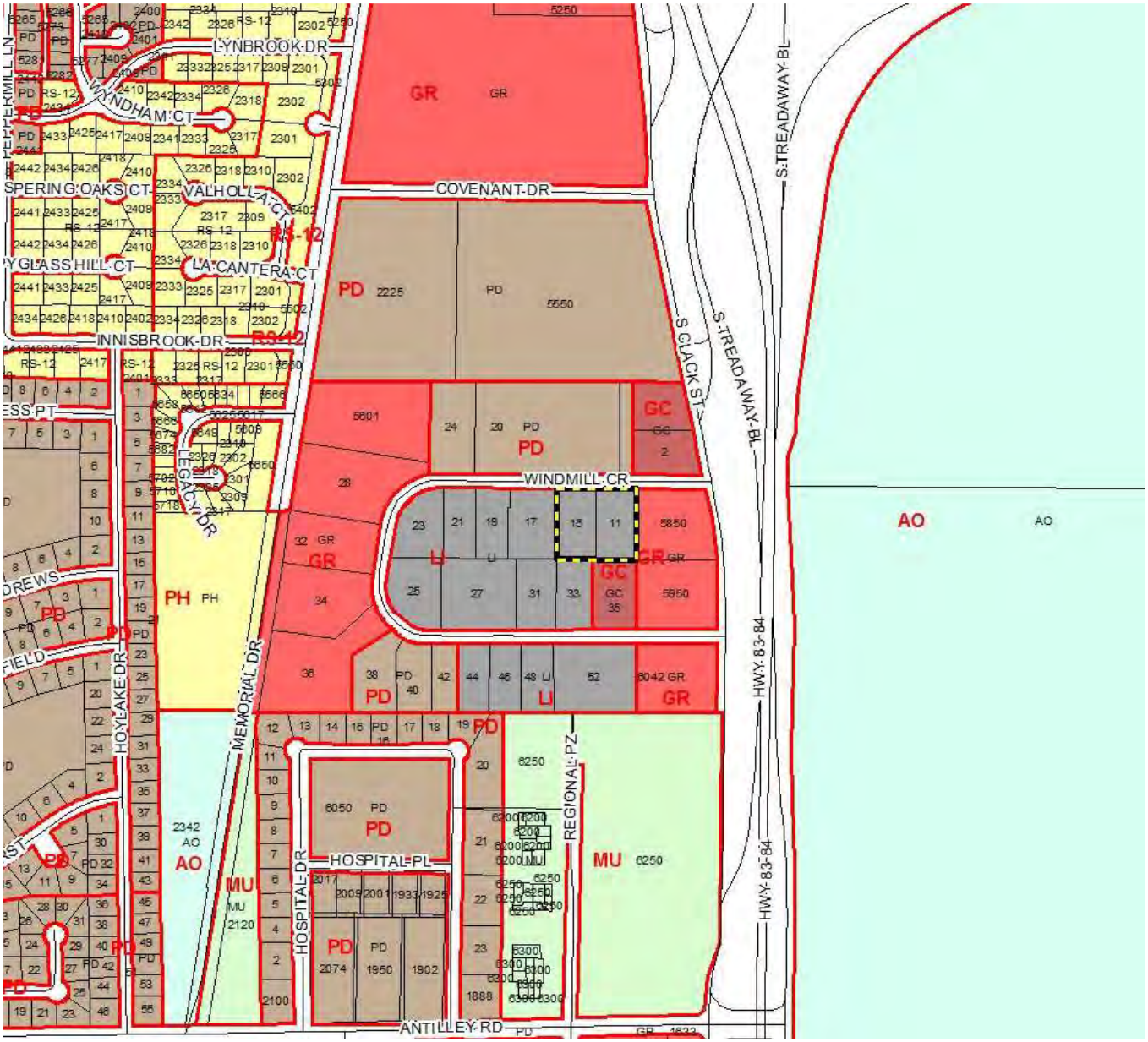
PLANNING AND ZONING COMMISSION RECOMMENDATION:
The Planning and Zoning Commission recommends approval of a PD (Planned Development) district with MU zoning and the elimination of all residential uses by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

NOTIFICATION:
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
HASTEN FAMILY INVESTMENTS LTD	27 WINDMILL CR	
PICKENS REX F	31 WINDMILL CR	
KAERWER FLOYD	15 WINDMILL CR	
PRICE DALE K & JANICE W	2 WINDMILL CR	
WINDMILL CIRCLE PARTNERS LP	5950 S CLACK ST	
ADAMS LYNN	17 WINDMILL CR	
RANDELL DAVID J	33 WINDMILL CR	
RANDELL DAVID J	35 WINDMILL CR	
WINDMILL CIRCLE PARTNERS LP	5850 S CLACK ST	Opposed
KAERWER FLOYD	11 WINDMILL CR	
STORAGE EVOLUTION LTD	20 WINDMILL CR	Opposed
SAMS REAL ESTATE BUSINESS TR	5550 S CLACK ST	

0 in Favor- **Y**

2 Opposed- **N**


LYNBROOK DR
WINDHAM CT
COVENANT DR
S TREADAWAY BL
S CLACK ST
WINDMILL CR
INNISBROOK DR
HOYLAKE DR
MEMORIAL DR
HOSPITAL DR
HOSPITAL PL
REGIONAL PZ
ANTILLEY RD
HWY 83-84
GR
PD
GC
LI
MU
PH
AO
RS-12

LYNBROOK DR
WYNDHAM CT
PEPPERMILL LN
WHISPERING OAKS CT
VALHOLLA CT
COVENANT DR
STREADAWAY BL
PIPING ROCK DR
SPYGLASS HILL CT
LA CANTERA CT
INNISBROOK DR
S CLACK ST
CYPRESS PT
WINDMILL CR
LEGACY DR
SAINT ANDREWS
MUIRFIELD
HOYLAKE DR
MEMORIAL DR
HWY 83-84
REGIONAL PZ
HOSPITAL DR
HOSPITAL PL
PINEHURST
ANTILLEY RD

WINDMILL CR
S CLACK ST
S TREADAWAY BL
HWY 83-84
HWY 83-84

DesignTeam+
Architecture Landscape Architecture
Interior Design Urban Design

June 2, 2016

Dana L. Schoening
City of Abilene
Director of Planning & Development Services
555 Walnut Street
P.O. Box 60
Abilene, TX 79604

RE: Rezoning Request
Windmill Acres, Block A, Lots 111 & 112
Abilene, TX 79606

Dear Mr. Schoening:

Attached for your use and review is a completed application and rezoning fee of $1,500 for Lots 111 and 112 in the Windmill Acres subdivision in Abilene.

I am the agent for Floyd Kaerwer, and I am requesting a change of zoning from Light Industrial to Medical Use. The requested use is for a single tenant building for a physical rehab facility. Since we are still in the planning stages, I do not have the size of the building but I will make sure that it meets all of the planning requirements.

I am requesting that this item be put on the July 5th agenda of the Planning and Zoning Commission meeting.

Please call me with any questions or comments you may have.

Sincerely,

Ralph Nunez

DesignTeam Plus, LLC 975 East Maple Rd., Suite 210, Birmingham, Michigan 48009
248.559.1000 www.designteamplus.com info@designteamplus.com

July 28, 2016

Mr. Dana L. Schoening
Director of Planning and Development Services
555 Walnut Street, PO Box 60
City of Abilene, TX 79604-0060

RE: Rezoning Request for 11 & 15 Windmill Circle, Windmill Acres Subdivision, Block A, Lots 111 and 112

Dear Mr. Schoening

I want to thank you for your June 27th letter with the offer of returning the application fee. However, the intended use is not a medical office building and I apologize for the misunderstanding. I spoke with Ben Bryner earlier today and he mentioned that it would be helpful to respond to the question of Medical office and Rehabilitation Facility. A medical office building could have multiple offices, doctors and therapist, which could see patients during a normal work day 9 to 5, typically 5 days a week. This is an office building with medical use; this is not what we are proposing.

What is being proposed is a Medical Rehabilitation (Facility) Center offering inpatient care for patients. The hospital and other physicians normally refer patients. The patients could have suffered a stroke, head injury, loss of a limb, etc. and have been cleared from being in critical condition but are not able to return home without additional treatment offered by a trained therapist.

The Medical Rehabilitation (Facility) Center would provide patients with 24-hour care and treatment until they can be sent home. This inpatient care requires certified therapist, which are trained nurses with a PHD. The center will also provide outpatients care working with patients suffering from minor injuries. The tenant of the facility is working on the plan layout that will operate the Medical Rehabilitation Center. The center would include workstations, therapy rooms, equipment, patient beds, bathrooms etc. The tenant is also finalizing a long term lease agreement pending the rezoning on property.

The application to rezone my client's property from Light Industrial to Medical Use was to provide for a Rehabilitation Facility which is a permitted use under the MU district, but is not permitted in the Light Industrial District under Article 5: Use Regulations.

We respectfully request that our initial rezoning application be submitted for formal review on the July 5th meeting. I have made arrangement to be present for the meeting.

Thank you for your assistance and all the help we have received from your department.

Sincerely,

DesignTeam Plus, LLC.
Ralph L. Núñez, RLA, CLARB, ASLA, GRP
Principal Landscape Architect | Urban Designer

The Conder
Company
Real Estate Management • Development • Investments
4150 Southwest Drive
Suite 202
Abilene, TX 79606

June 28, 2016

Planning and Zoning Commission
P.O. Box 60
Abilene, TX 79604

Re: Rezoning Application Number Z-2016-30

Commissioners:

I am opposed to the above rezoning application. It is my understanding that the purported medical use requested by the proponent is allowable within the current LI zoned property. This would make it unnecessary to rezone the property. It is my concern and belief that the proponent is attempting to rezone the property to a designation that would ultimately allow for multifamily development of which this commission and city council have voted against on this tract in recent months.

If the proponent truly has a need for MU zoning that is not allowed within the current LI designation, I would request that you approve conditional zoning through a PDD or other format that does not permit multifamily use. If the proponent truly has a medical use, this caveat or condition should be acceptable to the proponent.

Thank you for your service and consideration in this matter.

Regards,

Tony Conder
Windmill Circle Partners LP
(5850 S. Clack St.)

:325-692-9141
:325-692-9321

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Dana Schoening, Director Planning & Development Services**

SUBJECT: **Ordinance:** ***(First Reading)*** **Z-2016-31 A request from Amy L. Sojourner Critz, agent Pam Yungblut, to rezone property from O (Office) to NR (Neighborhood Retail) zoning, located at 3109 & 3117 S. 27th St; and setting a public hearing for August 11, 2016.** ***(Schoening)***

GENERAL INFORMATION

Currently the property is developed with a small office building. The adjacent properties are developed with similar uses to the east & west, single-family homes to the south, and retail shopping centers to the north. The applicant is proposing to rezone the property to allow for 'personal service' uses such as message therapy, beauty salon, and other similar uses without restriction. When located within an Office district, a personal service use shall not be the principal use, must be located within a larger building housing the primary use, shall not exceed 10% of the floor area, and may only be accessed from the interior of the larger building. The requested change of zoning would allow for a personal service use as a principal use while still allowing for office uses in the building.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. South 27th St is designated as an 'arterial' roadway as well as an 'enhancement corridor'. The NR zoning was created with the Land Development Code to be compatible adjacent to residentially zoned properties. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description	Type
Ordinance Cover	Ordinance
Staff Report with Maps	Backup Material
Surrounding Property Owner Response	Backup Material
Ordinance Exhibit	Exhibit

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL 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 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

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 this 28th day of July, A.D. 2016.

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 17th day of June, 2016, 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 11th day of August, 2016 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 11th day of August, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ZONING CASE Z-2016-31
STAFF REPORT

APPLICANT INFORMATION:
Amy L. Sojourner Critz
Agent: Pam Yungblut

HEARING DATES:
P & Z Commission: July 5, 2016
City Council 1st Reading: July 28, 2016
City Council 2nd Reading: August 11, 2016

LOCATION:
3109 & 3117 S. 27th St

REQUESTED ACTION:
Rezone property from O (Office) to NR (Neighborhood Retail) zoning

SITE CHARACTERISTICS:
The subject parcels total approximately 0.25 acres and is currently zoned Office. The parcel is developed with a small office building. The adjacent properties are zoned O to the west & east, RS-6 (Single-Family Residential) to the south, and GR (General Retail) to the north across S. 27th St.

ZONING HISTORY:
The property was annexed in 1957 and zoned Office sometime after.

ANALYSIS:
- Current Planning Analysis
  Currently the property is developed with a small office building. The adjacent properties are developed with similar uses to the east & west, single-family homes to the south, and retail shopping centers to the north. The applicant is proposing to rezone the property to allow for 'personal service' uses such as message therapy, beauty salon, and other similar uses without restriction. When located within an Office district, a personal service use shall not be the principal use, must be located within a larger building housing the primary use, shall not exceed 10% of the floor area, and may only be accessed from the interior of the larger building. The requested change of zoning would allow for a personal service use as a principal use while still allowing for office uses in the building.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. South 27th St is designated as an 'arterial' roadway as well as an 'enhancement corridor'. The NR zoning was created with the Land Development Code to be compatible adjacent to residentially zoned properties. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:
Staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:
The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

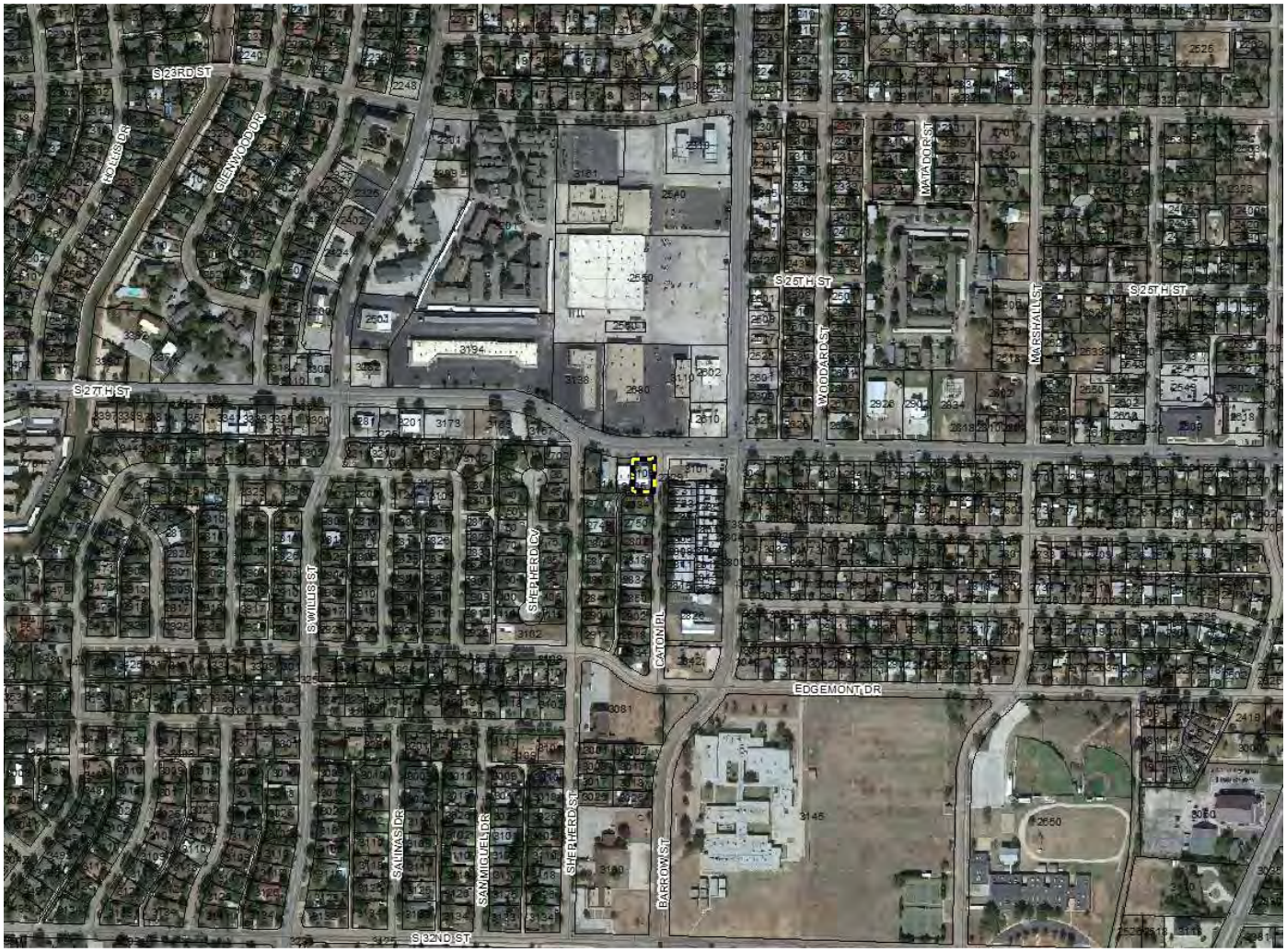
NOTIFICATION:
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
NGUYEN TONY & TRACY TRINH	2610 BARROW ST	
LANTRIP KENNETH L & BETH A	2734 BARROW ST	
CAMARILLO BARRY C & BECKY	2750 CATON PL	
GIL DANNY & GRACIE A	2726 BARROW ST	
SMITH ELIZABETH A	2805 CATON PL	
WALDEN J C	2717 SHEPHERD ST	
MEDINA LAURA PENA	2735 CATON PL	
BRANNON SARAH CATHERINE TRUST	2728 BARROW ST	
WEAVER GINGER	2730 BARROW ST	
SHANKS VIRGINIA	2737 CATON PL	
TRAN RACHEL	2733 CATON PL	
ABILENE CLINIC ASSET HDLG CO LLC	3101 S 27TH ST	
SCJ HOLDINGS A LLC	2729 CATON PL	
HASTY BEVERLY JEAN	2731 CATON PL	
QUINONEZ JOSE A & MIRIAN N	2802 CATON PL	
MONK SHERMAN W	2749 SHEPHERD ST	
BROOKHOLLOW SOUTH-94 JT VNT	2680 BARROW ST	
BOOZER MELBA J	2732 BARROW ST	
CAMARILLO FRANCISCO A & BETTY L	2734 CATON PL	
MEEKS GLENN	2801 SHEPHERD ST	
COX DIEDRA L	2803 CATON PL	
VELEZ ADRIANA	3149 S 27TH ST	
LEIGH RODGERS INVESTMENTS LLC	3109 S 27TH ST	
MAJESTY HOMES LLC	3141 S 27TH ST	In Favor
K & M LIMITED	3138 S 27TH ST	
THOMAS INVESTING VENTURES LLC	3125 S 27TH ST	Opposed
HOLMES RON & LETA	2801 CATON PL	In Favor

2 in Favor- **Y**

1 Opposed- **N**

S 23RD ST
S 25TH ST
S 27TH ST
S 28TH ST
BARROW ST
WOODARD ST
MATADOR ST
MARSHALL ST
RAINTREE CT
SANTA MONICA DR
CATON PL
BENNETT DR
EDGEMONT DR
SHEPHERD ST
SHEPHERD CV
SAN MIGUEL DR
SALINAS DR
S WILLIS ST
IVANHOE LN
GLENWOOD DR
MF
GR
PD
MD
RS-6
RS-8
NR


S 23RD ST
HOLLIS DR
GLENWOOD DR
S 27TH ST
S 25TH ST
S 25TH ST
MATADOR ST
WOODARD ST
MARSHALL ST
S WILLIS ST
SHEPHERD CV
CATON PL
EDGEMONT DR
SALINAS DR
SAN MIGUEL DR
SHEPHERD ST
BARROW ST
S 32ND ST

S 27TH ST
SHEPHERD ST
CATON PL
BARROW ST
S 28TH ST
SHEPHERD CV
3165
2702
3141
3125
3109
3101
2728
2749
2750
2802
2807
2810
3034
3041
3033

JUL 1 AM10:05

CITY OF
ABILENE

THOMAS INVESTING VENTURES LLC
3758 WOODRIDGE DR
ABILENE, TX 79605-4942

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-31 6/23/2016

The Planning and Zoning Commission will hold a public hearing on **Tuesday, July 5, 2016**, at **1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from Amy L. Sojourner Critz, agent Pam Yungblut, to rezone property from O (Office) to NR (Neighborhood Retail) zoning, located at 3109 & 3117 S. 27th St.

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 or fax 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 the City Council within the specified ten day period, this case will be heard by the City Council for 2nd and Final Reading with a public hearing on **August 11, 2016**, at 8:30 a.m., City Council Chambers, 2nd Floor, City Hall.

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

CASE #: Z–2016-31
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 fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: THOMAS INVESTING VENTURES LLC
Address: 3125 S 27TH ST

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

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor ☐ I am opposed ☑

Additional Comments:

It will devalue my property!

325.668.3883

Signature: _____

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from O (Office) to NR (Neighborhood Retail) zoning.

Legal Description:

NAN LES ADDN, LOT E68 OF LT 1

Location:
3109 & 3117 S. 27th St

-END-

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Dana Schoening, Director Planning & Development Services**

SUBJECT: **Ordinance:** ***(First Reading)*** **Z-2016-32 A request from G. Laughlin Partners, LP, agent Jacob & Martin, to rezone property from NR (Neighborhood Retail) to PD (Planned Development) zoning, located at 600 N. Pioneer Dr & 600 N. Jefferson Dr; and setting a public hearing for August 11, 2016.** ***(Schoening)***

GENERAL INFORMATION

Currently the property is undeveloped but does have a paved parking lot adjacent to N. Pioneer Dr. Some existing self-service storage units exist to the south and are also owned by the property owner. The adjacent properties are developed with multi-family developments to the north, west & south and a church to the east across N. Pioneer Dr. The applicant is proposing to rezone the property to the PD zoning with the existing NR zoning to remain, to allow for the outdoor storage of boats, RV's, & other similar vehicles & trailers, and to also allow for additional self-service storage units.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. North Pioneer Dr is designated as a 'minor arterial' roadway as well as an 'enhancement corridor'. The PD zoning will maintain the NR zoning which is compatible adjacent to residentially zoned properties. The additional requested uses of outdoor storage of boats, RV's, & other similar vehicles & trailers and self-service storage units would be an extension of the existing self-service storage units to the south. However, a setback off of N. Jefferson Dr and some screening may be appropriate from the residentially zoned properties. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of the proposed PD ordinance

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as presented by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description	Type
Ordinance	Ordinance
Staff Report with Maps	Backup Material

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-155 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

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

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

PASSED ON FIRST READING this 28th day of July A.D. 2016.

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 17th day of June , 2016, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 p.m., on the 11th day of August, 2016, 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 11th day of August, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

Exhibit "A"

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

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

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

PART 4: Zoning. That Chapter 23, Abilene Municipal Code, part known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From NR (Neighborhood Retail) to PD (Planned Development) zoning.

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

ORDINANCE NO. _____
EXHIBIT "A"
PAGE 2

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

PARK PLAZA SEC 1, BLOCK L, LOT 1 EXT OF CONT
PARK PLAZA SEC 1, BLOCK L, LOT 2 EXT OF CONT

Location:
600 N. Pioneer Dr & 600 N. Jefferson Dr

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for NR (Neighborhood Retail) uses, outdoor storage of boats, RV's, & other similar vehicles & trailers, & additional self-service storage units.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the NR (Neighborhood Retail) zoning district, except as modified below:

1) PERMITTED USES:
    a. Outdoor storage of boats, RV's, & other similar vehicles & trailers shall be allowed as a principal use
    b. Self-Service Storage Units shall be allowed as a principal use.

2) DEVELOPMENT REGULATIONS: When developed as outdoor storage of boats, RV's, & other similar vehicles & trailers and/or a self-service storage unit facility the following shall apply:

    a. Setbacks: A fifty foot (50') setback shall be required along the west property line adjacent to N. Jefferson Dr for buildings, parking areas, & outdoor storage.

    b. Bufferyards shall be required along the south & north boundaries adjacent to residential zoning districts.

    c. Landscaping shall be required along the west property line adjacent to N. Jefferson Dr as required per site plan requirements (including but not limited to: 10' landscape strip, 1 tree per 60 linear feet, & a 3' screen, berm, or hedgerow).

-END-

ZONING CASE Z-2016-32
STAFF REPORT

APPLICANT INFORMATION:
G. Laughlin Partners, LP
Agent: Jacob & Martin

HEARING DATES:
P & Z Commission: July 5, 2016
City Council 1st Reading: July 28, 2016
City Council 2nd Reading: August 11, 2016

LOCATION:
600 N. Pioneer Dr & 600 N. Jefferson Dr

REQUESTED ACTION:
Rezone property from NR (Neighborhood Retail) to PD (Planned Development) zoning

SITE CHARACTERISTICS:
The subject parcels total approximately 1.61 acres and is currently zoned NR. The parcel is undeveloped but does have a paved parking lot adjacent to N. Pioneer Dr. The adjacent properties are zoned MF (Multi-Family Residential) to the north & west, MF & GC (General Commercial) to the south, and RS-8 (Single-Family Residential), HC (Heavy Commercial), & MF zoning to the east across N. Pioneer Dr.

ZONING HISTORY:
The property was annexed in 1957 and zoned NR sometime after.

ANALYSIS:
- Current Planning Analysis
  Currently the property is undeveloped but does have a paved parking lot adjacent to N. Pioneer Dr. Some existing self-service storage units exist to the south and are also owned by the property owner. The adjacent properties are developed with multi-family developments to the north, west & south and a church to the east across N. Pioneer Dr. The applicant is proposing to rezone the property to the PD zoning with the existing NR zoning to remain, to allow for the outdoor storage of boats, RV's, & other similar vehicles & trailers, and to also allow for additional self-service storage units.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. North Pioneer Dr is designated as a 'minor arterial' roadway as well as an 'enhancement corridor'. The PD zoning will maintain the NR zoning which is compatible adjacent to residentially zoned properties. The additional requested uses of outdoor storage of boats, RV's, & other similar vehicles & trailers and self-service storage units would be an extension of the existing self-service storage units to the south. However, a setback off of N. Jefferson Dr and some screening may be appropriate from the residentially zoned properties. The

requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:
Staff recommends approval of the proposed PD ordinance.

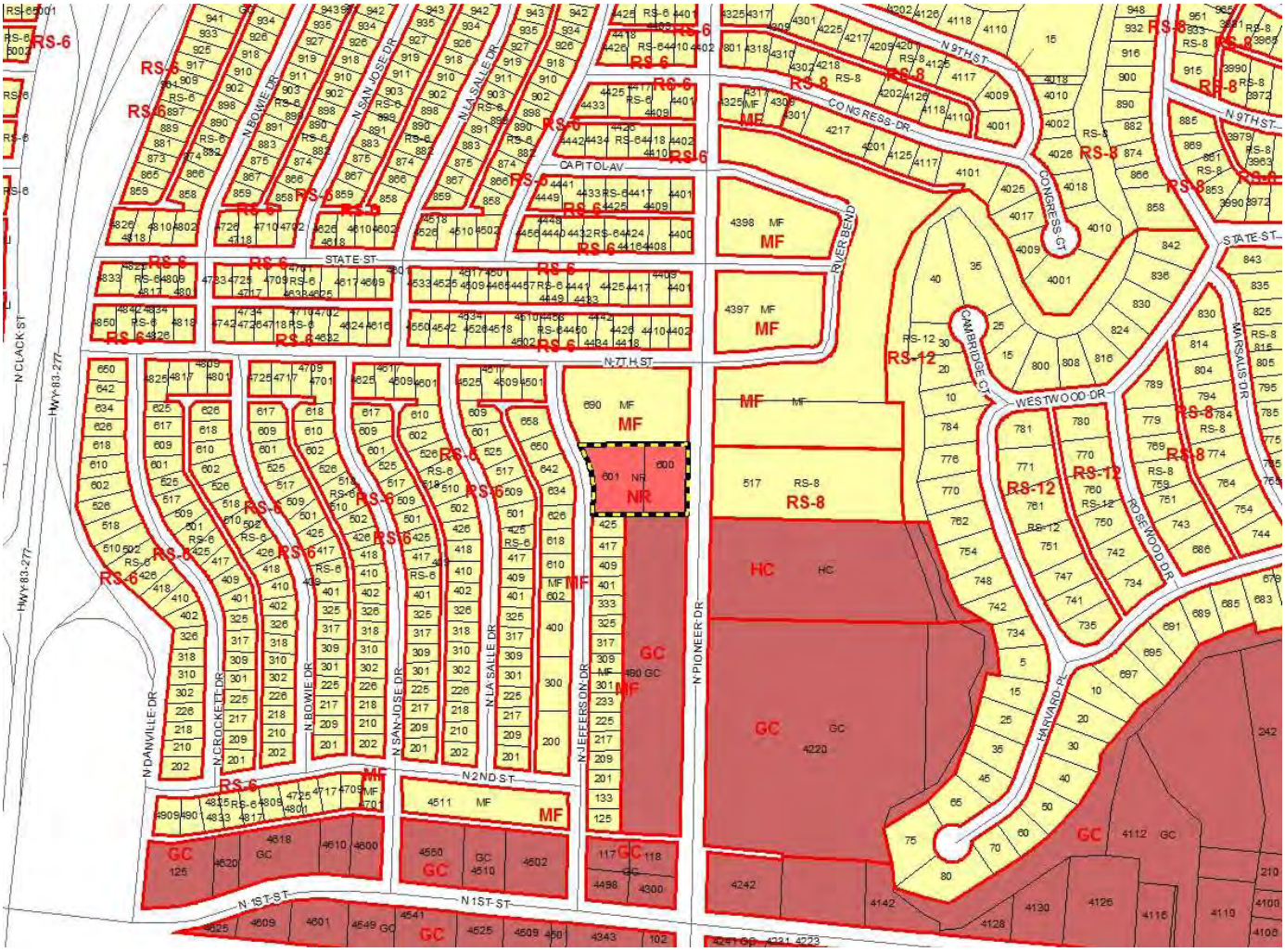
PLANNING AND ZONING COMMISSION RECOMMENDATION:
The Planning and Zoning Commission recommends approval as presented by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

NOTIFICATION:
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
HENRY JOHN LLC	690 N PIONEER DR	
NT ROMANS 8 28 38 39 LLC	618 N JEFFERSON DR	
DAMA PROPERTIES LLC	658 N JEFFERSON DR	
DAMA PROPERTIES LLC	650 N JEFFERSON DR	
DAMA PROPERTIES LLC	642 N JEFFERSON DR	
G LAUGHLIN PARTNERS	600 N JEFFERSON DR	
ELMCREST BAPTIST CHURCH		
ELMCREST BAPTIST CHURCH		
NT ROMANS 8 28 38 39 LLC	610 N JEFFERSON DR	
DAMA PROPERTIES LLC	425 N JEFFERSON DR	
ELMCREST BAPTIST CHURCH	517 N PIONEER DR	
DAMA PROPERTIES LLC	634 N JEFFERSON DR	
G LAUGHLIN PARTNERS	600 N PIONEER DR	
NT ROMANS 8 28 38 39 LLC	626 N JEFFERSON DR	
DAMA PROPERTIES LLC	401 N JEFFERSON DR	
DAMA PROPERTIES LLC	417 N JEFFERSON DR	
G LAUGHLIN PARTNERS	490 N PIONEER DR	
DAMA PROPERTIES LLC	409 N JEFFERSON DR	
POPE HENRY E	517 N LA SALLE DR	
GRANADOS RAMON	4501 N 7TH ST	
MC ATEE ROBERT	509 N LA SALLE DR	
BAKER VIRGINIA B	425 N LA SALLE DR	
MONROE WAYNNE EVELYN TR OF	501 N LA SALLE DR	
HOUSING AUTHORITY OF ABL	797 RIVER BEND	

0 in Favor- **Y**

0 Opposed- **N**


N CLACK ST
HWY-83-277
N BOWIE DR
N SAN JOSE DR
N LA SALLE DR
CAPITOL AV
STATE ST
N 7TH ST
RIVER BEND
CONGRESS DR
CONGRESS CT
CAMBRIDGE CT
WESTWOOD DR
ROSEWOOD DR
MARSAUS DR
HARVARD PL
N PIONEER DR
N JEFFERSON DR
N DANVILLE DR
N CROCKETT DR
N 2ND ST
N 1ST ST
RS-6
RS-8
RS-12
MF
HC
GC
NR

N 10TH ST
N 9TH ST
CONGRESS DR
CAPITOL AV
STATE ST
N 7TH ST
N 3RD ST
N 2ND ST
N 1ST ST
S 1ST ST
HWY 83-277
N CLACK ST
N BOWIE DR
N SAN JOSE DR
N LA SALLE DR
N JEFFERSON DR
N PIONEER DR
S PIONEER DR
RIVER BEND
CAMBRIDGE CT
ROSEWOOD DR
MARSALIS DR
AMHERST DR
WESTWOOD DR
HARVARD PL
PROCTOR DR
601
600
4220
4242

N 7TH ST
601
600
N PIONEER DR
N LEFFERSON DR
N LA SALLE DR

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: Authorizing an Application to Amend Certificate of Adjudication 12-4161 Lake Fort Phantom Hill *(Taylor)***

GENERAL INFORMATION

The City of Abilene holds Certificate of Adjudication 12-4161 (CA 4161) authorizing the diversion of raw water from Lake Fort Phantom Hill (LFPH). A Certificate of Adjudication is a water right issued by the Texas Commission on Environmental Quality (TCEQ) authorizing the holder of the certificate to utilize the described water resource in accordance with the terms and conditions of the water right. The Water Utilities Department is requesting that the Abilene City Council approve a resolution authorizing the City Manager or his designee to sign and submit an application to the TCEQ to amend CA 4161. The application addresses two specific issues:
1. Authorizes the City to divert (remove) raw water from any point along the perimeter of LFPH.
2. Authorizes the City for exempt Interbasin Transfers (IBT)'s to the Colorado River Basin. Water that is transferred across river basin boundaries is called an IBT. The IBT's will allow water originating from Lake Fort Phantom Hill to be distributed by Abilene or Abilene's wholesale customers to service areas located partially or totally within the Colorado River Basin.

SPECIAL CONSIDERATIONS

Lake Fort Phantom Hill and its watershed are located entirely within the Brazos River Basin. Abilene's water distribution system is located entirely within the Brazos River Basin. However, Abilene supplies potable water originating from LFPH to several wholesale customers, some of which distribute the purchased water to service areas extending into the Colorado River Basin. Abilene is requesting that CA 4161 be amended to exempt IBT's in accordance with provisions of the Texas Water Code. TWC Section 11.085(v)(1) authorizes the exempt IBT of up to 3,000 acre feet annually of water originating in the Brazos River Basin to be transferred into the Colorado River Basin. This exemption is favorable to accommodate possible future transfers of water within this region. TWC Section 11.085(v)(4) authorizes the exempt IBT of water appropriated under CA 4161 from the Brazos River Basin to those portions of Nolan, Taylor, Callahan, and Eastland Counties that are located within the Colorado River Basin. Wholesale customers City of Clyde, City of Baird, City of Lawn, Steamboat Mountain Water Supply Corporation, and Eula Water Supply Corporation currently exist either partially or totally within the described areas.
The CA 4161 identifies a specified location for Abilene to divert raw water from LFPH. However, the listed location does not match with the actual location of Abilene's raw water intake pump station. Abilene is requesting that CA 4161 be amended to allow Abilene to divert raw water from any point along the perimeter of LFPH. This amendment would resolve the location error within CA 4161. And the proposed "perimeter" language is typical of similar modern permits.

FUNDING/FISCAL IMPACT

N/A

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council approve of the resolution as described above.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

	Description	Type
🗋	Resolution Authorizing Amendment to Certificate of Adjudication 12-4161	Cover Memo
🗋	Cover Letter-EHT-Application to Amend CA 12-4161	Cover Memo
🗋	Service Area Map-Amendment to CA 12-4161	Cover Memo

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE FILING OF AN AMENDMENT TO CERTIFICATE OF ADJUDICATION 12-4161.

WHEREAS, the City of Abilene, Texas (the "City") is the holder of Certificate of Adjudication No. 12-4161, as amended (the "Certificate"); and,

WHEREAS, the Certificate authorizes the City to maintain a dam and reservoir on Elm Creek, known as Lake Fort Phantom Hill, and to impound therein not to exceed 73,960 acre-feet of water and to divert and use not to exceed 25,690 acre-feet of water per year for municipal purposes, 4,000 acre-feet of water per year for industrial purposes, and 1,000 acre-feet of water per year for agricultural purposes, as well as applicable reuse authorizations as provided in Paragraph 1.B of Certificate of Adjudication 12-4161C; and,

WHEREAS, the City has the need and desire to make the most efficient use of the water supply from Lake Fort Phantom Hill; and,

WHEREAS, the City wishes to: (i) seek authorization to divert water from any point along the perimeter of Lake Fort Phantom Hill; and (ii) seek two exempt interbasin transfers ("IBTs") pursuant to the Texas Water Code ("TWC") to provide water within that portion of the West Central Texas region that is located within the Colorado River Basin; and,

WHEREAS, it is necessary for the City to apply to the Texas Commission on Environmental Quality ("TCEQ") for amendments to the Certificate that will permit the diversion of water from any point along the perimeter of Lake Fort Phantom Hill, and will authorize the exempt IBTs 1) pursuant to TWC 11.085(v)(1), to transfer not more than 3,000 acre-feet of water per annum appropriated pursuant to the Certificate from the Brazos River Basin to the Colorado River Basin; and 2) pursuant to TWC 11.085(v)(4), to transfer water appropriated pursuant to the Certificate from the Brazos River Basin to those portions of Nolan, Taylor, Callahan, and Eastland Counties that are located within the Colorado River Basin; and,

WHEREAS, the City Council wishes to authorize the City Manager or his designee to prepare, make, execute, file, prosecute, amend, negotiate, settle and compromise any and all applications to the TCEQ to amend the Certificate as he shall deem necessary and appropriate, and to employ the services of such consultants to assist in the prosecution of such application, and to negotiate, settle and compromise any challenges or disputes arising out of such applications, all as he shall deem to be in the best interests of the City.

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

PART 1: The City Manager or his designee is hereby authorized and directed to prepare, or cause to be prepared, and to make, execute, file, prosecute, amend, negotiate, settle and compromise any and all applications to the TCEQ to amend the Certificate as he shall deem

necessary and appropriate, and to employ the services of such consultants to assist in the prosecution of such application, and to negotiate, settle and compromise any challenges or disputes arising out of such applications, all as he shall deem to be in the best interests of the City.

PART 2: The City Manager or his designee is hereby authorized and directed to make all expenditures necessary in order to prepare, make, execute, file, prosecute, amend, negotiate, settle and compromise the application for the amendment of the Certificate from TCEQ.

PART 3: A certified copy of this resolution shall be provided to the TCEQ and to all persons interested in the subject matter hereof.

ADOPTED AND EFFECTIVE this _____ day of _____, A.D., 2016

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norman Archibald, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

Enprotec / Hibbs & Todd

June 27, 2016

Via Hand Delivery and Email

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

Re: Application to Amend Certificate of Adjudication 12-4161
Lake Fort Phantom Hill Perimeter Diversion & Exempt Interbasin Transfer Request

Dear Mr. Taylor:

The Application to Amend Certificate of Adjudication 12-4161 to divert water from Lake Fort Phantom Hill perimeter and to allow exempt interbasin transfers to the Colorado River Basin pursuant to Texas Water Code Sections 11.085(v)(1) and 11.085(v)(4) (IBT Application) is attached for review and City actions. The IBT Application components with requested City actions are as follows:

- Draft cover letter from Lloyd Gosselink Law Firm (LG) – No City action;
- Application form TCEQ-10201, page 1 – City to sign and Notarize;
- Application form TCEQ-10201, page 2 – No City action;
- Supplement to Application (5 pages) – City Council Action date to be inserted by eHT;
    - Attachment A Certificate of Adjudication No. 12-4161 – No City action;
    - Attachment B Authority to File Application – City to finalize and execute Resolution;
    - Attachment C Vicinity Map – No City action;
    - Attachment D USGS Topographic Map – No City action;
    - Attachment E Application Fee – LG to issue check prior to submittal on City's behalf; and
    - Attachment F – Approved Water Conservation Plan and Drought Contingency Plan – No City action.

Please return the original, executed documents to eHT; these will be forwarded to LG for submittal to TCEQ. Please let me know if you have any questions.

Sincerely,

Enprotec / Hibbs & Todd, Inc.

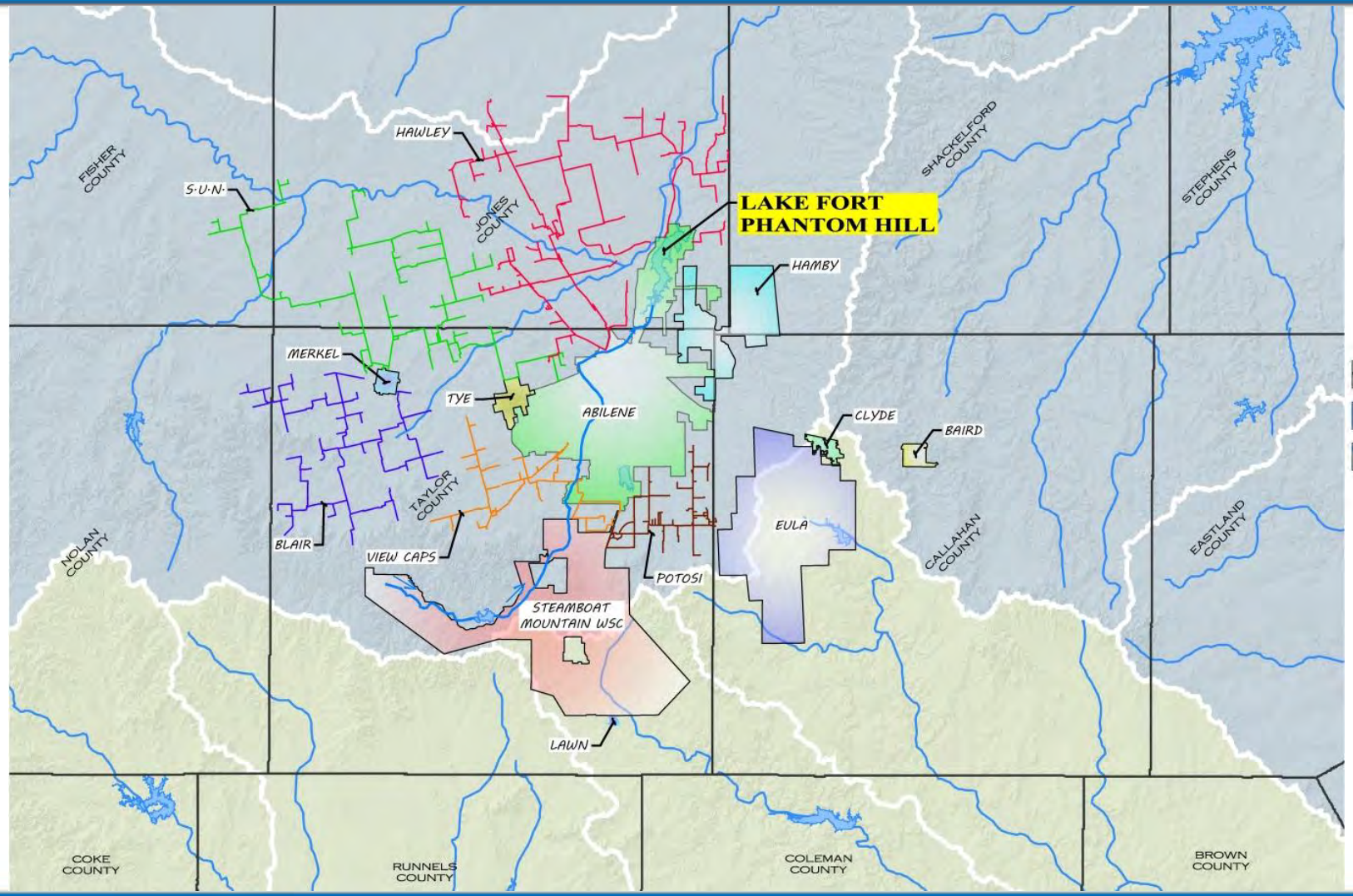
Luci Dunn, P.E.
Senior Project Manager

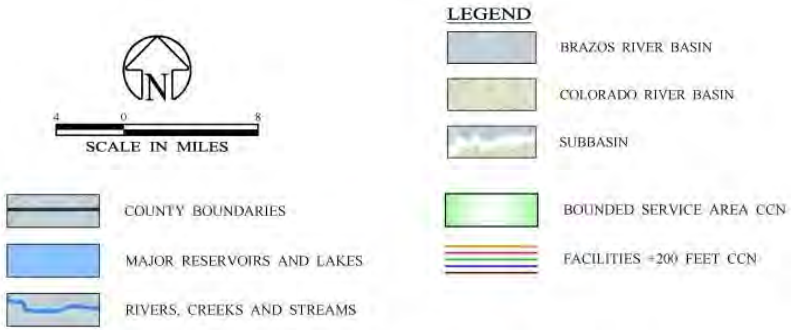
LD/jd

Attachment Application to Amend Certificate of Adjudication 12-4161

c: Project File 6402 P:\Projects\Abilene, City of\6402 Fort Phantom Hill IBT\1. General Correspondence\IBT package transmittal to City 6-27-2016.docx

Service Area Map





CITY OF ABILENE
WHOLESALE WATER CUSTOMERS
JUNE, 2016

ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: Authorizing the City Manager to Execute a Contract with United States Geological Survey for Streamflow Monitoring Stations. *(Taylor)***

GENERAL INFORMATION

The Water Utilities Department is requesting that the Abilene City Council approve a written resolution authorizing the City Manager to execute a contract with the United States Department of the Interior, U.S. Geological Survey (USGS), in the amount of $177,490.00 for an annual contract to operate and maintain monitoring stations for various lakes and streams in this region. The Contract has an effective date from October 1, 2016 to September 30, 2017. The contract provides for monitoring of stream flow and lake levels. It also provides for more specialized water quality monitoring of certain stream segments associated with permitting.

SPECIAL CONSIDERATIONS

The City of Abilene (City) operates water supply facilities which requires City staff to monitor the conditions of regional streams, rivers, and lakes. The City's operation of water supply and wastewater treatment facilities requires the monitoring of discharges, stream flows, and water quality parameters in order to obtain and/or comply with discharge permits and water rights permits. There are several streams and lakes in and near the City for which the City benefits from the ability to monitor stream flows and lake levels during heavy rainfall events. The USGS contracts to provide facilities and services for the monitoring of stream flows, lake levels, and water quality parameters.

Lake Level and Stream flow gauging stations are important tools used to provide both current conditions and long term historical data for permanent records and trending. Abilene currently cooperates with the USGS to fund specific sites that have importance to our organization and our community. There are currently five locations continuously measuring stream flows, two locations continuously measuring lake elevations, and two locations taking discharge measurements. The Contract also provides for water sampling services of five locations. The resolution authorizes the City Manager to execute the contract with USGS in the amount of $177,490.

FUNDING/FISCAL IMPACT

Funds for this contract will come from the Water and Sewer Fund Annual Operating Budget.

STAFF RECOMMENDATION

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

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

	Description	Type
🗋	Resolution Authorizing a Contract with USGS for monitoring of surface waters	Cover Memo
🗋	Map of USGS Monitoring Station Sites	Cover Memo

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING A CONTRACT WITH THE UNITED STATES GEOLOGICAL SURVEY FOR THE OPERATION AND MAINTENANCE OF SURFACE WATER DATA COLLECTION FACILITIES.

WHEREAS, the City of Abilene (City) operates water supply facilities which requires City staff to monitor the conditions of regional streams, rivers, and lakes; and

WHEREAS, the City's operation of water supply and wastewater treatment facilities requires the monitoring of discharges, stream flows, and water quality parameters in order to obtain and/or comply with discharge permits and water rights permits; and

WHEREAS, there are several streams and lakes in and near the City for which the City benefits from the ability to monitor stream flows and lake levels during heavy rainfall events; and

WHEREAS, the United States Department of the Interior - United States Geological Survey (USGS) provides facilities and services for the monitoring of stream flows, lake levels, and water quality parameters; and

WHEREAS, the USGS does agree to install, own, and operate stream flow, reservoir elevation, discharge flow, and/or water quality sample collection and processing facilities at specific locations which benefit the City; and

WHEREAS, USGS has developed a Joint Funding Agreement for Water Resource Investigations (Contract) to provide those monitoring services for the one year period of October 1, 2016 through September 30, 2017 and which has a value of $177,490.00; and

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

That the City Manager is authorized to execute the Contract with USGS for Water Resource Investigations in the amount of $177,490.00.

ADOPTED this 28th day of July, 2016.

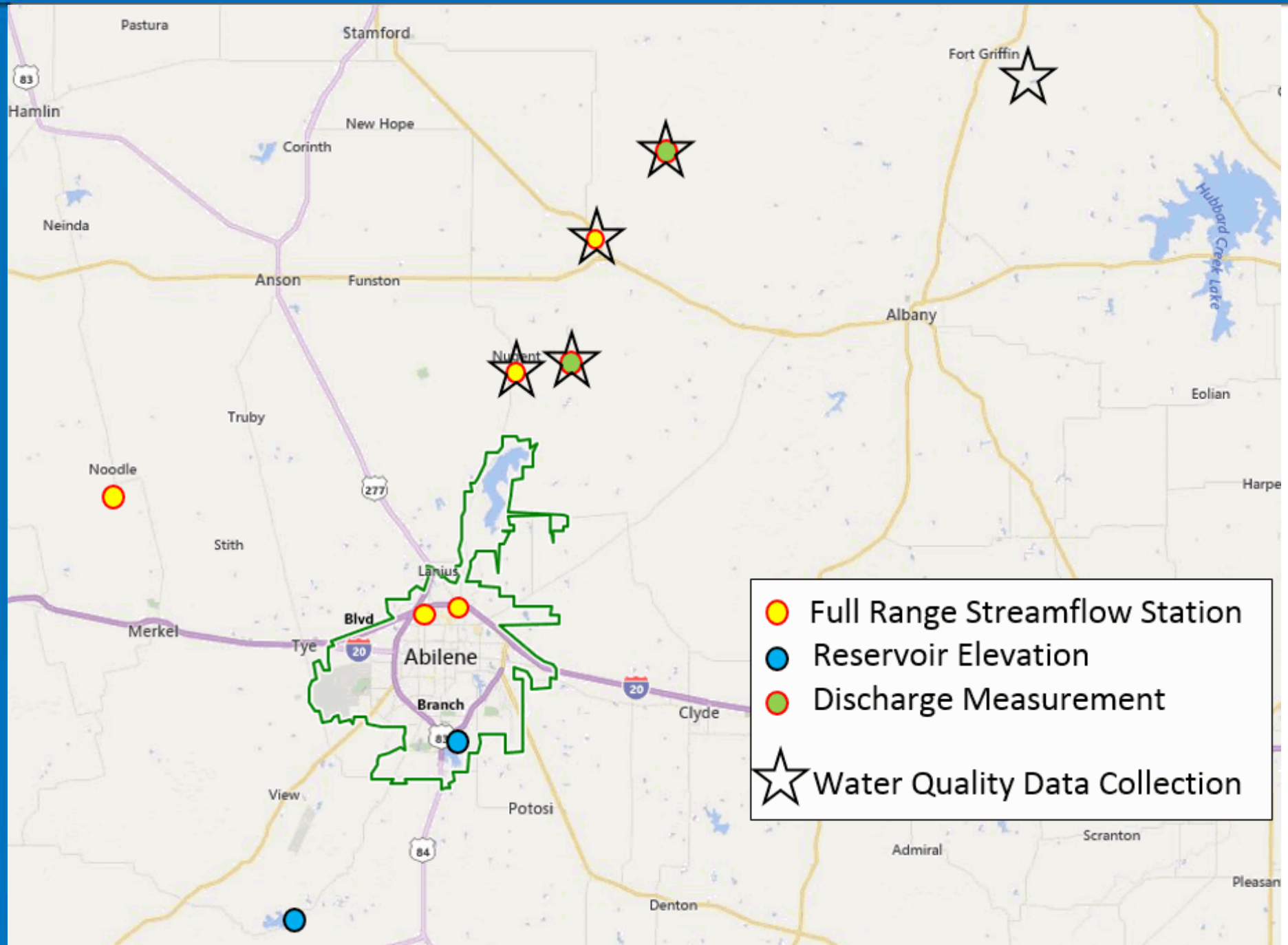
ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norm Archibald, Mayor

APPROVED:

_____
Stanley Smith, City Attorney



USGS Monitoring Station Locations

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Dana Schoening, Director Planning & Development Services**

SUBJECT: **REMOVE FROM THE TABLE**
Ordinance & Public Hearing: *(Final Reading)* Z-2016-21 A request from LBHDS, LLC, agent Chris Barnett, to rezone property from RS-6 (Single-Family Residential) to NO (Neighborhood Office), MF (Multi-Family Residential), & TH (Residential Townhouse) zoning, being approximately 26.3 acres located on the south side of the 4500 Block of Antilley Rd. *(Schoening)*

GENERAL INFORMATION

UPDATED: The applicant has amended the requested zoning to include MD & PH (Patio Home) zoning in place of the MF & TH zoning.

Currently the property is undeveloped. The adjacent properties to the west are developed with single-family homes. Wylie High School exists to the north across Antilley Rd. An apartment complex is being built on the property to the east. The applicant is requesting the NO zoning along the Antilley frontage, MF zoning on the majority of the remaining area, and a row of townhouses along the western boundary adjacent to the existing single-family homes.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. Antilley Rd is designated as an 'arterial' roadway. The RS-6 zoning was approved in 2013 to be consistent with the adjacent single-family homes to the west. Since then, the properties to the east and south have received zoning changes to permit apartments and retail uses closer to Buffalo Gap Rd. The proposed zoning does provide some transition. However, the RS-6 zoning was originally intended to provide transition. Staff feels that a more appropriate transition would be to keep the RS-6 zoning on the western half of the remaining area and the MD (Medium Density Residential) zoning.

SPECIAL CONSIDERATIONS

As provided for in City of Abilene Land Development Code Article 4, Division 1, Section 1.4.1.3(I)(1), when a written protest against the amendment is signed by the owners of twenty percent (20%) or more of either the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area, a zoning amendment shall not become effective except by the favorable vote of three fourths of all members of the City Council.

Regarding this particular rezoning item, twenty-one (21) property owners have opposed the rezoning. Together these property owners constitute 23.4% of the land area within the radius area. The 200' radius area is the legally defined public notification area as provided for in Land Development Code and Texas State Statutes for rezoning applications. Therefore, because opposition is from 20% or more of land area in the public notification area, a super-majority vote of the City Council is required to approve an ordinance for this rezoning item.

For explanation on the 200' radius area constituting the public notification area, the radius begins at the property line of the property proposed for rezoning. The actual property area proposed for rezoning is not included as part of the public notification area. Only the 200' radius area constitutes the public notification area, therefore the portion of the twenty-one (21) properties located within the 200' radius area constitutes over 20% of the total land area that defines the 200' radius area.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of the NO zoning as requested, MD on the eastern half of the remainder, and keeping the RS-6 zoning (or similar single-family residential zoning) on the western half of the remainder.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approving the amended request as presented by a vote of four (4) in favor (Bixby, Calk, Famble, & McClarty) and one (1) opposed (Dunnahoo).

ATTACHMENTS:

Description	Type
Ordinance Cover	Ordinance
Ordinance Exhibit	Ordinance
Staff Report with Maps	Backup Material
Original request	Backup Material
Staff Recommendation	Backup Material
Applicant's Amended Request	Backup Material
Surrounding Property Owner Responses	Backup Material
Surrounding Property Owner Petition	Backup Material
Presentation	Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL 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 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

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 this 23rd day of June, A.D. 2016.

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 April, 2016, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 14th day of July, 2016 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 14th day of July, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

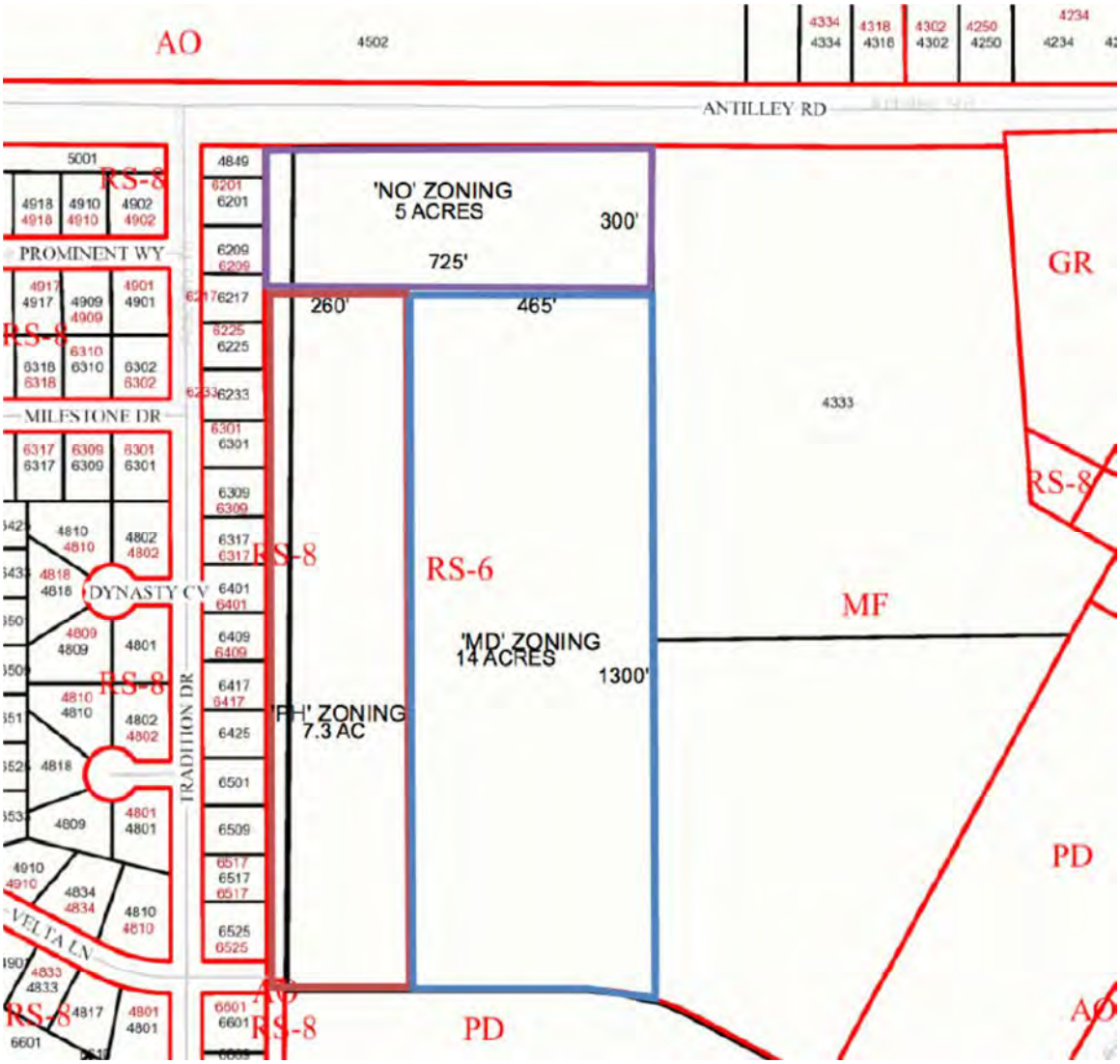
Rezone property from RS-6 (Single-Family Residential) to NO (Neighborhood Office), MD (Medium Density Residential), & PH (Single-Family Residential - Patio Home) zoning.

Legal Description:

A0417 SUR 101 WM E VAUGHN, ACRES 26.299

Location:
The south side of the 4500 Block of Antilley Rd

EXHIBIT FROM APPLICANT



-END-

ZONING CASE Z-2016-21
STAFF REPORT

APPLICANT INFORMATION:
LBDHS, LLC
Agent: Chris Barnett

HEARING DATES:
P & Z Commission: May 2, 2016
-Tabled to June 6, 2016
City Council 1st Reading: June 23, 2016
City Council 2nd Reading: July 14, 2016

LOCATION:
Being ±26.3 acres located on the south side of the 4500 block of Antilley Rd

REQUESTED ACTION:
Rezone property from RS-6 (Single-Family Residential) to NO (Neighborhood Office), MF (Multi-Family Residential), & TH (Residential Townhouse) zoning *UPDATED: The applicant has amended the requested zoning to include MD & PH (Patio Home) zoning in place of the MF & TH zoning.*

SITE CHARACTERISTICS:
The subject parcel totals approximately 26.3 acres and is currently zoned RS-6. It is undeveloped. The adjacent properties are zoned AO (Agricultural Open Space) to the north, MF to the east, PD (Planned Development) to the south, & RS-8 (Single-Family Residential) to the west.

ZONING HISTORY:
The property was annexed in 1980 and zoned RS-6 in 2013.

ANALYSIS:
- Current Planning Analysis
  Currently the property is undeveloped. The adjacent properties to the west are developed with single-family homes. Wylie High School exists to the north across Antilley Rd. An apartment complex is being built on the property to the east. The applicant is requesting the NO zoning along the Antilley frontage, MF zoning on the majority of the remaining area, and a row of townhouses along the western boundary adjacent to the existing single-family homes. *UPDATED: The applicant has amended the requested zoning to include MD & PH (Patio Home) zoning in place of the MF & TH zoning.*

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. Antilley Rd is designated as an 'arterial' roadway. The RS-6 zoning was approved in 2013 to be consistent with the adjacent single-family homes to the west. Since then, the properties to the east and south have received zoning changes to permit apartments and retail uses closer to Buffalo Gap Rd. The proposed zoning does provide some transition. However, the RS-6 zoning was

originally intended to provide transition. Staff feels that a more appropriate transition would be to keep the RS-6 zoning on the western half of the remaining area and the MD (Medium Density Residential) zoning. *UPDATED: The applicant has amended the requested zoning to include MD & PH (Patio Home) zoning in place of the MF & TH zoning.*

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the NO zoning as requested, MD on the eastern half of the remainder, and keeping the RS-6 zoning (or similar single-family residential zoning) on the western half of the remainder.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approving the amended request as presented by a vote of four (4) in favor (Bixby, Calk, Famble, & McClarty) and one (1) opposed (Dunnahoo).

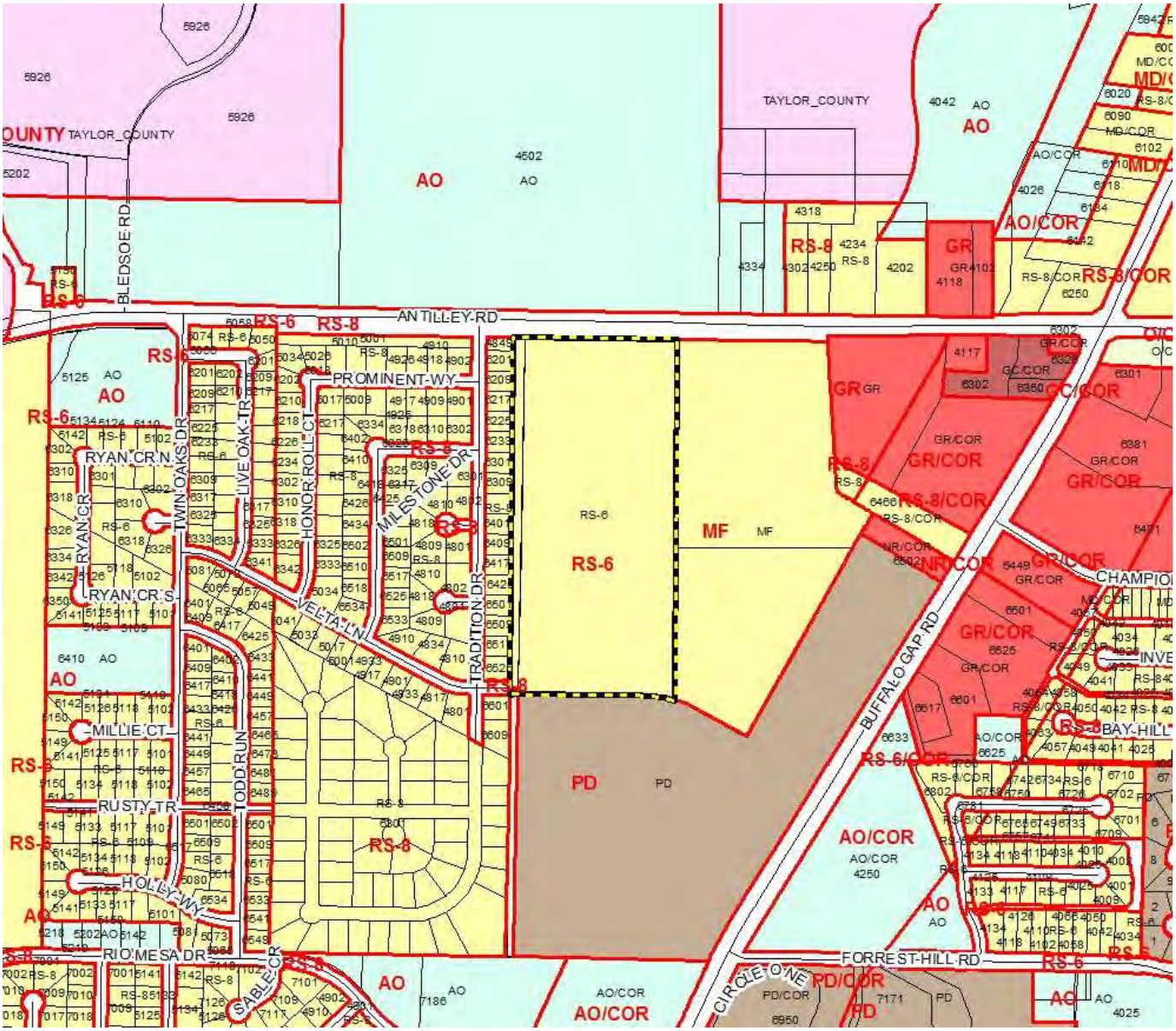
NOTIFICATION:

Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
TRAN HA THU	6217 TRADITION DR	Opposed
BREEDLOVE BRADLEY & DANIELLE	6517 TRADITION DR	Opposed
MITCHELL DIANA	6401 TRADITION DR	Opposed
HANNA KEVIN & MICHELLE	6309 TRADITION DR	Opposed
STAFFORD JULIE MICHELLE HANSEN	6409 TRADITION DR	Opposed
HOLT SAMMY LEE JR	6225 TRADITION DR	Opposed
BLEDSOE DONALD D		
SMITH TIM & DEBRA	4901 PROMINENT WY	Opposed
LANTRIPS CUSTOM HOMES INC	6609 TRADITION DR	
TIGRIS II LTD		
SHOEMAKER CHRISTOPHER & JENNIFER L	6301 TRADITION DR	Opposed
Confidential Owner	6417 TRADITION DR	Opposed
LACY JIM & KATHY	4810 VELTA LN	Opposed
ROBINSON JARROD W & LAUREN E	6301 MILESTONE DR	Opposed
HUGHES DERICK M & ALEXIS S	4801 PRODIGY CV	Opposed
MEANS BRIAN & LORA	4802 PRODIGY CV	Opposed
GUERRA ELIAS SR & CORINA	6201 TRADITION DR	Opposed
LANTRIPS CUSTOM HOMES INC	4801 DYNASTY CV	
TIGRIS XIII LTD		
CASTANEDA IRVIN & ISMAEL	4902 PROMINENT WY	
CITY OF ABILENE	5001 ANTILLEY RD	
ELLIS TIMOTHY A	6233 TRADITION DR	Opposed
EVATT CHRISTOPHER KEITH & JACKELYN KRISTINE	4801 VELTA LN	Opposed
GARCIA JAMES MARTIN	6317 TRADITION DR	Opposed
BRUNING BRYAN C & LINDI A	4802 DYNASTY CV	Opposed
LBHDS LLC		
SAMHAT ZOUHEIR & MAYRA V	6302 MILESTONE DR	Opposed
WYLIE IND SCHOOL DIST	4502 ANTILLEY RD	
COUNTRYSIDE HOMES LLC	6501 TRADITION DR	

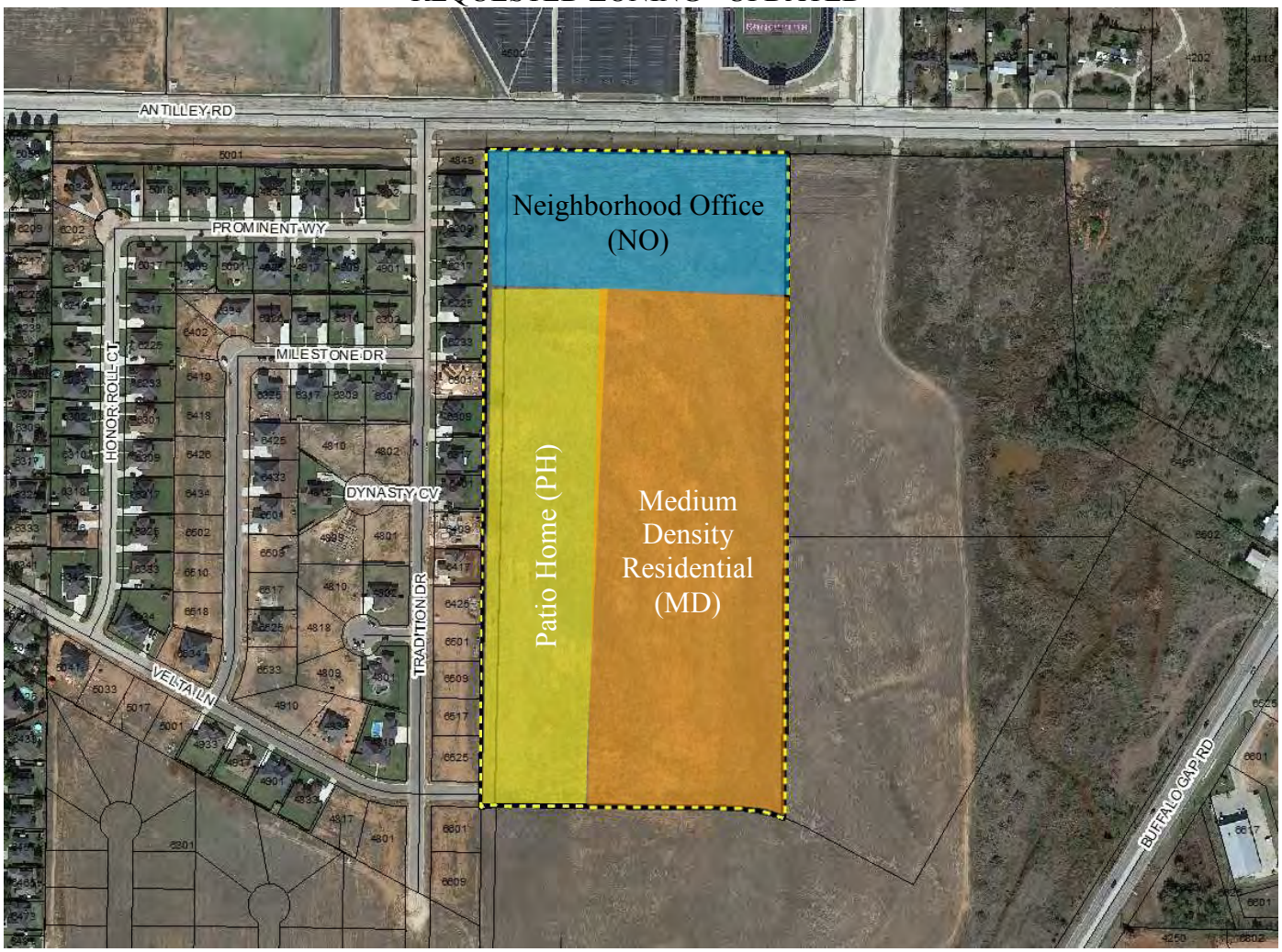
CITY OF ABILENE	4849 ANTILLEY RD	
WAGAMON JERRY & PATRICIA M	6601 TRADITION DR	Opposed
TINA KIM SCHUSTER LIV TR	6525 TRADITION DR	
COUNTRYSIDE HOMES LLC	6425 TRADITION DR	
COUNTRYSIDE HOMES LLC	6509 TRADITION DR	
RICHARDS JAMES Q	6209 TRADITION DR	Opposed

0 in Favor- **Y**
21 Opposed- **N**

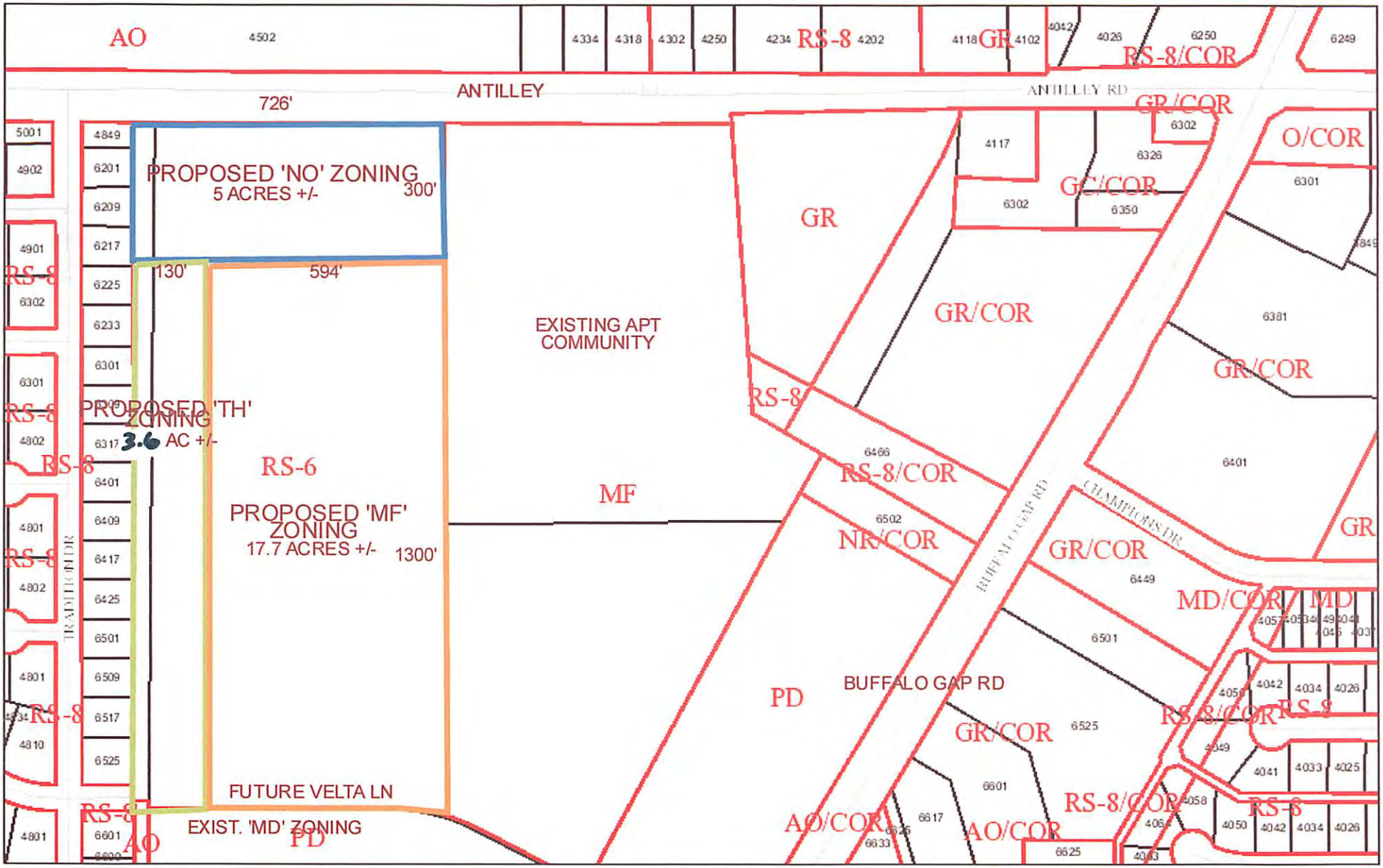

TAYLOR_COUNTY
AO
BLEDSOE RD
ANTILLEY RD
PROMINENT WY
RYAN CR N
RYAN CR S
TWIN OAKS DR
LIVE OAK TR
HONOR ROLL CT
MILESTONE DR
TRADITION DR
VELTA LN
MILLIE CT
RUSTY TR
HOLLY WY
TODD RUN
RIO MESA DR
SABLE CR
RS-6
RS-8
MF
PD
GR
GR/COR
AO/COR
NR/COR
RS-8/COR
RS-6/COR
BUFFALO GAP RD
FORREST HILL RD
CIRCLE O NE
BAY HILL
CHAMPION

BLEDSOE RD
ANTILLEY RD
PROMINENT WY
RYAN CR N
RYAN CR
TWIN OAKS DR
LIVE OAK TR
HONOR ROLL CT
MILESTONE DR
TRADITION DR
RYAN CR S
VELTA LN
MILLIE CT
RUSTY TR
TODD RUN
HOLLY WY
RIO MESA DR
SABLE CR
CIRCLE ONE
FORREST HILL RD
BUFFALO CAP RD
CHAMPIONS DR
INVERRARY DR
BAY HILL DR
PHOENIX DR
MISSION HILLS

REQUESTED ZONING - UPDATED



City of Abilene



April 1, 2016

Lines

- Override 1
- Override 2
- Override 3
- Streets
- ZONING
- Parcel Labels
- Parcels
- Lakes

1:4,514

0 0.0375 0.075 0.15 mi

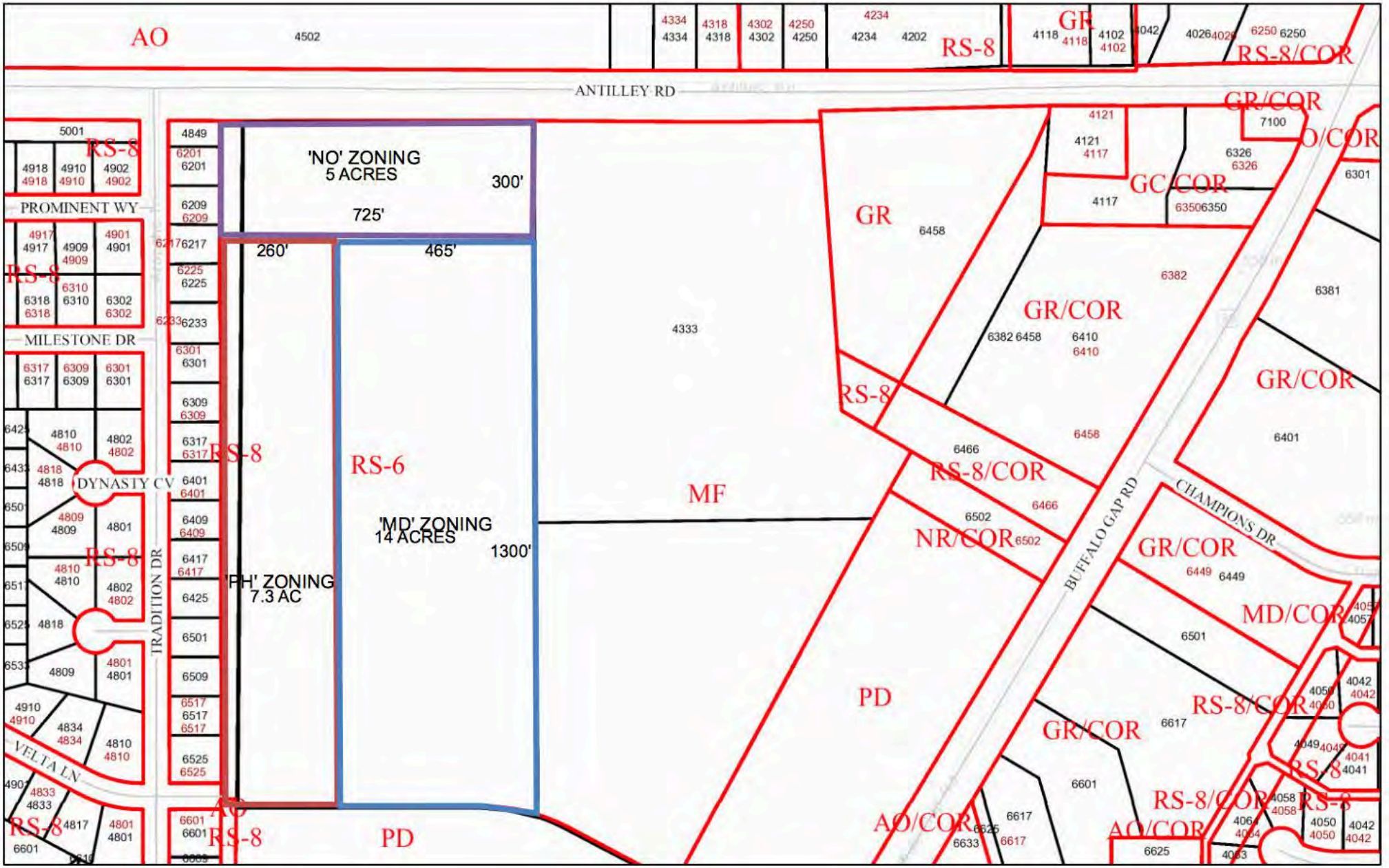
0 0.05 0.1 0.2 km

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

Planning and Zoning

Staff Recommendation

City of Abilene



May 19, 2016

1:4,514

Rainbow, Zack

From: Cameron Hanna <kevinhanna85@gmail.com>
Sent: Friday, April 29, 2016 5:22 PM
To: Reports, Planning
Subject: Rezoning application number Z-2016-21

6309 Tradition

I am a resident of the Wylie Legacy neighborhood on Tradition Drive and received the notice of the above mentioned rezoning request. My back yard borders the land being considered in the rezoning request. I am against the rezoning request. The proposed request will increase the population density causing an increase in traffic, noise, and a loss of privacy for the land and home owners of our neighborhood. It is also likely that the change would decrease adjacent property values and potentially increase local crime. Lastly, the rezoning would go against the current character of the Wylie Legacy neighborhood.

Thank you for your consideration,

Kevin Hanna

Rainbow, Zack

From: Garcia, James <James.Garcia@magellanlp.com>
Sent: Tuesday, April 26, 2016 8:01 AM
To: Reports, Planning
Cc: jgarcia73183@yahoo.com
Subject: Rezoning # Z-2016-21

To Whom It May Concern,

My name is James Garcia. I live at 6317 Tradition Dr. My house it located directly behind the land where you want to rezone for multifamily housing. I am **100% opposed** to this rezoning application #Z-2016-21. There are several factors that I am concerned about. One issues is that I am afraid of is that this will lower my property value. I paid a lot of money to live where I am to get away from multifamily housing areas. It would be a damn shame to have to pay what I pay and still have to live with the issues that these multifamily housing areas bring. That brings me to my next few issues. If this rezoning is allowed it will increase traffic, lighting, and noise. I have two small children which will be in danger with the increased traffic. They love to play outside ride bikes and scooters. If approved this may not be available for them to do anymore. That is one of the reasons I paid what I did to let my children have that luxury. I get up at 430am every morning to get to work. I need my rest so we go to bed early. With my house being directly next to this rezoning area the lighting and noise will affect my sleep and quality of life. I have a utility easement 10' into my back yard so I can't just go plant 15' foot trees to block the light and dampen the noise. I am also afraid that this might increase the crime in my area. Every year more and more crimes are pushing south of town. With more people crammed into an area it is bound to increase the crime. My family and I like to enjoy the hot tub we have & my wife likes to sun bath on the back porch. We currently have a 6' privacy fence so we can enjoy these activities in private. Multifamily housing areas are usually 2 to 3 stories high. Again our quality of life we pay a lot for is going to diminish because we can't enjoy our back yard with privacy. Please **DO NOT** approve the rezoning application.

Thanks,

James M. Garcia
Technician
BridgeTex Pipeline
Office: 325-691-2815
Cell: 325-436-4243
Fax: 325-691-2832

MAGELLAN™
MIDSTREAM PARTNERS, L.P.

Rainbow, Zack

From: Debra Smith <deblessmith@yahoo.com>
Sent: Sunday, May 1, 2016 9:29 PM
To: Reports, Planning
Subject: Opposition to Case # Z-2016-21 Rezoning Application
Attachments: filename-1.pdf

Tim and Debra Smith, residence at 4901 Prominent Way are oppose to this rezoning. We purchased and built in our neighborhood under the understanding that land adjoining was for single-family residence. We like being close to the high school but traffic is already a problem during morning and after school times, and will only get heavier when the apartments down the street become occupied. Property values would not be increased with the addition of another apartment complex.

Rainbow, Zack

From: Brad Robinson <brad.rob77@gmail.com>
Sent: Friday, April 29, 2016 10:01 AM
To: Reports, Planning
Subject: CASE #: Z-2016-21

I, Brad Robinson residing at 6333 Honor Roll Ct., Abilene, TX 79606 am OPPOSED to this zone request. There are numerous concerns that having a second apartment complex move into the same block create.
1. Increased traffic- During the school year Antilley road has heavy traffic as it is. There are young drivers that are learning to drive and numerous residents in the area. The congestion at the Buffalo Gap Rd and Antilley intersection on school mornings is very disruptive as of now.
2. Property values- The Wylie Legacies neighborhood would be the only neighborhood in Wylie with multiple apartment complexes adjacent to the existing neighborhood. Many prospective buyers would look elsewhere to purchase a house that does not have the traffic or apartments next door.
3. Overcrowding of school resources- Many people move to the Wylie school district for the outstanding academic achievements the district has been able to uphold. If more students flow in the the district the resources will be spread thin amongst all of the students allowing for a decline the teaching capabilities of the teachers with fewer resources. We moved into the Wylie district for that very reason. We wanted our children to have the best public education possible.

I am very concerned that the zoning committee does not have the best interest of the community, as they schedule meetings knowing that people will be more reluctant to attend during working hours through the week. They know that by hosting the meeting at this time that less people will show and not seem to care. In fact we do care and are unable to attend due to our work schedules. This is very concerning that a city committee intentionally tries to avoid the people and push their agenda through with out any concern to the community they are affecting. This makes me question our decision on living in the Abilene city limits.

Sincerely,
Brad Robinson
6333 Honor Roll Ct.

April 27, 2016

To Whom it Concerns,

I am writing to you with my concern and objection to the proposed new development on the south side of 4500 Antilley Road. I am a property owner and taxpayer in the neighborhood.

First, the proposed development could add 75-100 new students to the Wylie Independent School District. As anyone who lives in this area knows our class sizes are already at capacity and this addition would only add increased pressure to an already serious problem for our children's learning experience.

Secondly, as a property owner at 4810 Dynasty Cove, I am afraid this development would drastically reduce our property values in the area.

Thirdly, this development would add increased traffic patterns to an already very busy roadway. Being that it is situated directly across from the high school, congestion and automobile accidents will be more likely. Thus, putting us and our children in more danger.

Fourthly, putting in a low income development would put our neighborhood more susceptible to increased drugs and crime. Absentee landlords do not have a vested interest in their property as long as tenants are paying their rent which can result in drugs, trash, noise, and substandard housing.

As a tax paying citizen of Abilene, I am highly against this proposed new development.

Sincerely,

Kurt and Jennifer Richardson
4810 Dynasty Cove
Abilene, TX 79606

Jennifer Richardson

Kurt Richardson

WYLIE LEGACIES NEIGHBORHOOD PETITION

The following are residents of WYLIE LEGACIES who are AGAINST the proposed low-income/additional apartment complex to be built directly next to their neighborhood.

1. PRINTED NAME: Kurt and Jennifer Richardson
   a. ADDRESS: 4810 Dynasty Cove
   b. SIGNATURE: Jennifer Richardson
2. PRINTED NAME: Elias Guerra + Corina Guerra
   a. ADDRESS: 6201 Tradition Dr. [redacted]
   b. SIGNATURE: Elias Guerra
3. PRINTED NAME: James D. Richards
   a. ADDRESS: 6209 Tradition Dr. [redacted]
   b. SIGNATURE: James D. Richards
4. PRINTED NAME: Khanh Tran Le
   a. ADDRESS: 6217 Tradition Dr [redacted]
   b. SIGNATURE:
5. PRINTED NAME: Kenny Lentrip
   a. ADDRESS: 4809 Dynasty Cv
   b. SIGNATURE:
6. PRINTED NAME: Brian Purvis
   a. ADDRESS: 6402 Milestone Dr
   b. SIGNATURE:

7. PRINTED NAME: Alexis Hughes

a. ADDRESS: 4801 Prodigy Cove

b. SIGNATURE: Alexis S. Hughes

8. PRINTED NAME: Gilbert Luna

a. ADDRESS: 4810 Prodigy Cove

b. SIGNATURE:

9. PRINTED NAME: Lora Means

a. ADDRESS: 4802 Prodigy Cove Abilene, TX 79606

b. SIGNATURE:

10. PRINTED NAME: Danielle Breedlove

a. ADDRESS: 6517 Tradition Dr.

b. SIGNATURE: Danielle Breedlove

11. PRINTED NAME: JERRY WALLAMON

a. ADDRESS: 6601 TRADITION DR

b. SIGNATURE:

12. PRINTED NAME: LUIS CARLOS PORTILLO

a. ADDRESS: 6617 TRADITION DR

b. SIGNATURE:

13. PRINTED NAME: Chris Evatt

a. ADDRESS: 4801 Velta Ln.

b. SIGNATURE:

14. PRINTED NAME: Megan Tibbs

a. ADDRESS: 6481 Todd Run

b. SIGNATURE: [signature]

15. PRINTED NAME: Valerie McKinney

a. ADDRESS: 6902 Tradition Dr.

b. SIGNATURE: Valerie McKinney

16. PRINTED NAME: Jimmy D. Lacy Jr.

a. ADDRESS: 4913 VELTA LN.

b. SIGNATURE: Jimmy D. Lacy Jr.

17. PRINTED NAME: Ashley Anderson

a. ADDRESS: 4910 Velta Ln.

b. SIGNATURE: Ashley Anderson

18. PRINTED NAME: Venessa Gonzales

a. ADDRESS: 6509 Milestone Dr.

b. SIGNATURE: Venessa Gonzales

19. PRINTED NAME: ERIC & TRICIA BRYTON

a. ADDRESS: 4833 VELTA LN

b. SIGNATURE: Tricia D Bryton

20. PRINTED NAME: Tiffani Rainbow

a. ADDRESS: 4834 Velta Ln

b. SIGNATURE: Tiffani Rainbow

21. PRINTED NAME: Vicki Byrd

a. ADDRESS: 6534 Milestone Dr.

b. SIGNATURE: Vicki Byrd

22. PRINTED NAME: Kris Gay

a. ADDRESS: 6317 Twin Oaks Dr

b. SIGNATURE:

23. PRINTED NAME: Amanda Gay

a. ADDRESS: 6317 Twin Oaks Dr.

b. SIGNATURE: Amanda Gay

24. PRINTED NAME: Malissa Wright Elliott

a. ADDRESS: 6233 Twin Oaks Dr.

b. SIGNATURE: Malissa W. Elliott

25. PRINTED NAME: Shirley Reed

a. ADDRESS: 4901 Velta Lane

b. SIGNATURE: Shirley Reed

26. PRINTED NAME: NAVEED ANWAR, MD

a. ADDRESS: 4933 VELTA LN

b. SIGNATURE:

27. PRINTED NAME: MICHAEL BURNS

a. ADDRESS: 5041 VELTA LN.

b. SIGNATURE:

28. PRINTED NAME: Megan Thorup

a. ADDRESS: 6342 Honor Roll Ct.

b. SIGNATURE: Megan Thorp

29. PRINTED NAME: Brad Robinson

a. ADDRESS: 6333 Honor Roll Ct

b. SIGNATURE:

30. PRINTED NAME: Tammy Robinson

a. ADDRESS: 6333 Honor Roll

b. SIGNATURE: Tammy Robinson

31. PRINTED NAME: Erin & Garrett Rybak

a. ADDRESS: 6326 HONOR ROLL COURT

b. SIGNATURE: Erin Rybak

32. PRINTED NAME: SARAH Ruth Ford & MICHAEL W Ford

a. ADDRESS: 6318 Honor Roll Ct

b. SIGNATURE: Sarah Ruth Ford

33. PRINTED NAME: Stacie Hundley

a. ADDRESS: 6318 Honor Roll Ct

b. SIGNATURE: Stacie Hundley

34. PRINTED NAME: Emily Arnsberg

a. ADDRESS: 5018 Prominent Way

b. SIGNATURE: Emily Arnsberg

35. PRINTED NAME: Megan & Brandon Parker

a. ADDRESS: 1e325 Honor Roll Ct. Abilene, TX 79606

b. SIGNATURE: [signature]

36. PRINTED NAME: Christopher Dorey

a. ADDRESS: 1e218 Honor Roll Ct. Abilene TX 79606

b. SIGNATURE: [signature]

37. PRINTED NAME: Shirley OConnor

a. ADDRESS: 5017 Prominent Way

b. SIGNATURE: Shirley OConnor

38. PRINTED NAME: Lindsey Thompson & Corey Thompson

a. ADDRESS: 5010 Prominent Way

b. SIGNATURE: [signature]

39. PRINTED NAME: MICHAEL ARNSBERG

a. ADDRESS: 5013 PROMINENT WAY

b. SIGNATURE: [signature]

40. PRINTED NAME: Krista & Curt Hale

a. ADDRESS: 5002 Prominent Way

b. SIGNATURE: [signature]

41. PRINTED NAME: ~~[illegible]~~ & Justin & Kristal Wilde

a. ADDRESS: 5004 Prominent Way

b. SIGNATURE: [signature]

42. PRINTED NAME: Lauren & Jarrod Robinson

a. ADDRESS: 6301 Milestone Dr. Abilene, TX 79606

b. SIGNATURE: Lauren Robinson

43. PRINTED NAME: Randall + Amanda Carlton

a. ADDRESS: 5026 Prominent Way Abilene, TX 79606

b. SIGNATURE:

44. PRINTED NAME: Amanda Holt

a. ADDRESS: 6225 Tradition Dr. Abilene, TX 79606

b. SIGNATURE: Amanda Holt

45. PRINTED NAME: Casey Todd

a. ADDRESS: 4220 Honor Roll Ct.

b. SIGNATURE: Casey Todd

46. PRINTED NAME: Christopher Slosmaki

a. ADDRESS: 6301 Tradition Dr

b. SIGNATURE:

47. PRINTED NAME: Timothy Ellis

a. ADDRESS: 4233 Tradition Dr

b. SIGNATURE:

48. PRINTED NAME: Jakes Brittany Downing

a. ADDRESS: 4909 Prominent Way

b. SIGNATURE:

49. PRINTED NAME: Robert & Deborah Tellez

a. ADDRESS: 6318 Milestone 79604

b. SIGNATURE:

50. PRINTED NAME: Gavin & Brittany OBrien

a. ADDRESS: 6310 milestone dr

b. SIGNATURE:

51. PRINTED NAME: Jennifer Gragg

a. ADDRESS: 6309 Milestone Dr.

b. SIGNATURE:

52. PRINTED NAME: Patrick & Chelsea Humphreys

a. ADDRESS: 6317 Milestone Dr

b. SIGNATURE: Chelsea Humphreys

53. PRINTED NAME: Laura Edwards

a. ADDRESS: 6817 Tradition

b. SIGNATURE:

54. PRINTED NAME: Brooks Hansel

a. ADDRESS: 4918 Prominent Way

b. SIGNATURE:

55. PRINTED NAME: Norman Hessock & Jennifer

a. ADDRESS: 4926 Prominent Way

b. SIGNATURE:

56. PRINTED NAME: Kelly Trumble & Clay Trumble

a. ADDRESS: 4917 Prominent Way

b. SIGNATURE: Kelley Trumble

57. PRINTED NAME: WILLIAM GLACKMEYER

a. ADDRESS: 4925 PROMINENT WAY

b. SIGNATURE: W. Glackmeyer

58. PRINTED NAME: DALTON MADISON

a. ADDRESS: 5001 PROMINENT WAY

b. SIGNATURE:

59. PRINTED NAME: Kevin Hanna

a. ADDRESS: 6309 Tradition

b. SIGNATURE:

60. PRINTED NAME: LORI MITCHELL

a. ADDRESS: 6401 TRADITION DR

b. SIGNATURE:

61. PRINTED NAME: James Garcia

a. ADDRESS: 6317 Tradition Dr

b. SIGNATURE:

62. PRINTED NAME: Angela Adams

a. ADDRESS: 6417 Tradition Dr

b. SIGNATURE: Angela Adams

63. PRINTED NAME: Stacey and Edward Hennigan

a. ADDRESS: 6302 Honor Roll Court Abilene TX 79606

b. SIGNATURE:

64. PRINTED NAME: Debbie and Tim Smith

a. ADDRESS: 4901 Prominent Way, Abilene TX 79606

b. SIGNATURE: Debbie Smith

65. PRINTED NAME: Bill & Linda Bushell

a. ADDRESS: 6533 Milestone DR.

b. SIGNATURE:

66. PRINTED NAME: Lindi Bruning

a. ADDRESS: 4802 Dynasty Cove Abilene, TX 79606

b. SIGNATURE:

67. PRINTED NAME: Shana Hrbacek

a. ADDRESS: 6525 Milestone Dr.

b. SIGNATURE:

68. PRINTED NAME: Aaron & Soonhee Jacobs

a. ADDRESS: 6434 Milestone Dr.

b. SIGNATURE:

69. PRINTED NAME: Eric & Monica Rambo

a. ADDRESS: 6501 Milestone Dr.

b. SIGNATURE:

70. PRINTED NAME: Malcolm & Jane Mercado

a. ADDRESS: 6210 Honor Roll Ct

b. SIGNATURE: [signature]

71. PRINTED NAME: Trevor Taylor - Tillet

a. ADDRESS: 6234 Honor Roll Ct

b. SIGNATURE: [signature]

72. PRINTED NAME: Mike and Sandy DiDell

a. ADDRESS: 6320 Honor Roll Ct.

b. SIGNATURE: Mike and Sandy DiDell

73. PRINTED NAME: Ray and Gretchen Dibolt

a. ADDRESS: 6317 Honor Roll Ct

b. SIGNATURE: - Not home -

74. PRINTED NAME: Rachel Graham and Jason Graham

a. ADDRESS: 5034 Volta Abilene Tx 79606

b. SIGNATURE: Rachel Gra—

75. PRINTED NAME: NOELE ROGERS

a. ADDRESS: 6433 MILESTONE

b. SIGNATURE: [signature]

76. PRINTED NAME: Brandy Lewis

a. ADDRESS: 6334 Milestone Dr

b. SIGNATURE: [signature]

77. PRINTED NAME: Richard Havins

a. ADDRESS: 6225 Honor Roll CT Abilene Tx 79606

b. SIGNATURE:

78. PRINTED NAME: Katherine Pepper

a. ADDRESS: 6233 Honor Roll Ct.

b. SIGNATURE: Katherine Pepper

79. PRINTED NAME: Randall Pepper

a. ADDRESS: 6233 Honor Roll Ct.

b. SIGNATURE:

80. PRINTED NAME: Scott Walker

a. ADDRESS: 6209 Honor Roll Court

b. SIGNATURE:

81. PRINTED NAME: Kristen & Brady Hogue

a. ADDRESS: 5033 Velta Lane

b. SIGNATURE: Kristen Hogue

82. PRINTED NAME: Holly Irvin

a. ADDRESS: 6201 Live Oak

b. SIGNATURE:

83. PRINTED NAME: Susan Justice

a. ADDRESS: 6310 Ryan Circle

b. SIGNATURE: Susan Justice

84. PRINTED NAME: Elizabeth Thomas

a. ADDRESS: 6502 Milestone Dr.

b. SIGNATURE: Elizabeth Thomas

85. PRINTED NAME: Julia Mediavilla

a. ADDRESS: 6410 Milestone Dr

b. SIGNATURE: Mediavilla

86. PRINTED NAME: Robert Mediavilla

a. ADDRESS: 6410 Milestone

b. SIGNATURE:

87. PRINTED NAME: MR & MRS. Alfred Martinez

a. ADDRESS: 6418 Milestone

b. SIGNATURE: Mary Mary

88. PRINTED NAME: Jeremy Gray / Jackie Gray

a. ADDRESS: 6325 Milestone Dr.

b. SIGNATURE:

89. PRINTED NAME: LARRY JUTOVSKY

a. ADDRESS: 6326 MILESTONE DR.

b. SIGNATURE:

90. PRINTED NAME: Sara Bailey / Jay Bailey

a. ADDRESS: 5034 Prominent Way

b. SIGNATURE:

91. PRINTED NAME: Michelle Alambar

a. ADDRESS: ~~42~~ 6217 Honor Roll Ct.

b. SIGNATURE: Michelle Alambar

92. PRINTED NAME: Nancy Bear

a. ADDRESS: 6510 Milestone Dr

b. SIGNATURE: Nancy Bear

93. PRINTED NAME: Mayra Samhat

a. ADDRESS: 6302 Milestone Dr

b. SIGNATURE:

94. PRINTED NAME: Melinda Tesch

a. ADDRESS: 4902 Prominent Way

b. SIGNATURE: Melinda Tesch

95. PRINTED NAME: JulieStafford

a. ADDRESS: 6409 Tradition

b. SIGNATURE: JulieStafford

96. PRINTED NAME: James Johnson

a. ADDRESS: 4910 Prominent way

b. SIGNATURE:

Z-2016-21

Request: Rezone from RS-6 to NO, MF, & TH

Location: ±26.3 ac, south side of the 4500 Blk of Antilley Rd

Notification: 0 in favor; 21 opposed*

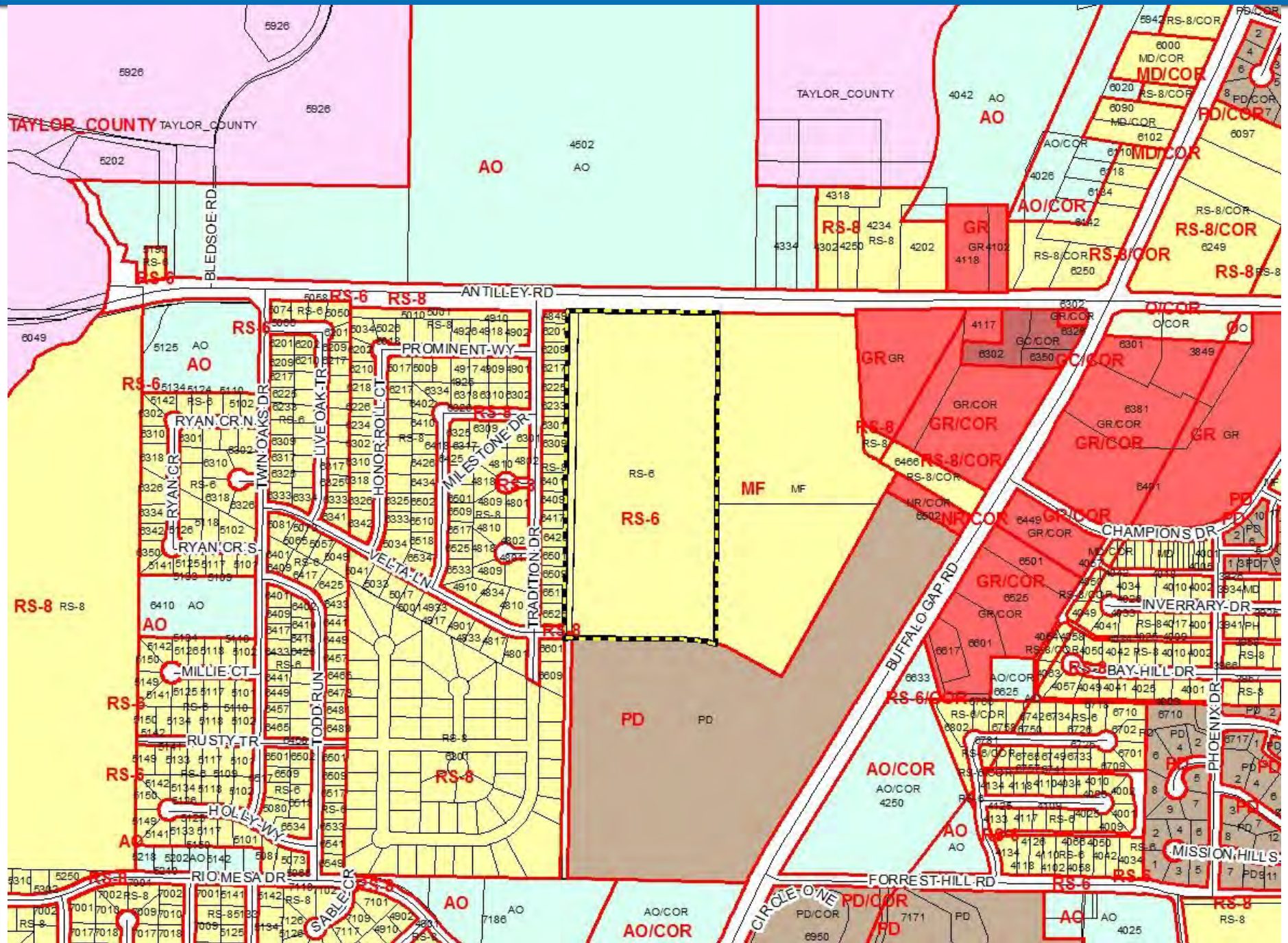
Staff Recommendation: Approval of NO zoning as requested, MD on the eastern half of the remainder, and keeping the RS-6 zoning (or other single-family residential zoning) on the western half of the remainder

UPDATED: The applicant has amended the requested zoning to include MD & PH (Patio Home) zoning in place of the MF & TH zoning

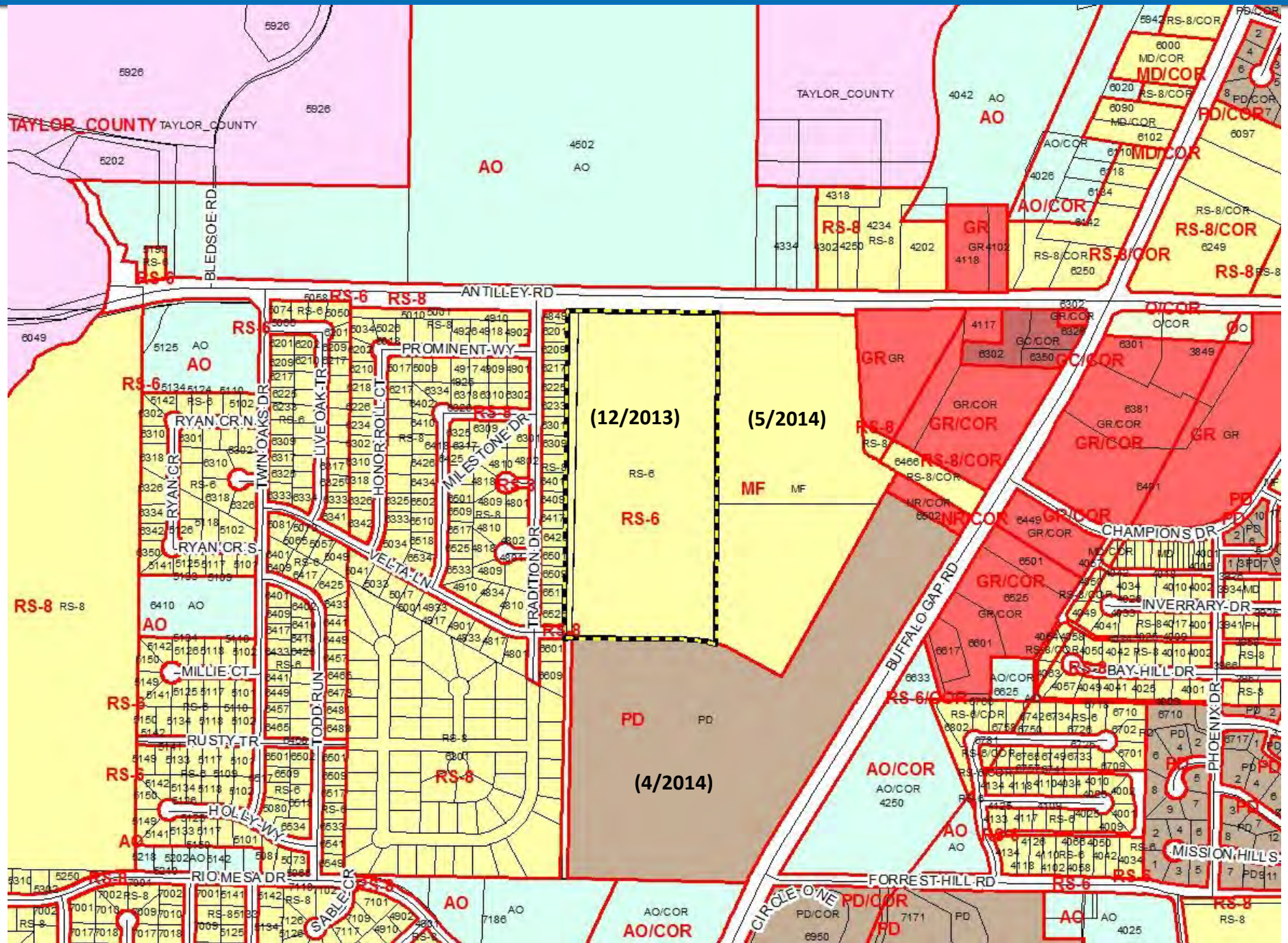
P&Z Recommendation: Approval of amended request (4-1) (Dunnahoo)

Super-majority Vote Required

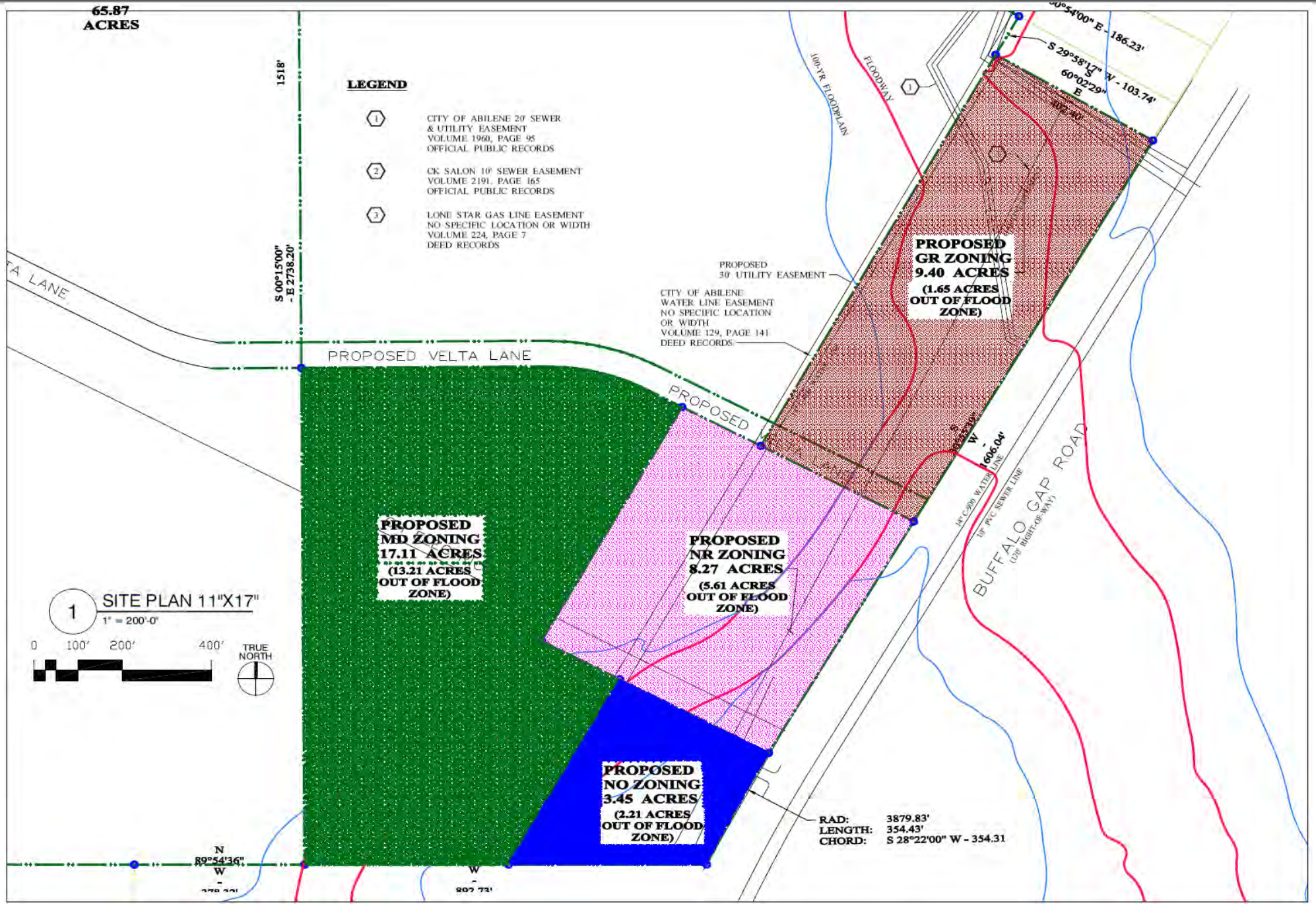
Z-2016-21


TAYLOR_COUNTY
AO
BLEDSOE RD
ANTILLEY RD
PROMINENT WY
RYAN CR N
RYAN CR
RYAN CR S
TWIN OAKS DR
LIVE OAK TR
HONOR ROLL CT
MILESTONE DR
TRADITION DR
VELTA LN
MILLIE CT
TODD RUN
RUSTY TR
HOLLEY WY
RIO MESA DR
SABLE CR
RS-6
RS-8
MF
PD
GR
GR/COR
AO/COR
RS-8/COR
PD/COR
MD/COR
O/COR
GC/COR
NR/COR
BUFFALO GAP RD
CHAMPIONS DR
INVERRARY DR
BAY HILL DR
PHOENIX DR
MISSION HILLS
FORREST HILL RD
CIRCLE ONE

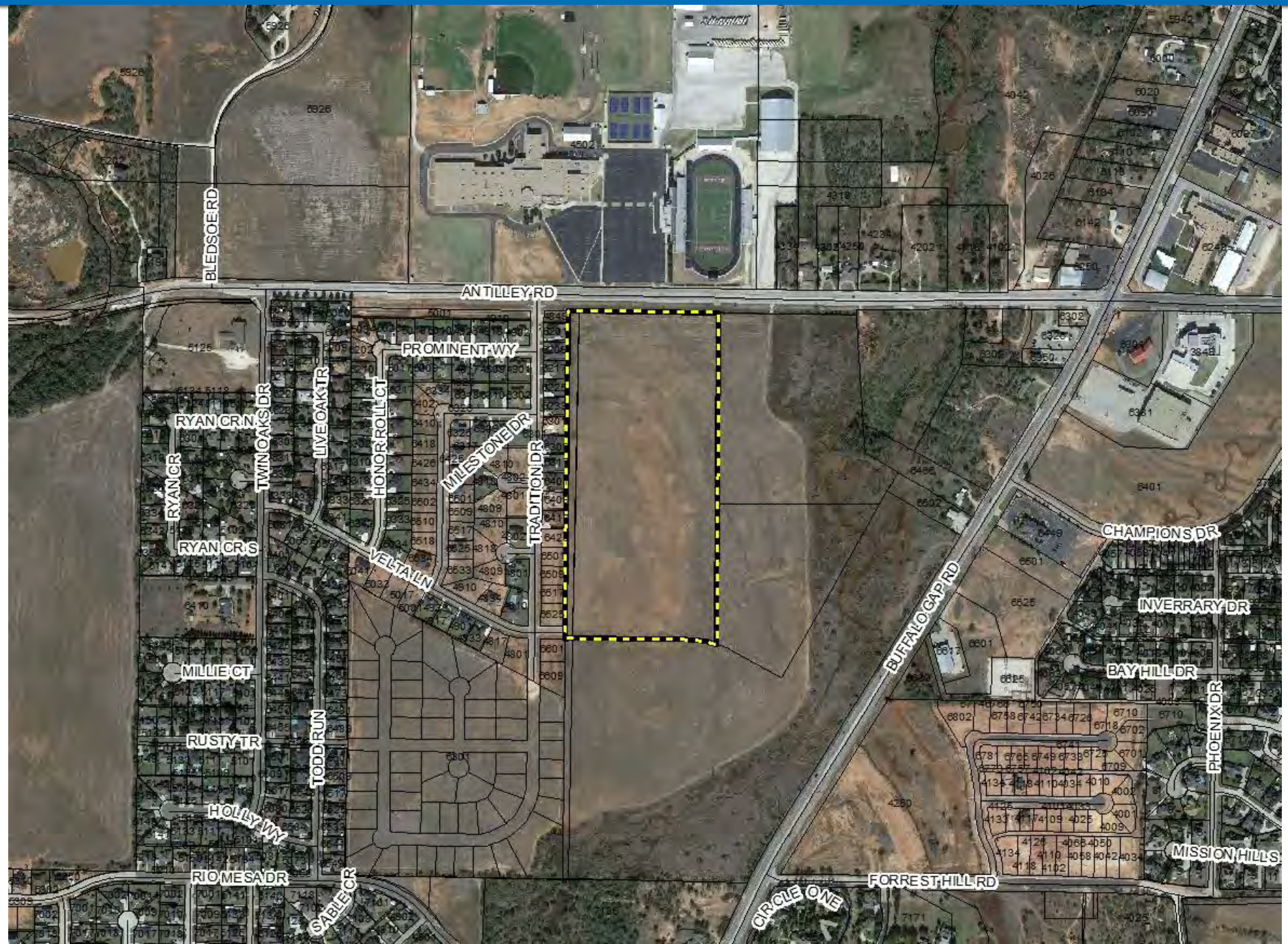
Z-2016-21


(12/2013)
(5/2014)
(4/2014)
TAYLOR_COUNTY
BLEDSOE RD
ANTILLEY RD
PROMINENT WY
RYAN CR N
RYAN CR
RYAN CR S
TWIN OAKS DR
LIVE OAK TR
HONOR ROLL CT
MILESTONE DR
TRADITION DR
VELTA LN
MILLIE CT
TODD RUN
RUSTY TR
HOLLEY WY
RIO MESA DR
SABLE CR
BUFFALO GAP RD
CHAMPIONS DR
INVERRARY DR
BAY HILL DR
PHOENIX DR
MISSION HILLS
FORREST HILL RD
CIRCLE ONE
AO
RS-6
RS-8
MF
PD
GR
MD/COR
RS-8/COR
AO/COR
GR/COR
PD/COR

Approved PD-142



Z-2016-21


BLEDSOE RD
ANTILLEY RD
PROMINENT WY
RYAN CR N
RYAN CR
TWIN OAKS DR
LIVE OAK TR
HONOR ROLL CT
MILESTONE DR
TRADITION DR
RYAN CR S
VELTA LN
MILLIE CT
RUSTY TR
TODD RUN
HOLLY WY
RIO MESA DR
SABLE CR
BUFFALO GAP RD
CHAMPIONS DR
INVERRARY DR
BAY HILL DR
PHOENIX DR
MISSION HILLS
FORREST HILL RD
CIRCLE ONE

Z-2016-21

ANTILLEY RD
PROMINENT WY
MILESTONE DR
HONOR ROLL CT
DYNASTY CV
TRADITION DR
VELTA LN
BUFFALO GAP RD

View looking southeast toward subject property

View looking southwest toward subject property

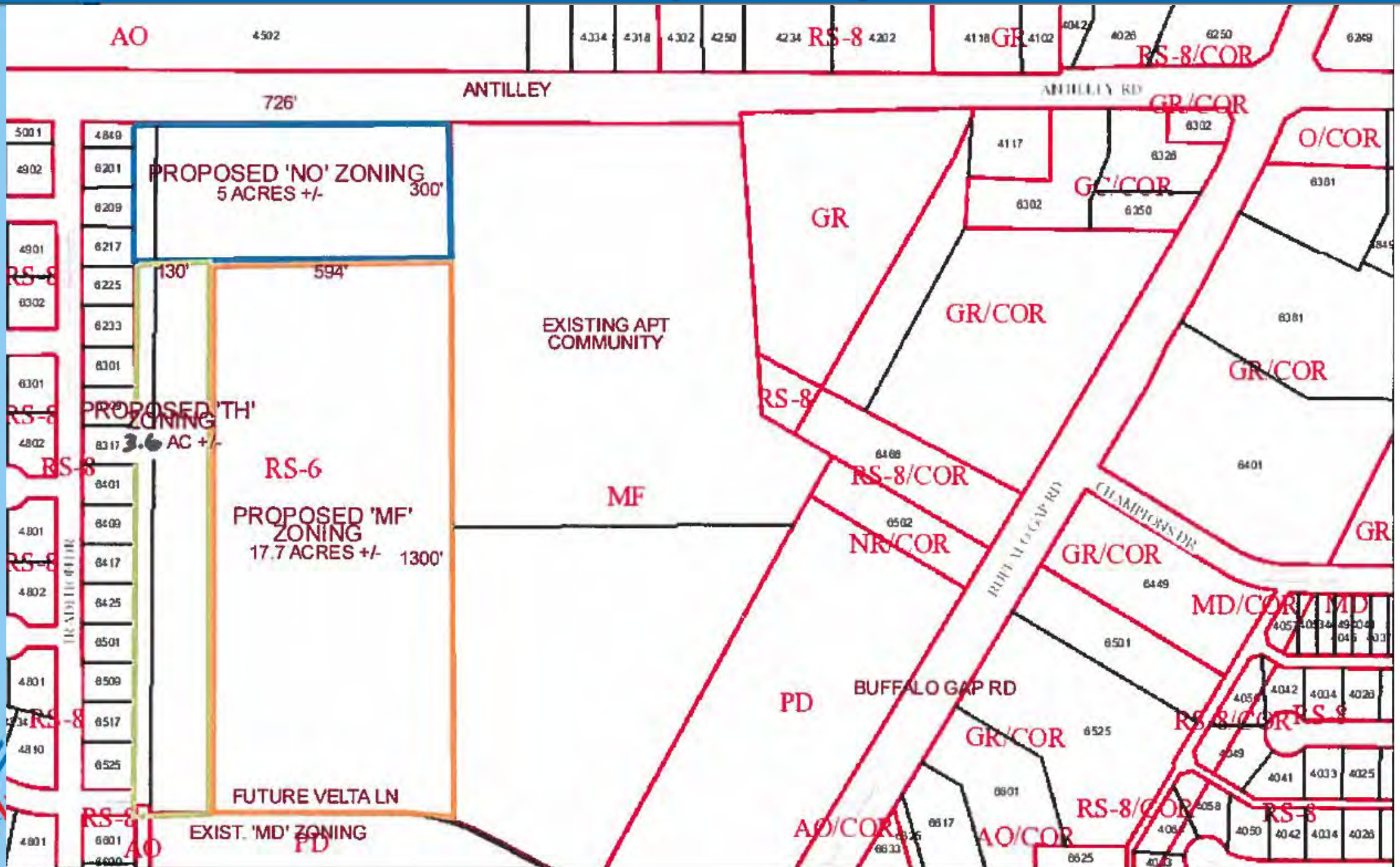
View looking east along Antilley Rd

View looking west along Antilley Rd

View looking north across Antilley Rd

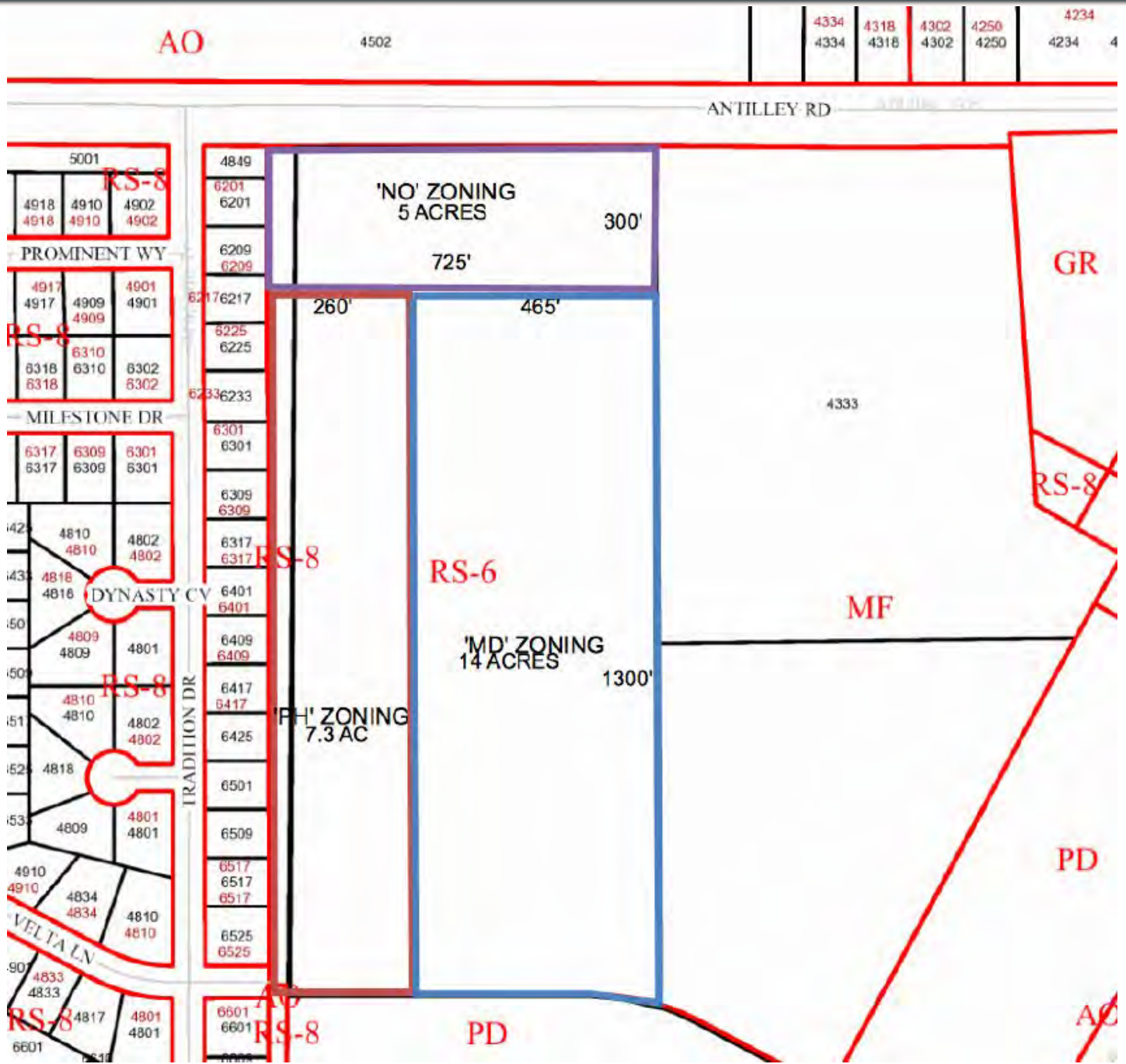
View looking north across Antilley Rd

Initial Requested Zoning



Initial Requested Zoning

Revised Requested Zoning



Revised Requested Zoning

Staff Recommendation

Permitted Uses in RS Zoning

	RESIDENTAL 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
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	Social Service Facility

	EDUCATIONAL AND RELIGIOUS USES:
P	Church or Place of Worship
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

Permitted Uses in PH Zoning

	RESIDENTAL USES:
C	Bed & Breakfast
P	Dwelling – Industrialized Housing Unit
P	Dwelling – Patio Home
P	Dwelling – Single-Family Detached
	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
TP	Field Office or Construction Office (temporary)
P	Garage Sale
P	Home Occupation
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	Recreation – Outdoors (active)
P	Recreation – Outdoors (passive)
	GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:
P	Community Home
P	Fire/Police Station
	EDUCATIONAL AND RELIGIOUS USES:
P	Church or Place of Worship
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

Permitted Uses in TH Zoning

	RESIDENTAL USES:
C	Bed & Breakfast
P	Dwelling – Industrialized Housing Unit
P	Dwelling – Single-Family Detached
P	Dwelling – Townhome
	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
TP	Field Office or Construction Office (temporary)
P	Garage Sale
P	Home Occupation
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	Recreation – Outdoors (active)
P	Recreation – Outdoors (passive)
	GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:
P	Community Home
P	Fire/Police Station
	EDUCATIONAL AND RELIGIOUS USES:
P	Church or Place of Worship
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

Permitted Uses in MD Zoning

RESIDENTAL 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

Permitted Uses in MF Zoning

	RESIDENTAL USES:
C	Bed & Breakfast
P	Dwelling – Duplex
P	Dwelling – Industrialized Housing Unit
P	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	Personal Care Facility
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

Permitted Uses in NO Zoning

RESIDENTAL USES:

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

ACCESSORY AND INCIDENTAL USES:

P	Accessory Structure (Also see Division 4 of this article)
P	Antenna, Non-Commercial/Amateur
P	ATM's, Self-Serve Kiosks, and Similar Facilities
P	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)
P	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:

P	Civic, Social, and Fraternal Organization
C	Cultural Facilities
P	Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

P	Fire/Police Station
C	Medical/Dental Laboratory
P	Post Office

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

P	Office (general, professional, financial)
P	Personal Services
C	Printing, Copying, Reproduction, Publishing

TRADE – RETAIL USES

P	ATM's, Self-Serve Kiosks, and Similar Facilities
P/C	Restaurant, Fast Food
P/C	Restaurant, Standard

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well
P	Urban Garden

LEGEND

P	Permitted as a Right-of-Use (may be subject to compliance with conditions described within 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

MD & MF District Comparison

MD District

- 12 units per acre
- Duplex, Triplex & Quadplex allowed
- No apartments allowed

MF District

- 24 units per acre
- Apartments allowed

Z-2016-21

0 in Favor-
21 Opposed- (+outside 200')
23.4% Opposition
ANTILLEY-RD
PROMINENT-WY
MILESTONE-DR
HONOR-ROLL-CT
DYNASTY-CV
TRADITION-DR
VELTA-LN
BUFFALO GAP-RD

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Mindy Patterson, Assistant City Manager**

SUBJECT: **Ordinance & Public Hearing: (Final Reading) Amending Chapter 29, Streets and Sidewalks Article V. Street Use Licenses, Sections 29-92, AND 29-93. *(Patterson)***

GENERAL INFORMATION

Currently, Special Events that require the use or control over the streets, alleys, sidewalks or public way during the hours of 7:30 a.m. to 5:30 p.m. in the downtown area on North 1st, Pine, Cypress, Oak or Chestnut Streets require a Street Use License and City Council approval. Additionally, other short-term uses or encroachments within any public street, alley or sidewalk require a Street Use License and City Council approval. All Street Use License applications are submitted to the Director of Public Works.

The current process for events and other short-term uses can be streamlined and shortened by allowing approval by the City Manager with an appeal process to the City Council. All street, alley, sidewalk or public way license agreements prepared by the Director of Public Works will be submitted to the City Manager if the duration of the license is for thirty (30) days or less, and to the City Council for approval if the duration of the license is for greater than thirty (30) days.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends amending Chapter 29, Streets and Sidewalks Article V. Street Use Licenses, Sections 29-92, AND 29-93; and holding a public hearing.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type

- Street Use Licenses Ordinance — Cover Memo
- Street License Exhibit A — Cover Memo

ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 29, STREETS AND SIDEWALKS, ARTICLE V. STREET USE LICENSES, SECTIONS 29-92, AND 29-93

WHEREAS, Special Events that require the use or control over the streets during the hours of 7:30 a.m. to 5:30 p.m. in the downtown area on North 1st, Pine, Cypress, Oak or Chestnut Streets require a Street Use License and City Council approval; and

WHEREAS, other short-term uses or encroachments within any public street, alley or sidewalk require a Street Use License and City Council approval; and

WHEREAS, the process for events and short-term uses or encroachments on public streets, alleys or sidewalks may be streamlined and shortened to allow approval through the City Manager with an appeal process to City Council;

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

PART 1: That the City Council of the City of Abilene amend Article V. Street Use Licenses, Sections 29-92 and 29-93, included as Exhibit "A", attached hereto and made a part of this Ordinance for all purposes.

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

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

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

PASSED ON FIRST READING this 14th day of July, 2016.

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 24th day of July, 2016, 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 28th day of July, 2016, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 28th day of July, 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

Exhibit A

Sec. 29-92. Application.

All applications for a license to make a specific use of the public streets, alleys, sidewalks or other public ways shall be made to the director of public works. Such application shall be made on a form provided by the director of public works for that purpose. The applicant shall state the complete purpose for making the application and all facts the director of public works deems pertinent to the granting of such license. All information furnished by the applicant shall be correctly stated; otherwise, any license issued thereunder may be declared void by the city manager or city council.

Sec. 29-93. Approval ~~of council~~.

(a) All street, alley, sidewalk or public way license agreements prepared by the director of public works shall be submitted to the city manager if the duration of the license is for thirty (30) days or less, and to the city council for approval if the duration of the license is for greater than thirty (30) days.

(b) In the event the city manager denies a license application, the applicant may appeal the decision to City Council by filing a written appeal with the City Secretary within ten (10) business days after the denial of the license application is mailed to the applicant or personally delivered, whichever occurs first. If no appeal is filed within ten (10) business days, the decision of the City Manager becomes final and unappealable. The written appeal should contain all information on which the City Council can make a decision. The City Council shall hear the appeal within thirty (30) days after the appeal is filed with the City Secretary.

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Michael Rice, Director of Public Works**

SUBJECT: **Oral Resolution & Public Hearing: Application/Permit to allow Sojourner Drilling Corp. of Abilene to Drill and/or Operate an Oil and/or Gas Well within the city limits 209 S. Danville.*(Rice)***

GENERAL INFORMATION

Chapter 21, Oil and Gas, of the City of Abilene Code of Ordinances requires a permit for drilling and operating oil/gas wells within the city limits. As part of the review process, the City Council is to conduct a public hearing and then approve or deny the permit.

Sojourner Drilling Corporation of Abilene, Texas has submitted an application to drill the "Titan Towers No. 1" well on property owned by Titan Towers, LLC, located at 209 S. Danville Drive, as shown on the attached map. This well is being drilled under the applicant's 40 acre "Titan Towers Unit", comprised of multiple property and mineral interest owners as detailed within the supporting documentation for the permit application. The applicant was requested to provide, and has provided a mineral interest title opinion verifying that the City of Abilene owns no mineral or royalty interest in/under the streets and alleys within the 40 acre unit area. This application has been reviewed and approved by City Staff. All owners of real property within 500 feet of the proposed drill site have been notified of this application and of the City Council meeting to consider its approval, as required by City ordinance.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Because all prerequisites and requirements of Chapter 21, Oil and Gas; have been met, including no anticipated adverse effect on the health, safety and welfare of the public, staff recommends that the City Council vote to approve the application for this drilling permit and authorize the Mayor to execute permit # 814346 for Sojourner Drilling Corporation.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Application Packet	Cover Memo
Location Map	Cover Memo
Property Owner Notification	Cover Memo

CITY OF ABILENE

APPLICATION/PERMIT TO DRILL AND/OR OPERATE AN OIL AND/OR GAS WELL

Bond/Letter of Credit # Letter of Credit No. 2132 RRC Permit # 814346

1. Date March 30, 2016 Lease Name & Well No. : Titan Towers Well #1

2. Applicant/Permit Holder Sojourner Drilling Corporation

   Address P O Box 3234

   Abilene, TX 79604

   Phone 325-672-2832

3. Local 24 hour phone contact, in case of emergency:

   Name Avery Potts 325-280-8512 (C), William Sojourner 325-829-6303 (C), Office 325-672-2832

   Phone

4. Legal description of drill site including copy of survey by licensed surveyor: Survey plat should show the locations of any buildings, type of construction and use, including residences, within 200 feet of proposed drill site, and flood zone elevation lines (lines of 100 year floodplain and floodway) in relation to the proposed drill site.

   See Attached Plat

5. Applicant _____ IS/ X IS NOT requesting a variance, per sections 21-26 and 21-27 of Chapter 21 of the City of Abilene Code of Ordinances, Oil and Gas, to drill within 200 feet of any existing building or buildings.

   The proposed well location _____ IS/ X IS NOT within 200 feet of any residence or residences. If the proposed well location IS within 200 feet of any residence or residences, applicant should attach a list of the names of the owners of each residence corresponding to each address lying within a 200 foot radius of the proposed well location, indicating their approval/disapproval of the proposed well location.

   The notarized written consent of the owner of each residence within a 200 foot radius of the proposed well location should be attached to this application.

   Applicant should also attach copies of documentation of any granted exceptions to the Railroad Commission's statewide spacing rules that apply to the proposed well.

6. Proposed date to commence drilling Within 6 months

   The height of the rig used to drill/re-enter this well will be approximately 65 feet.

7. Proposed depth of well 3000 feet

   This well is planned/anticipated to be primarily an **OIL** X or **GAS** _____ well.

8. Attached as **EXHIBIT 1** the names of the
   (a) Surface owners
   (b) Mineral owners
   (c) Royalty owners

9. Attached as **EXHIBIT 2** approved Railroad Commission Form W-1 including required plat of lease and approval letter from Texas Water Development Board.

10. Attached as **EXHIBIT 3** a Certificate of Insurance evidencing the applicant as insured under the following:

Type		Amount
(1)	Workers Compensation (where Required by State law)	Statutory
	Employer's Liability	$100,000
(2)	Comprehensive General Public Liability to include (but not Limited to):	$1 million – per Occurrence for Property Damage OR
	a) Premises/Operations	Combined single limit
	b) Independent Contractors	million – Per Occurrence
	c) Personal Injury Liability	
	d) Products/Completed Operations	
	e) Contractual Liability	
	f) Coverage for Explosion, Collapse, and Underground Property Damage (to include seepage, pollution and contamination coverage)	

Said Insurance Policy must insure all activities contemplated under this permit application and must be in effect at all times during production operations. The City must be notified 30 days prior to cancellation of insurance coverage and City shall be named as additional insured.

11. Indemnity

A. Definitions

For the purpose of this section the following definitions apply:

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

"Applicant/Permit Holder's employees" shall mean any employees, officers, agents, subcontractors, licensee and invitees of Applicant/Permit Holder.

"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.

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

(i) injury or damage to any property or right

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

(iii) attorneys fees, witness fees, expert witness fees and expenses, and

(iv) all other costs and expenses of litigation

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

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

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

B. Indemnity

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

The Applicant/Permit Holder is an independent Applicant/Permit Holder and is not, with respect to its acts or omissions, an agent or employee of the City.

Applicant/Permit Holder must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of Applicant/Permit Holder'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 Applicant/Permit Holder or Applicant/Permit Holder'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 Applicant/Permit Holder.

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

BOTH CITY AND APPLICANT/PERMIT HOLDER EXPRESSLY INTEND THIS CONTRACT'S INDEMNITY PROVISION TO REQUIRE APPLICANT/PERMIT HOLDER 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.

12. Attached as **EXHIBIT 4** - $10,000 performance bond or an Irrevocable Letter of Credit from a Federally insured bank to meet the performance payment, penalty, abandonment and other provisions as required by City Council and by the Oil/Gas Ordinance, Chapter 21 of the City Code of Ordinances (This amount may be raised in appropriate circumstances).

13. Special requirements for this permit, if any, as set by City Council (drill site lighting, pits/tanks, hours of operation, fencing, buried lines, approved truck routes, noise buffers, pump type, etc.). Attachment EXHIBIT A.

14. The City of Abilene has required standards for drilling and production as provided by Chapter 21 of City Code, Oil and Gas Ordinance. Applicant/Permit Holder shall observe and obey all federal, state, and local laws and regulations. Violation of these or any requirements imposed by ordinance or the City Council will result in the termination of the permit.

15. By signing this application/permit, Applicant/Permit Holder certifies that he has received and read City code provisions, Chapter 21, Oil and Gas Ordinance.

16. THIS PERMIT EXPIRES SIX (6) MONTHS FROM THE DATE OF CITY COUNCIL APPROVAL. Actual drilling must commence within six (6) months from that date. Cessation of drilling or production for thirty (30) days shall cancel this permit.

17. If the City owns any mineral interest in the location of the proposed well, this permit is subject to compliance with an oil and gas lease obtained from the City.

18. The City Land Agent's office shall be notified prior to commencement of drilling operations.

19. If operation of the well is transferred, the City shall be notified in writing thirty (30) days prior to the transfer of the lease.

20. Applicant/Permit Holder shall make full payment for any and all damages or losses to City's Surface Lessee if the property is City owned, which shall include but not be limited to damages to and/or loss of crops, livestock, or improvements or a part thereof which loss may be the result of the Applicant's/Permit Holder's negligence or use of land.

21. This Application, upon approval, shall become the Drilling Permit.

THIS PERMIT IS NOT TRANSFERRABLE OR ASSIGNABLE

Signature:		Date:
	Review & Approval of Planning Director	4/13/16
	Review & Approval of Airport Director	4/12/16
	Review & Approval of City Engineer	4/13/16
	Review & Approval of Water Director	04/13/16
	Review & Approval of Stormwater Administrator	4/13/16
	Review & Approval of Risk Manager	4/11/16
	Review & Approval of City Attorney	4/15/16
	Review & Approval of Land Agent	4/11/16

This permit issued this _____ day of _____ 20__.

CITY OF ABILENE **ATTEST:**

_____ _____

MAYOR **City Secretary**

City Seal:

Sojourner Drilling Corporation
Applicant/Permit Holder

By: Whitney Cloud

Whitney Cloud, Regulatory Department
Title

ATTEST: (If Corporation)

President William Sojourner

Corporate Seal

EXHIBIT A

SPECIAL REQUIREMENTS

SOJOURNER DRILLING CORP.

TITAN TOWERS WELL NO. 1:

1. THE APPLICANT/PERMITTEE/OPERATOR SHOULD CONTACT THE CITY OF ABILENE WATER UTILITIES DEPARTMENT TO HAVE CITY WATER AND SEWER LINES LOCATED PRIOR TO MOVING IN SITE PREPARATION EQUIPMENT AND/OR DRILLING EQUIPMENT.

   THE APPLICANT/PERMITTEE/OPERATOR SHOULD KEEP ALL SITE PREPARATION, DRILLING AND PRODUCTION ACTIVITIES AND EQUIPMENT AT A MINIMUM DISTANCE OF 50 FT. FROM ALL CITY WATER AND SEWER LINES LOCATED WITHIN/NEAR THE WELLSITE AREA.

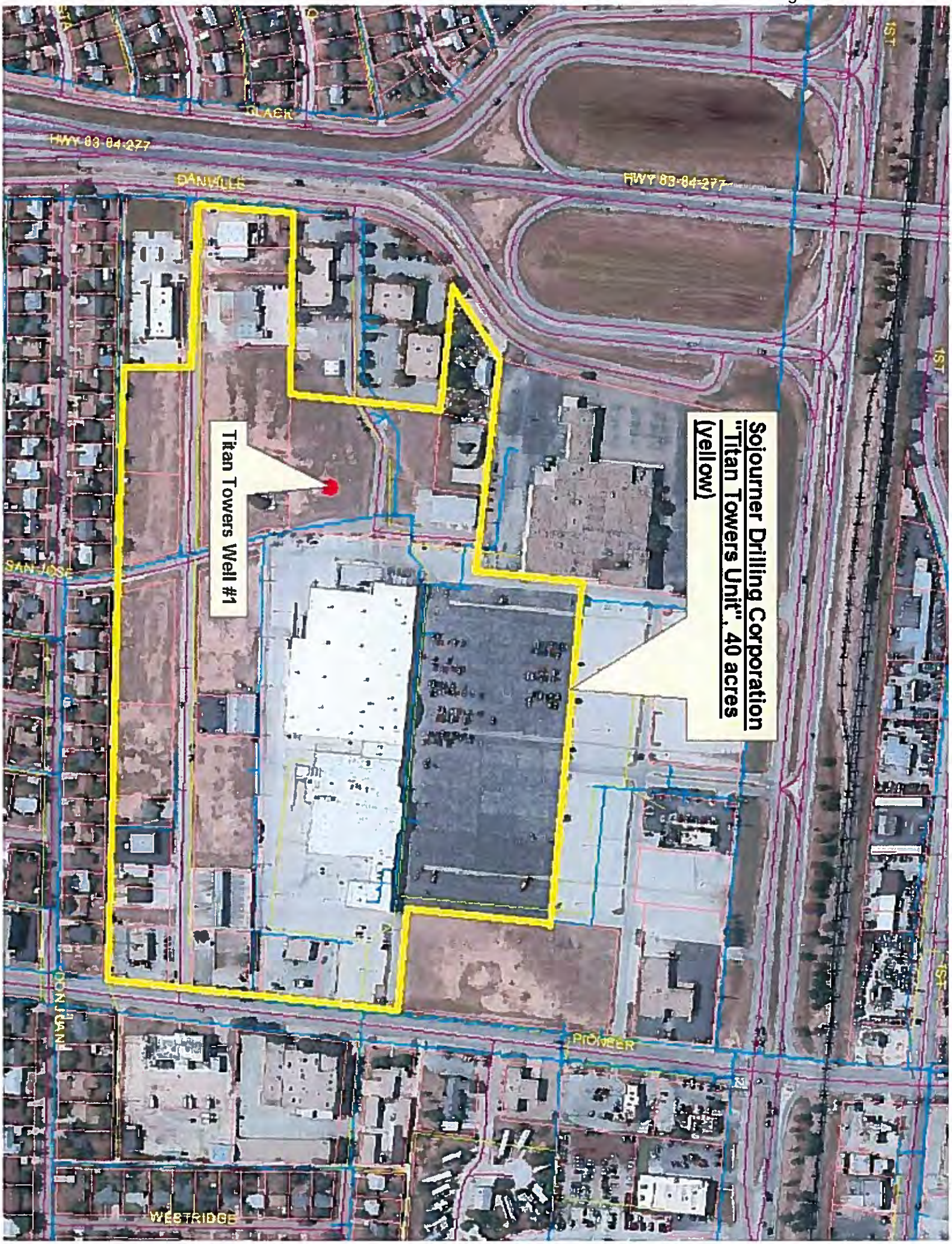
   THE APPLICANT/PERMITTEE/OPERATOR SHOULD TAKE ALL NECESSARY & REASONABLE PRECAUTIONS TO INSURE THAT THE CITY'S WATER AND SEWER LINES ARE NOT DAMAGED BY THE MOVING IN/OUT OF EQUIPMENT AND/OR FROM DRILLING/PRODUCTION OPERATIONS FOR THIS WELL LOCATION, DURING THE LIFE OF THIS WELL.

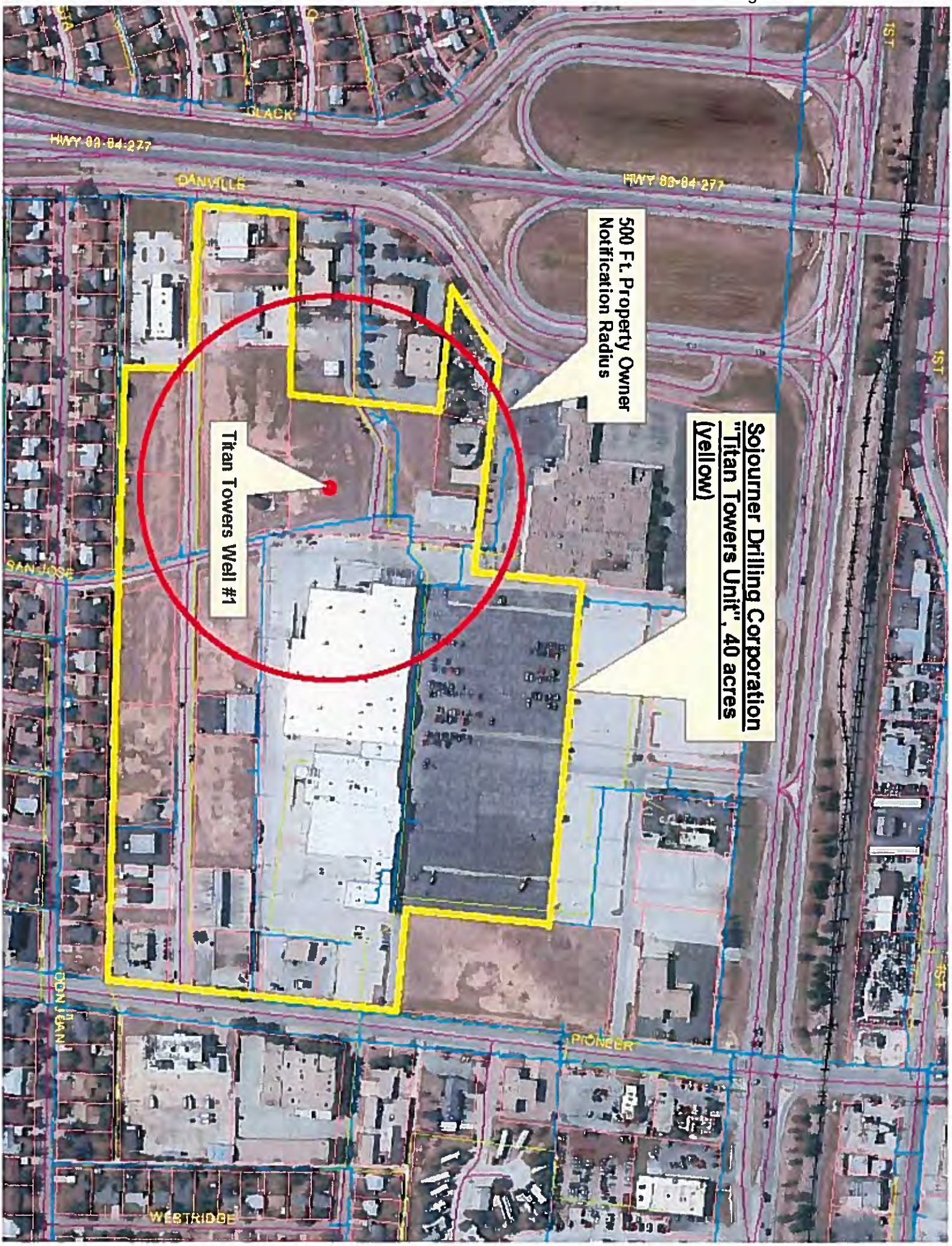
2. DURING SITE PREPARATION AND DRILLING ACTIVITIES, THE APPLICANT/PERMITTEE/OPERATOR AGREES TO INSTALL AND MAINTAIN TEMPORARY SECURITY FENCING AND EMPLOY ANY OTHER NECESSARY, REASONABLE AND PRUDENT SECURITY MEASURES, IN ORDER TO RESTRICT OPEN PUBLIC ACCESS TO THE SITE.

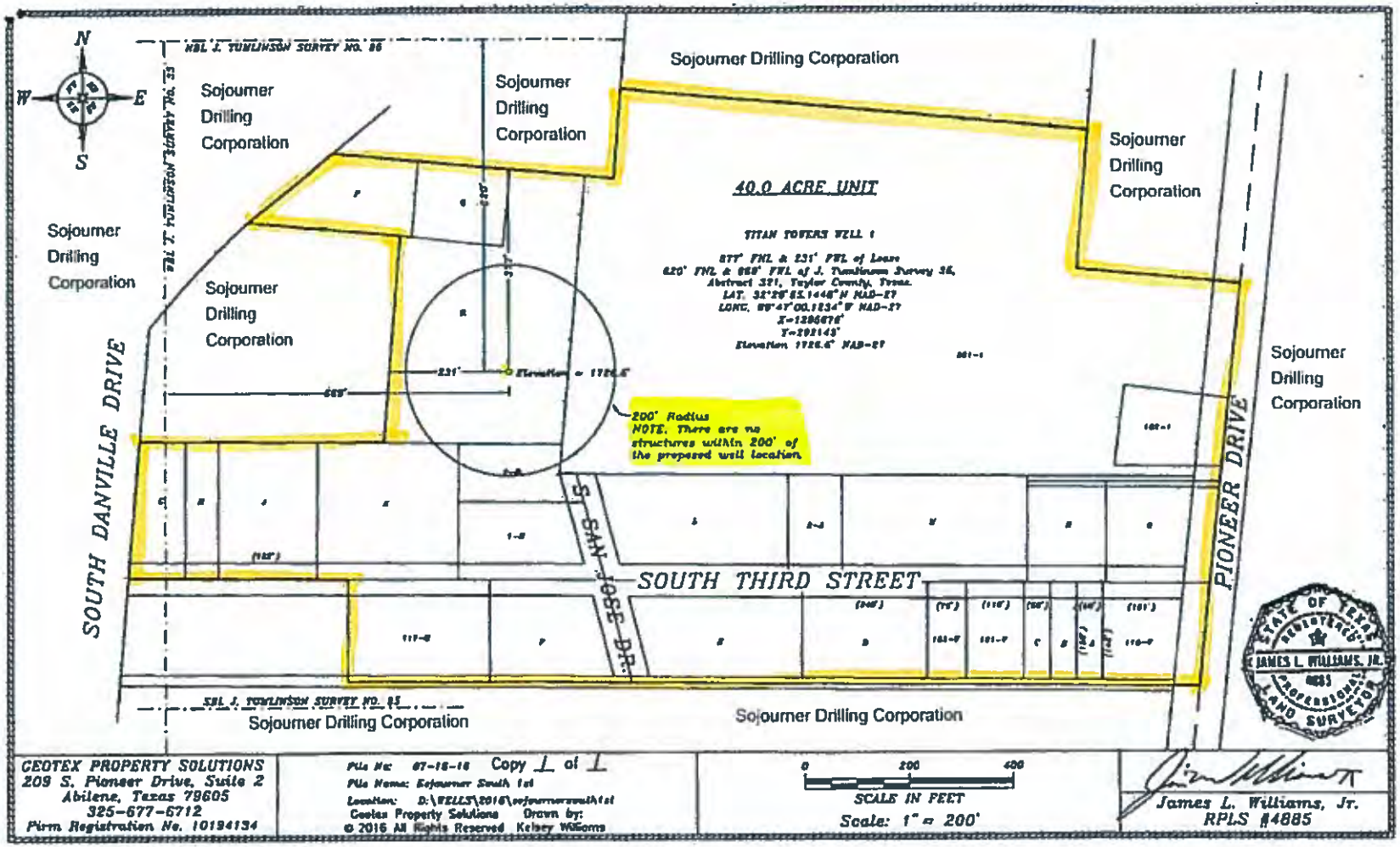
   THE APPLICANT/PERMITTEE/OPERATOR AGREES TO EMPLOY ALL REASONABLE AND PRUDENT MEASURES TO CONTROL NOISE DURING DRILLING, ESPECIALLY AT NIGHT, AND TURN DRILLSITE LIGHTING DOWNWARD/INWARD TO THE EXTENT PRACTICABLE WHILE STILL MAINTAINING ALL NECESSARY SITE SAFETY MEASURES.

3. IF OIL PRODUCTION IS OBTAINED FROM THIS WELL, THE APPLICANT/PERMITTEE/OPERATOR AGREES TO INSTALL AND MAINTAIN ADEQUATE & PERMANENT SECURITY FENCING AROUND THE PUMPING UNIT/WELLSITE AND TANK BATTERY LOCATION, FOR THE LIFE OF THIS WELL. THE APPLICANT/PERMITTEE/OPERATOR AGREES TO EMPLOY ALL NECESSARY, REASONABLE AND PRUDENT MEASURES TO RESTRICT OPEN PUBLIC ACCESS TO THE PUMPING UNIT, WELLSITE AND TANK BATTERY LOCATION.

4. THE CITY OF ABILENE LAND MANAGEMENT OFFICE MUST BE NOTIFIED AT LEAST TWO BUSINESS DAYS PRIOR TO COMMENCEMENT OF DRILLING OPERATIONS.


Titan Towers Well #1
Sojourner Drilling Corporation
"Titan Towers Unit", 40 acres
(yellow)
HWY 83-84-277
DANVILLE
BLACK
SAN JOSE
PIONEER
WESTRIDGE
1ST


HWY 88-84-277
DANVILLE
HWY 88-84-277
1ST
1ST
500 Ft. Property Owner Notification Radius
Titan Towers Well #1
Sojourner Drilling Corporation "Titan Towers Unit", 40 acres (yellow)
SAN JOSE
DON JEAN
PIONEER
WESTRIDGE



CEOTEX PROPERTY SOLUTIONS
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79605
325-677-6712
Firm Registration No. 10194134

File No: 07-15-16 Copy 1 of 1
File Name: Sojourner South 1st
Location: D:\WELLS\2016\sojournersouth1st
Ceotex Property Solutions Drawn by:
© 2016 All Rights Reserved Kelsey Wilsons

0 200 400
SCALE IN FEET
Scale: 1" = 200'

James L. Williams, Jr.
RPLS #4885

Sojourner Drilling Corporation

Emergency Response Plan

Titan Towers #1

Abilene, Taylor County, Texas

EMERGENCY PHONE NUMBERS

OWNERS:	William Sojourner 325-829-6303 Clint Sojourner 325-668-3381
FIELD SUPERVISORS:	Britt Tidmore 325-201-7798 Randy Davis 325-513-1822
PUMPER:	Richard New 325-201-6402
FIRE DEPARTMENT:	325-676-6694
POLICE:	325-673-8331
RRC DISTRICT 7B:	325-677-3545
LOCAL LEPC:	325-338-6441

In the event of a pressure kick or blowout:

- Blowout preventer (Dorland bladder type, capable of closing on any diameter pipe. Pressure tested on every well to 500#) will be closed by rig personnel.
- Drilling mud weight will be increased to "kill" well.

In the event of fire: (If Sojourner rep is present)

- Fire Dept will be called by rep on location

In the event of fire: (No Sojourner rep on location)

- Rig Personnel to called Fire Dept.

Fire, Police and RRC numbers will be posted on Drilling Rig for quick reference.

HARLAN P. ABRIGHT
ATTORNEY AT LAW
6604 BELMONT AVENUE
LUBBOCK, TEXAS 79424

Phone: (940) 521-5873

hpa@digitalpassage.com

June 28, 2016

Sojourner Drilling Corporation
Attn: Ms. Elma Bernal, Land Manager
P. O. Box 3234
Abilene, Texas 79604

Re: ***Whether the City of Abilene owns any mineral interest in the streets and alleys within the 40.00 acre pooled unit anticipated to be established in connection with the proposed Sojourner Drilling Corporation – Titan Towers Well No. 1.***

Elma:

In connection with its proposed Titan Towers Well No. 1 (**"the Titan Towers No. 1"**), the planned location of which is within the municipal boundaries of the City of Abilene, Taylor County, Texas (**"the City of Abilene"**), as shown on Exhibit "A" attached hereto, Sojourner Drilling Corporation has requested that I determine whether the City of Abilene owns any mineral or royalty interest under the streets and alleys likely to be included within the pooled unit that is anticipated to be established with respect to said well.

More specifically, you have furnished me with various title materials that are relevant to such issue and that cover those lands depicted as being within the bold outline on said attached plat, designated thereon as the 40.0 ACRE UNIT (**"the subject 40.00 acres"**), which lands are anticipated to constitute or be within the pooled unit area of said proposed unit.

Based upon my examination of the Real Property Records and Plat Records of Taylor County, as referenced in such title materials, it is my opinion that the City of Abilene does not own any mineral or royalty interest in the streets and alleys included within the subject 40.00 acres, or any other adjoining lands that are likely to be included within the proposed unit. This conclusion is based on the following analysis.

All of the streets and alleys that are likely to be included within the proposed unit, including specifically those lying within the subject 40.00 acres, were created by either (i) express conveyances of easements or rights of way, or (ii) dedication to public in recorded subdivision plats containing language expressly dedicating the streets and alleys therein to the public use (*e.g.*, via language on the plat stating that the developer has caused the lands in question "to be subdivided into blocks, lots, streets and alleys as appear on the plat attached hereto, **and does hereby dedicate to the public use the streets and alleys shown thereon.**" [emphasis added]). [1]

---

[1] See, *e.g.*, the recorded plats and dedications relating to the following:

Lot 2, Block A, Continuation #2, Section 1, WESTGATE SHOPPING CENTER ADDITION, as recorded in Cabinet 1, Slide 444, Plat Records of Taylor County, Texas;

Lots 201, 202, 203, 204 & 205, Block 1, WESTGATE SHOPPING CENTER ADDITION, as recorded in Cabinet 2, Slide 351-B, Plat Records of Taylor County, Texas;

Lots 101 & 102, Block 1, WESTGATE SHOPPING CENTER [ADDITION], as recorded in Cabinet 3, Slide 318, Plat Records of Taylor County, Texas;

With respect to the first situation, the law has long been clear that an express conveyance of an easement or a right-of-way (as opposed to a fee conveyance) does not include rights to the underlying mineral estate; see, *e.g.*, *Right of Way Oil Co. v. Gladys City Oil, Gas & Mfg. Co.*, 157 S.W. 737, 739 (Tex., 1913).

With respect to the second situation, Texas courts have consistently held that dedication of streets and alleys in a recorded plat creates only an easement, and does not convey the minerals under such streets and alleys; see, *e.g.*, the statements of the Texas Supreme Court in *Humble Oil & Refining Co. v. Blankenburg*, 235 S.W.2d 891, at 893, 895 (Tex. 1951):

> [T]he dedication . . . of . . . streets and alleys shown on the plat of the Town of Charlotte to the use and benefit of the public did not convey the [dedicating party's] title. It created an easement, the fee [and thus the minerals] remaining in the [dedicating party] subject to the easement. *[citation omitted]*
> ...
>
> Respondents claim under an oil and gas lease [that purports to cover said] streets and alleys, ... executed by the City of Charlotte .... [However,] the lease [from the city] granted ... no right, title or interest in [said streets and alleys] because, as has been said above, **the dedication . . . did not convey the [dedicating party's] title. It created only an easement for the benefit of the public.** [emphasis added]

This remains the rule in Texas; see, *e.g.*, (i) *State v. NICO - WFI, L.L.C.*, 384 S.W.3d 818, at 821 (Tex. 2012) (in which the Texas Supreme Court cites *Humble v. Blankenburg* for the proposition that **"[w]hen a street is dedicated to the public, the governmental entity taking control of the street ordinarily acquires only an easement")** [emphasis added] (*i.e.*, such dedication does not convey the minerals); (ii) *Russell v. City of Bryan*, 919 S.W.2d 698, 702 (Tex. App. -- Houston [14th Dist.] 1996, writ denied) (holding in dicta that *Humble v. Blankenburg* controls when a dedication is made on a plat); and (iii) 4 Aloysius A. Leopold, TEXAS PRACTICE: LAND TITLES AND TITLE EXAMINATION, § 19.2 -- *Dedication of Texas Streets to Public Use*, at n.7 (3rd Ed. 2005) ("The usual dedication of streets to a city and the public conveys only an easement for streets, with the fee [including the mineral rights] to the center of the street passing to the grantees of the abutting lots.").

Lot 1, Block A, 2nd Continuation of WESTGATE ADDITION, as recorded in Cabinet 2, Slide 173-C, Plat Records of Taylor County, Texas;

Lot 1, Block B, 2nd Continuation of WESTGATE ADDITION, as recorded in Cabinet 2, Slide 175-C, Plat Records of Taylor County, Texas;

Lots 2 & 3, Block B, 2nd Continuation of WESTGATE ADDITION, as recorded in Cabinet 2, Slide 182-B, Plat Records of Taylor County, Texas;

Lot 1 & 2, Block B, 3rd Continuation of WESTGATE ADDITION, as recorded in Cabinet 1, Slide 574, Plat Records of Taylor County, Texas;

Lot 1, Block B, 4th Continuation of WESTGATE ADDITION, as recorded in Cabinet 1, Slide 737, Plat Records of Taylor County, Texas;

Lot 1, Block B, 5th Continuation, WESTGATE ADDITION, as recorded in Cabinet 3, Slide 253, Plat Records of Taylor County, Texas;

Continuation No. 1 of ELMWOOD WEST ADDITION, as recorded in Cabinet 1, Slide 284, Plat Records of Taylor County, Texas;

Lot 101, Replat of Part of Lot 16, Block "V", Section 12, ELMWOOD WEST ADDITION, as recorded in Cabinet 1, Slide 587, Plat Records of Taylor County, Texas;

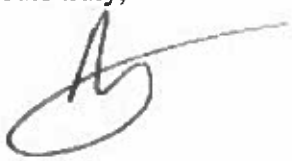
Section 12, ELMWOOD WEST ADDITION, as recorded in Cabinet 2, Slide 35-B, Plat Records of Taylor County, Texas;

Replat of Part of Lot 16, Block "V", Section 12, ELMWOOD WEST ADDITION, as recorded in Cabinet 2, Slide 267-C, Plat Records of Taylor County, Texas; and

Lots 116 and 117, Block U, Section 12, ELMWOOD WEST ADDITION, as recorded in Cabinet 4, Slide 27, Plat Records of Taylor County, Texas.

In summary, therefore, based on the facts and law set forth above it is my opinion that the City of Abilene owns no mineral or royalty interest in the streets and alleys included within the subject 40.00 acres, or in any other adjoining lands that are likely to be included within the pooled unit anticipated to be established in connection with the proposed Sojourner Drilling Corporation – Titan Towers Well No. 1.

Yours truly,



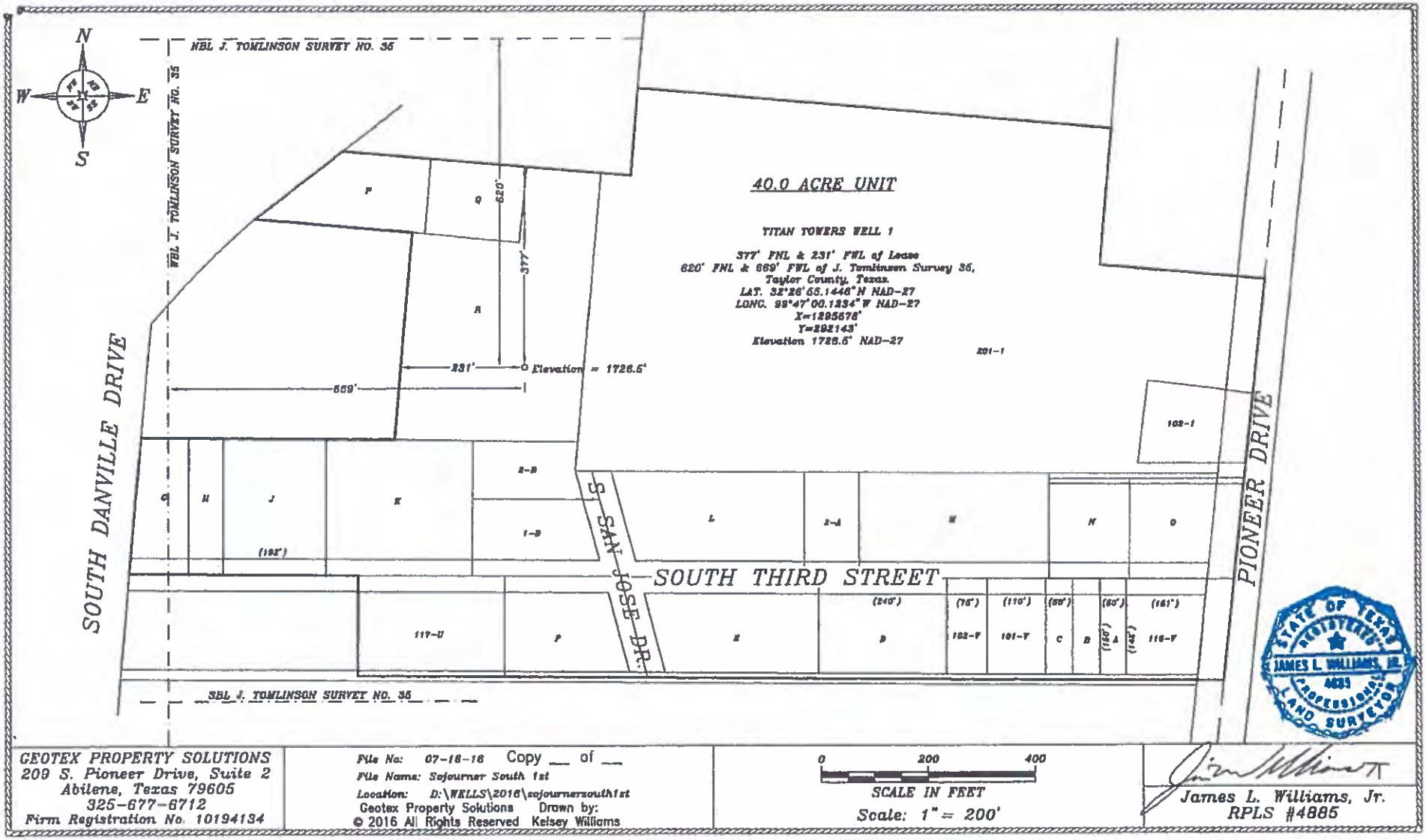
Harlan P. Abright

Exhibit attached to this letter:

Exhibit "A" -- Well Location Plat – Titan Towers Well No. 1

—ooo000ooo—

C:\Harlan P. Abright\My Documents\1 - wpdocs\- Sojo – Titan Towers Unit - GENERAL\Streets & Alleys Letter – Titan Towers #1 (6-28-8-16) (v-3).doc



GEOTEX PROPERTY SOLUTIONS
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79605
325-677-6712
Firm Registration No. 10194134

File No: 07-16-16 Copy ___ of ___
File Name: Sojourner South 1st
Location: D:\WELLS\2016\sojournersouth1st
Geotex Property Solutions Drawn by:
© 2016 All Rights Reserved Kelsey Williams

0 200 400
SCALE IN FEET
Scale: 1" = 200'

James L. Williams, Jr.
RPLS #4885

EXHIBIT 1

RAILROAD COMMISSION OF TEXAS
Oil and Gas Division
PO Box 12967
Austin, Texas 78711-2967
www.rrc.state.tx.us

CERTIFICATE OF POOLING AUTHORITY

Revised 05/2001

P-12

1. Field Name(s)	2. Lease/ID Number (if assigned)	3. RRC District Number
All Fields		7B
4. Operator Name	**5. Operator P-5 Number**	**6. Well Number**
Sojourner Drilling Corporation	800750	1
7. Pooled Unit Name	**8. API Number**	**9. Purpose of Filing**
Titan Towers		☑ Drilling Permit (W-1)
10. County	**11 Total acres in pooled unit**	☐ Completion Report
Taylor	40.0	

DESCRIPTION OF INDIVIDUAL TRACTS CONTAINED WITHIN THE POOLED UNIT

TRACT/PLAT IDENTIFIER	TRACT NAME	ACRES IN TRACT (See inst. #7 below)	INDICATE UNDIVIDED INTERESTS UNLEASED	NON-POOLED
116-V	Burgers and Fries Inc	0.83	☐	☐
A	Brady and Beckie Cox	0.22	☐	☐
B	Brady and Beckie Cox	0.22	☐	☐
C	Vance Cooksey	0.22	☐	☐
101-V	W.W. Moutray III	0.48	☐	☐
102-V	Wendy Chamberlain	0.33	☐	☐
D	David Phillips	1.05	☐	☐
E	Joseph and Camaran Roberts	1.49	☐	☐
F	Joseph and Camaran Roberts	1.11	☐	☐
117-U	Cadlerocks Westgate Mall	1.2	☐	☐

CERTIFICATION:

I declare under penalties prescribed pursuant to the Sec. 91.143, Texas Natural Resources Code, that I am authorized to make the foregoing statements and that the information provided by me or under my direction on this Certificate of Pooling Authority is true, correct, and complete to the best of my knowledge.

Whitney Cloud — Signature

Whitney Cloud — Print Name

Production Analyst — Title

whitney@sojodrilling.com — E-mail (if available)

03/10/2016 — Date

(325) 672-2832 — Phone

INSTRUCTIONS — Reference: Statewide Rules 31, 38 and 40

1. When two or more tracts are pooled to form a unit to obtain a drilling permit, file completion paperwork, or reform a pooled unit pursuant to Rule 38(d)(3) the operator must file an original Certificate of Pooling Authority and certified plat.
2. The certified plat shall designate each tract with an outline and a tract identifier. The tract identifier on the plat shall correspond to the tract identifier and associated information listed on the Certificate.
3. If within an individual tract, a non-pooled and/or unleased interest exists, indicate by checking the appropriate box.
4. If the Purpose of Filing is to obtain a drilling permit, in box #1 list all applicable fields separately or enter "All Fields" if the Certificate pertains to all fields requested on Form W-1.
5. If the Purpose of Filing is to file completion paperwork, enter the applicable field name in box #1 for the completion.
6. Identify the drill site tract with an * to the left of the tract identifier.
7. The total number of acres in the pooled unit in #11 should equal the total of all acres in the individual tracts listed.

[redacted]

RAILROAD COMMISSION OF TEXAS
Oil and Gas Division
PO Box 12967
Austin, Texas 78711-2967
www.rrc.state.tx.us

CERTIFICATE OF POOLING AUTHORITY

Revised 05/2001

P-12

1. Field Name(s)	2. Lease/ID Number *(if assigned)*	3. RRC District Number
All Fields		7B
4. Operator Name	**5. Operator P-5 Number**	**6. Well Number**
Sojourner Drilling Corporation	800750	1
7. Pooled Unit Name	**8. API Number**	**9. Purpose of Filing**
Titan Towers		☑ Drilling Permit (W-1)
10. County	**11. Total acres in pooled unit**	☐ Completion Report
Taylor	40.0	

DESCRIPTION OF INDIVIDUAL TRACTS CONTAINED WITHIN THE POOLED UNIT

TRACT/PLAT IDENTIFIER	TRACT NAME	ACRES IN TRACT *(See Inst. #7 below)*	INDICATE UNDIVIDED INTERESTS UNLEASED	NON-POOLED
G	Robert Fain	0.61	☐	☐
H	Fains Automotive	0.38	☐	☐
J	Garnan LLC	1.13	☐	☐
K	Cadlerocks Westgate Mall	1.63	☐	☐
2-B	Cadlerocks Westgate Mall	0.56	☐	☐
1-B	Cadlerocks Westgate Mall	0.85	☐	☐
L	Cadlerocks Westgate Mall	1.66	☐	☐
2-A	James Munson	0.46	☐	☐
M	Cadlerocks Westgate Mall	1.57	☐	☐
N	Jananco Inc	0.67	☐	☐

CERTIFICATION:

I declare under penalties prescribed pursuant to the Sec. 91.143, Texas Natural Resources Code, that I am authorized to make the foregoing statements and that the information provided by me or under my direction on this Certificate of Pooling Authority is true, correct, and complete to the best of my knowledge.

Whitney Cloud
Signature

Whitney Cloud
Print Name

Production Analyst	whitney@sojodrilling.com	03/10/2016	(325) 672-2832
Title	E-mail *(if available)*	Date	Phone

INSTRUCTIONS — Reference: Statewide Rules 31, 38 and 40

1. When two or more tracts are pooled to form a unit to obtain a drilling permit, file completion paperwork, or reform a pooled unit pursuant to Rule 38(d)(3) the operator must file an original Certificate of Pooling Authority and certified plat.
2. The certified plat shall designate each tract with an outline and a tract identifier. The tract identifier on the plat shall correspond to the tract identifier and associated information listed on the Certificate.
3. If within an individual tract, a non-pooled and/or unleased interest exists, indicate by checking the appropriate box.
4. If the Purpose of Filing is to obtain a drilling permit, in box #1 list all applicable fields separately or enter "All Fields" if the Certificate pertains to all fields requested on Form W-1.
5. If the Purpose of Filing is to file completion paperwork, enter the applicable field name in box #1 for the completion.
6. Identify the drill site tract with an * to the left of the tract identifier.
7. The total number of acres in the pooled unit in #11 should equal the total of all acres in the individual tracts listed.

[redacted]

RAILROAD COMMISSION OF TEXAS
Oil and Gas Division
PO Box 12967
Austin, Texas 78711-2967
www.rrc.state.tx.us

CERTIFICATE OF POOLING AUTHORITY

Revised 05/2001

P-12

1. Field Name(s)	2. Lease/ID Number (if assigned)	3. RRC District Number
All Fields		7B
4. Operator Name	**5. Operator P-5 Number**	**6. Well Number**
Sojourner Drilling Corporation	800750	1
7. Pooled Unit Name	**8. API Number**	**9. Purpose of Filing**
Titan Towers		☑ Drilling Permit (W-1)
10. County	**11. Total acres in pooled unit**	☐ Completion Report
Taylor	40.0	

DESCRIPTION OF INDIVIDUAL TRACTS CONTAINED WITHIN THE POOLED UNIT

Tract/Plat Identifier	Tract Name	Acres in Tract (See inst. #7 below)	Indicate Undivided Interests Unleased	Non-Pooled
O	Pioneer Ventures LLC	0.84	☐	☐
102-1	Skinnys Inc	0.68	☐	☐
201-1	Cadlerocks Westgate Mall	17.03	☐	☐
P	Putt-Putt of Abilene Inc	0.77	☐	☐
Q	Putt-Putt of Abilene Inc	0.57	☐	☐
R	Titan Towers LLC	3.44	☐	☐
			☐	☐
			☐	☐
			☐	☐
			☐	☐

CERTIFICATION:

I declare under penalties prescribed pursuant to the Sec. 91.143, Texas Natural Resources Code, that I am authorized to make the foregoing statements and that the information provided by me or under my direction on this Certificate of Pooling Authority is true, correct, and complete to the best of my knowledge.

Signature: Whitney Cloud

Print Name: Whitney Cloud

Title	E-mail (if available)	Date	Phone
Production Analyst	whitney@sojodrilling.com	03/10/2016	(325) 672-2832

INSTRUCTIONS — Reference: Statewide Rules 31, 38 and 40

1. When two or more tracts are pooled to form a unit to obtain a drilling permit, file completion paperwork, or reform a pooled unit pursuant to Rule 38(d)(3) the operator must file an original Certificate of Pooling Authority and certified plat.
2. The certified plat shall designate each tract with an outline and a tract identifier. The tract identifier on the plat shall correspond to the tract identifier and associated information listed on the Certificate.
3. If within an individual tract, a non-pooled and/or unleased interest exists, indicate by checking the appropriate box.
4. If the Purpose of Filing is to obtain a drilling permit, in box #1 list all applicable fields separately or enter "All Fields" if the Certificate pertains to all fields requested on Form W-1.
5. If the Purpose of Filing is to file completion paperwork, enter the applicable field name in box #1 for the completion.
6. Identify the drill site tract with an * to the left of the tract identifier.
7. The total number of acres in the pooled unit in #11 should equal the total of all acres in the individual tracts listed.

[redacted]

EXHIBIT 2

RAILROAD COMMISSION OF TEXAS
OIL & GAS DIVISION

PERMIT TO DRILL, DEEPEN, PLUG BACK, OR RE-ENTER ON A REGULAR OR ADMINISTRATIVE EXCEPTION LOCATION

PERMIT NUMBER	DATE PERMIT ISSUED OR AMENDED	DISTRICT
814346	Mar 28, 2016	* 7B
API NUMBER	**FORM W-1 RECEIVED**	**COUNTY**
42-441-34525	Mar 10, 2016	TAYLOR
TYPE OF OPERATION	**WELLBORE PROFILE(S)**	**ACRES**
NEW DRILL	Vertical	40

OPERATOR 800750

SOJOURNER DRILLING CORPORATION

BOX 3234
ABILENE, TX 79604-0000

NOTICE
This permit and any allowable assigned may be revoked if payment for fee(s) submitted to the Commission is not honored.
District Office Telephone No:
(325) 677-3545

LEASE NAME	WELL NUMBER
TITAN TOWERS	1

LOCATION	TOTAL DEPTH
0 miles Within direction from ABILENE	3000

Section, Block and/or Survey
SECTION 35 BLOCK ABSTRACT 322
SURVEY TUMLINSON, J

DISTANCE TO SURVEY LINES	DISTANCE TO NEAREST LEASE LINE
620 ft. NORTH 669 ft. WEST	231 ft.
DISTANCE TO LEASE LINES	**DISTANCE TO NEAREST WELL ON LEASE**
377 ft. NORTH 231 ft. WEST	See FIELD(s) Below

FIELD(s) and LIMITATIONS:

* SEE FIELD DISTRICT FOR REPORTING PURPOSES *
** THIS PERMIT IS GRANTED PURSUANT TO STATEWIDE RULE 37(h)(2)(B) **
CASE NO. 0300024

FIELD NAME / LEASE NAME	ACRES / NEAREST LEASE	DEPTH	WELL # / NEAREST WE	DIST
** WILDCAT	40.00	3,000	1	7B
TITAN TOWERS	231		0	

'**' PRECEDING FIELD NAME INDICATES RULE (R37)

THE FOLLOWING RESTRICTIONS APPLY TO ALL FIELDS

This well shall be completed and produced in compliance with applicable special field or statewide spacing and density rules. If this well is to be used for brine mining, underground storage of liquid hydrocarbons in salt formations, or underground storage of gas in salt formations, a permit for that specific purpose must be obtained from Environmental Services prior to construction, including drilling, of the well in accordance with Statewide Rules 81, 95, and 97.

This well must comply to the new SWR 3.13 requirements concerning the isolation of any potential flow zones and zones with corrosive formation fluids. See approved permit for those formations that have been identified for the county in which you are drilling the well in.

API No. 42-441-34525
Drilling Permit # 814346
SWR Exception Case/Docket No. 0300024 (R37)

RAILROAD COMMISSION OF TEXAS
OIL & GAS DIVISION
APPLICATION FOR PERMIT TO DRILL, RECOMPLETE, OR RE-ENTER

This facsimile W-1 was generated electronically from data submitted to the RRC.
A certification of the automated data is available in the RRC's Austin office.

FORM W-1 07/2004

Permit Status: Approved

1. RRC Operator No.: 800750
2. Operator's Name (as shown on form P-5, Organization Report): SOJOURNER DRILLING CORPORATION
3. Operator Address (include street, city, state, zip): BOX 3234, ABILENE, TX 79604-0000
4. Lease Name: TITAN TOWERS
5. Well No.: 1

GENERAL INFORMATION

6. Purpose of filing (mark ALL appropriate boxes): [X] New Drill [ ] Recompletion [ ] Reclass [ ] Field Transfer [ ] Re-Enter [ ] Amended [ ] Amended as Drilled (BHL) (Also File Form W-1D)

7. Wellbore Profile (mark ALL appropriate boxes): [X] Vertical [ ] Horizontal (Also File Form W-1H) [ ] Directional (Also File Form W-1D) [ ] Sidetrack

8. Total Depth: 3000
9. Do you have the right to develop the minerals under any right-of-way? [X] Yes [ ] No
10. Is this well subject to Statewide Rule 36 (hydrogen sulfide area)? [ ] Yes [X] No

SURFACE LOCATION AND ACREAGE INFORMATION

11. RRC District No.: 7B
12. County: TAYLOR
13. Surface Location: [X] Land [ ] Bay/Estuary [ ] Inland Waterway [ ] Offshore

14. This well is to be located 0 miles in a Within direction from Abilene which is the nearest town in the county of the well site.

15. Section: 35
16. Block:
17. Survey: TUMLINSON, J
18. Abstract No.: A-322
19. Distance to nearest lease line: 231 ft.
20. Number of contiguous acres in lease, pooled unit, or unitized tract: 40

21. Lease Perpendiculars: 377 ft from the NORTH line and 231 ft from the WEST line.
22. Survey Perpendiculars: 620 ft from the NORTH line and 669 ft from the WEST line.

23. Is this a pooled unit? [X] Yes [ ] No
24. Unitization Docket No.:
25. Are you applying for Substandard Acreage Field? [ ] Yes (attach Form W-1A) [X] No

FIELD INFORMATION List all fields of anticipated completion including Wildcat. List one zone per line.

26. RRC District No.	27. Field No.	28. Field Name (exactly as shown in RRC records)	29. Well Type	30. Completion Depth	31. Distance to Nearest Well in this Reservoir	32. Number of Wells on this lease in this Reservoir
7B	00014001	WILDCAT	Oil or Gas Well	3000	0.00	1

BOTTOMHOLE LOCATION INFORMATION is required for DIRECTIONAL, HORIZONTAL, AND AMENDED AS DRILLED PERMIT APPLICATIONS

Remarks

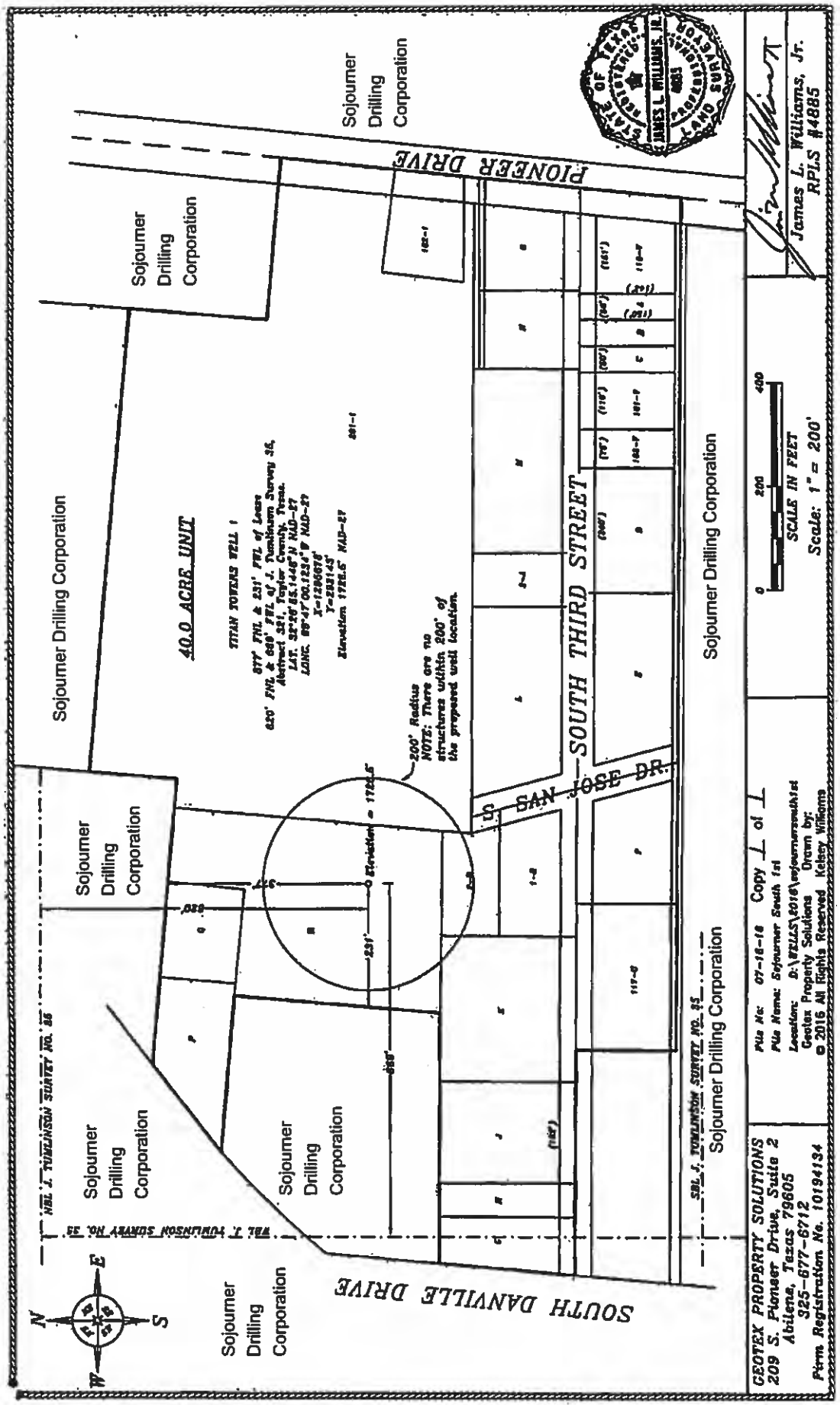
[RRC STAFF Mar 16, 2016 12:00 PM]: There have been problems identified with this permit (see problem letter attachment). Notification sent.; [RRC STAFF Mar 22, 2016 11:09 AM]: Problems identified with this permit are resolved.; [RRC STAFF Mar 22, 2016 11:10 AM]: Whitney Cloud verified the coordinates.

Certificate:

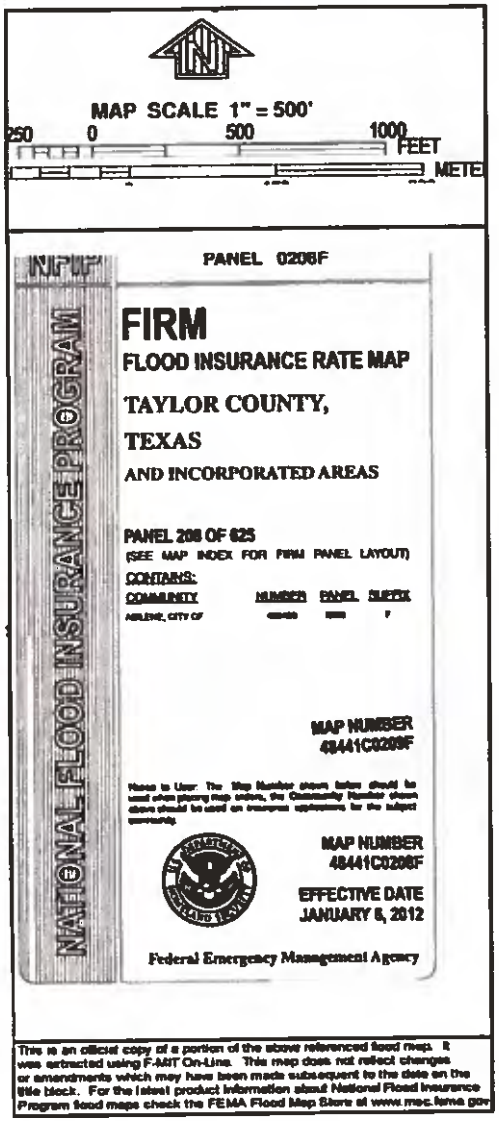
I certify that information stated in this application is true and complete, to the best of my knowledge.

Whitney Cloud, Production Analyst — Name of filer
Mar 10, 2016 — Date submitted
(325)672-2832 — Phone
whitney@sojodrilling.com — E-mail Address (OPTIONAL)

RRC Use Only — Data Validation Time Stamp: Mar 29, 2016 8:05 AM(Current Version)



PIONEER DRIVE
SOUTH THIRD STREET
S. SAN JOSE DR.
SOUTH DANVILLE DRIVE
Sojourner Drilling Corporation
40.0 ACRE UNIT
TITAN TOWERS WELL 1
200' Radius
NOTE: There are no structures within 200' of the proposed well location.
Elevation = 1728.5'
NBL J. TUMLINSON SURVEY NO. 35
SBL J. TUMLINSON SURVEY NO. 35
SCALE IN FEET
Scale: 1" = 200'
0
200
400
James L. Williams, Jr.
RPLS #4885
STATE OF TEXAS
REGISTERED
JAMES L. WILLIAMS, JR.
4885
PROFESSIONAL
LAND SURVEYOR
GEOTEX PROPERTY SOLUTIONS
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79605
325-677-6712
Firm Registration No. 10194134
Copy ⊥ of ⊥
Drawn by:
Kelsey Williams
© 2016 All Rights Reserved


MAP SCALE 1" = 500'
250 0 500 1000
FEET
METE
PANEL 0206F
NATIONAL FLOOD INSURANCE PROGRAM
FIRM
FLOOD INSURANCE RATE MAP
TAYLOR COUNTY,
TEXAS
AND INCORPORATED AREAS
PANEL 206 OF 625
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)
CONTAINS:
COMMUNITY NUMBER PANEL SUFFIX
ABILENE, CITY OF F
MAP NUMBER
48441C0206F
MAP NUMBER
48441C0206F
EFFECTIVE DATE
JANUARY 6, 2012
Federal Emergency Management Agency
This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

GROUNDWATER PROTECTION DETERMINATION

Form GW-2

Groundwater Advisory Unit

Date Issued:	11 March 2016	**GAU Number:**	152272

Attention:	SOJOURNER DRILLING	**API Number:**	
	BOX 3234	**County:**	TAYLOR
	ABILENE, TX 79604	**Lease Name:**	Titan Towers
Operator No.:	800750	**Lease Number:**	
		Well Number:	1
		Total Vertical Depth:	3000
		Latitude:	32.448650
		Longitude:	-99.783367
		Datum:	NAD27

Purpose: New Drill

Location: Survey-TOMLINSON, J; Section-35

To protect usable-quality groundwater at this location, the Groundwater Advisory Unit of the Railroad Commission of Texas recommends:

The interval from the land surface to a depth of 100 feet must be protected.

This recommendation is applicable to all wells within a radius of 200 feet of this location.

Note: Unless stated otherwise, this recommendation is intended to apply only to the subject well and not for area-wide use. This recommendation is for normal drilling, production, and plugging operations only. It does not apply to saltwater disposal operation into a nonproductive zone (RRC Form W-14).

This determination is based on information provided when the application was submitted on 03/10/2016. If the location information has changed, you must contact the Groundwater Advisory Unit, and submit a new application if necessary. If you have questions, please contact us at 512-463-2741 or gau@rrc.texas.gov.

Groundwater Advisory Unit, Oil and Gas Division

EXHIBIT 3

SOJOU-1 OP ID: AF

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 03/29/2016

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

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

PRODUCER
Perry Hunter Hall, Inc.
P.O. Box 1400
Abilene, TX 79604
Ronny Jaye Bryant

CONTACT NAME: Gene Brady
PHONE (A/C, No, Ext): 325-672-2832 FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Bitco General Insurance Corp	
INSURER B: First Mercury Insurance Co	10657
INSURER C: Texas Mutual Insurance Company	22945
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Sojourner Drilling Corp
William Sojourner
PO Box 3234
Abilene, TX 79604-3234

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC			CLP3625835	09/01/2015	09/01/2016	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ 5,000 $ 1,000,000 $ 3,000,000 $ 3,000,000
A	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS			CAP3625836	09/01/2015	09/01/2016	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (PER ACCIDENT)	$ 1,000,000 $ $ $
B	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $			TXEX0000033363-03	09/01/2015	09/01/2016	EACH OCCURRENCE AGGREGATE	$ $4mil $ $4mil
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		TSF0001070613	10/01/2015	10/01/2016	X WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000

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

Blanket 30 day Notice of Cancellation when required by written contract.

General Liability includes Blanket Addl Insured if required by written contract.

CERTIFICATE HOLDER

CITYOFA

City of Abilene
Attn: Land Dept
555 Walnut
Abilene, TX 79601

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Ronny J. Bryant

© 1988-2010 ACORD CORPORATION. All rights reserved.

EXHIBIT 4

PROSPERITY BANK®

IRREVOCABLE STANDBY LETTER OF CREDIT NO. 2132

Date: March 30, 2016
Expiration Date: March 30, 2017 **Up to Aggregate Amount of:** $10,000.00

For Account of:
Sojourner Drilling Corporation
810 Anson Ave
Abilene, TX 79601

Railroad Commission Number: 814346
Well Number: #1
Lease Name: Titan Towers

To Beneficiary:
City of Abilene, Texas
555 Walnut Street
Abilene, Texas 79601

Gentlemen:

Prosperity Bank hereby establishes our Irrevocable Standby Letter of Credit in your favor as Beneficiary in the amount of Ten Thousand Dollars & No/100 which is available by negotiation of your sight draft drawn on us on or before the Expiration Date and marked "Drawn under Prosperity Bank Irrevocable Standby Letter of Credit No. 2132 dated March 30, 2016," accompanied by this original Letter of Credit and a statement in the form attached, signed by an authorized representative of the City of Abilene, Texas stating that:

Sojourner Drilling Corporation failed to:

(1). Comply with the terms and conditions of the Lease Agreement and/or Chapter 21 of the Abilene Municipal Code, in the drilling and operation of an oil and gas well;

(2). Promptly pay all fines, penalties and other assessments imposed upon operator by reason of breach of any of the terms, provisions and conditions of the Lease Agreement and/or Chapter 21 of the Abilene Municipal Code; or

(3). Promptly restore the streets and sidewalks, and other public property of the City, which may be disturbed or damaged in the drilling and operations of a well, to their former condition; and following cessation of drilling activities, or production, whichever occurs last, plug the oil or gas well in accordance with Texas Railroad Commission requirements, and promptly clear all premises of all litter, trash, waste, and other substance used, allowed, or occurring in the drilling or producing operations, and, after

abandonment, grade, level, and restore such property to the same surface condition, as nearly as possible, as existed when operations for the drilling of the well were first commenced.

We hereby engage with you that drafts drawn in conformity with the terms of this Credit will be duly honored within three business days of presentation to Prosperity Bank Letter of Credit Department located at 4631 NW 23rd St, Oklahoma City, OK 73127 on or before the Expiration Date. The amount of each draft must be endorsed on the reverse side of this Credit by Issuer.

This Letter of Credit sets forth in full Prosperity Bank's undertaking of this Letter of Credit as a separate transaction from any contract on which it may be based, and the Issuer is in no way concerned or bound by any such contract, even if reference to such contract is included in the Letter of Credit.

Except as stated herein, this undertaking is not subject to any condition or qualification. Our obligation under this Letter of Credit shall be our individual obligation, in no way contingent upon reimbursement with respect thereto.

This Letter of Credit is subject to the International Standby Practices 1998 (ISP98), Publication No. 590, and as to matters not governed by ISP98, shall be governed by Title 1 of the Texas Business and Commerce Code (Uniform Commercial Code), as in effect from time to time (the "Texas UCC"). To the extent the ISP98 and the Texas UCC conflict, the ISP98 shall control for such provision.

Very truly yours,

PROSPERITY BANK

Aimee L Mauk, VP

By: Aimee L. Mauk
Title: Vice President

Prepared by: J. Hobson 3/29/2016 OK-LCD

IRREVOCABLE STANDBY LETTER OF CREDIT #2132

[Certificate to be Typed on Beneficiary's Letterhead]

EXHIBIT "A"

Certificate

Prosperity Bank
Attention: Letter of Credit Department
4631 NW 23rd St
Oklahoma City, OK 73127

RE: Irrevocable Standby Letter of Credit No. 2132

Ladies and Gentlemen:

The undersigned hereby certifies to Prosperity Bank as Issuer of the above referenced Letter of Credit (the "Credit"):

1. I am a duly authorized representative of the City of Abilene, Texas.

2. The basis for the Beneficiary's draw under the Credit is the failure of Sojourner Drilling Corporation to:

   a. Comply with the terms and conditions of the Lease Agreement and/or Chapter 21 of the Abilene Municipal Code, in the drilling and operation of an oil and gas well;

   b. Promptly pay all fines, penalties and other assessments imposed upon operator by reason of breach of any of the terms, provisions and conditions of the Lease Agreement and/or Chapter 21 of the Abilene Municipal Code; or

   c. Promptly restore the streets and sidewalks, and other public property of the City, which may be disturbed or damaged in the drilling and operations of a well, to their former condition; and following cessation of drilling activities, or production, whichever occurs last, plug the oil or gas well in accordance with Texas Railroad Commission requirements, and promptly clear all premises of all litter, trash, waste,

and other substance used, allowed, or occurring in the drilling or producing operations, and, after abandonment, grade, level, and restore such property to the same surface condition, as commenced.

3. Payment is now due.

4. Beneficiary is hence entitled to and is making a drawing under the Credit in the amount of U.S. $_____.

The Beneficiary has executed this Certificate as of the _____ day of_____, 201_.

Beneficiary:
City of Abilene, Texas

By: _____

Typed Name: _____

Title: _____

Prepared by: J. Hobson 3/29/2016 OK-LCD

Sojourner Drilling Corporation "Titan Towers Unit", 40 acres (yellow)
Titan Towers Well #1
1ST
STEFFENS
ALAMEDA
AZTEC
LA MESA
DURANGO
GLACIER
ENCINO
DURESTA
DANVILLE
HWY 81-84-277
PIONEER
RUSSELL
WESTRIDGE
OXFORD
DON JUAN
SAN JOSE

Sojourner Drilling Corporation "Titan Towers Unit", 40 acres (yellow)
500 Ft. Property Owner Notification Radius
Titan Towers Well #1
1ST
STEFFENS
ALAMEDA
AZTEC
LA MESA
DURANGO
GLACIER
ENCINO
DUESTA
DANVILLE
HWY 81-84-277
SAN JOSE
DON JUAN
PIONEER
RUSSELL
WESTRIDGE
OXFORD

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Dana Schoening, Director of Planning & Development**

SUBJECT: **Resolution and Public Hearing: Approval of FY 2016/2017 Action Plan and CDBG and HOME Programs. *(Schoening)***

GENERAL INFORMATION

As an entitlement city receiving funds from the U.S. Department of Housing and Urban Development (HUD), the City of Abilene is required to submit a Consolidated Plan that strategically addresses the City's goals and objectives for housing and community development over the course of a five-year period. The City of Abilene is also required to submit a One-Year Action Plan outlining specific uses of Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds planned for the coming fiscal year. Joana Wuest, researched and developed the information for the Action Plan and will help present this information. The Office of Neighborhood Services Advisory Council (ONSAC) was instrumental in the development of the goals, objectives and budget of the Consolidated Plan and provided input into the FY 2016/2017 Action Plan.

The summaries are attached. The full documents have been made available to Council through the City Secretary's Office and are available on the City website.

SPECIAL CONSIDERATIONS

A public hearing was held to receive input for the FY 2016/2017 Action Plan in the Emergency Operation Center Conference Room, located at City Hall. The needs discussed were: housing, community services, economic development, community/public facilities, public improvements and homeless services. Invitees were service providers and nonprofits, the homeless network, disability services, 211 Call for Help agencies, religious organizations/churches and neighborhood associations and City of Abilene, residents. Professionals from housing, insurance, real estate and lending were invited. All City directors and managers were invited along with all previous funding recipients. Discussion centered on the community needs that could be addressed with CDBG/HOME funds or alternative funds. The ONSAC met May 24, 2016, to discuss and review and approve funding applications which were received from April 11-May 11, 2016. A summary of the One-Year Action Plan outlining the proposed FY 2016/2017 budget was published in the Abilene Reporter-News on July 1 (which began the HUD-required 30-day comment period). As of July 15, 2015, no written comments had been received in response to the proposed Action Plan and budget as published. A second public hearing on July 28, 2016, is required with approval of the attached resolution. The FY 2016/3017Action Plan must be received by HUD no later than August 12, 2016.

FUNDING/FISCAL IMPACT

There will be no impact on local taxes. Projects are to be funded using 2016 entitlements of $806,099 CDBG and $329,092 HOME. In addition, the City anticipates that it will not receive any program income from the HOME program during FY 2016/17.

STAFF RECOMMENDATION

Staff recommends approval of the attached resolution approving the FY 2016/2017 One-Year Action Plan for use of CDBG and HOME funds.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS – Resolution for FY 2016/17 One-Year Action Plan for use of CDBG and HOME funds; FY 2015/16 Source of Funds, Public Service/Administrative Caps.

ATTACHMENTS:

Description	Type
Resolution	Cover Memo
Power Point	Cover Memo

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE FY 2016 ACTION PLAN AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS

WHEREAS, it is desirable and in the public interest that the City of Abilene request funds under the Community Development Block Grant Program and Home Investment Partnerships Program, authorized under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended, for the City of Abilene situated in the Counties of Taylor and Jones, State of Texas; and

WHEREAS, a minimum of two public hearings have been held as required by 24 CFR Part 91.105, Consolidated Plan for Community Planning and Development Program Final Rule, at which interested members of the public were invited to offer comments on housing and community development needs and funding requests/proposals; and

WHEREAS, the primary objective of the Community Development Program is to develop a viable urban community, including decent housing and a suitable living environment, and to expand economic opportunities principally for persons of low and moderate income. Consistent with the primary objective, the Federal assistance provided in the Community Development Program is for the support of the community development goals, objectives, and strategies which are eligible under applicable Federal regulations; and

WHEREAS, the primary objective of the HOME Program is to expand the supply of decent, safe, sanitary, and affordable housing for very low income and low income Americans. Consistent with that primary objective, the Federal assistance provided in the Community Development Program is for the support of the community development goals, objectives, and strategies which are eligible under applicable regulations;

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

Part 1. That the FY 2016/2017 Action Plan and Projected Use of Community Development Block Grant and HOME funds is hereby approved.

Part 2. That, upon approval, the FY 2016/2017 Action Plan be submitted to the United States Department of Housing and Urban Development.

Part 3. That the financial assistance authorized by the Community Development Block Grant and HOME Programs referred to above is required to enable the City of Abilene to carry on appropriate community development activities directed toward meeting the objectives above.

Part 4. That the City Manager, or his designee, of the City of Abilene, Texas is hereby authorized to sign said application and any and all appurtenant documents on behalf of the City.

Part 5. That this resolution shall take effect immediately from and after its passage.

ADOPTED this 28th day of July, 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

FY 2016/2017 One-Year Action Plan

Community Development Block Group Grant

And

HOME Investment Partnerships Grant

CITY OF ABILENE TEXAS

What is Community Development Block Grant (CDBG)

- CDBG: Grant is used for expanding decent housing, suitable living environments & economic opportunities

CITY OF ABILENE TEXAS

What is HOME Investment Partnerships Grant (HOME)

- HOME: Grant is used for increasing the quality of low-income housing stock

Components of the Consolidated Plan

- Consultation Process
- Citizen Participation
- Housing & Homeless Needs Assessment
- Housing Market Analysis
- Action Plan

Project Funding Guidelines

- Meet HUD national objectives
- Meet Consolidated Plan goals & objectives
- >70% Low- to Moderate-Income (LMI) Benefit
- Follow Council policy on funding capital projects for nonprofits; not operating expenses

CITY OF ABILENE TEXAS

FY 2016/2017
CDBG Revenue Sources

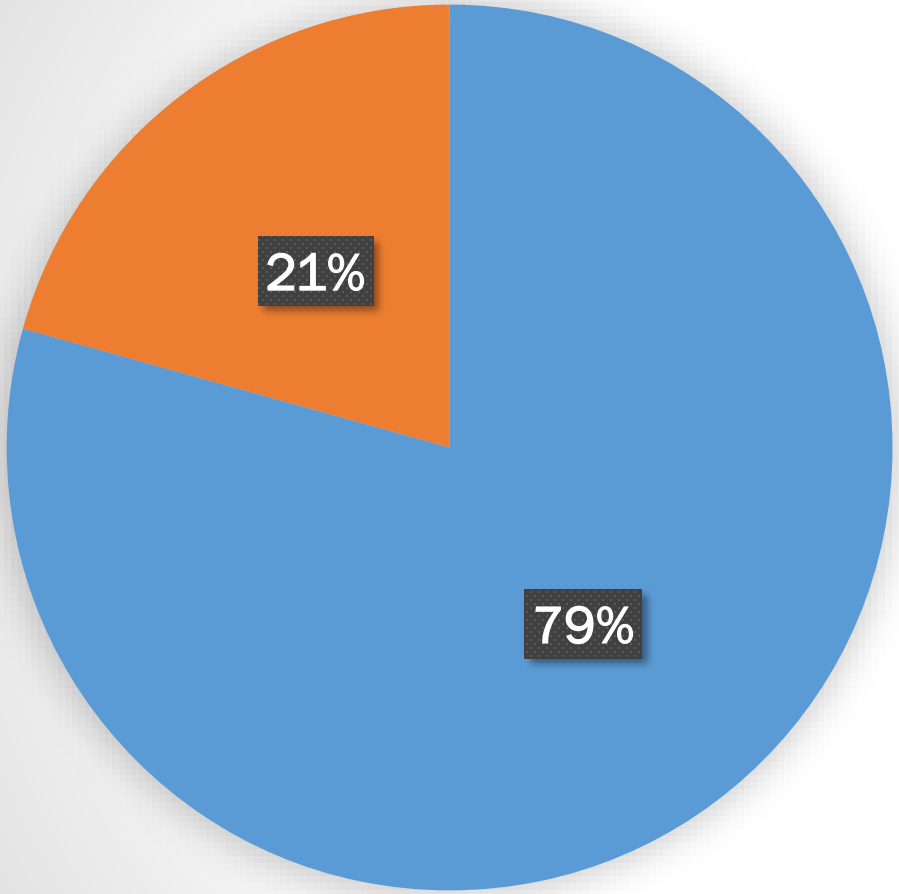
CDBG Entitlement & Total Revenue	$806,099

CDBG Public Service Projects

• Access to Jobs	$95,915
• Dental Services Program	$25,000
(Subject to 15% Public Service Cap)	$120,915

CITY OF ABILENE TEXAS

CDBG Public Service Projects



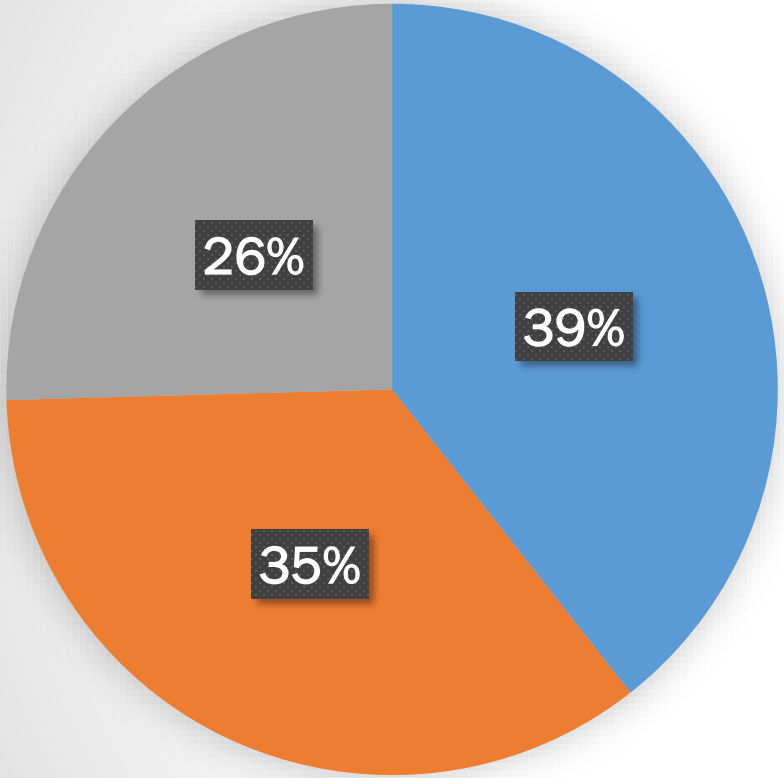
CITY OF ABILENE TEXAS

CDBG Program Delivery & Planning Admin

• CDBG Housing Admin (Program Delivery Not Subject to 20% Cap)	$104,815
• CDBG Planning Admin (Subject to 20% Cap)	$93,540
• Indirect Admin (Subject to 20% Cap)	$ 67,680
Total Admin Expenditures	$266,035

CITY OF ABILENE TEXAS

CDBG Program Delivery & Planning Admin



CDBG Housing Admin No Cap

CDBG Planning Admin 20% Cap

Indirect Admin

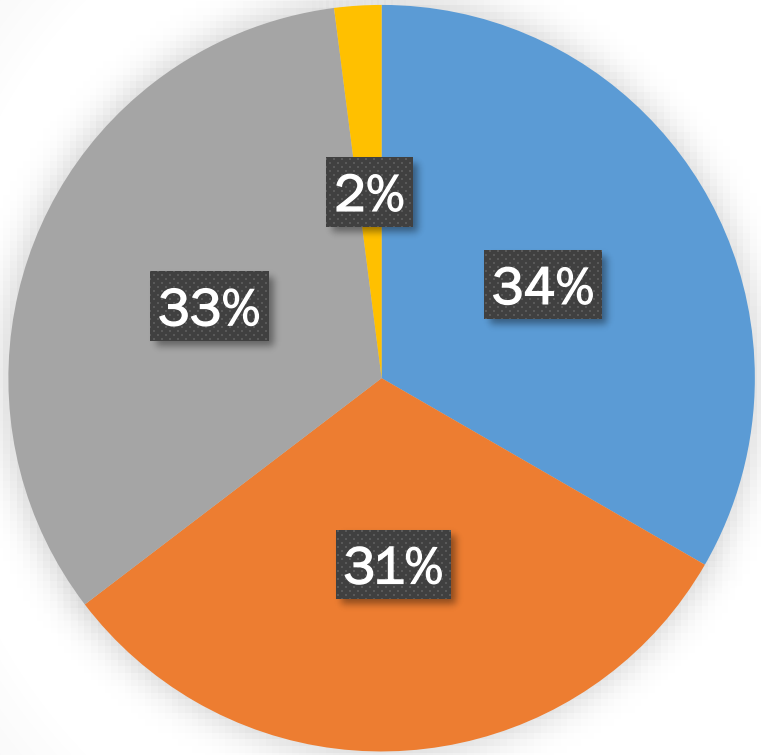
CITY OF ABILENE TEXAS

CDBG Non-Public Service Projects

• Code Compliance Officers (In LMI Neighborhoods)	$119,120
• Critical/Limited Repair	$140,870
• Condemnation and Demolition Program	$150,000
• FaithWorks of Abilene, Inc.	$9,160
• Total Non-Public Service Projects	$419,149

CITY OF ABILENE TEXAS

CDBG Non-Public Service Projects



CITY OF ABILENE TEXAS

HOME Revenue Sources

• HOME Entitlement	$329,090
• Program Income	$0
• Reprogrammed Funds	$48,230
• Total Revenue	$377,320

CITY OF ABILENE TEXAS

HOME Expenditures

- Neighborhood Initiatives Admin $7,830
- HOME Program Delivery Admin $25,050
- Total Admin $32,880

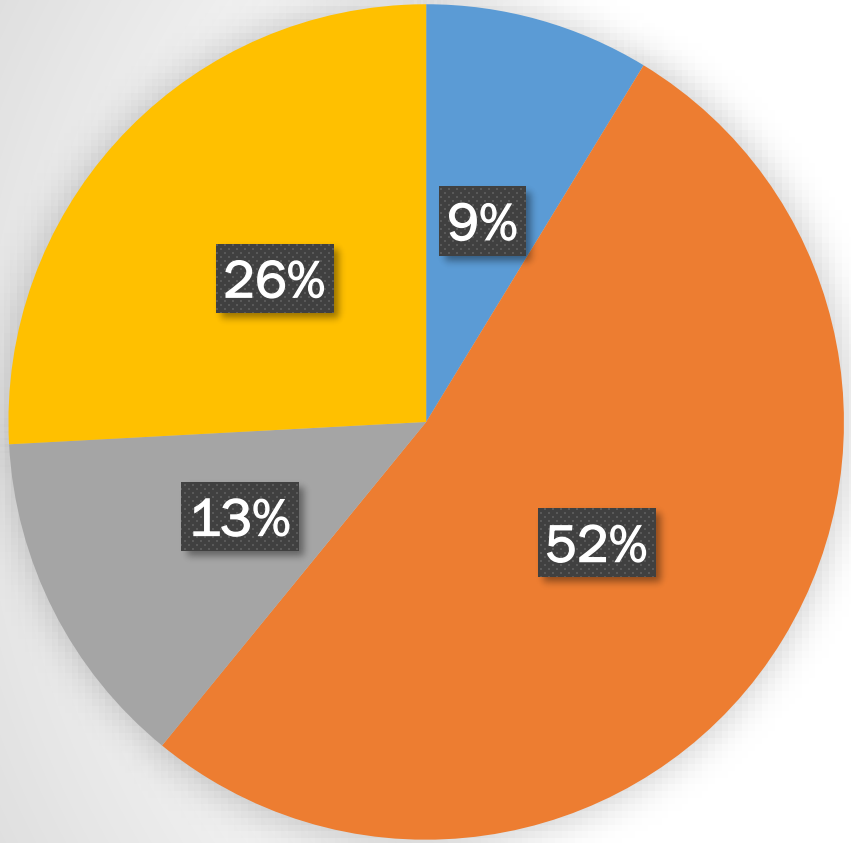
CITY OF ABILENE TEXAS

HOME Rehab Expenditures

- Single-Family Rehab/RECON Program $196,890
- First Time Homebuyer Program $50,000
- Community Housing Development Organization (CHDO-15%) $97,550
- Total Expenditures $344,440

CITY OF ABILENE TEXAS

HOME Expenditures



- HOME Admin
- Single-Family Rehab/Recon
- First Time Homebuyer Program
- CHDO (15% Cap)

CITY OF ABILENE TEXAS

CDBG

- Administration
  - $266,035
- Non-Public Service Projects
  - $419 ,149
- Public Service Projects
  - $120,915
- TOTAL
  - $806,099

HOME

- Administration
  - $32,880
- Rehab Expenses
  - $344,440
- TOTAL
  - $377,320

CITY OF ABILENE TEXAS

Question & Answer

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Lesli Andrews, Director of Community Services**

SUBJECT: **Resolution: Authorizing the City Manager to execute a contract with AAR, Inc. for the demolition of two buildings for the expansion of the Abilene Civic Center parking lot.** ***(Andrews)***

GENERAL INFORMATION

This item is to authorize the City Manager to execute a contract with AAR, Inc.(AAR) for the demolition of two buildings located at 789 and 790 Cypress Street for expansion of the Civic Center parking lot. Three firms submitted bids for the work and (AAR) was the low bidder.

Once the contract is executed, AAR will have 100 days to complete the work. The scope includes asbestos abatement, demolition of the structures and site preparation.

SPECIAL CONSIDERATIONS

AAR's bid was significantly less than the other two bidders. Their qualifications and submittal was reviewed by Enprotec/Hibbs & Todd, Inc. Their engineers are recommending award to AAR.

FUNDING/FISCAL IMPACT

$75,000 from General Capital Project funds.

STAFF RECOMMENDATION

Approval of a resolution authorizing the City Manager to execute a contract with AAR, Inc. for the demolition of two buildings for the expansion of the Abilene Civic Center parking lot.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Demo Resolution	Resolution Letter
Bid Tab	Backup Material

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH AAR, INC. FOR THE DEMOLITION OF TWO BUILDINGS FOR THE EXPANSION OF THE ABILENE CIVIC CENTER PARKING LOT.

WHEREAS, two buildings located at 789 and 790 Cypress Street need to be demolished to expand the Abilene Civic Center parking lot; and

WHEREAS, through a competitive bid process three firms submitted bids; and

WHEREAS, Bontke Brothers Construction Company, Inc. of Abilene, TX submitted a bid of $120,000; and

WHEREAS, Midwest Wrecking Co. Of Texas, Inc. of Ft. Worth, TX submitted a bid of $124,373; and

WHEREAS, AAR, Inc. of Liberty Hill, TX submitted the lowest bid of $75,000.

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 with AAR, Inc. in the amount of $75,000 for the demolition of two buildings to allow for the expansion of the Abilene Civic Center parking lot.

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

ADOPTED this 28th day of July, 2016.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norman Archibald, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS

DEPARTMENT: COMMUNITY SERVICES
BID NO.: CB-1651
TIME OF OPENING: 2:00 P.M.
DATE OF OPENING: JUNE 7, 2016

ITEM	DESCRIPTION	QTY	UNIT	AAR, INC. LIBERTY HILL, TX		BONTKE BROTHERS CONSTRUCTION COMPANY, INC. ABILENE, TX		MIDWEST WRECKING CO. OF TEXAS, INC. FT. WORTH, TX							
				UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	DEMOLITION AND ASBESTOS ABATEMENT PROJECT FOR 789 & 790 CYPRESS STREET				*75,000.00		120,000.00		124,373.00						
BASE BID					*75,000.00		120,000.00		124,373.00						
DISCOUNT															
TOTAL BID					*75,000.00		120,000.00		124,373.00						

*NOTES: INDICATES RECOMMENDED AWARD

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Lesli Andrews, Director of Community Services**

SUBJECT: **Resolution: Authorizing the City Manager to purchase furniture for the South Branch Library from Library Interiors of Texas, LLC through the Choice Partners purchasing cooperative. *(Andrews)***

GENERAL INFORMATION

On September 21, 2015, the City of Abilene and the Friends of the Abilene Public Library (Friends) entered into a Memorandum Agreement for the construction of improvements for the new South Branch Public Library. This agreement required the Friends to be solely responsible for the raising of funds and the payment of all expenses contemplated in the design and construction of improvements to the leased space at the Mall of Abilene which will become the new South Branch Library. On May 23, 2016, the City Council amended this agreement to facilitate the use of Public, Education and Government (PEG) funds to be used to build and furnish the meeting room at the new South Branch Library.

This item is to authorize the City Manager to purchase furniture for the new South Branch Library from Library Interiors of Texas, LLC through the Choice Partners purchasing cooperative. The furniture consists of:

- Additional shelving and end panels needed due to the increased space,
- A new circulation desk that fits the designed space and facilitates line of sight for the new location,
- Study tables and task chairs for the study rooms,
- Tables and chairs for the adult/main areas, and
- Children and teen specific furniture for the children and teen areas of the library.

In order to more efficiently use the resources available for furniture, fixtures and equipment the vast majority of the shelving from the existing South Branch will be repurposed and moved the new branch. In addition, other than the staff chairs for the new circulation desk this purchase does not include any furniture for the staff areas of the new branch. Staff is also very appreciative of the donation of children's shelving donated from Dyess Air Base that will be used at the new location.

SPECIAL CONSIDERATIONS

Due to allocation of PEG funds for the meeting room, the Friends are able to fund $140,000 toward the $226,779.27 in furniture needs. PEG funds in the amount of $26,259.49 will purchase the furniture for the meeting room. The remaining $60,519.78 is funded from a $7,000 grant for teen-specific furniture and the Library's general operating budget.

Through the generous efforts of the Friends and the resourcefulness of staff, the new branch will have most of the furniture that it needs to best utilize the space. However due to funding limitations several tables and chairs recommended through the design process are being delayed. Staff is hopeful that over time as budget allows, items will continue to be added for the benefit of library patrons.

FUNDING/FISCAL IMPACT

$140,000 from the Friends of Abilene Public Library
$26,259.49 from PEG funds
$7,000 in grant funds
$53,519.78 in designated General Fund resources

STAFF RECOMMENDATION

Approval of a resolution authorizing the City Manager to purchase furniture for the South Branch Library from Library Interiors of Texas, LLC through the Choice Partners purchasing cooperative.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

	Description	Type
🗋	Resolution	Resolution Letter

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO PURCHASE FURNITURE FOR THE SOUTH BRANCH LIBRARY FROM LIBRARY INTERIORS OF TEXAS, LLC THROUGH THE CHOICE PARTNERS PURCHASING COOPERATIVE.

WHEREAS, on September 21, 2015, the City of Abilene and the Friends of the Abilene Public Library (Friends) entered into a Memorandum Agreement for the construction of improvements for the new South Branch Public Library; and

WHEREAS, on May 23, 2016, an amendment was approved allowing the City to expend Public, Educational, and Governmental (PEG) Funds for the construction of the new South Branch Library meeting room; and

WHEREAS, any savings realized by Friends was to be allocated for other improvements to the new South Branch Library; and

WHEREAS, furniture and shelving is necessary to adequately operate the new South Branch Library; and

WHEREAS, the furniture package is $226,779.27 with $140,000 from the Friends of the Abilene Public Library, $26,259.49 from PEG funds, $7,000 from grant funds and $53,519.78 from General Fund designated resource.

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

Part 1: The City Manager is hereby authorized to purchase furniture for the new South Branch Library from Library Interiors of Texas, LLC through the Choice Partners purchasing cooperative.

Part 2: The total furniture package is $226,779.27 with $140,000 from the Friends of the Abilene Public Library, $26,259.49 from PEG funds, $7,000 from grant funds and $53,519.78 from General Fund designated resources.

Part 3: That this Resolution shall take effect immediately from and after passage.

ADOPTED this 28th day of July, 2016.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norman Archibald, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Lesli Andrews, Director of Community Services**

SUBJECT: **Resolution: Authorizing the City Manager to execute an amendment to the on-demand contract with Enprotec/Hibbs & Todd, Inc. for design services for the Abilene Civic Center parking lot. *(Andrews)***

GENERAL INFORMATION

On September 1, 2015, the City of Abilene entered into an on-demand agreement for architect and general engineering services with Enprotec/Hibbs & Todd, Inc. (EHT) This item is to authorize the City Manager to execute an amendment to that on-demand contract for design and engineering services for the paving and repaving of the north and west Abilene Civic Center parking lots and a landscape irrigation plan along the west right-of-way of Pine Street. The scope of services includes the following items:

- Preparation of a preliminary report with the base map indicating pavement replacement areas, associated costs, phasing and construction schedule.
- Development of detailed construction drawings, specification and bidding/contract documents.
- Provision of construction phase services.

EHT estimates five months for the design phase, three months for the bidding phase, and six months construction schedule.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

$98,000 from General Capital Project funds.

STAFF RECOMMENDATION

Approval of a resolution authorizing the City Manager to execute an amendment to the on-demand contract with Enprotec/Hibbs & Todd, Inc. for design services for the Abilene Civic Center parking lot.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution	Resolution Letter
EHT Amendment to Contract	Backup Material
EHT Scope	Backup Material

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE ON-DEMAND CONTRACT WITH ENPROTEC/HIBBS & TODD, INC. FOR DESIGN SERVICES FOR THE ABILENE CIVIC CENTER PARKING LOT.

WHEREAS, on September 1, 2015, the City of Abilene entered into an on-demand agreement for architect and general engineering services with Enprotec/Hibbs & Todd, Inc. (EHT); and

WHEREAS, this is an amendment to the EHT on-demand contract for professional services to design and provide engineering services for the paving and repaving of the north and west Abilene Civic Center parking lots and a landscape irrigation plan along the west right-of-way of Pine Street; and

WHEREAS, the contract will be in the amount of $98,000.00.

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

Part 1: That the City Council authorizes the City Manager to sign an amendment to the on-demand contract with Enprotec/Hibbs & Todd, Inc to provide design and engineering for the paving and repaving of the north and west Abilene Civic Center parking lots and a landscape irrigation plan along the west right-of-way of Pine Street.

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

ADOPTED this 28th day of July, 2016.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norman Archibald, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

AMENDMENT TO CONTRACT

There exists a Professional Services Contract for On-Demand Architect and General Engineering Services for the City of Abilene Community Services Department, effective September 1, 2015, by and between the City of Abilene ("City"), and Enprotec / Hibbs & Todd Inc. ("Consultant").

The means for performing work under that contract is by amendment utilizing this Attachment C, Amendment to Contract. An Amendment shall be developed for each objective. A Scope of Services and Compensation for completing the objective shall be attached. This document shall be signed by both parties to the Professional Services Contract.

The City of Abilene Community Services Department requires the services of a Professional Engineering Firm to provide On-Demand Architect and General Engineering Design and Consulting Services. The objective of Amendment to Contract, No. 11 is for engineering services for the paving and repaving of the North and West Civic Center Parking Lots and a landscape irrigation plan along the west right-of-way of Pine Street. This Amendment to Contract incorporates into the Professional Services Contract the attached Scope of Work and Compensation, in its entirety, for completing the objective.

Consultant will provide professional services to assist in accomplishing the above objective. A Scope of Work detailing the tasks associated with the objective has been developed and is attached hereto and incorporated into this contract by reference for all purposes. Compensation for completing the tasks associated with the objective has been developed and is attached hereto and incorporated into this contract by reference for all purposes.

The Consultant must complete all services necessary to complete the objective by the mutually agreed upon date of December 31, 2016 for design and bid documents and October 31, 2017 for construction.

City of Abilene:

By:_____

Title:_____

Date:_____

Consultant:

By: Wade Todd
Owner Name

Title: Exec. V.P.
Enprotec / Hibbs & Todd, Inc.

Date: 7/21/16

Revised 02/2008

ATTACHMENT A

SCOPE OF SERVICES

The consultant shall provide engineering services for the paving and repaving of the north and west Civic Center Parking Lots and a landscape irrigation plan along the west right-of-way of Pine Street.

1. Preliminary Phase:

   A. Consult with the City to Determine the Requirement(s) of this Project.

   B. Prepare a preliminary report with base map indicating pavement replacement areas, associated costs, phasing and construction schedule.

2. Design Phase:

   A. On the basis of the approved preliminary phase documents, prepare detailed construction drawings and specifications for the Project.

   B. Furnish to the City data for and assist in the preparation of the required documents such as traffic control plan, accessibility review, so that the City may secure approval of such governmental authorities as have jurisdiction over design criteria applicable to the project.

   C. Advise the City of any adjustment of the cost estimate for the project caused by changes in scope, design requirement or construction costs and furnish a revised cost estimate for the project based on the completed drawings and specifications.

   D. Preparation of Bid Packet/Contract Documents.

   E. Make recommendation of construction award to City.

   F. Hold a Pre-Construction Conference.

   G. Issuance of Notice to Proceed to construction Contractor.

3. Construction Phase:

   A. Set Construction Stakes for Contractor to assure proper alignment and grade in new paving areas. (Exhibit E)

   B. Make periodic visits to the site to observe the progress and quality of the executed work and to determine in general if the work is proceeding in accordance with the plans, specifications, and contract documents; the Consultant will make on-site inspections to check the work at critical construction period, the Consultant will not be responsible for the techniques and sequences of construction and the Consultant will not be responsible for the Contractor's failure to perform the construction work in accordance with the plans, specifications, and contract documents; and during such visits and on the basis of the Consultant's on-site observations as an experienced and qualified design professional, the Consultant will keep the City informed of the

progress of the work and will endeavor to guard the City against defects and deficiencies in the work of the Contractors, and may disapprove work as failing to conform to the plans and specifications, and contract documents.

C. Check samples, catalog data, shop drawings, laboratory, ship; and mill tests of materials and equipment and other data which the Contractor is required to submit, only for the conformance with the design concept of the Project and compliance with the information given by the plans, specifications, and contract documents; and accept or frequent all such submittal data furnished by the Contractors, materials used, and work performed by the Contractor as either complying or not complying with the intent of the plans, specifications and contractor documents.

D. Provide construction material testing for subgrade and base material, in the new paving areas, in sufficient quantity to determine the work performed by the contactor as either complying or not complying with the intent of the plans, specifications and contractor documents.

E. Consult and advise the City, act as the City's representative at the Project site, issue all instructions of the City to the construction contractors that do not conflict with good engineering practice, and prepare routine change orders as required.

F. Processing and submittal of Change Orders (if required).

G. Field interim inspections by Project Engineer.

H. Based on the Consultant's on-site observations as an experienced and qualified design professional and on the Consultant's review of the Contractor's applications for payment, determine the amount owing to the Contractor in such amounts; such approvals payment to constitute a representation to the City, based on such observations and review and data comprising such applications, that the work has progressed to the point indicated and that, to the best of the Consultant's knowledge, information, and belief, the quality of work is in accordance with the plans, specifications and contract documents, subject to the result of the subsequent testing called for in the specifications and contract documents and any qualifications stated in the approval.

I. Conduct, in company with the City representative, a final inspection of the Project for conformance with the design concept of the Project and compliance with the plans, specifications, and contract documents, and recommend in writing final payment to the Contractor.

J. Prepare Certificate of Construction Completion.

K. Make an inspection of the Project prior to expiration of the guarantee period and reporting observed discrepancies under guarantees provided by the construction contract.

L. Furnishing the City, a set of record prints of drawings and addendum drawings showing those changes made during the construction period, based upon the marked up prints, drawing, and other data furnished by the Contractor the Consultant and which Consultant considers to be significant.

ATTACHMENT B

MONTHS

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
Preliminary Phase																											
Design Phase																											
Regulatory Review																											
Bidding Phase																											
Construction Phase																											
Closeout Phase																											

7.7 Page 7

ATTACHMENT C

PAYMENT SCHEDULE

Compensation is based on actual hours of work/time devoted to providing the described Engineering services and will be paid according to agreed guidelines below not to exceed $98,000.00.

The following guidelines shall be used to monitor the rate for payment:

1.	Preliminary Phase	$ 5,000.00
2.	Preparation of Final Plans and Specifications	$ 50,000.00
3.	Clearance of Plans and Specifications by Regulatory Agency	$ 5,000.00
4.	Bid Advertisement and Receipt of Bids	$ 5,000.00
5.	Construction Phase Services	$ 28,000.00
6.	Submittal of "Record Drawings" & filing of all required close-out information.	$ 5,000.00
	Total	$ 98,000.00

ATTACHMENT D

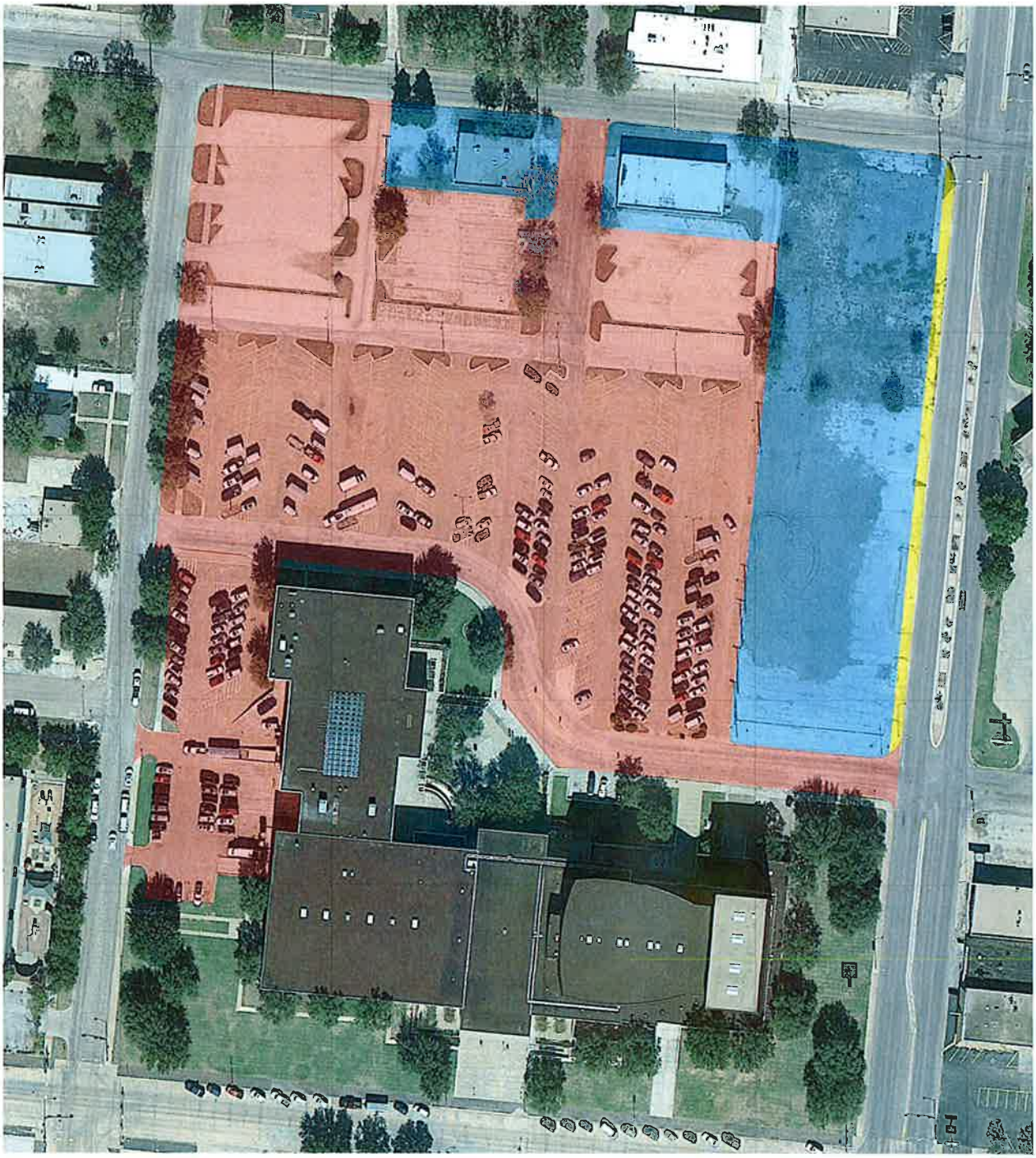
CURRENT HOURLY CHARGES FOR PROFESSIONAL SERVICES
Charges include all salaries, salary expense, overhead, and profit.

Principal	$ 190.00 per hour
Senior Project Manager	160.00 per hour
Project Manager	140.00 per hour
Senior Engineer / Geologist	135.00 per hour
Project Engineer / Geologist	125.00 per hour
Senior Engineering Technician	120.00 per hour
Staff Engineer I / Geologist	115.00 per hour
Staff Engineer II / Geologist	95.00 per hour
RPLS I	130.00 per hour
RPLS II	90.00 per hour
Operations Specialist / Regulatory Compliance Specialist	120.00 per hour
Engineering Technician I	100.00 per hour
Engineering Technician II	85.00 per hour
Engineering Technician III	70.00 per hour
CMT Tech I	50.00 per hour
CMT Tech II	45.00 per hour
Environmental Tech I	85.00 per hour
Environmental Tech II	70.00 per hour
Survey Tech I	70.00 per hour
Survey Tech II	50.00 per hour
CAD I	100.00 per hour
CAD II	90.00 per hour
CAD III	70.00 per hour
CAD IV	45.00 per hour
Secretarial	55.00 per hour
Survey Party Conventional	180.00 per hour - 3 man
	140.00 per hour - 2 man
GPS Survey Party	160.00 per hour

Our survey parties come equipped with surveying equipment appropriate for the job before them. No separate charges are made for use of electronic distance measuring devices, theodolites, vehicles, radios, etc.

Expense Items

Consultants, Contractors & Supplies	Cost plus 10%
Blue Line Prints	2.50 per copy
Film Sepias	10.00 per copy
Travel (out of town only)	Current IRS rate per mile
Lodging and meals (out of town trips)	Actual cost



LEGEND

- EXISTING PAVEMENT
- NEW PAVING
- NEW LANDSCAPING

N

75 0 150

SCALE IN FEET

ATTACHMENT "E"

ABILENE CIVIC CENTER
ABILENE, TAYLOR COUNTY, TEXAS

12-5673 06/30/2016

ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING
402 Cedar Street
325-698-5560
Abilene, Texas 79601
PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration Nos. 10011900 & 10007300

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Lesli Andrews, Director of Community Services**

SUBJECT: **Resolution: Authorize the City Manager to execute Change Order #1 to the Abilene Civic Center Renovations Project – 2015 Bond Program for the rehabilitation of the Terrazzo Floor in the Civic Center Lobby. *(Andrews)***

GENERAL INFORMATION

Community Services has Council authorized funds in the amount of $60,000 to rehabilitate the Terrazzo Floor at the Abilene Civic Center. Staff desires to add this project to the Scope of the existing 2015 Bond Project that is currently under construction at the Abilene Civic Center.

The City has a Design/Build Agreement with H&G Construction Co. for the 2015 Bond Improvements project at the Civic Center. The Scope of this agreement includes improvements to the Exhibit Hall as well as replacement of the Auditorium Fly System.

SPECIAL CONSIDERATIONS

Tim McClarty (part of the H&G Design/Build team) has done an exceptional job of researching the methods and techniques used to rehabilitate Terrazzo Floors. Adding this project to the Scope of the H&G contract allows the City to more efficiently deliver this project.

FUNDING/FISCAL IMPACT

Change Order #1 adds $60,000 of funding to the Civic Center Rehabilitation Project. These are funds that Community Services had previously designated for the Terrazzo Floor project. The original project budget was $2,810,000. The new project budget will be $2,870,000

STAFF RECOMMENDATION

Staff Recommends approval of Change Order #1 to the Design/Build contract with H&G Construction Company.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

	Description	Type
🗋	Resolution	Exhibit

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE DESIGN/BUILD CONTRACT WITH H&G CONSTRUCTION COMPANY FOR THE CIVIC CENTER RENOVATIONS PROJECT.

WHEREAS, at a Regular Meeting of the Abilene City Council on February 26, 2015, the City Council authorized funding in the amount of $60,000 to rehabilitate the Terrazzo Floor at the Abilene Civic Center; and

WHEREAS, at a Regular Meeting of the Abilene City Council on March 10, 2016, the City Council authorized the City Manager to execute a Design/Build Agreement with H&G Construction Company, Inc. for the Civic Center Rehabilitation Project; and

WHEREAS, it is advantageous to the City to add the Terrazzo Floor to the Scope of Work for H&G Construction Company, Inc..

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 Change Order #1 to the Design/Build Agreement with H&G Construction Company, In. and add the Terrazzo Floor rehabilitation to the Civic Center Renovations Project.

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

ADOPTED this 28th day of July, 2016.

ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED:

Stanley Smith, City Attorney

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Robert Hanna, City Manager**

FROM: **Stan Standridge, Police Chief**

SUBJECT: **Resolution: Approving an amendment to the current Police Meet & Confer Agreement.** ***(Standridge)***

GENERAL INFORMATION

The meet and confer agreement between the City of Abilene ("City") and the Abilene Police Officers Association ("Association") provides for reopening the agreement during the budget process each year to discuss base salary. In the course of doing so, both parties expressed an interest in clarifying the mutual intent of the parties as it pertains to how holiday pay is accrued according to each officer's duty assignment.

As a result, the City and Association have proposed and agreed upon changes to Article 8 and Article 12 of the agreement, as reflected in the redlined documents attached as exhibits. The changes distinguish how holiday pay is accrued and paid for Uniformed Services (Patrol) versus Specialized Divisions (CID, SOD, etc.).

Upon approval by the City Council, Amendment One to the Meet and Confer Agreement between the City of Abilene and the Abilene Police Officers' Association will be executed to reflect these changes.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

This item is cost neutral to the budget.

STAFF RECOMMENDATION

Staff recommends approval of Amendment One to the Meet and Confer Agreement between the City of Abilene and the Abilene Police Officers' Association.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type

- Resolution — Resolution Letter
- Amendment One to Meet and Confer Agreement — Exhibit
- Redlined Article 8 — Exhibit
- Redlined Article 12 — Exhibit

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS TO APPROVE AMENDMENT ONE TO THE MEET AND CONFER AGREEMENT BETWEEN CITY OF ABILENE AND ABILENE POLICE OFFICERS' ASSOCIATION

WHEREAS, the City of Abilene ("City") and the Abilene Police Officers' Association ("Association") previously negotiated a Meet and Confer Agreement to be effective for the fiscal years 2015-2016, 2016-2017, and 2017-2018 ("Agreement") which has been approved by the City Council; and

WHEREAS, the Agreement was negotiated and entered by both parties in good faith and by utilizing financial projections that both parties believed to be prudent and reasonable; and

WHEREAS, the City and Association seek an amendment to the Agreement to equalize overtime pay and holiday pay among the sworn officers of the Abilene Police Department; and

WHEREAS, a duly noticed public meeting was held on July 15, 2016, between the City and Association, and the amendment was negotiated and agreed to by the parties; and

WHEREAS, Article 14, Savings Clause, of the Agreement provides in part that the "Agreement may be amended by written mutual agreement."

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

Part 1: That the Amendment One to the Meet and Confer Agreement Between the City of Abilene and Abilene Police Officers Association is hereby approved.

Part 2: That the City Manager is authorized to execute the Amendment One on behalf of the City of Abilene.

Part 3. That this Resolution takes effect immediately upon its adoption.

ADOPTED this 28th day of July, 2016.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norman Archibald, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

AMENDMENT ONE TO THE MEET AND CONFER AGREEMENT BETWEEN THE CITY OF ABILENE AND THE ABILENE POLICE OFFICERS' ASSOCIATION

WHEREAS, the City of Abilene and the Abilene Police Officers' Association negotiated a Meet and Confer Agreement to be effective for the fiscal years 2015-2016, 2016-2017, and 2017-2018 ("Agreement"); and

WHEREAS, said Agreement was negotiated and entered by both parties in good faith and by utilizing financial projections that both parties believed to be prudent and reasonable; and

WHEREAS, the parties intent herein is to equalize overtime pay and holiday pay among the sworn officers of the Abilene Police Department; and

WHEREAS, the parties are committed to ensuring the continuation of the same level of City services in all departments as currently provided to the citizenry; and

WHEREAS, Article 14, Savings Clause, provides in part that "this Agreement may be amended by written mutual agreement."

NOW THEREFORE, THE CITY OF ABILENE AND THE ABILENE POLICE OFFICERS' ASSOCIATION AGREE TO THE FOLLOWING AMENDMENTS TO THE AGREEMENT:

Part 1: Article 8, Section 4, Holiday Pay is amended as follows:

The Parties agree that effective July 24, 2016, officers assigned to ***UNIFORMED SERVICES*** will accrue holiday hours based upon his/her primary duty days. (Officers primarily working 10 hours shifts will receive 10 hours for a holiday. Officers primarily working 12 hours shifts will receive 12 hours for a holiday.)

Officers assigned to ***SPECIALIZED DIVISIONS*** will accrue 8 hours for a holiday, regardless of his/her primarily scheduled duty day.

SPECIALIZED DIVISIONS officers who are scheduled to be off duty on one of the officially approved City holidays and who are called in to work by his/her supervisor will be compensated at one-and one-half times his/her regular hourly rate for the time actually worked on that particular holiday. "Holiday" means the full 24 hour period of the day.

Effective October 1, 2016 ***UNIFORMED SERVICES*** officers actually working on their normally assigned duty day on the following holidays will receive an additional $200.00 in pay for working that day:

Independence Day (4th of July)
Thanksgiving Day
Thanksgiving Friday
Christmas Day

In order to receive the holiday pay, the officer must start his/her shift on the holiday.

Effective October 1, 2017 ***UNIFORMED SERVICES*** officers actually working on their normally assigned duty day on any of the official holidays approved by City Council will receive an additional $200.00 in pay for working that day. In order to receive the holiday pay, the officer must start his/her shift on the holiday.

Part 2: Article 12, Section 4, Compensatory Time is amended as follows:

Officers working a seven (7) day work period are compensated at one and one-half times their regular hourly rate for hours actually worked in excess of forty (40) hours during any one work week. If an Officer has been on leave due to absence from work during a work week, straight time pay or compensatory time will apply until the Officer has actually worked 40 hours.

Part 3: All other provisions of the Agreement remain unchanged and in effect for the period of time specified by Article 13, Term of Agreement.

Part 4: This Amendment shall become effective upon ratification by the parties.

EXECUTED THIS _____ DAY OF _____, 2016

FOR THE CITY OF ABILENE, TEXAS:

_____ Date:_____
ROBERT HANNA
CITY MANAGER

ATTEST:

_____
DANETTE DUNLAP
CITY SECRETARY

APPROVED:

_____
STAN STANDRIDGE
POLICE CHIEF

APPROVED AS TO FORM:

_____
STANLEY E. SMITH
CITY ATTORNEY

FOR THE ABILENE POLICE OFFICERS' ASSOCIATION:

_____ Date:_____
ADAM BECKER
PRESIDENT

_____ Date:_____
KEVIN OHNHEISER
VICE PRESIDENT

ARTICLE 8

BASE SALARY AND OTHER PAY

Section 1. Base Salary

a. Year One of the Agreement (October 1, 2015 – September 30, 2016)

The base salary increase for the first year of the Agreement shall include the same percentage across-the-board increase as approved for all other City employees, effective April 1, 2016, based upon the current pay plan for the officers covered by this Agreement.

b. Year Two of the Agreement (October 1, 2016 – September 30, 2017)

The Parties agree that they will reopen the negotiations to discuss base salary in concert with the City's budget preparation process for fiscal year 2017, the second year of the Agreement. The parties agree that officers will receive the same percentage increase in salary that other City employees are approved to receive, with the same effective date as other City employees.

c. Year Three of the Agreement (October 1, 2017 – September 30, 2018)

The Parties agree that they will reopen the negotiations to discuss base salary in concert with the City's budget preparation process for fiscal year 2018, the third year of the Agreement. The parties agree that effective October 1, 2017 officers will receive a minimum 2.5% across-the-board increase in salary, based upon the Police pay plan in effect at that time. Further the parties agree that if other City employees receive an across-the-board increase greater than 2.5% of base salary, police officers will receive an additional incremental increase to equate to other City employees' percentage at the effective date of the other City employees' increase. There will not be any retroactive application of the incremental increase.

Section 2. Police Training Officer Assignment Pay

Police Training Officers (PTO) will be paid for the shifts in which they are active in the training process while assigned PTO duties by the Department head or his/her designee. The pay rate for the PTO assignment will be $3.00 per hour for the scheduled shift hours and will be included in the bi-weekly payroll.

Section 3. Special Duty Pay

Beginning April 1, 2016, police officers holding special duty assignments that require specialized training and frequent response outside of regular duty hours will receive $100 per month in special duty assignment pay. The payment will be paid bi-weekly to be equivalent to the designated monthly payment. An officer may receive special duty pay for only one assignment, regardless of the number of special duties assigned to the officer. Special duty

assignments include CID, Youth Investigator, Tactical Unit, Bomb Unit, K9 Unit, SOD, RID and Traffic Division. This list may be amended as mutually agreed upon by City Administration and APOA.

Section 4. Holiday Pay

The Parties agree that effective ~~October 1, 2015~~ July 24, 2016, officers assigned to ***UNIFORMED SERVICES*** will accrue holiday hours based upon his/her primary duty days. (Officers primarily working ~~8 hours shifts will receive 8 hours for a holiday. Officers primarily working~~ 10 hours shifts will receive 10 hours for a holiday. Officers primarily working 12 hours shifts will receive 12 hours for a holiday.)

Officers assigned to ***SPECIALIZED DIVISIONS*** will accrue 8 hours for a holiday, regardless of his/her primarily scheduled duty day.

SPECIALIZED DIVISIONS officers who are scheduled to be off duty on one of the ~~nine (9)~~ officially approved City holidays and who are called in to work by his/her supervisor will be compensated at one-and one-half times his/her regular hourly rate for the time actually worked on that particular holiday. "Holiday" means the full 24 hour period of the day.

Effective October 1, 2016 ~~***POLICE OFFICERS***~~***UNIFORMED SERVICES*** officers actually working on their normally assigned duty day on the following holidays will receive an additional $200.00 in pay for working that day:

Independence Day (4th of July)
Thanksgiving Day
Thanksgiving Friday
Christmas Day

In order to receive the holiday pay, the officer must start his/her shift on the holiday.

Effective October 1, 2017 ***UNIFORMED SERVICES*** ~~police~~ officers actually working on their normally assigned duty day on ~~each~~ any of the ~~nine (9)~~ official ~~and~~ holidays approved by City Council ~~holidays~~ will receive an additional $200.00 in pay for working that day. In order to receive the holiday pay, the officer must start his/her shift on the holiday.

Section 5. Bilingual Pay

Officers approved to receive bilingual pay pursuant to the terms, conditions, and limitations of a policy promulgated by the Department head in his sole discretion will receive $50 per month and the payment will be paid bi-weekly to be equivalent to the designated monthly payment and applicable length of time.

Section 6. Recruitment Incentive Pay

To further facilitate recruitment, the Department head may use recruitment incentive pay when filling positions under Article 4.

Section 7. Longevity Pay

Parties agree that effective October 1, 2012 an Officer will receive $4 per month per year of service for one (1) through nine (9) years of service. Beginning in service year ten (10), an officer will receive $8 per month per year of service through thirty (30) years of service. Longevity pay will maximize at $240 per month ($2,880 per year) for service year 30 and beyond. The longevity pay schedule is reflected in Appendix C of this Agreement.

Section 8. Override

This article supercedes TLGC sections 141.033(a) and 143.041(b) as this article establishes more than one base salary in a classification and to provide for discretionary recruitment incentive pay and bilingual pay; 141.032 to provide for a different methodology for longevity pay and section 143.042 to provide for discretionary bilingual pay.

ARTICLE 12

MISCELLANEOUS

Section 1. Uniforms

The clothing allowance for those officers as determined by Administration shall be $600 per year.

Section 2. Funding Obligation

The City presently intends to continue this Agreement each fiscal year through its term, to pay all amounts due, and to fully and promptly perform the obligations of the City under this Agreement. All obligations of the City shall be paid only out of current revenues or any other funds lawfully available for those obligations, including tax revenues reasonably anticipated at equal or higher total gross amounts as were collected in fiscal year 2015 and appropriated for such purpose by the City Council in compliance with the Texas Constitution, Article 11, Sections 5 and 7. In the event the City cannot meet its funding obligations, after exhausting all reasonably available recurring revenue, as provided in the State Constitution, this Agreement shall terminate and shall be null and void in its entirety on the first date that such funding is not met pursuant to this Agreement. If at any time during the term of this Agreement, or any extension thereof, the electorate of the City subjects the government of the City to a rollback election; and, as a result of such rollback election, the City suffers a reduction in revenues due to a reduction in the tax rate, the Association agrees to reopen the salary and other compensation provisions of this Agreement for the purpose of renegotiating the same. If sixty (60) days after these negotiations begin, no agreement has been reached, this Agreement shall terminate and be null and void in its entirety.

Section 3. No Petition To Increase Salaries

The Parties agree to the salary increase provided for in Article 8 and it is the Parties' intent to override section 141.034 of the Texas Local Government Code to preclude a petition to increase salaries during the term of this Agreement. The Association further agrees it will not support or seek any proposed Charter amendment or initiative election that would provide for any increase in wages, salary, pay, or benefits during the term of this Agreement.

Section 4. Compensatory Time

Officers working a seven (7) day work period are compensated at one and one-half times their regular hourly rate for hours actually worked in excess of forty (40) hours during any one work week. ~~Only hours actually worked in excess of 40 hours during any one work week are eligible for overtime pay. Overtime shall be accrued based on a 40-hour work week and will be calculated based upon actual hours worked in excess of 40.~~ If an Officer has been on leave due to absence from work during a work week, straight time pay or compensatory time will apply until the Officer has actually worked 40 hours.

Officers working a work period that exceeds (7) days are compensated at one and one-half times their regular hourly rate for hours worked in excess of eighty (80) hours during any one work period. For this workgroup, planned vacation and holiday hours are considered hours worked for the purposes of computing overtime pay.

The City may compensate Officers with compensatory time in lieu of overtime pay during a work period at a rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required by the Fair Labor Standards Act ("FLSA"), 29 USC 207.

When an Officer is offered an assignment that will be compensated with compensatory time, the Officer has the option of refusing the compensatory time and requesting to be paid the appropriate rate of pay prior to accepting the assignment. The Department Head has the discretion to approve the request or to deny the request and offer the assignment to a different Officer.

This Article supersedes any and all agreements or understandings between the City and a covered officer of the bargaining unit related to compensatory time made during the term of this Agreement. If this Agreement expires, any lawful agreements or understandings that were made with individual Officers regarding compensatory time will apply.

Under this agreement Officers shall be allowed to accrue compensatory time up to a maximum accrual of eighty (80) hours, unless a greater amount is approved in writing by the Department Head. Requests to exceed the maximum accrual will be considered by the Department Head on a case by case basis.

This article does not apply to Secondary Work Assignments.

Section 5. Association Business Leave Pool

It is the desire of both Parties to sustain a reasonable balance in the Association Business Leave (ABL) Pool. To facilitate this goal, a police officer may make a one-time donation of up to 20 hours of sick leave toward the ABL balance. This one-time donation must be submitted on forms developed for this purpose to Human Resources no later than October 30, 2015. To further sustain the fund, at retirement a police officer having more than 720 hours of accrued sick leave may make a donation of up to 80 hours of sick leave. Both Parties agree that the usage of ABL by Association members will be capped at five hundred (500) hours per year.

The ABLP may be charged on an hour-for-hour basis when Association Board members and/or members of the Association attend regular Association business activities, as long as the ABLP has a positive balance. Regular Association business activities are defined as time spent at training programs, seminars, workshops, conferences or events.

The Association may request the use of ABL for Association business activities upon two (2) working days advance electronic or written notification to the Chief. Such requests will not be unreasonably denied.

The City will keep an accounting of the hours accrued and hours used. A report will be provided of the used and unused hours to the Chief and the Association President every six (6) months.

Section 6. Commission Election Schedule

The commission shall elect a chairperson and vice-chairperson at its first meeting of the calendar year. It is the Parties' intent to override section 143.006(e) of the Texas Local Government Code to allow for the election of a chairperson and vice-chairperson outside the month of January.

City Council
Agenda Memo

City Council Meeting Date: 7/28/2016

TO: **Mayor & City Council**

FROM: **Danette Dunlap, City Secretary**

SUBJECT:

Resolution: **Appointing members to various boards and commissions per the City Charter.** ***(Dunlap)***

2016 Spring Board appointments

- ***Abilene/Taylor Co Child Advocacy Center Board***
- ***Board of Building Standards***
- ***Civic Abilene***
- ***Frontier Texas! Board***
- ***Keep Abilene Beautiful***
- ***MPE/Swimming Pool Board of Appeals***
- ***Parks & Recreation Board***
- ***Senior Citizens Advisory Board***
- ***TIRZ Board***
- ***Planning & Zoning Commission***

GENERAL INFORMATION

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution	Resolution Letter
Exhibit A	Resolution Letter

RESOLUTION NO._____-2016

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 STATUES 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 28th day of July, A.D. 2016.

ATTEST:

_____
Danette Dunlap, TRMC
City Secretary

_____
Norm Archibald
Mayor

APPROVED:

_____
Stanley Smith
City Attorney

RESOLUTION NO. _____-2016

EXHIBIT "A"

Abilene/Taylor County Child Advocacy Center Board

Member New appointment of the following:

- Jason Shaw Nov 2019

Board of Building Standards

Members New appointment of the following:

- Betty Bradley Nov. 2017
- James E. "Gene" Dezell Nov. 2018

Civic Abilene, Inc

Members Reappointment of the following:

- Steven Leggett May 2019
- Peggy Manning May 2019
- Micki Wright May 2019
- Rick Waldraff May 2019
- Mike Warren May 2019

Frontier Texas! Board

Members Reappointment of the following:

- Randy Pool Feb. 2019
- Sharon Riley Feb. 2019
- Dr. William Gollihar Feb. 2019
- Nanci Liles Feb. 2019

New appointment of the following:

- Joe Spano Feb. 2019

Keep Abilene Beautiful

Member New appointment of the following:

- Gayla Fullerton Sept. 2019

MPE/Swimming Pool Board of Appeals

Members Reappointment of the following:

• Kenneth Rich	Regular Mechanical Contractor	May 2018
• Frank Perez	Regular Swimming Pool Contractor	May 2018
• James H. Wheeler	Regular Architect	May 2018
• Terry Williams	Regular Engineer	May 2018
• Henry Sanchez	Alternate Mechanical Contractor	May 2018
• Gary Neal	Alternate Plumbing Contractor	May 2018
• Pete Torres	Plumbing Contractor	May 2018

Parks & Recreation Board

Members Reappointment of the following:

- Marc Orner May 2019

New appointment of the following:

- Michael Homer Jr. May 2019

Planning & Zoning Commission

Member New appointment of the following:

_____ Nov. 2018

Senior Citizens Advisory Board

Members Reappointment of the following:

- Harriet Connor May 2018
- Maxine Williams May 2018
- Leroy King May 2018
- Johnny Whisenhunt May 2018
- James Francies May 2018

TIRZ Board

Members Reappointment of the following:

- Charlie Black Aug. 2018
- Sam Vinson Aug. 2018
- Kelly Young Aug. 2018
- Stormy Higgins Aug. 2018
- Chris Evatt Aug. 2018