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, Interim 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, February 11, 2016 at 8:30 AM at 555 Walnut Street, 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 Anthony Williams

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

4. PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUCEMENTS

1. Employee Service Awards:
   <u>20 Years</u>
   Debbie Dudensing, Secretary II (Police)
   Dennis Miller, Librarian II
   <u>25 Years</u>
   Guy Workman Sr., Fire Lieutenant
   Billy Richardson, Lead Supervisor (Fleet Maintenance)
   Michael Burden, Battalion Chief
   David Phillips, Fire Fighter
   Kenneth Stites, Fire Fighter

5. MINUTES

1. Approval of the minutes from the Regular Called Meeting January 28th, 2016 and Special Called Meeting January 19th 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. **Resolution**: Ordering a City of Abilene General Election to be held on May 7th 2016. ***(Dunlap)***
2. **Resolution:** Awarding a bid to Gray and Green Laboratory Systems for Laboratory Furniture for the Abilene Environmental Laboratory ***(Taylor)***
3. **Ordinance:** *(First Reading)* To bring City code into compliance with FEMA regulations by adding a definition of Base Flood Elevation (BFE); and setting a public hearing for February 25, 2016. ***(Rice)***

7. REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

1. **Ordinance:** *(First Reading)* Transportation Network Companies; and setting a public hearing for February 25, 2016 ***(Patterson)***
2. **Resolution:** Bid Award **#CB-1629** West Lake Rd. Reconstruction Project. ***(Rice)***
3. **Presentation and Possible Discussion**: Industrial Boulevard Railroad Crossing Project ***(Rice)***
4. **Resolution**: Awarding of bid to Starks Construction Company for the East Business Highway 80 Water Line Project. ***(Taylor)***
5. **Resolution:** Stellar Development Group Resolution of Support for Housing Tax Credit Program (HTC) application. ***(Schoening)***
6. **Ordinance & Public Hearing:** *(Final Reading)* **CUP-2016-01** A request from Allen & Tanya Bolt, agent TowerTex, LLC, for a Conditional Use Permit to allow for 'Antenna Tower - Commercial' on property zoned GC (General Commercial), located at 7550 Hwy 83-84 (S. Clack St). ***(Schoening)***
7. **Ordinance & Public Hearing:** *(Final Reading)* **Z-2016-01** A request from Cinemark USA, Inc., agent Ironwood Equity, LLC, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 750 E. Overland Tr and extending north being a total of 103.13 acres. ***(Schoening)***
8. **Ordinance & Public Hearing:** *(Final Reading)* **Z-2016-02** A request from East Lake Five, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to MD (Medium Density Residential) zoning, located at 1826 Colony Hill Rd. ***(Schoening)***
9. **Ordinance & Public Hearing:** *(Final Reading)* **Z-2016-03** A request from Christian Service Center of Abilene, Inc. to rezone property from MD (Medium Density Residential) to GR (General Retail) zoning, located at 3185 N. 10th St. ***(Schoening)***

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 above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney) see list below, 551.072 (Deliberations

about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters) see list below, 551.087 (Business Prospect/Economic Development), and 551.076 (Deliberations about Security Devices)

9. RECONVENE

10. REGULAR AGENDA

1. **Resolution:** Authorizing the Texas Coalition for Affordable Power (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018; Authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing City Manager and the TCAP Executive Director to execute an Electric Supply Agreement for Deliveries of Electricity. ***(Dolton)***
2. **Resolution:** Appointing members to various Boards and Commissions per City Charter ***(Dunlap)***

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

EXECUTIVE SESSION
(Litigation/Consultation with Attorney) Section 551.071
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. Tammy Cass, et al. v. City of Abilene, et al.; No. 1:13-CV-00177-C; In the United States District Court, Northern District of Texas, Abilene Division, filed October 24, 2013
3. Joyce Janette Riddle v. City of Abilene; Cause No. 48519-A; 42nd Judicial District Court, Taylor County, Texas, served October 31, 2013
4. Chad Carter v. City of Abilene, Texas; Cause No. 10138-D, In the 350th Judicial District Court, Taylor County, Texas, filed June 17, 2014
5. The Estate of Taylor Huff, et al. v. City of Abilene, et al.; United States District Court, Northern District of Texas, Abilene Division; Case No. 15-cv-00001-P, filed January 5, 2015
6. 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

(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	Board of Building Standards
	Board of Adjustments

Corporation
Civic Abilene, Inc.
Abilene-Taylor County Events Venue District
Development Corporation of Abilene, Inc.
Civil Service Commission
Frontier Texas!
Friends of Safety City Board
Board of Directors Landmarks Commission
Abilene Housing Authority
Local Redevelopment Authority
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
Planning and Zoning Commission
Parks & Recreation Board
Taylor County Appraisal District

(Real Property) Section 551.072
(Business Prospect/Economic Development) Section 551.087
(Deliberations about Gifts and Donations) Section 551.073
(Deliberations about Security Devices) Section 551.076

SPECIAL CALLED MEETING
January 19th, 2016, 5:30 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 Special Called Meeting to hear an update of the 2015 Bond Projects and other Capital Projects. Mayor Norm Archibald was present and presiding with Councilmen Shane Price, Jay Hardaway, Steve Savage, Anthony Williams, and Bruce Kreitler. Councilmen Kyle McAlister was absent. Also present were City Manager Robert Hanna, Interim City Attorney Stanley Smith, City Secretary Danette Dunlap, and various other members of staff.

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

Wayne Lisenbee, Director of Capital Improvement Projects briefed the council on the Bond Projects.

Accomplishments

RFQs/RFPs Issued
Aquatics Center (Design & CMAR)
SODA (South downtown)
CBD (Central Business District)
Fire Stations (Design & CMAR)
Fire Maintenance Facility
Civic Center
Sidewalks

Projects Bid
Antilley Road

Contracts awarded
Aquatics Center Design

Public Involvement Strategy Developed
Bond Program Logo created
Annual Report written & printed

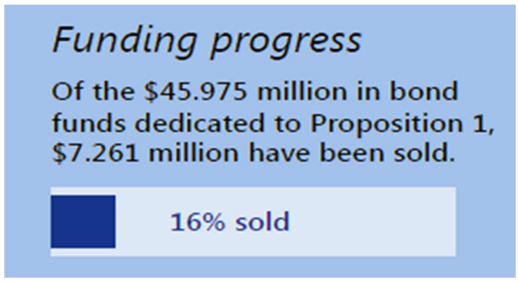
Larry Wright Engineer briefed the council on Proposition #1 Streets:

Streets
The bond program is funding 130 lane-miles of street improvements, prioritized according to current conditions and traffic.

The first projects are:

- ***West Lake Road*** from Ambler Avenue to Anson Avenue will be reconstructed with paved shoulders and culvert improvements.

- ***Antilley Road*** from Buffalo Gap Road to Clack Street will be repaved, with bicycle route signs installed.
- ***Catclaw Drive*** from Rebecca Lane to Curry Lane will be reconstructed.
- ***Judge Ely Boulevard*** will be repaved from East Highway 80 to East North 13th Street, and reconstructed from East North 13th to Ambler Avenue.



Where we are

- Design is complete for West Lake and is out for bid.
- Design is near complete for Catclaw and Judge Ely projects
- Bids have been received for Antilley and were under budget.

This year

- Construction of the first four projects will begin in the spring and is expected to be complete in the fall.
- Design of Central Business District and South of Downtown Area projects, as well as traffic signal improvements, will take place this year.

Down the road

- The Ambler Avenue project has been moved to year two to accommodate utility improvement projects under the roadway.

Council and staff discussion included: 1) Pedestrian bridge on schedule to cross Elm Creek at Clack Street.

Lesli Andrews Interim Director of Community Services, briefed the council on **Proposition #2 Civic Center.**

Civic Center
Renovations to the Abilene Civic Center Exhibit Hall

- Upgrade lighting
- Remove ceiling tiles
- Paint the ceiling black
- Stain the concrete floors
- Kitchen upgrade
- A service alley constructed

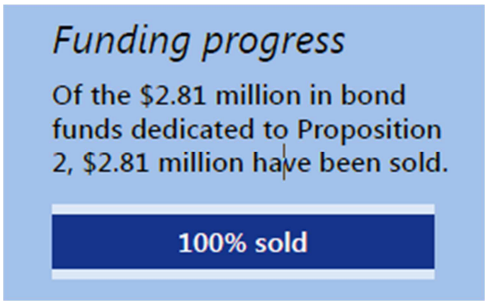
The Civic Center Auditorium

- Will be equipped with an automated fly system to move curtains.

It will replace the current 50-ton counterweight fly system, which is nearly 45 years old and must be operated manually.

Where we are

- Selection of design-build services is underway for both the exhibit hall renovations and the auditorium fly system



This year

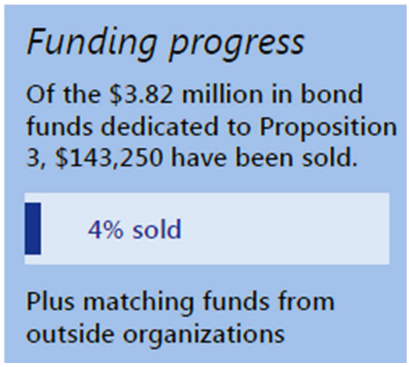
- Construction on both Civic Center projects is scheduled to begin in the summer and finish in the fall

Council and staff discussion included: 1) sound system upgrade; and 2) fly system.

Dana Schoening Director of Planning & Development Services briefed the council on the **Proposition #3 Sidewalks**.

Sidewalks

Proposition 3 will fund 10-12 miles of sidewalks. Locations will be selected based on where people are most likely to travel by walking.



The first five sidewalk projects each include streets that were designated in Abilene's Safe Routes to School Plan:

- North 10th Street from Westwood Drive to Magnolia Street, near Lee Elementary School
- Westmoreland Street and Vogel Avenue, near Ortiz Elementary School and Mann Middle School
- South 32nd Street and Barrow Street, near Jackson Elementary and Madison Middle School
- Corsicana Avenue and Texas Avenue near Reagan Elementary School and Clark Middle School
- Richland Drive from North 18th Street to North 10th Street, near Lee Elementary School

Where we are

- The review process is underway to select the design firm.

This year

- Design is scheduled to begin in the spring, with construction to begin later in the year.

Down the road

- The full timeframe for the sidewalks project will be determined after design begins.

Council and staff discussion included: 1) ADA compliant; 2) safe routes to school; and 3) grants are available to apply for to assist in the safe routes to schools.

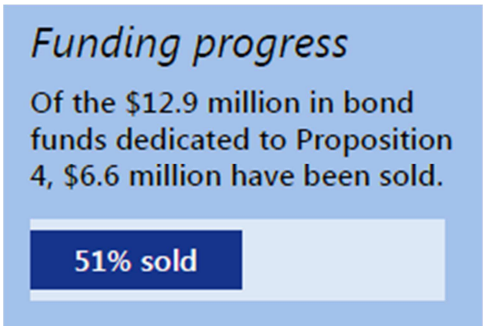
Weldon Wilkerson, Deputy Fire Chief briefed the council on **Proposition #4 Public Safety**:

Public Safety

Three New Fire Stations:
- No.3, No. 4 and No. 7
- Apparatus bays to accommodate larger modern apparatuses
- Designed for future growth

New Fire Maintenance Facility
- Multiple bays
- Specialized equipment
- Customized storage and office space

New Fire Training Center
- Provide more space for classes
- Additional office space



Where we are
- CMAR RFPs for the Fire Stations are due this week.
- Design Build SOQs are due this week for the Fire Maintenance Facility.

This year
- Design of the fire maintenance facility is scheduled to begin in the spring, with construction in the summer. It is scheduled to open in the fall.
- Design of Fire Station no. 4 will begin in the spring, with construction in the fall.

Down the road
- The fire training center is expected in 2018, and all three fire stations by 2019.

Council and staff discussion included: 1) station #4 priority; 2) size of new stations; 3) training facility and engine room bay for reserve engine; and 4) ISO rating for insurance ratings based a large part on the locations of the stations.

Doug Wrenn Assistant Police Chief briefed the council also on **Proposition #4 Public Safety**:

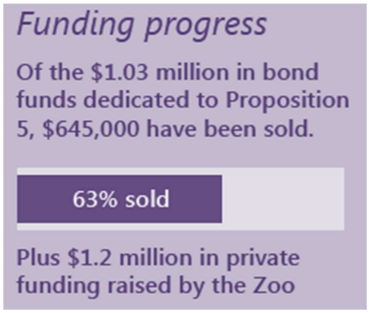
Proposition 4 also funds a facility to meet the Police Department's records and evidence storage needs.

Where we are
- For the police records center, a feasibility study was conducted on an existing building for sale. A decision was made to forego the purchase of the building. Currently exploring other options.

This year
- Design of the police records center is scheduled to begin this summer, with construction in the fall. It is scheduled to open in the winter-spring timeframe.

Council and staff discussion included: 1) the use of the basement of the law enforcement center.

Lesli Andrews Interim Director of Community Services briefed the council on **Proposition #5 Zoo:**



***Proposition 5 comprises five projects at the Abilene Zoological Gardens*:**

- New entry exhibit for African lesser flamingos, complete with a shaded gathering spot for visitors
- Expansion of the existing jaguar facility, including space for breeding this endangered species
- New bird rehabilitation center
- New giant anteater exhibit adjoining the maned wolf exhibit
- Renovations to the fishing pier, including covered guest seating available for rent

Where we are

- The design phase is underway for the flamingo exhibit

This year

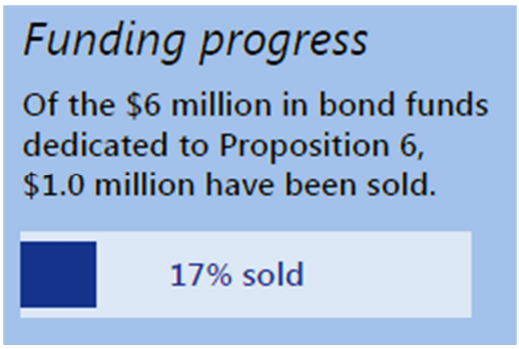
- The flamingo exhibit is expected to begin construction in the spring and open in late summer.
- For the bird rehabilitation center and jaguar facility, design will begin in the spring and construction in the fall.

Down the Road

- The bird rehabilitation center and jaguar facility are scheduled to open in 2017; the anteater exhibit in 2018; and the fishing pier in 2019.

Council and staff discussion included: 1) the timing of the exhibits.

Lesli Andrews Interim Director of Community Services briefed the council on **Proposition #6 Aquatic Center:**



***The new Rose Park Family Aquatic Center could include*:**

- A leisure pool with a zero-depth beach entry
- A lazy river
- Open and enclosed water slides
- Shade structures
- A new bathhouse and restrooms
- New concession area
- Expanded parking

Where we are

- Eikon was selected as the design firm.
- 2 proposals are being evaluated for the Construction Manager at Risk.

This year

- The design phase will extend from the spring through late fall.
- The Construction Manager at Risk delivery method will enable this project's design and construction phases to overlap and save time; construction is expected to begin in late summer.

Down the road

- The aquatic center is expected to open by Memorial Day 2017.

Council and staff discussion included: 1) CMAR (Construction Manager at Risk); and 2) Memorial Day opening is the goal.

Lesli Andrews Interim Director of Community Services briefed the council on **Proposition #7 Splash Pads**:

New splash pads will be constructed at four parks across Abilene:

- Scarborough Park
- Stevenson Park
- Sears Park
- Red Bud Park

This year

- Design phase for Scarborough Park and Stevenson Park has begun.
- Construction beginning in early summer
- Expected to open in the fall

Down the road

- Splash pads at Sears Park and Red Bud Park are scheduled to open by summer 2018

Council and staff discussion included: 1) open from sun up to sun down.

Lesli Andrews Interim Director of Community Services briefed the council on **Proposition #8 Trails**:

This project will create nature trails along Cedar Creek and Lytle Creek from South 11th Street to North 10th Street. This is a public-private partnership between the City of Abilene and Cedar Creek Waterway Development Inc., a local nonprofit organization.

Where we are

- The City is obtaining easements, purchasing property and securing agreements for the trail project.
- Several studies of select parcels are also underway.

This year

- The design and construction of the railroad trestle are scheduled to begin in 2016 for the trail segment under the Union Pacific Railroad

Down the road

- Cedar Creek Trail design is scheduled to take place in 2017 and construction in 2018.

Council and staff discussion included: 1) railroad trestle.

Don Green Director of Transportation briefed the council on **Proposition #9 Airport**:

Bond project will upgrade runways, taxiways and aircraft parking ramps at Abilene Regional Airport.

The $4.2 million from the bond program makes up the 10 percent local match required for Federal Aviation administration (FAA) grants over three to five years. The match enables the airport to receive $38 million in grants, making a total of $42 million available for capital improvement projects.

Where we are

- The reconstruction of Runway 17R/35L, a $19.6 million project, began in November 2015.

This year

- The runway reconstruction project is expected to continue through the summer.
- Work on the airport master plan update and security system improvements will begin in the summer.

Down the road

- A coal tar sealant project for the asphalt taxiways is planned for 2017.
- A ramp rehabilitation project on the northwest side of the airport is expected to begin in 2020 or 2021, using FAA grant funds carried over from 2018-20.
- Priorities may be adjusted depending on airfield needs and direction from the FAA.

Council and staff discussion included: 1) Security upgrades; 2) exceed FAA regulations with 2 fire trucks; and 3) need to update the master plan.

Council and staff discussion included: 1) different types of contracts whether they are the design, bid, build, CMAR (Contract Manager at Risk); 2) local firms encouraged to bid; and 3) Freese and Nichols Engineering.

Mayor Archibald opened a public comment period for those citizens that would like to speak.

- Cassie Hughes – spoke on the construction projects
- Caroline Kreitler – spoke on road maintenance and an interactive website
- Chad Carter – voiced a complaint about a prior 2006 bond project
- Winston Ohlhausen – spoke on streets
- Gary Pullen – size of bond projects and job creation/ local preference
- Doug Kirkpatrick – spoke against the CMAR process

Mayor closed the public comment period.

There being no further business, the meeting was adjourned at 7:34 p.m.

_____	_____
Danette Dunlap	Norm Archibald
City Secretary	Mayor

CITY COUNCIL MEETING
January 28th 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 January 28th 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, Kyle McAlister and Steve Savage. Also present were City Manager Robert Hanna, Interim City Attorney Stanley Smith, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Kreitler gave the invocation.

Mayor Archibald introduced Hunter Tevebaugh who is a 5th grade student at Bowie Elementary School. Hunter led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the January 14th Regular Meeting there being no deletions, no additions, and no corrections. Councilman Savage made a motion to approve the minutes as presented. Councilman Hardaway seconded the motion, motion carried.
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AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister, Savage and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilman Kreitler pulled item 6.3. Councilman Savage pulled item 6.4. Councilman Williams made the motion to approve items 6.1, 6.2, 6.5 & 6.6 as presented by staff. Councilman Savage seconded the motion. Motion carried.

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

Resolution:

6.1 **Oral Resolution:** The City Council approved the Street Use License requested by Banester Engineering Consultants, Ltd, on behalf of Allsups Convenience Store.

Banester Engineering Consultants, Ltd (Banester), on behalf of Allsups Convenience Store (Allsups), has applied for a Street Use License (SUL) to install two groundwater monitoring wells within City of Abilene right of way, bounded by Post Oak Road to the east, Brief Street to the west, Brookhollow Drive to the north and South Danville Drive on the south. Banester is conducting a groundwater assessment around the Allsups Convenience Store #326, located at 2550 South Clack Street, pursuant to requirements mandated by the Texas Commission on Environmental Quality (TCEQ).

6.2 **Resolution:** The City Council designated Peter Norton M.D. as Health Authority for the Abilene-Taylor County Public Health District.

On January 23, 2014, the City Council approved a resolution designating Dr. Peter Norton as Health Authority and Medical Director for the Abilene-Taylor County Public Health District. It is necessary for the Council to designate a licensed physician as Health Authority and Medical Director every two years. The Health Authority and Medical Director is responsible for assisting the Abilene-Taylor County Public Health District with its medical responsibilities in areas such as quarantine, inspections, food safety, disease prevention, vital statistics and general sanitation in the District's jurisdiction.

Resolution: **#11-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING A HEALTH AUTHORITY AND MEDICAL DIRECTOR FOR THE ABILENE/TAYLOR COUNTY PUBLIC HEALTH DISTRICT REGION.

Ordinances:

6.3 **Ordinance:** *(First Reading)* **CUP-2016-01** A request from Allen & Tanya Bolt, agent TowerTex, LLC, for a Conditional Use Permit to allow for 'Antenna Tower - Commercial' on property zoned GC (General Commercial), located at 7550 Hwy 83-84 (S. Clack St); and setting a public hearing for February 11, 2016. *Councilman Kreitler pulled item 6.3.*

6.4 **Ordinance:** *(First Reading)* **Z-2016-01** A request from Cinemark USA, Inc., agent Ironwood Equity, LLC, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 750 E. Overland Tr. and extending north being a total of 103.13 acres; and setting a public hearing for February 11, 2016. *Councilman Savage pulled item 6.4.*

6.5 **Ordinance:** *(First Reading)* **Z-2016-02** A request from East Lake Five, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to MD (Medium Density Residential) zoning, located at 1826 Colony Hill Rd; and setting a public hearing for February 11, 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

6.6 **Ordinance:** *(First Reading)* **Z-2016-03** A request from Christian Service Center of Abilene, Inc. to rezone property from MD (Medium Density Residential) to GR (General Retail) zoning, located at 3185 N. 10th St; and setting a public hearing for February 11, 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.

ITEMS PULLED FROM CONSENT

6.3 **Ordinance:** *(First Reading)* **CUP-2016-01** A request from Allen & Tanya Bolt, agent TowerTex, LLC, for a Conditional Use Permit to allow for 'Antenna Tower - Commercial' on property zoned GC (General Commercial), located at 7550 Hwy 83-84 (S. Clack St); and setting a public hearing for February 11, 2016. *Councilman Kreitler pulled item 6.3.*

Council and Staff discussion included: 1) location of the tower on the property.

Councilman Savage made the motion to approve the *(First Reading)* **CUP-2016-01** a request from Allen & Tanya Bolt, agent TowerTex, LLC, for a Conditional Use Permit to allow for 'Antenna Tower - Commercial' on property zoned GC (General Commercial), located at 7550 Hwy 83-84 (S. Clack St); and setting a public hearing for February 11, 2016. Councilman Hardaway seconded the motion. Motion carried.

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

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING

6.4 **Ordinance:** *(First Reading)* **Z-2016-01** A request from Cinemark USA, Inc., agent Ironwood Equity, LLC, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 750 E. Overland Tr. and extending north being a total of 103.13 acres; and setting a public hearing for February 11, 2016. *Councilman Savage pulled item 6.4.*

Council and Staff discussion included: 1) number of acres in the zone request; and 2) the recommendation of Staff to only rezone a portion of the property.

Councilman Price made the motion to approve the *(First Reading)* **Z-2016-01** A request from Cinemark USA, Inc., agent Ironwood Equity, LLC, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 750 E. Overland Tr. and extending north being a total of 103.13 acres; and setting a public hearing for February 11, 2016. Councilman Hardaway seconded the motion. Motion carried.

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

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.

REGULAR ITEMS

7.1 Dana Schoening Director of Planning and Development Services briefed the council the Resolution of the Overland property group for support for Housing Tax Credit Application.

The Overland Property Group is applying for Housing Tax Credits through the Texas Department of Housing and Community Affairs to develop and construct a 40-48 unit facility for senior housing. Estimated cost of the project is $6.5 million. The following items constitute the proposed development:

The proposed project will include up to 4 units at market rate, with the remaining units reserved for 30%-60% Area Median Income (AMI).

- There will be 2 units for handicap and one unit for hearing/visual impaired.
- Area amenities within the 1.5 mile radius include grocery, pharmacy, Church, bank, retail/shopping and dining.

- Unit amenities: appliances include a self-cleaning oven, refrigerator, microwave, garbage disposal and full size washer/dryer.
- The proposed site, located at Rebecca Lane and Autumn Sage, is currently zoned OA Open Agriculture and will need to be rezoned to accommodate the proposed development. There is no guarantee that a rezoning will be approved for the subject property site as this decision is made by the City Council with recommendation made by the Planning and Zoning Commission.
- Water main access and capacity would need to be improved to serve the proposed development at the developer's expense. This would involve a looped water main extension across Rebecca Lane to the proposed site and on to a looped connection point to the City's distribution system.
- A public sanitary sewer main would need to be extended to serve the proposed development at the developer's expense.

A primary objective associated with the 2015-2019 Consolidated Plan is to overall improve the housing stock in the Abilene community. A benefit of these types of projects is to improve housing stock in the community with modern amenities. In addition, these types of projects are required to have minimum 15 year ownership and maintenance agreements for the development.

Bret Johnson with Overland Property spoke on the proposed project and asked for councils approval the resolution of support.

Councilman Savage made the motion to approve the Resolution of the Overland property group for support for Housing Tax Credit Application. Councilman Kreitler seconded the motion, motion carried.

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

Resolution: **#12-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, IN SUPPORT OF THE SUBMISSION OF AN APPLICATION TO THE HOUSING TAX CREDIT (HTC) PROGRAM THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) BY OVERLAND PROPERTY GROUP (OPG) AUTUMN SAGE PARTNERS, LLC FOR THE 2016 LOW INCOME HOUSING TAX CREDIT (HTC) PROGRAM FOR THE PROJECT KNOWN AS "THE RESIDENCE AT AUTUMN SAGE".

7.2 Michael Rice Director of Public Works, briefed the council on the resolution for the Bid Award **#CB-1624** Antilley Rd. Overlay Project.

This project was advertised as a Public Notice on December 13th and 20th of 2015 with a bid opening dated January 12th 2016. This construction contract involves the resurfacing of Antilley Rd. from Buffalo Gap Rd. to South Clack St., it will include a mill and overlay as well as an underseal. The contract will also include removing and replacing sections of curb and gutter, small sections of sidewalk and a curb ramp, and the placement of bicycle route signs along the project length.

The Antilley Rd. Overlay Project is one of four streets projects scheduled for this year as part of Proposition 1 of the voter approved 2015 Bond Program.

Council and Staff discussion included: 1) one year warranty on their work.

Councilman Price made the motion to approve the Resolution awarding of the bid to Bontke Brothers

Construction in the amount of $1,091,675.39. Councilman Savage seconded the motion, motion carried.

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

Resolution: **#13-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID TO BONTKE BROTHERS CONSTRUCTION CO. ABILENE TEXAS.

7.3 David Sartor Building Official, briefed the council on the an Ordinance adopting the 2014 National Electrical Code, with local amendments

The National Electrical Code is utilized throughout the United States. The City of Abilene is currently utilizing the 2011 National Electrical Code, with amendments. It is recommended that the 2014 National Electrical Code, with local amendments, be adopted in order that the City's construction regulations are kept up to date. Local amendments pertain to licensing and administrative procedures with very limited modifications made to the technical provisions of the National Electrical Code. It is important that Abilene maintains compatible construction regulations with other cities, in order to reduce variation to typical standards, and eliminate uncertainty to the design professions and the electrical contractors.

BOARD OR COMMISSION RECOMMENDATION

The following Committee and Board unanimously voted to recommend approval of the 2014 National Electrical Code, with amendments, on the dates listed below:

- Electrical Code Review Committee – December 17, 2014.
- Mechanical, Plumbing, Electrical & Swimming Pool Board of Appeals – August 11, 2015

Council and Staff discussion included: 1) the main code changes; 2) current construction that is already in progress is grandfathered; and 3) covered the (GFCI) Ground Fault Circuit Interrupters protection on outlets.

Jay White – owner of White Electric spoke on behalf of the Electrical Code Review Committee and explained the work that they did in the review process.

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

Councilman Hardaway made the motion to approve the Ordinance adopting the 2014 National Electrical Code with Local Amendments. Councilman McAlister seconded the motion, motion carried.
AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister, Savage and Mayor Archibald
NAYS: None

Ordinance: **#4-2016**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 8, ARTICLE VI, DIVISION 3, SECTION 8-496 "ELECTRICAL CODE", AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING

7.4 Councilman Hardaway made the motion to REMOVE FROM THE TABLE the Fleet Replacement Policy for the City. Councilman McAlister seconded the motion. Motion carried**.**

AYES: Councilmen Price, Kreitler, Hardaway, McAlister, and Mayor Archibald
NAYS: None
Councilmen Williams and Savage had stepped out of the chambers during the vote.

Mike Rains Director of Finance briefed the council on the Fleet Replacement Policy for the City.

. The purpose of a fleet replacement program is to provide exceptional service at the best possible price to the end recipient, the citizen. Reliable vehicles and equipment in good working order are essential to maintain streets, keep utilities in proper working order, ensure public safety officers are on the streets, and in performing countless other activities that ensure public services of all sorts are available to citizens in a timely and professional manner. These replacement guidelines will be used to ensure the citizens receive the best value for their tax dollars.

Council and Staff discussion included: 1) used vehicles – in frequent purchases of used vehicles; 2) objective standard for use during purchases; 3) Auction site – currently we use Rene Bates; and 4) this is council's policy and would take council action to amend.

Councilman Savage made the motion to approve the Fleet Replacement Policy for the City. Councilman Williams seconded the motion, motion carried.

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

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 10:20 a.m. pursuant to Sections 551.071, 551.074, 551.072 and 551.087 of the Open Meetings Act, to seek the advice of the City Attorney with respect to pending and contemplated litigation, to consider the appointment and evaluation of public officers, to consider the purchase, exchange, lease or value of real property, and to discuss contemplated business prospects and or economic development matters.

The Council reconvened in Open Session at 11:37 a.m. and reported no votes or action was taken in Executive Session in regards Personnel Section 551.074, Real Property Section 551.072 and Litigation/Consultant City Attorney Section 551.071.

10. 1 **Oral Resolution:** Discussion and possible action related to annual performance evaluations of City Manager, City Secretary, City Attorney and Municipal Judge.

No action taken on performance evaluations.

10.2 **Resolution**: Appointing members to various Boards and Commissions per City Charter.

Councilman Hardaway made the motion to approve the reappointment to the Boards and Commissions as listed. Councilman Williams seconded the motion, motion carried.

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

Resolution: **#14 -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

Abilene Housing Authority

Members

- Vanessa Faz Term expires: 11/2017

There being no further business the meeting was adjourned at 11:38 a.m.

Danette Dunlap, TRMC City Secretary	Norm Archibald Mayor

City Council
Agenda Memo

City Council Meeting Date: 2/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Danette Dunlap, TRMC City Secretary**

SUBJECT: **Resolution: Ordering a City of Abilene General Election to be held on May 7th 2016.** ***(Dunlap)***

GENERAL INFORMATION

ARTICLE III. ELECTIONS of the City Charter
Sec. 24. Annual elections.
The regular election of council to places on the council occupied by council whose terms are expiring and the regular election of the mayor, if his term is expiring, shall be held on such date as prescribed by the election laws of the State of Texas. In such election each qualified voter shall vote for not more than one candidate for each council place to be filled, and for not more than one candidate for mayor. Said elections shall be ordered by the Council, and in case of its failure to order same, the mayor shall make such order. In case of the inability of the council and mayor to act, the elections may be called by the city secretary, and in case of his inability to act, by the county judge of Taylor County, Texas, and in case of his inability to act, by the governor of the State of Texas. The city secretary shall give notice of such election by causing said notice to be published at least thirty (30) days prior to the day of such election.

Sec. 25. Regulation of elections.
All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with this Charter and ordinances or resolutions adopted by the council for the conduct of elections.

Texas Government Code Chapter 791, Authorizes local governments to contract with one another and with agencies of the state for various governmental functions including those in which the contracting parties are mutually interested.

Texas Election Code, Chapter 43 authorizes countywide polling place programs, Taylor County Commissioners Court has applied for and received permission from the Secretary of State for the utilization of Vote Centers in Taylor County.

Texas Election Code, Chapter 271, authorizes political subdivisons of the State of Texas to hold elections jointly in voting precincts if it will be of benefit to the citizens and voters thereof to be served by common polling places and elections are ordered by the authorities of two or more political subdivisons to be held on the same day in all or part of the same territory.

SPECIAL CONSIDERATIONS

Council seats up for election in May 2016 are: Council Place 5 At-Large and Council Place 6 At-Large

FUNDING/FISCAL IMPACT

Total cost of the May 7 Election is $30,745.00 to be split between the City of Abilene and Abilene Independent School District.

If either entity is able to cancel their election then the other entity pays the full cost.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution Ordering the election.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution	Resolution Letter
Contract with County	Backup Material
Exhibit A - Costs	Backup Material
Agreement for Joint Election	Backup Material

RESOLUTION _____
De la RESOLUCIÓN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS ORDERING A GENERAL ELECTION TO BE HELD ON MAY 07, 2016.

(UNA RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE ABILENE, TEXAS, PIDIENDO UNA ELECCIÓN GENERAL QUE SE LLEVARA A CABO EL 06 DE MAYO DEL 2016.)

WHEREAS, the City, pursuant to Texas Election Code 271 which authorizes political subdivisions of the State of Texas to hold elections jointly in voting precincts if it will be of benefit to the citizens and voters thereof to be served by common polling places and elections are ordered by the authorities of two or more political subdivisions to be held on the same day in all or part of the same territory, will hold a joint election with Wylie Independent School District, Abilene Independent School District, Lytle Water District and the City of Impact; and,

(Portanto la Ciudad, de acuerdo al Codigo Electoral 271 de Texas, el cual autoriza a las subdivisions politicas del estado de Texas, llevar a cabo elecciones conjuntas en las urnas de votacion, si esta beneficia a los ciudadanos votantes. Del mismo modo esta servira como lugares communes de votacion y eleccion por orden de dos o mas autoridades de las subdivisiones politicas, y estas se llevaran a cabo el mismo dia en parte o todo el territorio, en elecciones conjuntas con el, Distrito Escolar de Wylie, y City of Impact; el Distrito Escolar de Abilene y el Distrito de Agua Lytle)

WHEREAS, the City will contract with the Taylor County Election Administrator to conduct the City of Abilene General Election; and,

(Portanto, la Ciudad hara contrato con Taylor County Election Administrator para llevar a cabo la Eleccion General de Abilene; y)

WHEREAS, the Taylor County Election Administrator has presented a list of persons recommended for appointment by the City as Presiding Election Judges, Alternate Judges, Manager of Central Counting, Tabulation Supervisor, Judge of Central Counting Station, Judge of Early Ballot Board and Assistants as attached in Exhibit B.

(Portanto, Taylor County Administrator ha presentado la lista con las personas recomendadas para el nombramiento de Juez Presidencial de las Elecciones, Juez Alternativo, Gerente del Conteo Central, Supervisor de la Tabulacion, Juez del la Estacion Central del Conteo, Juez de las Balotas Tempranas y Assistentes en la Prueba Material A.)

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:
(*AHORA POR LO TANTO, SEA RESUELTO POR EL CONSEJO DE CIUDAD DE ABILENE, TEXAS:)*

An election is hereby ordered to be held on May 07, 2016 for the purpose of:
(*Una elección se pide por este medio para que se lleve acabo el 07 de Mayo del 2016 para el propósito de*:)

Electing one Councilmember from Place 5 and one Councilmember from Place 6, for the City of Abilene
(Elejir Miembro del Consejo para el Lugar 5 y Miembro del Consejo para el Lugar64, de la Ciudad de Abilene.)

LOCATIONS OF POLLING PLACES
(DIRECCION(ES) DE LAS CASILLAS ELECTORALES)

Taylor County Vote Centers

Abilene City Hall	*555 Walnut St*	*Abilene, TX*
Buffalo Gap City Hall	*709 Litel Street*	*Buffalo Gap, TX*
Church of Christ – So. 11th & Willis	*3333 South 11th Street*	*Abilene, TX*
Elm Valley Community Church	*142 CR 675*	*Tuscola, TX*
First Baptist Church – Tuscola	*632 Kent Street*	*Tuscola, TX*
First Financial Bank @ Trent	*117 North Main*	*Trent, TX*
Hillcrest Church of Christ	*650 E. Ambler Ave*	*Abilene, TX*
Kmart	*4565 South 1st Street*	*Abilene, TX*
Lawn Baptist Church	*518 Avenue D*	*Lawn, TX*
Lytle South Baptist Church	*1125 E. Industrial Blvd.*	*Abilene, TX*
Merkel Middle School Gym	*South 3rd & Ash Street*	*Merkel, TX*

New Beginnings United Pentecostal Church	*5535 Buffalo Gap Road*	*Abilene, TX*
River of Life Church	*539 Hwy 83/84*	*Abilene, TX*
Sears Park Recreation Center	*2250 Ambler Avenue*	*Abilene, TX*
Southern Hills Church of Christ	*3666 Buffalo Gap Road*	*Abilene, TX*
Taylor County Plaza	*400 Oak Street*	*Abilene, TX*
Thomas Elementary School	*1240 Lakeside Drive*	*Abilene, TX*
Trinity Baptist Church	*3100 State Street*	*Abilene, TX*
Tye Community Center	*103 Scott Street*	*Tye, TX*
View Baptist Church	*250 Boynton Road*	*Abilene, TX*
Westminster Presbyterian Church	*4515 South 14th Street*	*Abilene, TX*
Zion Lutheran Church	*2801 Antilley Road*	*Abilene, TX*

Early voting by personal appearance:
La Votacion Temprana en Persona

Taylor County Plaza	April 25th – April 29th from 8:00 a.m. – 5:00 p.m.
400 Oak Street, Suite 101	
Extended Hours	May 2th & May 3rd from 7:00 a.m. – 7:00 p.m.

Early Branch Locations:
Sucursales Para La Votacion Temprana

Abilene City Hall	
555 Walnut St. .	April 25th – May 3rd from 8:00 a.m. – 5:00 p.m.
Mall of Abilene	
4310 Buffalo Gap Road	April 25th – May 3rd from 10:00 a.m. – 6:00 p.m.
Kmart	
4565 South 1st Street	April 25th – May 3rd from 10:00 a.m. – 6:00 p.m.
Merkel ISD Administration Bldg.	
300 Ash Street, Merkel, TX	April 25th – May 3rd from 8:00 a.m. – 4:00 p.m.
Tye City Hall	.
205 North St, Tye	April 25th – April 29th from 8:00 a.m. – 5:00 p.m.
Extended Hours	May 2th & May 3rd from 7:00 a.m. – 7:00 p.m.
Merkel City Hall	
100 Kent St, Merkel	April 25th – April 29th from 7:30 a.m. – 4:30 p.m.
Extended Hours	May 2th & May 3rd from 7:00 a.m. – 7:00 p.m.
Trent City Hall	
101 North Main St, Trent, TX	April 25th – April 29th from 8:00 a.m. – 1:00 p.m.
Extended Hours	May 2th & May 3rd from 7:00 a.m. – 7:00 p.m.
Trent ISD Administration Bldg.	
12821 East I-20, Trent, TX	April 25th – April 29th from 8:00 a.m. – 3:00 p.m.
Extended Hours	May 2th & May 3rd from 8:00 a.m. – 3:00 p.m.
Tuscola City Hall	
418 Graham Street, Tuscola, TX	April 25th – April 28th from 8:30 a.m. – 12:00 p.m. & 1:00 p.m. - 5:00 p.m. April 29th from 8:30 a.m. – 1:00 p.m.
Extended Hours	May 2th & May 3rd from 7:00 a.m. – 7:00 p.m.
Buffalo Gap City Hall	
709 Litel Street, Buffalo Gap, TX	April 25th – April 29th from 8:00 a.m. – 5:00 p.m.
Extended Hours	May 2th & May 3rd from 7:00 a.m. – 7:00 p.m.
Jim Ned CISD Administration Bldg	
830 Garza Street, Tuscola, TX	April 25th – April 28th from 7:30 a.m. – 4:30 p.m. April 29th from 7:30 a.m. – 4:00 p.m.
Extended Hours	May 2th & May 3rd from 7:30 a.m. – 4:30 p.m.
Lawn City Hall	
150 Main Street, Lawn, TX	April 25th – April 29th from 9:00 a.m. – 4:00 p.m.
Extended Hours	May 2th & May 3rd from 7:00 a.m. – 7:00 p.m.

Applications for mail ballots must be received by 5:00 pm, April 26th, 2016, addressed to Freda Ragan, Taylor County Election Administrator, P. O. Box 3318, Abilene, Texas 79604. Email: raganfr@taylorcountytexas.org

(Solicitudes de balotas por correo deberan ser recibidas a mas tardar el 26 de Abril, 2016, dirigidas a Freda Ragan, Taylor County Election Administrator, P.O. Box 3318, Abilene, TX 79604. Email: raganfr@taylorcountytexas.org)

That this Resolution shall take effect immediately from and after its passage, as indicated below.
(Que esta resolución tomará efecto inmediatamente y después de su paso, según lo indicado abajo.)

ADOPTED by the City Council of the City of Abilene on the 11th day of February, 2016.
(*ADOPTADO por Consejo de Ciudad de Abilene, este dia 11 de Febrero del 2016.*)

ATTEST:
DA FE:

_____
CITY SECRETARY
(Secretaria de la Ciudad)

_____
MAYOR
(Alcade)

APPROVED:

_____
CITY ATTORNEY
(Abogado de la Ciudad)

CONTRACT
FOR JOINT ELECTION SERVICES

MAY 7, 2016

CITY OF ABILENE

ABILENE INDEPENDENT SCHOOL DISTRICT

WYLIE INDEPENDENT SCHOOL DISTRICT

CITY OF IMPACT

AND

TAYLOR COUNTY ELECTIONS OFFICE

FREDA RAGAN
ELECTIONS ADMINISTRATOR

THE STATE OF TEXAS }
} **CONTRACT FOR ELECTION SERVICES**
COUNTY OF TAYLOR }

THIS CONTRACT IS ENTERED INTO BETWEEN TAYLOR COUNTY ELECTIONS ADMINISTRATOR, FREDA RAGAN, HEREINAFTER REFERRED TO AS ADMINISTRATOR, AND THE FOLLOWING POLITICAL SUBDIVISIONS, HEREINAFTER REFERRED TO JOINTLY AS ENTITIES: CITY OF ABILENE, ACTING BY AND THROUGH ITS CITY COUNCIL, THE ABILENE INDEPENDENT SCHOOL DISTRICT, ACTING BY AND THROUGH ITS SUPERINTENDENT, THE WYLIE INDEPENDENT SCHOOL DISTRICT, ACTING BY AND THROUGH ITS SUPERINTENDENT, AND THE CITY OF IMPACT, ACTING BY AND THROUGH ITS CITY COUNCIL, PURSUANT TO TEX. ELEC. CODE ANN., SEC. 31.091, WITNESSETH:

1. **RECITALS.** THE ADMINISTRATOR IS THE COUNTY ELECTIONS ADMINISTRATOR OF TAYLOR COUNTY, TEXAS, AND IS THE OFFICER IN CHARGE OF ELECTION DUTIES. THE ENTITIES ARE POLITICAL SUBDIVISIONS SITUATED PARTIALLY WITHIN TAYLOR COUNTY, TEXAS. THE ENTITIES AND THE ADMINISTRATOR HAVE DETERMINED THAT IT IS IN THE PUBLIC INTEREST OF THE INHABITANTS OF THE ENTITIES THAT THE ADMINISTRATOR FURNISH TO THE ENTITIES CERTAIN ELECTION SERVICES AND EQUIPMENT NEEDED BY THE ENTITIES IN CONNECTION WITH THE HOLDING OF THE ELECTION ON **MAY 7, 2016.** THIS CONTRACTUAL AGREEMENT WILL BE BINDING UPON THE PARTIES WITH REGARD TO THIS ELECTION ONLY. ELECTRONIC VOTING EQUIPMENT IS TO BE USED.

2. **DUTIES AND SERVICES OF ADMINISTRATOR.** THE ADMINISTRATOR SHALL BE RESPONSIBLE FOR PERFORMING THE FOLLOWING DUTIES AND SHALL FURNISH THE FOLLOWING SERVICES AND EQUIPMENT:

(A) PREPARE LIST OF PERSONS TO RECOMMEND FOR APPOINTMENT AS PRESIDING ELECTION JUDGES, ALTERNATE JUDGES, MANAGER OF CENTRAL COUNTING, TABULATION SUPERVISOR, JUDGE OF CENTRAL COUNTING STATION, JUDGE OF EARLY BALLOT BOARD AND ASSISTANTS; RECRUIT AND TRAIN THE JUDGES AND CLERKS; AND CONFIRM JUDGES AND POLLING PLACES.

(B) DISTRIBUTE ELECTION SUPPLIES.

(C) ASSEMBLE AND EDIT LISTS OF REGISTERED VOTERS TO BE USED IN CONDUCTING THE ELECTION, IN CONFORMITY WITH THE BOUNDARIES OF THE CITY AND THE ELECTION PRECINCTS ESTABLISHED FOR THE ELECTION.

(D) PREPARE AND DISTRIBUTE ELECTION EQUIPMENT, AND ISSUE ELECTION SUPPLIES TO THE PRECINCT JUDGES, WHO SHALL BE RESPONSIBLE FOR PICKING UP ELECTION SUPPLIES AND MATERIALS AT THE TIME AND PLACE DETERMINED BY THE ELECTIONS ADMINISTRATOR.

(E) ARRANGE FOR USE OF A CENTRAL COUNTING STATION AND FOR THE TABULATING PERSONNEL AND EQUIPMENT NEEDED AT THE COUNTING STATION AND PREPARE PROGRAMS AND TEST MATERIALS FOR TABULATION OF THE BALLOTS TO BE USED WITH ELECTRONIC VOTING EQUIPMENT.

(F) PUBLISH LEGAL NOTICE OF THE DATE, TIME AND PLACE OF THE TESTING OF THE ELECTRONIC TABULATING EQUIPMENT AND CONDUCT SUCH TESTING.

(G) SUPERVISE THE HANDLING AND DISPOSITION OF ELECTION RETURNS; VOTED BALLOTS; TABULATE UNOFFICIAL RETURNS AND ASSIST IN PREPARING THE TABULATION FOR THE OFFICIAL CANVASS.

(H) PROVIDE INFORMATION SERVICES FOR VOTERS AND ELECTION OFFICERS.

(I) ASSIST IN PROVIDING GENERAL OVERALL SUPERVISION OF THE ELECTION AND PROVIDE ADVISORY SERVICES IN CONNECTION WITH THE DECISIONS TO BE MADE AND ACTIONS TO BE TAKEN BY OFFICERS OF THE ENTITIES WHO ARE RESPONSIBLE FOR HOLDING THE ELECTION.

(J) PROVIDE TO THE ENTITIES TIMELY CUMULATIVE REPORTS OF THE ELECTION RESULTS AS PRECINCTS ARE TABULATED.

(K) SUPERVISE THE CONDUCT OF EARLY VOTING IN PERSON AND BY MAIL AND SUPPLY PERSONNEL TO SERVE AS DEPUTY EARLY VOTING CLERKS.

(L) PROCESS ALL APPLICATIONS FOR EARLY VOTING BALLOTS BY MAIL, INCLUDING THOSE RECEIVED BY THE ENTITIES. ENTITIES SHALL TRANSPORT SUCH REQUESTS ON

THE DAY OF RECEIPT TO THE OFFICE OF THE TAYLOR COUNTY ELECTIONS ADMINISTRATOR FOR PROCESSING. PERSONS VOTING BY MAIL WILL SEND THEIR MARKED BALLOTS TO THE OFFICE OF THE TAYLOR COUNTY ELECTIONS ADMINISTRATOR.

(M) ARRANGE FOR PERSONNEL, PLACE, AND TIME FOR ALL EARLY VOTING BALLOTS (THOSE CAST BY MAIL AND THOSE CAST BY PERSONAL APPEARANCE) TO BE PREPARED FOR TABULATION BY AN EARLY VOTING BALLOT BOARD.

(N) ARRANGE FOR PERSONNEL AND CONDUCT MANUAL COUNT, IF WAIVER IS NOT OBTAINED BY THE CITY.

(O) CONDUCT CANDIDATE DRAWING FOR BALLOT PLACEMENT

(P) PROCURE, PREPARE, AND PROOF OFFICIAL AND SAMPLE BALLOT PAGES.

(Q) BE RESPONSIBLE FOR PAYMENT TO ALL PARTIES WHO HAVE PROVIDED SERVICES, SUPPLIES AND VOTING LOCATIONS FOR THE ELECTION.

(R) PROCURE ALL ELECTION SUPPLIES, INCLUDING ELECTION DAY AND EARLY VOTING KITS, JUDGES BOOTH CONTROLLERS, DISABLED ACCESS UNITS AND E-SLATES

(S) ARRANGE FOR SUPPLIES TO BE DELIVERED TO TAYLOR COUNTY ELECTIONS OFFICE, 400 OAK STREET, SUITE 101, ABILENE, TEXAS 79602.

(T) PAY ALL PERSONNEL FROM PAYROLL SHEETS COLLECTED BY ADMINISTRATOR.

3. **DUTIES AND SERVICES OF ENTITIES.** THE ENTITIES SHALL:

(A) PREPARE APPROPRIATE DOCUMENTS FOR ESTABLISHING THE PRECINCTS AND POLLING PLACES.

(B) PREPARE ALL ELECTION ORDERS, WRITS, RESOLUTIONS, NOTICES, AND OTHER PERTINENT DOCUMENTS FOR ADOPTION FOR EXECUTION BY THE APPROPRIATE OFFICER OR BODY, AND TAKE ALL ACTIONS NECESSARY UNDER LAW FOR CALLING THE ELECTION, APPOINT THE PRESIDING JUDGES, ALTERNATE JUDGES, MANAGER OF CENTRAL COUNTING, TABULATION SUPERVISOR, JUDGE OF THE CENTRAL COUNTING STATION, JUDGE OF EARLY BALLOT BOARD AND ASSISTANTS AND OTHER ELECTION OFFICERS, ESTABLISH PRECINCTS AND POLLING PLACES, HANDLE CONTESTS, CANVASS THE RETURNS AND DECLARE THE RESULTS.

(C) PREPARE ALL WRITTEN ELECTION NOTICES FOR PUBLISHING IN THE OFFICIAL CITY NEWSPAPER FOR ADMINISTRATOR. ENTITIES SHALL POST WRITTEN NOTICES AT CITY HALL AND SCHOOL ADMINISTRATION OFFICE.

(D) PROVIDE THE SERVICES NECESSARY TO TRANSLATE ANY ELECTION DOCUMENTS INTO SPANISH.

(E) PRIOR TO ELECTION DAY EACH ENTITY WILL PROVIDE TO ADMINISTRATOR THE NAME AND TELEPHONE NUMBER OF AN AGENT TO REPRESENT THE ENTITIES. AGENT IS TO BE ON CALL TO THE ELECTIONS OFFICE DURING THE HOURS OF THE ELECTION.

(F) PAY ANY ADDITIONAL COSTS INCURRED BY THE ADMINISTRATOR IF A RECOUNT FOR SAID ELECTION IS REQUIRED, OR THE ELECTION IS CONTESTED IN ANY MANNER.

(G) PREPARE ANY SUBMISSION OF VOTING CHANGES TO BE SUBMITTED TO THE U.S. DEPARTMENT OF JUSTICE UNDER THE FEDERAL VOTING RIGHTS ACT OF 1965, AS AMENDED.

(H) APPROVE THE PRINTING OF MAIL AND SAMPLE BALLOT PAGES.

(I) REQUEST WAIVER FOR MANUAL COUNT, IN ACCORDANCE WITH SEC. 127.201 OF THE TEXAS ELECTION CODE, IF NECESSARY.

4. **PAYMENT OF SERVICES:**

ENTITIES SHALL PAY TOTAL ACTUAL EXPENSES OF THE ELECTION PLUS A 10% ADMINISTRATIVE FEE BASED ON THEIR AGREED SHARE OF THE EXPENSES. PAYMENT FOR SERVICES SHALL BE STATED IN THE ATTACHED EXHIBIT A, INCORPORATED HEREIN FOR ALL PURPOSES. RUNOFF ELECTION SHALL BE TREATED AS A SEPERATE ELECTION.

(A) IN THE ELECTION ON **MAY 7, 2016,** COVERED BY THIS AGREEMENT, THE ADMINISTRATOR'S SERVICES SHALL BE AS STATED HEREIN.

(B) IN THE EVENT OF ANY DISAGREEMENT AMONG SAID PARTIES CONCERNING SAID MECHANICAL AND/OR PROCEDURAL DETAILS OF THE PREPARATION FOR OR CONDUCT OF SAID ELECTION, SUCH DISAGREEMENT OR QUESTION SHALL BE RESOLVED BY FOLLOWING THE METHOD OR PROCEDURE FAVORED BY THE MAJORITY OF SAID PARTIES.

(C) PAYMENT FOR SERVICES SHALL BE AS STATED IN THE ATTACHED EXHIBIT A.

5. **GENERAL CONDITIONS:**

(A) NOTHING CONTAINED IN THS CONTRACT SHALL AUTHORIZE OR PERMIT A CHANGE IN THE OFFICER WITH WHOM, OR THE PLACE AT WHICH, ANY DOCUMENT OR RECORD RELATING TO ELECTION IS TO BE FILED OR ANY OTHER ELECTION FUNCTION PERFORMED AS IS ESTABLISHED BY LAW.

(B) THE CONTRACTING OFFICER SHALL FILE COPIES OF THIS CONTRACT WITH THE COUNTY TREASURER AND THE COUNTY AUDITOR OF TAYLOR COUNTY.

IN WITNESS WHEREOF, ENTITIES AND ADMINISTRATOR CAUSED THIS AGREEMENT TO BE DULY EXECUTED THIS _____ DAY OF _____ 2016.

CITY OF ABILENE

BY: _____
MAYOR

ATTEST: _____
CITY SECRETARY

APPROVED:

_____
CITY ATTORNEY

ABILENE INDEPENDENT SCHOOL DISTRICT

BY: _____
ABILENE I.S.D. SUPERINTENDENT

ATTEST: _____
SCHOOL BOARD SECRETARY

WYLIE INDEPENDENT SCHOOL DISTRICT

BY:_____
WYLIE I.S.D. SUPERINTENDENT

ATTEST:_____
SCHOOL BOARD SECRETARY

CITY OF IMPACT

BY: _____
MAYOR

ATTEST: _____
CITY SECRETARY

TAYLOR COUNTY ELECTIONS ADMINISTRATOR

BY: _____
FREDA RAGAN
ELECTIONS ADMINISTRATOR

ESTIMATED COST FOR JOINT ELECTION
City of Abilene General Election
May 7, 2016

RENTAL OF EQUIPMENT

Early Voting	JBC	4	100.00 ea.	$	400.00		
	DAU	4	100.00 ea.	$	400.00		
	eSlate	16	100.00 ea.	$	1,600.00		
			subtotal	$	2,400.00		
Less Wylie portion				$	(600.00)	**$**	**1,800.00**
Election Day	JBC	14	100.00 ea	$	1,400.00		
Countywide Vote Centers	DAU	14	100.00 ea	$	1,400.00		
	eSlate	70	100.00 ea	$	7,000.00		
			subtotal	$	9,800.00		
Less Wylie portion				$	(2,500.00)	**$**	**7,300.00**
SETUP AND CONDUCT EARLY VOTING			4 early sites	$	4,000.00		
Less Wylie portion				$	(1,000.00)	**$**	**3,000.00**
PROGRAMMING AND OPERATING EQUIPMENT				$	1,000.00	**$**	**1,000.00**
LEGAL NOTICES							
Notice of Public Test				$	280.00	**$**	**280.00**
SUPPLIES							
Packets for Election Judges		18	40.00 ea.	$	720.00		
Early Voting by Mail Ballots		500	1.50 ea.	$	750.00		
Early Voting by Personal Appearance		5,000	.02 ea.	$	100.00		
				$	1,570.00	**$**	**1,570.00**

MISCELLANEOUS SERVICES

Misc. supplies and delivery of equipment			$	300.00		
Copies	100	.10 ea.	$	10.00		
Postage	200	.49 ea.	$	98.00		
Postage for Mail ballots	500	.90 ea.	$	450.00		
			$	858.00	**$**	**858.00**

PERSONNEL

Early Voting Clerks	$	4,100.00				
Less Wylie Portion	$	(1,008.00)	$	3,092.00		
Election Day Workers			$	6,300.00		
Central County Station			$	300.00		
County Employees Overtime			$	2,300.00		
Janitorial Services			$	150.00		
			$	12,142.00	**$**	**12,142.00**

Sub Total	**$**	**27,950.00**
10% Administrative Fee	$	2,795.00
ESTIMATED COST	**$**	**30,745.00**
Estimated cost to the City of Abilene if split with AISD	$	15,372.50

AGREEMENT BY

THE CITY OF ABILENE, THE CITY OF IMPACT, ABILENE INDEPENDENT SCHOOL DISTRICT, LYTLE WATER DISTRICT, WYLIE INDEPENDENT SCHOOL DISTRICT, THE CITY OF TYE, THE CITY OF MERKEL, MERKEL INDEPENDENT SCHOOL DISTRICT, THE CITY OF TRENT, TRENT INDEPENDENT SCHOOL DISTRICT, THE CITY OF TUSCOLA, THE CITY OF BUFFALO GAP, THE CITY OF LAWN AND THE JIM NED CONSOLIDATED INDEPENDENT SCHOOL DISTRICT TO HOLD A JOINT ELECTION IN CERTAIN VOTING PRECINCTS ON MAY 7, 2016

WHEREAS, the City of Abilene ("ABILENE") will hold a general election for City Council positions within the boundaries of the City of Abilene on May 7, 2016; and,

WHEREAS, the City of Impact ("IMPACT") will hold a general election for City Council positions within the boundaries of the City of Impact on May 7, 2016; and,

WHEREAS, the Wylie Independent School District ("WISD") will hold a general election on May 7, 2016, for Board of Trustees; and,

WHEREAS, the Abilene Independent School District ("AISD") will hold a general election on May 7, 2016, for Board of Trustees; and,

WHEREAS, the Lytle Water District ("LYTLE") will hold a general election on May 7, 2016, for Board of Trustees; and,

WHEREAS, the City of Tye ("TYE") will hold a general election for City Council positions within the boundaries of the City of Tye on May 7, 2016; and,

WHEREAS, the City of Merkel ("MERKEL") will hold a general election for City Council positions within the boundaries of the City of Merkel on May 7, 2016; and,

WHEREAS, the Merkel Independent School District ("MISD") will hold a general election on May 7, 2016, for Board of Trustees; and,

WHEREAS, the City of Trent ("TRENT") will hold a general election for City Council positions within the boundaries of the City of Trent on May 7, 2016; and,

WHEREAS, the Trent Independent School District ("TISD") will hold a general election on May 7, 2016, for Board of Trustees; and,

WHEREAS, the City of Tuscola ("TUSCOLA") will hold a general election for City Council positions within the boundaries of the City of Tuscola on May 7, 2016; and,

WHEREAS, the City of Buffalo Gap ("BGAP") will hold a general election for City Council positions within the boundaries of the City of Buffalo Gap on May 7, 2016; and,

WHEREAS, the City of Lawn ("LAWN") will hold a general election for City Council positions within the boundaries of the City of Lawn on May 7, 2016; and,

WHEREAS, the Jim Ned Consolidated Independent School District ("JNCISD") will hold a general election on May 7, 2016, for Board of Trustees; and,

WHEREAS, Texas Election Code, Chapter 271, authorizes political subdivisions of the State of Texas to hold elections jointly in voting precincts if it will be of benefit to the citizens and voters thereof to be served by common polling places and elections are ordered by the authorities of two or more political subdivisions to be held on the same day in all or part of the same territory; and,

WHEREAS, Texas Government Code, Chapter 791, authorizes local governments to contract with one another and with agencies of the state for various governmental functions including those in which the contracting parties are mutually interested.

WHEREAS, Texas Election Code, Chapter 43, authorizes countywide polling place programs. Taylor County Commissioners Court has applied for and received permission from the Secretary of State for the utilization of Vote Centers in Taylor County.

WHEREAS, Texas Election Code, Chapter 43.007 (2) allows for the use of vote centers for each election to be held on the uniform election day in May.

NOW, THEREFORE, pursuant to Chapter 31 and Chapter 43 of the Texas Election Code, Chapter 791 of the Texas Government Code and Sections 271.002 and 271.003 of the Texas Election Code, the Joint Election Agreement set forth below is entered into by and between the Entities acting by and through their respective governing bodies, agree as follows:

1. ABILENE, IMPACT, WISD, AISD, LYTLE, TYE, MERKEL, MISD, TRENT, TISD, TUSCOLA, BGAP, LAWN, and the JNCISD will share Taylor County approved vote centers during an election to be held on May 7, 2016;

3. ABILENE, IMPACT, WISD, AISD, LYTLE, TYE, MERKEL, MISD, TRENT, TISD, TUSCOLA, BGAP, LAWN, and the JNCISD will use a HAVA compliant voting system (DREs) in each election precinct in which a common election is held;

5. It is agreed that all entities will contract with Taylor County Elections Administrator to provide all election services needed for these elections.

7. Early voting for CITY OF ABILENE, CITY OF IMPACT, ABILENE INDEPENDENT SCHOOL DISTRICT, WYLIE INDEPENDENT SCHOOL DISTRICT, LYTLE WATER DISTRICT, CITY OF TYE, CITY OF MERKEL, MERKEL INDEPENDENT SCHOOL DISTRICT, CITY OF TRENT, TRENT INDEPENDENT SCHOOL DISTRICT, CITY OF TUSCOLA, CITY OF BUFFALO GAP, CITY OF LAWN and the JIM NED CONSOLIDATED INDEPENDENT SCHOOL DISTRICT shall be conducted jointly per the election services contract with Taylor County Elections Administrator in accordance with Title 7 of the Texas Election Code.

DATED this the ___ day of _____, 2016.

TAYLOR COUNTY

BY: _____
Freda Ragan, Elections Administrator

CITY OF ABILENE

BY: _____
Robert Hanna, City Manager

ATTEST:

_____
Danette Dunlap, City Secretary

DATE APPROVED:_____

City Council
Agenda Memo

City Council Meeting Date: 2/11/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: Awarding a bid to Gray and Green Laboratory Systems for Laboratory Furniture for the Abilene Environmental Laboratory *(Taylor)***

GENERAL INFORMATION

On January 19, 2016 the City of Abilene received bids for the purchase of Laboratory Furniture for the Abilene Environmental Laboratory project CB-1623 (Project). The Project consists of the replacement of existing laboratory work benches. The Project was advertised in the Abilene Reporter News on December 13 and 20, 2015. Four vendors attended the mandatory pre-bid conference. Only one bid was received. The single bid met the minimum requirements of the bid documents and was submitted by Gray and Green Laboratory Systems Inc. (G&G), of Pearland, TX in the amount of $276,978.00. City staff evaluated the bid submittal and does recommend awarding the bid to G&G.

SPECIAL CONSIDERATIONS

The Abilene Environmental Laboratory performs chemical analysis of water, wastewater, and stormwater samples. Performing certain chemical analysis methods requires the use of laboratory benches as both a work surface and for holding and storing work related equipment, chemicals, and apparatus. The existing laboratory benches are made of painted metal, which is better suited for clinical or dry labs rather than an environmental laboratory. The laboratory benches are regularly exposed to physical wear due to normal use, contact with chemicals used in analysis, and chemical vapors common to the laboratory environment. The existing benches are at least 25 years old and exhibit obvious surface corrosion, sagging cabinet doors, sticking drawer slides, and excessive wear due to heavy use over time.

This Project is a part of an ongoing process to upgrade laboratory furniture and fixtures of the Abilene Environmental Laboratory. The Project is for the replacement of certain laboratory benches in each of the Biochemical Oxygen Demand (BOD), Oven, Digestion, Ion Chromatography, Utility, and Autoclave rooms, and for other miscellaneous areas. The new laboratory benches will be constructed of polypropylene, which has superior corrosion resistance. The new laboratory benches are acid, base and chemical resistant, and are the correct material for work benches in an environmental laboratory.

On October 14, 2014 the City Council awarded a bid for laboratory furniture which included new furniture for each of the GC/MS, Metals, and TOC rooms. All of that furniture has been successfully installed. The turn key cost for the purchase and installation of the new laboratory benches of this Project is $276,978.00.

FUNDING/FISCAL IMPACT

The Water Utilities Department proposes to fund this project using a combination of funds encumbered from the FY 2015 Water Utility Department annual operating budget and designated funds of the FY 2016 Water Department annual operating budget.

STAFF RECOMMENDATION

Staff recommends awarding the bid for Laboratory Furniture in the amount of $276,978 to G&G as described above.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

	Description	Type
	WrittenResolution-WtrDpt-AwardBid-Lab Furniture-Work Benches-G&G	Cover Memo
	Bid Tab Sheet CB-1623	Cover Memo

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID TO GRAY AND GREEN LABORATORY SYSTEMS FOR PURCHASE OF LABORATORY FURNITURE FOR THE ABILENE ENVIRONMENTAL LABORATORY.

WHEREAS, the City of Abilene owns and operates the Abilene Environmental Laboratory (AEL) located in northeast Abilene; and

WHEREAS, the AEL performs sample collection and analysis of water, wastewater, and storm water samples for both internal clients such as the Abilene Water Department and for other entities located throughout the region; and

WHEREAS, laboratory furniture (work benches) are necessary for use as both a work surface and for holding and storing work related equipment, chemicals, and apparatus; and

WHEREAS, this purchase is part of an ongoing program to replace all aged painted metal work benches with new polypropylene work benches which have superior corrosion resistance to acids, bases, and other chemicals common to an environmental laboratory; and

WHEREAS, Gray and Green Laboratory Systems submitted the only bid which totaled $276,978.00 for the purchase and installation of replacement work benches, and the bid by G&G meets the minimum requirements of the specifications; and

WHEREAS, City staff, after evaluating the bid submittal, does recommend awarding the bid to Gray and Green Laboratory Systems.

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

That the City Manager is hereby authorized to execute a contract with Gray and Green Laboratory Systems for the purchase of replacement laboratory furniture in the amount of $276,978.00.

ADOPTED this 11th day of February, 2016.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norm Archibald, Mayor

APPROVED:

_____
Stanley E. Smith, Interim City Attorney

CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS

DEPARTMENT: ENVIRONMENTAL LAB
BID NO.: CB - 1623
TIME OF OPENING: 11:00
DATE OF OPENING: JANUARY 19, 2016

ITEM	DESCRIPTION	QTY	UNIT	GRAY & GREEN LAB PEARLAND, TX UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	LABORATORY FURNITURE PHASE 3	1	EA		$126,050.00										
	LABORATORY FURNITURE PHASE 4	1	EA		$150.,928.00										
BASE BID															
DISCOUNT															
TOTAL BID					$276,978.00*										

*NOTES: INDICATES RECOMMENDED AWARD

City Council
Agenda Memo

City Council Meeting Date: 2/11/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Ordinance:** ***(First Reading)*** **To bring City code into compliance with FEMA regulations by adding a definition of Base Flood Elevation (BFE); and setting a public hearing for February 25, 2016.** ***(Rice)***

GENERAL INFORMATION

During the week of July 9th, 2012, Federal Emergency Management Agency (FEMA) along with the Texas Water Development Board (TWDB) conducted a Community Assistance Visit (CAV). During this visit several deficiencies were found. This ordinance revision corrects one of those deficiencies insuring the City will retain its participation in the National Flood Insurance Program (NFIP).

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff Recommends Approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Updated Ordinance Cover	Cover Memo
Exhibit A	Exhibit

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE MUNICIPAL CODE, CHAPTER 3 "SUBDIVISION REGULATIONS," ARTICLE 2, "SUBDIVISION STANDARDS," DIVISION 11, "STORMWATER MANAGEMENT," SECTION 1(B) BY AMENDING THE SECTION AS SET OUT BELOW, PROVIDING A DEFINITION FOR BASE FLOOD ELEVATION.

WHEREAS, Base Flood Elevation is not defined by the current ordinance, and

WHEREAS, the inclusion of a definition for Base Flood Elevation would provide further clarification and meet the requirements of FEMA,

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

PART 1: That City of Abilene Land Development Code, Chapter 3, Article 2, Division 11, Section 3.2.11.(b) of the Code of Ordinances, City of Abilene, Texas, be amended to include the definition for Base Flood Elevation as set out in Exhibit A, attached and made a part of this ordinance of all purposes.

PART 2: That all subsequent definitions be renumbered accordingly.

PART 3: 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 4: 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 5: 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 11th day of February, 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 21st day of February, 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 25th day of February, 2016, to permit the public to be heard. 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 25th day of February, 2016.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

EXHIBIT A

City of Abilene Land Development Code, Chapter 3, Article 2, Division 11, Section 3.2.11.1(b)

ADD

(6) Base Flood Elevation (BFE) – The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

City Council
Agenda Memo

City Council Meeting Date: 2/11/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Ordinance: *(First Reading)* Transportation Network Companies; and setting a public hearing for February 25, 2016 *(Patterson)***

GENERAL INFORMATION

The City currently has an ordinance that governs vehicles for hire. A new business model has emerged which uses digital networking and software applications to connect passengers to transportation networking company (TNC) services provided by TNC drivers. Our existing ordinance does not address this new business model and does not adequately regulate this new industry. After nine months of dialogue with representatives from Uber and City Staff, an agreement could not be made on the process of background checks. During a Council presentation on December 17, 2015, council provided direction to the City Manager to draft an ordinance which would allow TNCs to operate legally in the City. The attached ordinance implements that direction. The provisions in the ordinance include the issuance of operating permits, revocation or suspension of permits, establishes an annual fee for permitting, and sets forth insurance requirements for operating a TNC in the City.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
TNC Enacting Ordinance -First Reading	Cover Memo

- Revised Exhibit A Cover Memo

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE DELETING AND REPLACING CHAPTER 14, "RESERVED" OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the City has a duty to protect the health, safety, and welfare of the citizens of the City of Abilene; and

WHEREAS, to meet that duty, it is the policy of the City to promote efficient, safe, reliable, and quality ground transportation services in the City of Abilene; and

WHEREAS, a transportation business model described as a Transportation Network Company, sometimes referred to as ride-sharing, has emerged in recent years; and

WHEREAS, the City of Abilene currently has an ordinance that governs the operation of vehicles for hire service in the City of Abilene; and

WHEREAS, the City's vehicle for hire ordinance does not adequately regulate this new industry known as Transportation Network Companies; and

WHEREAS, this Transportation Network Company ordinance provides for the regulations of ground transportation services to be carried out in a manner that protects the public health and safety, promotes public convenience, and respects free enterprise.

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

PART 1: That Chapter 14, "Reserved" is hereby deleted in its entirety and replaced as set out in Exhibit A, attached 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 11th day of February, 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 21st day of February, 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 25th day of February, 2016, to permit the public to be heard. 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 25th day of February, 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

EXHIBIT A

ORDINANCE NO. _____

An ordinance of the City of Abilene Texas adding Chapter 14 regarding Transportation Network Company (TNC) Services within the City of Abilene.

CHAPTER 14 - TRANSPORTATION NETWORK COMPANY SERVICES

SECTION 1. DEFINITIONS. As used in this Chapter:

"Abnormal market disruptions" shall mean any change in the ground transportation market, whether actual or imminently threatened, resulting from weather, nature, failure or shortage of electric power or other source of energy, strike, civil disorder, war, military action, national or local emergency, or other cause of abnormal disruption of the market which results in the declaration of a state emergency by the governor.

"*Digital network*" shall mean any online-enabled application, software, website, or system offered or used by a transportation network company that enables a prearranged ride with a transportation network company driver.

"*Dynamic Pricing"* shall mean the ability of the TNC to adjust pricing during a temporary event, other than Abnormal Market Disruptions, where market demand has increased and the TNC desires to attract more TNC Drivers to make themselves available to accept passengers. Dynamic Pricing shall be used in accordance with Section 4(b).

"*Personal vehicle*" shall mean a vehicle that is used by a transportation network company driver and is:

(1) owned, leased, or otherwise authorized for use by the driver; and
(2) not a taxicab, limousine, or similar for-hire vehicle.

"*Prearranged ride*" means transportation provided by a transportation network company driver to a transportation network company rider, beginning at the time a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company and ending at the time the last requesting rider departs from the driver's personal vehicle. The term does not include:

(1) a shared expense carpool or vanpool arrangement or service; or
(2) transportation provided using a taxicab, limousine, or similar for-hire vehicle.

"Transportation Network Company" or "TNC" shall mean an entity licensed pursuant to this Chapter and operating in Abilene that uses a digital network or software application service to connect a transportation network company rider to a transportation network company driver for a prearranged ride. A Transportation network company shall not be deemed to control, direct or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract. The term does not include an entity arranging nonemergency medical transportation under a contract with the state or a managed care organization for individuals qualifying for Medicaid or Medicare.

"Transportation Network Company (TNC) Driver" shall mean an individual who is authorized by a TNC to access the TNC's digital network and who:

(1) uses a personal vehicle to offer or provide a prearranged ride to a transportation network company rider on connection with the rider through a digital network controlled by the company in exchange for compensation or payment of a fee.

"Transportation Network Company (TNC) Permit" shall mean the permission granted by the city to a TNC to operate a TNC or provide TNC Services inside the city for a period of one year, renewable under the provisions of this chapter.

"*Transportation network company (TNC) rider*" means an individual who uses a transportation network company's digital network to connect with a transportation network company driver who provides a prearranged ride to the individual in the driver's personal vehicle between points chosen by the individual.

"Transportation Network Company (TNC) Services" shall mean transportation of a passenger between points chosen by the passenger and prearranged with a TNC Driver through the use of a TNC digital network or software application. TNC Services shall begin when a TNC Driver accepts a request for transportation received through the TNC's digital network or software application service, continue while the TNC Driver transports the passenger in the TNC Driver's vehicle, and end when the passenger exits the TNC Driver's vehicle.

SECTION 2. TNC OPERATING PERMIT REQUIRED.

(a) A person shall not operate a TNC, nor allow TNC Drivers to provide TNC Services in the City of Abilene, without first having obtained a permit from the City Secretary.

(b) An application for an operating permit required under this section shall be filed with the City Secretary on forms provided by the city. At a minimum, the Applicant shall provide the following information:

(1) The name and business address of the applicant;
(2) Proof of authorization from the Texas Secretary of State to conduct business in the state of Texas;
(3) A method for the Chief of Police to verify whether a driver or vehicle are currently operating as a TNC driver or were operating in the past 30 days; and
(4) Evidence that the TNC's third party background check provider meets the following criteria:
    (a) Possesses current accreditation by the National Association of Professional Background Screeners (NAPBS)
    (b) Possesses a PI license in Texas

(c) The City Secretary shall issue a permit to each applicant that meets all of the requirements for a TNC set forth in this Chapter and as otherwise required by the City, and pays an annual permit fee of $500 to the City Secretary.

(d) Due cause for the suspension or revocation of an operating permit includes, but is not limited to, the following:

(1) Failure of the operating permit holder to maintain any and all of the general qualifications applicable to the initial issuance of the permit as set forth in this title; or

(2) Obtaining an operating permit by providing false information; or

(3) Violating any ordinance of the city or any local, state or federal laws which may adversely affect the ability of the holder to offer transportation network services; or

(4) Violating any part of this Chapter.

(e) The applicant/holder shall have the right to appeal the suspension or revocation of an operating permit. Such appeal shall be made by delivery of written notice of appeal to the City Manager within ten business days of the notice of suspension or revocation. Upon receiving such notice of appeal, the City Manager or his designee, as soon as practical thereafter, shall conduct a hearing at which the appealing party will be given an opportunity to present evidence and make argument in the person's behalf. At the discretion of the City Manager or his designee, the hearing may be conducted by the submission of written evidence or other documentation.

SECTION 3. AGENT.

The TNC must maintain an agent for service of process in the State of Texas, and must provide the name and address of the agent to the City.

SECTION 4. FARE CHARGED FOR SERVICES.

(a) A TNC may charge a fare for the services provided to passengers. If a fare is charged, the TNC shall disclose in writing to passengers the fare calculation method on its website or within the software application service. The TNC shall also provide passengers with the applicable rates being charged and the option to receive an estimated fare before the passenger enters the TNC Driver's vehicle.

(b) If a TNC utilizes dynamic pricing through its software application, the software application must:

(1) Provide clear and visible indication that dynamic pricing is in effect prior to a passenger requesting services;

(2) Include a feature that requires passengers to confirm that they understand that dynamic pricing will be applied before a passenger can request services; and.

(3) Provide a feature that allows a passenger to request a fare estimate that includes the dynamic pricing.

SECTION 5. IDENTIFICATION OF TNC VEHICLES AND DRIVERS.

The TNC's software application or website shall display a picture of the TNC Driver, and the license plate number of the motor vehicle utilized for providing the TNC Service, in a format viewable to the passenger, before the passenger enters the TNC Driver's vehicle.

SECTION 6. ELECTRONIC RECEIPT.

Following the completion of a trip, a TNC shall transmit an electronic receipt to the passenger that lists:

(a) The origin and destination of the trip;
(b) The total time and distance of the trip; and
(c) An itemization of the total fare paid.

SECTION 7. INSURANCE.

A TNC and TNC Drivers shall comply with the requirements of Chapter 1954 of the Texas Insurance Code, "Insurance for Transportation Network Company Drivers," as amended.

SECTION 8. ZERO TOLERANCE FOR DRUG OR ALCOHOL USE.

(a) The TNC shall implement a zero tolerance policy on the use of drugs or alcohol while a TNC Driver is providing TNC Services or is logged into the TNC's digital network but is not providing TNC Services, and shall provide notice of this policy on its website, as well as procedures to report a complaint about a driver with whom a passenger was matched and whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip. Such zero tolerance policy shall be reviewed and approved by the City prior to any permit approval.

(b) Upon receipt of such passenger complaint alleging a violation of the zero tolerance policy, or any other method whereby the TNC receives notice that a TNC Driver has violated the zero tolerance policy, the TNC shall immediately suspend such TNC Driver's access to the TNC's digital platform, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

(c) The TNC shall maintain records relating to the enforcement of this requirement for a period of at least two (2) years from the date that a passenger complaint, or other notice of violation, is received by the TNC.

SECTION 9. TNC DRIVER REQUIREMENTS.

(a) Prior to permitting an individual to act as a TNC Driver on its digital platform, the TNC shall:

(1) Require the individual to submit an application to the TNC, which shall include information regarding his or her address, age, driver's license number and state of

issuance, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

(2) Conduct or have a third party conduct, a local and national criminal background check for each applicant that shall include:

(A) Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and

(B) National Sex Offender Registry database;

(3) Obtain and review a driving history report for such individual.

(b) The TNC shall not permit an individual to act as a TNC Driver on its digital platform who:

(1) Has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);

(2) Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, or who has been convicted at any time of fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror;

(3) Is a match in the National Sex Offender Registry database;

(4) Does not possess a valid driver's license;

(5) Does not possess proof of registration for the motor vehicle(s) used to provide TNC Services;

(6) Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNC Services; or

(7) Is not at least 19 years of age.

(c) If a TNC becomes aware of a TNC driver being involved in criminal conduct or driving violations or otherwise becomes ineligible to serve as a driver because he or she no longer meets the criteria listed in subsection (b) above, the TNC shall immediately terminate the driver's ability to access the platform's application.

SECTION 10. VEHICLE SAFETY AND EMISSIONS. The TNC shall require that any motor vehicle(s) that a TNC Driver will use to provide TNC Services meets the requirements set forth in Chapter 547 of the Texas Transportation Code, and other applicable laws, for vehicle safety and inspections.

SECTION 11. NO STREET HAILS. A TNC Driver shall exclusively accept passengers through a TNC's digital network or software application service and shall not solicit or accept street hails or by any other method.

SECTION 12. NO CASH TRIPS. The TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments from passengers and notify TNC Drivers and the City of such policy. TNC Drivers shall not solicit or accept cash payments from passengers, and shall be immediately terminated as a TNC Driver if they do solicit or accept cash payments from

passengers. Any payment for TNC Services shall be made only electronically using the TNC's digital network or software application.

SECTION 13. NO DISCRIMINATION; ACCESSIBILITY.

(a) The TNC shall adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age or sexual orientation/identity with respect to passengers and potential passengers and notify TNC Drivers and the City of such policy.

(b) The TNC shall insure that all of its TNC Drivers comply with all applicable laws regarding non-discrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

(c) The TNC shall insure that all of its TNC Drivers comply with all applicable laws relating to accommodation of service animals.

(d) A TNC and the TNC Drivers shall not impose additional charges for providing services to persons with disabilities because of those disabilities.

(e) A TNC shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC Service in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.

SECTION 14. RECORDS.

(a) A TNC shall maintain:

(1) individual trip records for at least one (1) year from the date each trip was provided; and

(2) TNC Driver records at least until the one year anniversary of the date on which a TNC Driver's activation on the TNC digital network has ended.

(b) The Company shall permit the City to audit and examine the books and records relating to Company's performance of its obligations under this Agreement at a mutually agreed upon location and no more than twice a year. The City shall provide reasonable notice of the books and records requested for inspection in writing at least 14 days prior to the scheduled examination.

(c) Within 7 business days of the receipt of a duly issued subpoena, court order or warrant relating to the investigation of a criminal matter, or within a longer period of time if agreed to by

the parties, the TNC shall furnish the requested records to the Chief of Police or his designee. For any non-criminal investigations conducted by the Chief of Police or his designee in his administrative capacity, a TNC will conduct an internal investigation and shall within 7 business days, or within a longer period of time if agreed to by the parties, furnish records in response to a written request related to the underlying complaint.

(d) Except as required by the Texas Public Information Act or other applicable law, any record or information made available by the TNC to the City pursuant to this Chapter is confidential and proprietary, and shall not be made public without TNC's express written permission.

SECTION 15. PERSONALLY IDENTIFIABLE INFORMATION.

A TNC shall not disclose a passenger's personally identifiable information to a third party unless: the passenger consents or disclosure is required by a court order or legal obligation. In addition to the foregoing, a TNC shall be permitted to share a passenger's first name and/or anonymized telephone number with the TNC Driver providing TNC Services to such passenger in order to facilitate correct identification of the passenger by the TNC Driver, or to facilitate communication between the passenger and the TNC Driver.

City Council
Agenda Memo

City Council Meeting Date: 2/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Michael G. Rice, P.E., Director of Public Works**

SUBJECT: **Resolution: Bid Award #CB-1629 West Lake Rd. Reconstruction Project. *(Rice)***

GENERAL INFORMATION

This project was advertised as a Public Notice on January 10th and 17th of 2016 with a bid opening dated January 26th 2016. This construction contract involves the reconstruction and widening of West Lake Rd. from Ambler Ave. to approximately 400' South of Anson Ave. which will include lime treating the subgrade, new flexible base material, and an improved HMAC surface. Also included in the contract is the installation of culverts under the roadway and at driveways, as well as excavation for ditch improvement.

The West Lake Road project is one of four streets projects scheduled for this year as part of Proposition 1 of the voter approved 2015 Bond Program.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The funds for this project will be paid through 2015 General Obligation funds.

STAFF RECOMMENDATION

Staff recommends bid award to Contract Paving Co. of Tye Texas in the amount of $990,492.22.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution	Cover Memo
Bidtab sheet	Cover Memo

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID TO CONTRACT PAVING, TYE, TEXAS

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for the reconstruction and widening of West Lake Road from Ambler Ave. to approximate 400 feet South of Anson Ave; and

WHEREAS, the project will include lime treating the subgrade, new flexible base material, a HMAC surface, culvert installations and ditch improvements; and

WHEREAS, the following bids were received and opened on the January 26, 2016:

Contract Paving, Tye, Texas	$ 990,492.22
J.H Strain & Sons Inc., Tye, Texas	$1,091,692.51
Bontke Brothers, Abilene Texas	$1,110,863.33

WHEREAS, Contract Paving, Tye, Texas submitted the low bid in the amount of $990,492.22 with the bid meeting specifications. Staff recommends awarding the bid to the low bidder, Contract Paving, Tye, Texas.

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

PART 1: That the City Council approves this bid in the amount of $990,492.22.

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

ADOPTED this 11th day of February, 2016.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norm Archibald, Mayor

APPROVED:

_____
Stanley Smith, Interim City Attorney

CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS

DEPARTMENT: ENGINEERING
BID NO.: CB - 1629
TIME OF OPENING: 11:00
DATE OF OPENING: JANUARY 26, 2016

ITEM	DESCRIPTION	QTY	UNIT	Contract Paving Co Tye, Tx		J H STRAIN & SONS TYE, TX		BONTKE BROTHERS ABILENE TX							
				UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	WEST LAKE RD RECONSTRUCTION PROJECT				$990,492.22		$1,091,692.51		$1,110,863.33						
BASE BID															
DISCOUNT															
TOTAL BID					$990,492.22*		$1,091,692.51		$1,110,863.33						

*NOTES: INDICATES RECOMMENDED AWARD

City Council
Agenda Memo

City Council Meeting Date: 2/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Michael G. Rice, P.E., Director of Public Works**

SUBJECT: **Presentation and Possible Discussion: Industrial Boulevard Railroad Crossing Project *(Rice)***

GENERAL INFORMATION

Staff will update the Mayor and Council on the recent Railroad Crossing project which was completed and reopened to Traffic on Tuesday, February 2, 2016. The presentation will include work completed by the Railroad, the current condition of the crossing, the current condition of Industrial Boulevard, the schedule for Industrial Blvd Street improvements between Buffalo Gap and Treadaway, and provide possible plans for the temporary repairs of Industrial Boulevard immediately adjacent to the Railroad Track crossing project.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

City Council
Agenda Memo

City Council Meeting Date: 2/11/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: Awarding of bid to Starks Construction Company for the East Business Highway 80 Water Line Project. *(Taylor)***

GENERAL INFORMATION

The Water Utilities Department is requesting that by written resolution the City Council award a bid to Starks Construction Company of Abilene, TX (Starks) in the amount of $340,003.00 for the East Business Highway 80 Water Line Project CB-1631 (Project). The Project was advertised in the Abilene Reporter News on January 10 and 17, 2016. Bids were opened on January 26, 2016. A total of four bids were received. The Design Engineer has evaluated the low bid for conformity with the advertisement for bids and checked the references of the apparent low bidder and does recommend awarding the bid to Starks.

SPECIAL CONSIDERATIONS

The Project is for the replacement of approximately 1,800 linear feet of existing 14inch cast iron water main along east highway 80 beginning at Cockerell Drive and continuing east to 802 East Highway 80 (east of Washington Boulevard). The existing pipe is aged and in very poor condition. Several failures have occurred in the past few years resulting in disruptions of water service to the TSTC Campus, the AISD ATEMS academy, and the Medical Care Mission. The Project will be scheduled and performed so to minimize the impact on the access to and operations of the campuses and businesses along the project route. Enprotec/Hibbs & Todd Inc. (EHT) prepared the plans, specifications, and contract documents and provided bidding assistance. EHT will also provide contract administration and general supervision (not Resident Project Representative) of the project. The bid value of $340,003 is below the Engineer's cost estimate for the project.

FUNDING/FISCAL IMPACT

The Water Department proposes to fund this project using Water Utility Department cash reserves unrestricted, designated for capital improvements.

STAFF RECOMMENDATION

Staff recommends awarding the bid to Starks in the amount of $340,003 as described above.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution	Cover Memo
Engineers Letter of Recommendation CB-1631	Cover Memo
Bid Tab Sheet CB-1631	Cover Memo

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING A BID TO STARKS CONSTRUCTION COMPANY FOR THE EAST BUSINESS HIGHWAY 80 WATER LINE PROJECT.

WHEREAS, the City of Abilene owns and operates a public water supply system that includes water distribution pipelines; and

WHEREAS, there exists a 14 inch diameter cast iron water pipeline along East Business Highway 80 that is aged and in very poor condition and in need of replacement; and

WHEREAS, recent failures of the 14 inch water pipeline have resulted in the disruption of water service to campuses and businesses along east business highway 80; and

WHEREAS, the City Water Utilities Department contracted with Enprotec/Hibbs & Todd, Inc. (EHT) for the preparation of plans and contract documents, bidding assistance, project supervision, and project administration for the replacement of the existing pipeline; and

WHEREAS, Starks Construction Company submitted the lowest qualifying bid totaling $340,000.03 for the project, and EHT has evaluated the low bid for conformity with the advertisement for bids and checked the references of the apparent low bidder and does recommend awarding the bid to Starks.

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

That the City Manager is authorized to execute a construction contract with Starks Construction Company for the East Business Highway 80 Water Line Project in the amount of $340,000.03.

ADOPTED this 11th day of February, 2016.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norm Archibald, Mayor

APPROVED:

_____
Stanley E. Smith, Interim City Attorney

Enprotec / Hibbs & Todd

January 26, 2016

City of Abilene Director of Utilities
P.O. Box 60
Abilene, Texas 79604-0060
Attn: Mr. Rodney Taylor

Re: Recommendation of Bid Award
East Business Highway 80 Water Line Improvements Project

Dear Mr. Taylor:

Bids for the referenced project were opened and read aloud on January 26, 2016. A total of four (4) bids were received and are summarized in the attached bid tabulation. The apparent low bidder is Starks Construction Company from Abilene, Texas.

The responsiveness of the low bidder has been evaluated for conformity with all material conditions of the Advertisement to Bid and the Information for Bidders. Additionally, the qualifications submitted by the low bidder have been evaluated in accordance with the Contract Documents.

Based upon the information provided and prior project experience with the low bidder, it is recommended that award of the construction contract for the East Business Highway 80 Water Line Improvements project be made to Starks Construction Company, as the lowest, qualified, responsible bidder, in the total Base Bid amount of $340,003.00.

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

Sincerely,

Enprotec / Hibbs & Todd

Scott D. Hay, P.E.
Vice President

SDH/jd

Encl: Bid Tabulation

c: Project File 6403 P:\Projects\Abilene, City of\6403 - East Hwy 80 Waterline Imp. emergency repair\4. Bidding Phase\Bidder Evaluation\012616 Bid Award Recommendation Letter.docx

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

TABULATION OF BIDS FOR: East Highway 80 Business Water Line Project, City of Abilene, Texas

BIDS RECEIVED: 1/26/2016

PE Firm Registration No. 1151

				BILL STARKS CONSTRUCTION CO.		FAMBRO CONSTRUCTION		SHOWCASE CONSTRUCTION		DARNELL CONSTRUCTION	
Item No.	**Quantity**	**Unit**	**Item**	**Unit Cost**	**Amount**	**Unit Cost**	**Amount**	**Unit Cost**	**Amount**	**Unit Cost**	**Amount**
1	1	LS	Mobilization, bonds & insurance	$ -	$ -	$ 7,500.00	$ 7,500.00	$ 11,320.00	$ 11,320.00	$ 19,720.00	$ 19,720.00
2	1	LS	Traffic Control Plan	$ 6,200.00	$ 6,200.00	$ 2,500.00	$ 2,500.00	$ 1,500.00	$ 1,500.00	$ 5,220.00	$ 5,220.00
3	1	LS	Trench Excavation Safety Plan	$ 2,900.00	$ 2,900.00	$ 1,500.00	$ 1,500.00	$ 1,500.00	$ 1,500.00	$ 2,900.00	$ 2,900.00
4	1,345	LF	16" DR-13.5 DIPS HDPE Water Line w/Pipe Bedding via open-cut unclassified excavation	$ 93.00	$ 125,085.00	$ 95.00	$ 127,775.00	$ 105.00	$ 141,225.00	$ 78.88	$ 106,093.60
5	183	LF	8" DR-13.5 DIPS HDPE Water Line w/Pipe Bedding via open-cut unclassified excavation	$ 73.00	$ 13,359.00	$ 55.00	$ 10,065.00	$ 60.00	$ 10,980.00	$ 33.16	$ 6,068.28
6	100	LF	6" DR-13.5 DIPS HDPE Water Line w/Pipe Bedding via open-cut unclassified excavation	$ 68.00	$ 6,800.00	$ 55.00	$ 5,500.00	$ 48.00	$ 4,800.00	$ 24.61	$ 2,461.00
7	248	LF	2" DR-13.5 DIPS HDPE Water Line w/Pipe Bedding via open-cut unclassified excavation	$ 38.00	$ 9,424.00	$ 25.00	$ 6,200.00	$ 30.00	$ 7,440.00	$ 12.50	$ 3,100.00
8	3	EA	Fire Hydrant Assembly	$ 3,000.00	$ 9,000.00	$ 5,100.00	$ 15,300.00	$ 4,500.00	$ 13,500.00	$ 5,039.72	$ 15,119.16
9	1	EA	Remove existing Fire Hydrant	$ 400.00	$ 400.00	$ 250.00	$ 250.00	$ 3,500.00	$ 3,500.00	$ 1,212.20	$ 1,212.20
10	555	LF	Cast-in-Place Reinforced Concrete Trench Protection	$ 31.00	$ 17,205.00	$ 55.00	$ 30,525.00	$ 63.00	$ 34,965.00	$ 38.76	$ 21,511.80
11	465	LF	16" DR-13.5 DIPS HDPE Water Line via Slick-Bore	$ 130.00	$ 60,450.00	$ 140.00	$ 65,100.00	$ 134.00	$ 62,310.00	$ 142.80	$ 66,402.00
12	2	EA	14" Tapping Sleeve & Valve w/Valve Box to connect to existing 14" water line	$ 15,300.00	$ 30,600.00	$ 12,000.00	$ 24,000.00	$ 15,500.00	$ 31,000.00	$ 13,153.31	$ 26,306.62
13	1	EA	16" Gate Valve with Valve Box	$ 8,800.00	$ 8,800.00	$ 6,900.00	$ 6,900.00		$ -	$ 8,004.41	$ 8,004.41
14	1	EA	10" Gate Valve with Valve Box	$ 2,500.00	$ 2,500.00	$ 2,700.00	$ 2,700.00	$ 4,500.00	$ 4,500.00	$ 2,939.45	$ 2,939.45
15	2	EA	8" Gate Valve with Valve Box	$ 1,900.00	$ 3,800.00	$ 1,900.00	$ 3,800.00	$ 2,150.00	$ 4,300.00	$ 1,873.40	$ 3,746.80
16	1	EA	6" Gate Valve with Valve Box	$ 1,700.00	$ 1,700.00	$ 1,400.00	$ 1,400.00	$ 2,050.00	$ 2,050.00	$ 1,890.35	$ 1,890.35
17	5	EA	2" Gate Valve with Valve Box	$ 850.00	$ 4,250.00	$ 680.00	$ 3,400.00	$ 500.00	$ 2,500.00	$ 547.52	$ 2,737.60
18	3	EA	Remove Valve Box	$ 170.00	$ 510.00	$ 50.00	$ 150.00	$ 500.00	$ 1,500.00	$ 174.00	$ 522.00
19	12	EA	Cut, Plug & Abandon existing 14" Water Line	$ 1,100.00	$ 13,200.00	$ 800.00	$ 9,600.00	$ 500.00	$ 6,000.00	$ 5,589.65	$ 67,075.80
20	1	EA	Cut, Plug & Abandon existing 10" Water Line	$ 800.00	$ 800.00	$ 500.00	$ 500.00	$ 1,800.00	$ 1,800.00	$ 1,485.31	$ 1,485.31
21	3	EA	Cut, Plug & Abandon existing 2" Water Line	$ 370.00	$ 1,110.00	$ 225.00	$ 675.00	$ 500.00	$ 1,500.00	$ 770.62	$ 2,311.86
22	1	EA	Connection to existing 10" Water Line	$ 2,300.00	$ 2,300.00	$ 5,500.00	$ 5,500.00	$ 5,500.00	$ 5,500.00	$ 3,280.02	$ 3,280.02
23	2	EA	Connection to existing 8" Water Line	$ 1,030.00	$ 2,060.00	$ 4,400.00	$ 8,800.00	$ 4,500.00	$ 9,000.00	$ 2,294.16	$ 4,588.32
24	1	EA	Connection to existing 6" Water Line	$ 1,000.00	$ 1,000.00	$ 3,300.00	$ 3,300.00	$ 3,000.00	$ 3,000.00	$ 2,258.15	$ 2,258.15
25	5	EA	Connection to existing 2" Water Line	$ 800.00	$ 4,000.00	$ 2,100.00	$ 10,500.00	$ 250.00	$ 1,250.00	$ 1,589.53	$ 7,947.65
26	5	EA	Re-connection to existing Water Meter	$ 1,100.00	$ 5,500.00	$ 2,400.00	$ 12,000.00	$ 300.00	$ 1,500.00	$ 788.00	$ 3,940.00
27	175	LF	Asphalt Pavement Replacement	$ 36.00	$ 6,300.00	$ 40.00	$ 7,000.00	$ 92.00	$ 16,100.00	$ 45.00	$ 7,875.00
28	25	LF	Concrete Pavement Replacement	$ 30.00	$ 750.00	$ 65.00	$ 1,625.00	$ 176.00	$ 4,400.00	$ 85.00	$ 2,125.00
TOTAL BASE BID PRICE (Items 1 thru 28)					**$ 340,003.00**		**$ 374,065.00**	**	**$ 388,940.00**		**$ 398,842.38**

**** Showcase Construction did not acknowledge Addendum No. 1, so their Bid is being rejected.**

I, SCOTT D. HAY, P.E., #83930, DO HEREBY CERTIFY THAT THE ABOVE REFERENCED BIDS WERE RECEIVED, IN ACCORDANCE WITH THE ADVERTISED PROCEDURES, OPENED, AND READ ALOUD. THE BID TABULATION HEREIN IS A TRUE AND ACCURATE REPRESENTATION OF THE BIDS READ ALOUD.

Scott D. Hay 1-26-2016

SCOTT D. HAY, P.E., #83930

STATE OF TEXAS
SCOTT D. HAY
83930
LICENSED
PROFESSIONAL ENGINEER

City Council
Agenda Memo

City Council Meeting Date: 2/11/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: Stellar Development Group Resolution of Support for Housing Tax Credit Program (HTC) application. *(Schoening)***

GENERAL INFORMATION

The Stellar Development Group, under the name of SH Abilene Windmill North, LP is applying for Housing Tax Credits (HTC) through the Department of Housing and Community Affairs (TDHCA) to develop and construct a 48 unit facility for multi-family affordable housing. Estimated project cost is $7.2 million. Property is located at 13 and 15 Windmill Circle (approximately 2.51 acres located west of intersection of Windmill Circle and S. Clack Street).

- The property will need to be rezoned from Light Industrial to General Retail to accommodate the proposed multi-family use. There is no guarantee that a rezoning will be approved for the subject property, as the decision is made by City Council with recommendation made by the Planning and Zoning Commission. A request for a rezoning from Light Industrial to General Retail has been submitted for the March 7th Planning and Zoning Commission Meeting.

- Breakdown of units: 1-3 bedroom apartments.

- Number of apartments that will qualify for each income group: 10% at 30% of Area Median Income (AMI), 20% at 50% AMI and 70% at 60% AMI

- There will be 5% ADA and 2% Audio/Visual apartment units.

- Property amenities include: clubhouse, fitness center, computer center, media room, pool, garages, covered parking, gated community, Playscape, BBQ grills, gazebo and mail kiosk.

- Apartment unit amenities: hardwood flooring, hard surface counter tops, luxury appliance package, 9 ft ceilings, washer/dryer connections, walk-in closets, large pantries, covered patios/balconies, high speed internet, energy efficient, fire sprinklers in all units.

- Utility capacity is currently in place to support the proposed development.

- Proposed development is within proximity to required services and facilities

A primary objective associated with the 2015-2019 Consolidated Plan is to improve the housing stock in the Abilene community. A significant benefit of these types of projects is to improve housing stock in the

community with modern amenities. In addition, these types of developments are required to have minimum 15 year ownership and maintenance agreements.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve resolution in support of the application made to TDCA.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

	Description	Type
	Resolution of the City Council in support of the submission of an application known as "The Reserves".	Cover Memo

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, IN SUPPORT OF THE SUBMISSION OF AN APPLICATION TO THE HOUSING TAX CREDIT (HTC) PROGRAM THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) BY STELLAR DEVELOPMENT COMPANY (SDC) FOR THE 2016 LOW INCOME HOUSING TAX CREDIT (HTC) PROGRAM FOR THE PROJECT KNOWN AS "THE RESERVE".

WHEREAS, the City Council of the City of Abilene has adopted the Goals and Objectives for its 2015-2019 Consolidated Plan for Community Planning and Development following public hearings and the receipt of comments on housing and community development needs and funding requests within the City; and

WHEREAS, the primary objective of the Community Planning and Development Program is to develop a viable urban community, including decent, safe, affordable housing and a suitable living environment, and to expand economic opportunities principally for persons of low- and moderate income; and

WHEREAS, one of the objectives of the 2015-2019 Consolidated Plan is to increase the availability, financial accessibility, and support for affordable and subsidized rental units; and

WHEREAS, consistent with said objective, and other goals and strategies eligible under applicable Federal regulations, the City of Abilene has previously supported Federal assistance to encourage construction of qualified HTC housing development projects.

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

Part 1. That the City supports the application by SH Abilene Windmill North, LP, application #16351, for HTCs as administered by the TDHCA.

Part 2. That the support stated herein will enable the City to carry on appropriate community development activities directed toward meeting the specified objectives of the Consolidated Plan and the Comprehensive Land Use Plan and other potentially applicable adopted City Plans.

Part 3. That the City of Abilene will commit to provide the required de-minimis amount of no less than $10 in in-kind contributions for the development of The Reserve, which may be in the form of fee waivers and other in-kind contributions.

Part 4. That this resolution shall take effect immediately from and after its passage.

ADOPTED this the 11th day of February 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

City Council
Agenda Memo

City Council Meeting Date: 2/11/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Ordinance & Public Hearing:** ***(Final Reading)*** **CUP-2016-01 A request from Allen & Tanya Bolt, agent TowerTex, LLC, for a Conditional Use Permit to allow for 'Antenna Tower - Commercial' on property zoned GC (General Commercial), located at 7550 Hwy 83-84 (S. Clack St).** ***(Schoening)***

GENERAL INFORMATION

Currently the property is zoned GC and is developed with a veterinarian clinic. The property is developed on the front portion of the property and has some vacant land to the rear. The surrounding area is generally undeveloped but there are a few single-family residential uses nearby. Highway 83/84 borders the property to the east. The request is to allow for an 'Antenna Tower – Commercial' for a new cell tower. The GC zoning district requires approval of a Conditional Use Permit for the proposed use.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a 'Gateway/Mixed Use' area. The intersection of Beltway S. and Hwy 83/84 is planned to be a major node for retail and office uses. Highway 83/84 is designated as an 'enhancement corridor'. The requested CUP is compatible with the Future Land Use Map and the adjacent residential uses in the area. However, if there are concerns, conditions may be added to ensure compatibility with the area.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval as requested with no conditions.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval with a condition that the tower be located to the rear of the property (±330' from the front property line) by a vote of 4 in favor (Bixby, Dunnahoo, Rosenbaum, & McClarty) and none opposed.

ATTACHMENTS:

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

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

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 Abilene Municipal Code, be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: 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 January, 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 18th day of December, 2015, 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 February, 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 February, A.D. 2016.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

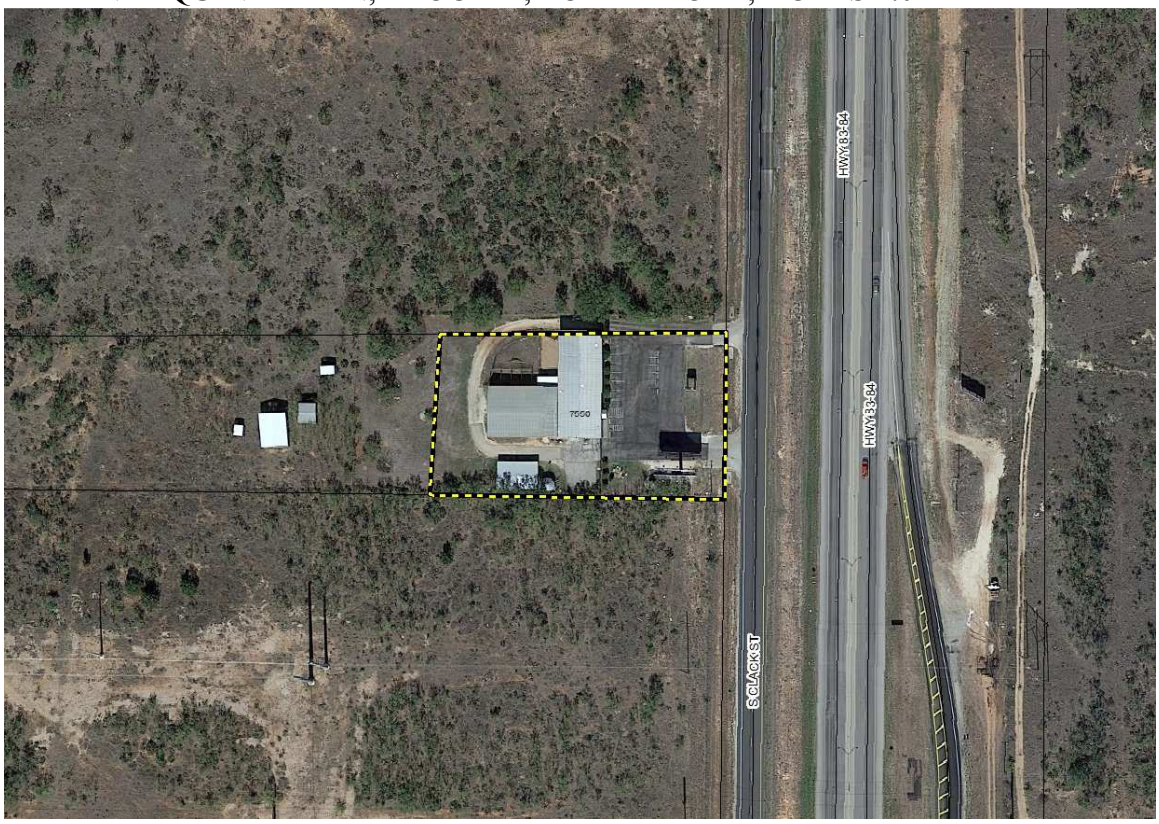
ORDINANCE NO. _____

EXHIBIT "A"

Approve a Conditional Use Permit for 'Antenna Tower – Commercial' on property zoned GC (General Commercial).

Location:
7550 Hwy 83-84 (S. Clack St)

Legal Description:
ABILENE EQUINE ADDN, BLOCK A, LOT E PT OF 1, ACRES 2.0



With the following condition:

- The tower shall be located to the rear of the property, approximately 330 feet from the front property line.

-END-

ZONING CASE CUP-2016-01
STAFF REPORT

APPLICANT INFORMATION:
Allen & Tanya Bolt
Agent: TowerTex, LLC

HEARING DATES:
P&Z Commission: January 4, 2016
City Council 1st Reading: January 28, 2016
City Council 2nd Reading: February 11, 2016

LOCATION:
7550 Hwy 83-84 (S. Clack St)

REQUESTED ACTION:
Conditional Use Permit to allow for 'Antenna Tower - Commercial' on property zoned GC (General Commercial)

SITE CHARACTERISTICS:
The subject parcel is the location for the Animal Health & Medical Center of Abilene veterinarian clinic. The property is developed on the front portion of the property and has some vacant land to the rear. The adjacent properties are zoned AO (Agricultural Open Space) to the north & south. The property to the west is zoned GC. Highway 83/84 borders the property to the east.

ZONING HISTORY:
The property was annexed into the City in 1980. The GC zoning was approved sometime after.

ANALYSIS:
- Current Planning Analysis
  Currently the property is zoned GC and is developed with a veterinarian clinic. The property is developed on the front portion of the property and has some vacant land to the rear. The surrounding area is generally undeveloped but there are a few single-family residential uses nearby. Highway 83/84 borders the property to the east. The request is to allow for an 'Antenna Tower – Commercial' for a new cell tower. The GC zoning district requires approval of a Conditional Use Permit for the proposed use.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as part of a 'Gateway/Mixed Use' area. The intersection of Beltway S. and Hwy 83/84 is planned to be a major node for retail and office uses. Highway 83/84 is designated as an 'enhancement corridor'. The requested CUP is compatible with the Future Land Use Map and the adjacent residential uses in the area. However, if there are concerns, conditions may be added to ensure compatibility with the area.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested with no conditions.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval with a condition that the tower be located to the rear of the property (±330' from the front property line) by a vote of 4 in favor (Bixby, Dunnahoo, Rosenbaum, & McClarty) and none opposed.

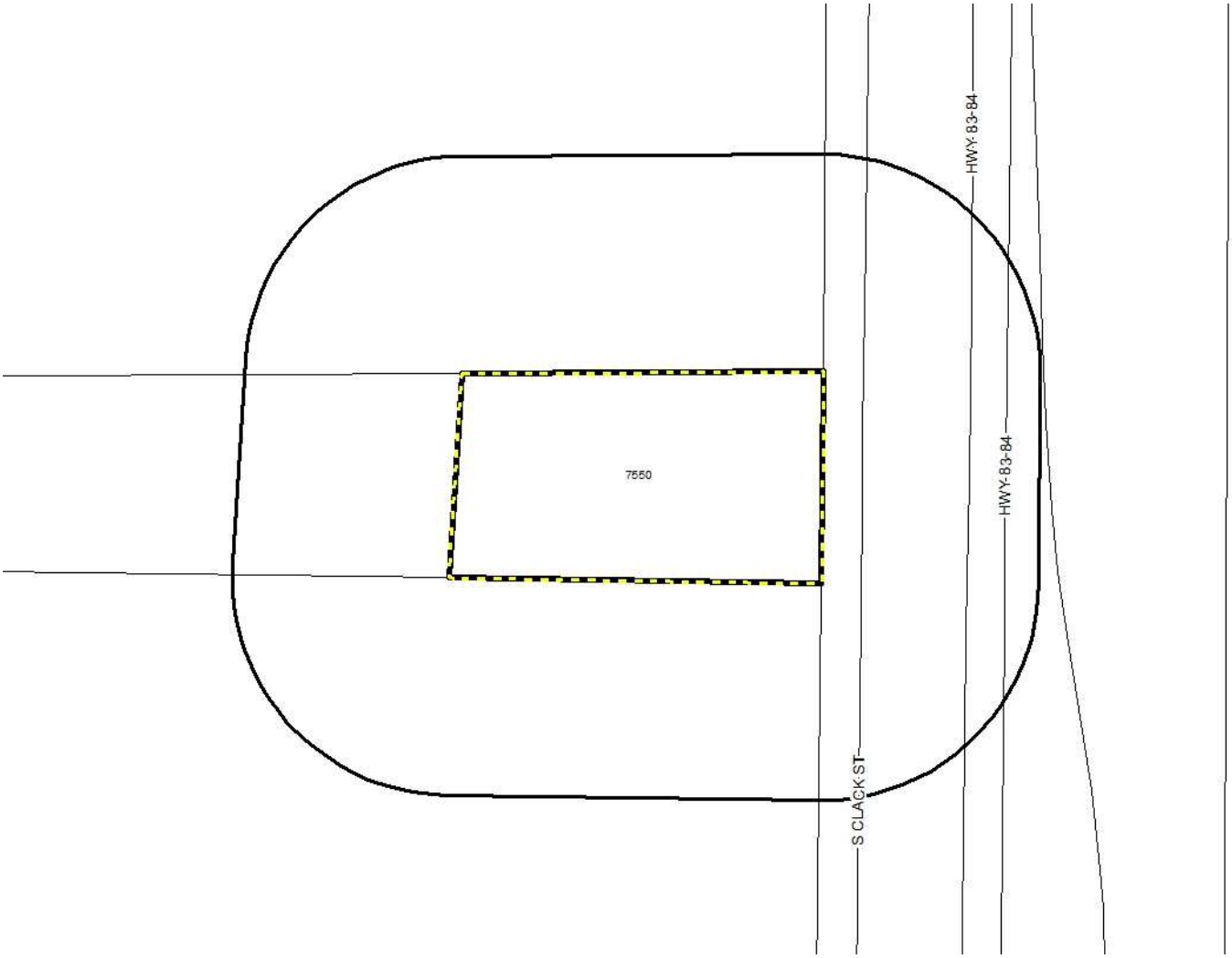
NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
STRICKLIN JACK L		
STRICKLIN JOE B		
BOLT ALLEN J & TANYA ELAINE	7550 HWY 83-84	
WEST TEXAS UTILITIES CO		

0 in Favor- **Y**

0 Opposed- **N**



MF
MF
RS-8
GR
CHARTER HOUSE DR
MD
6950
7050
7450
AO
AO
HWY-83-84
S CLACK ST
PD
2582
2590
2550
2418
GC
7550
WALDROP DR
SPUR 707
2301
2201
1849
RR-1
AO
1701
7602
7750
7734
O
GR
7850
7918
7966
7982
GC
AO
1964
AO
1958
MF
STARLIGHT DR
SKYLINE DR
BELTWAY S
AO
2166
1209
1201
1102
1172
1234
1258
7849
7909
7965
GC
8049
1490
PD
1465
1473
1057
1033
967
933
1141
7802
7810
7818
7826
7834
7842
7850
7858
7801
7809
7817
7825
7833
7841
7926
7925
7949
7942
8025
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8033
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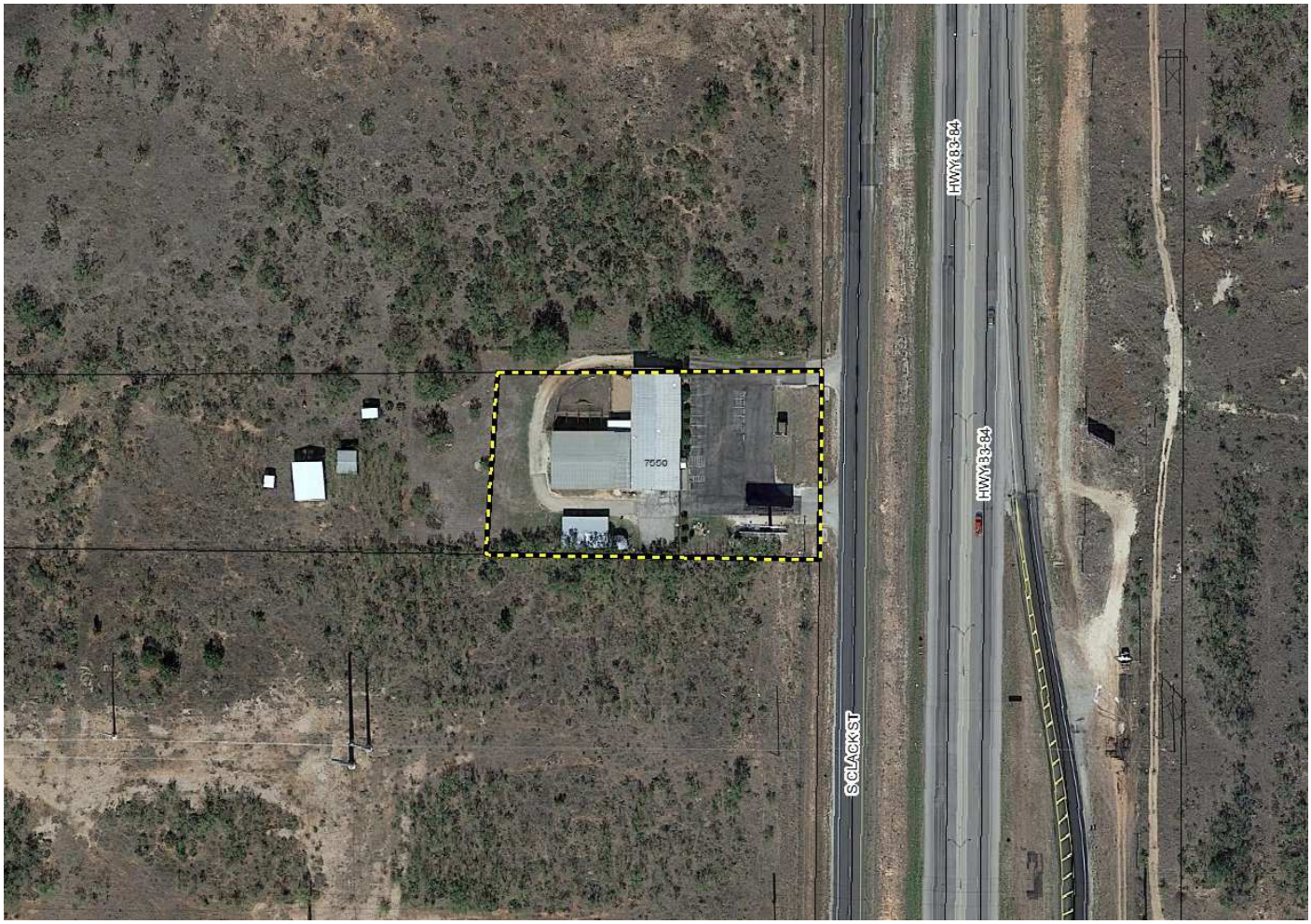
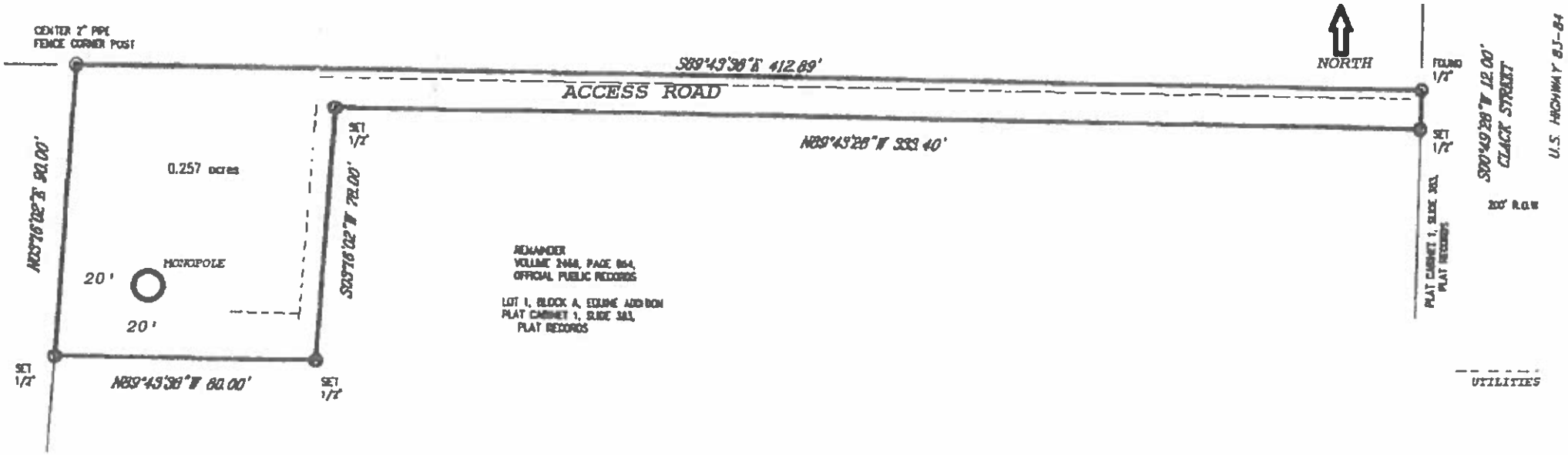
8042
8041
8134
8133
8126
8141
8150
8149
8142
DROVERS LN
SADDLE CREEK RD

HWY 83-84
S CLACK ST
WALDROP DR
SPUR 707
SKYLINE DR
BELTWAY S
DROVERS LN
SADDLE CREEK RD


7600
S CLACK ST
HWY 83-84
HWY 83-84


CENTER 2" PIPE
FENCE CORNER POST
S89°43'38"E 412.89'
ACCESS ROAD
NORTH
FOUND
1/2"
SET
1/2"
N89°43'28"W 333.40'
S00°49'28"W 12.00'
CLACK STREET
U.S. HIGHWAY 83-84
200' R.O.W.
N00°16'02"E 90.00'
0.257 acres
MONOPOLE
20'
20'
S00°16'02"W 78.00'
REMAINDER
VOLUME 2444, PAGE 864,
OFFICIAL PUBLIC RECORDS
LOT 1, BLOCK A, EQUINE ADDITION
PLAT CABINET 1, SLIDE 383,
PLAT RECORDS
PLAT CABINET 1, SLIDE 383,
PLAT RECORDS
SET
1/2"
N89°43'38"W 80.00'
SET
1/2"
UTILITIES

City Council
Agenda Memo

City Council Meeting Date: 2/11/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Ordinance & Public Hearing:** ***(Final Reading)*** **Z-2016-01 A request from Cinemark USA, Inc., agent Ironwood Equity, LLC, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 750 E. Overland Tr and extending north being a total of 103.13 acres.** ***(Schoening)***

GENERAL INFORMATION

Currently the property is undeveloped. The surrounding area is developed with a livestock auction and a warehouse facility to the east. The property to the north and west is undeveloped. Cedar Creek runs along the western edge of the property. Interstate 20 borders the property to the south. The applicant is proposing to develop a large part of the site with a new multi-screen movie theater. The remaining area would be set up for ancillary retail, office, and commercial uses.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The area is adjacent to existing industrial and heavy agricultural uses to the east. The property has direct frontage onto the existing frontage road of Interstate 20. As the area develops it is anticipated that retail, office, and commercial development will occur. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties. However, staff recommends GC zoning for the front area only. The existing floodway and inadequate street access does not justify zoning the entire area at this time.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval as requested but on the front portion only (±50 acres). The remainder area is within flood areas and does not have adequate street access to justify zoning the entire area.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval of GC zoning for the entire area as requested by a vote of 4 in favor (Bixby, Dunnahoo, Rosenbaum, & McClarty) 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 January, 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 18th day of December, 2015, 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 February, 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 February, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning.

Legal Description:

A0389 SUR 82-83 T & P RY CO, BLOCK 14, ACRES 64.07
A PORTION OF A0580 SUR 84 T & P RY CO, BLOCK 14, ACRES 16.85
A0580 SUR 84 T & P RY CO, BLOCK 14, ACRES 22.2063

Location:
750 E. Overland Tr and extending north being a total of 103.13 acres

-END-

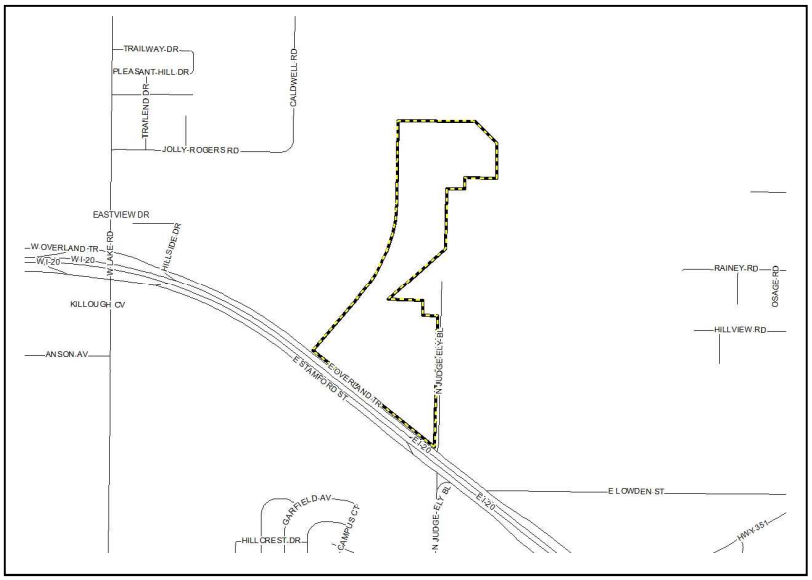
ZONING CASE Z-2016-01
STAFF REPORT

APPLICANT INFORMATION:
Cinemark USA, Inc.
Agent: Ironwood Equity, LLC

HEARING DATES:
P & Z Commission: January 4, 2016
City Council 1st Reading: January 28, 2016
City Council 2nd Reading: February 11, 2016

LOCATION:
750 E. Overland Tr, extending north being a total of 103.13 acres

REQUESTED ACTION:
Rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning



SITE CHARACTERISTICS:
The subject parcel totals approximately 103.13 acres and is currently zoned AO. It is currently undeveloped. The adjacent properties are zoned AO to the north & west and PD (Planned Development) to the east. Interstate 20 borders the property to the south.

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

ANALYSIS:
- <u>Current Planning Analysis</u>
  Currently the property is undeveloped. The surrounding area is developed with a livestock auction and a warehouse facility to the east. The property to the north and west is undeveloped. Cedar Creek runs along the western edge of the property. Interstate 20 borders the property to the south. The applicant is proposing to develop a large part of the site with a new multi-screen movie theater. The remaining area would be set up for ancillary retail, office, and commercial uses.

- <u>Comprehensive Planning Analysis</u>
  The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The area is adjacent to existing industrial and heavy agricultural uses to the east. The property has direct frontage onto the existing frontage road of Interstate 20. As the area develops it is anticipated that retail, office, and commercial development will occur. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties. However, staff recommends GC zoning for the front area only. The existing floodway and inadequate street access does not justify zoning the entire area at this time.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested but on the front portion only (±50 acres). The remainder area is within flood areas and does not have adequate street access to justify zoning the entire area.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval of GC zoning for the entire area as requested by a vote of 4 in favor (Bixby, Dunnahoo, Rosenbaum, & McClarty) and none opposed.

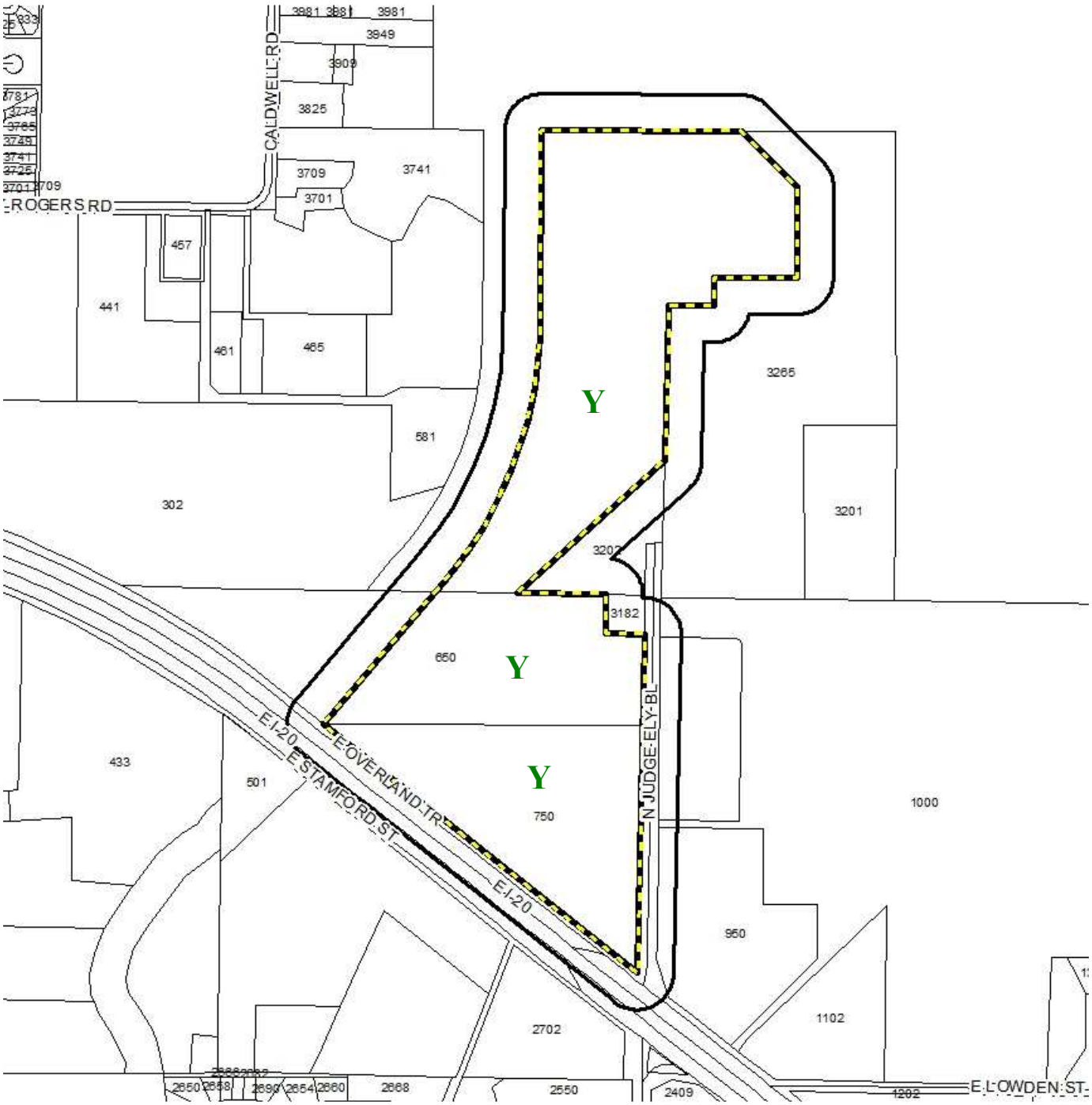
NOTIFICATION:

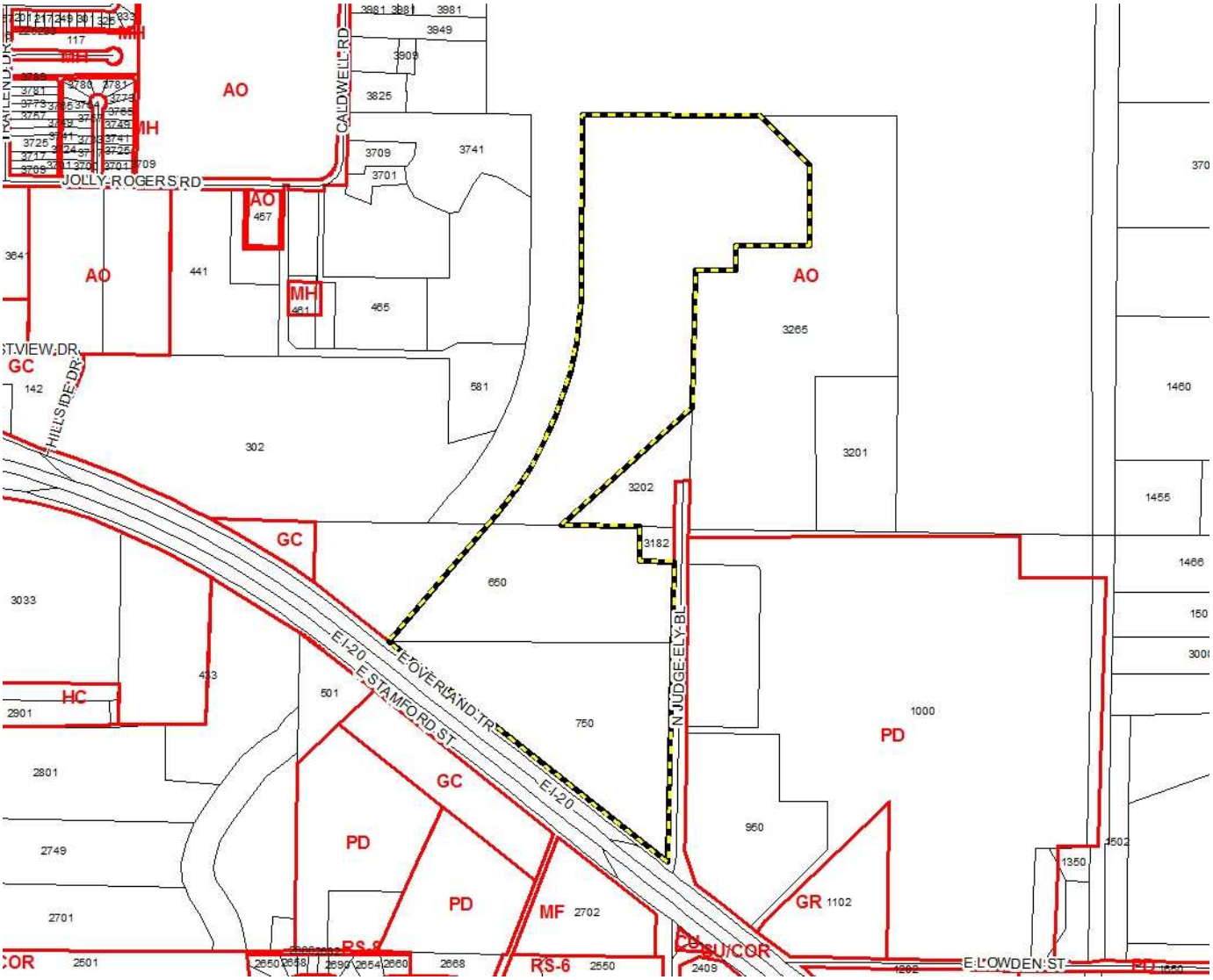
Property owners within a 200-foot radius were notified of the request.

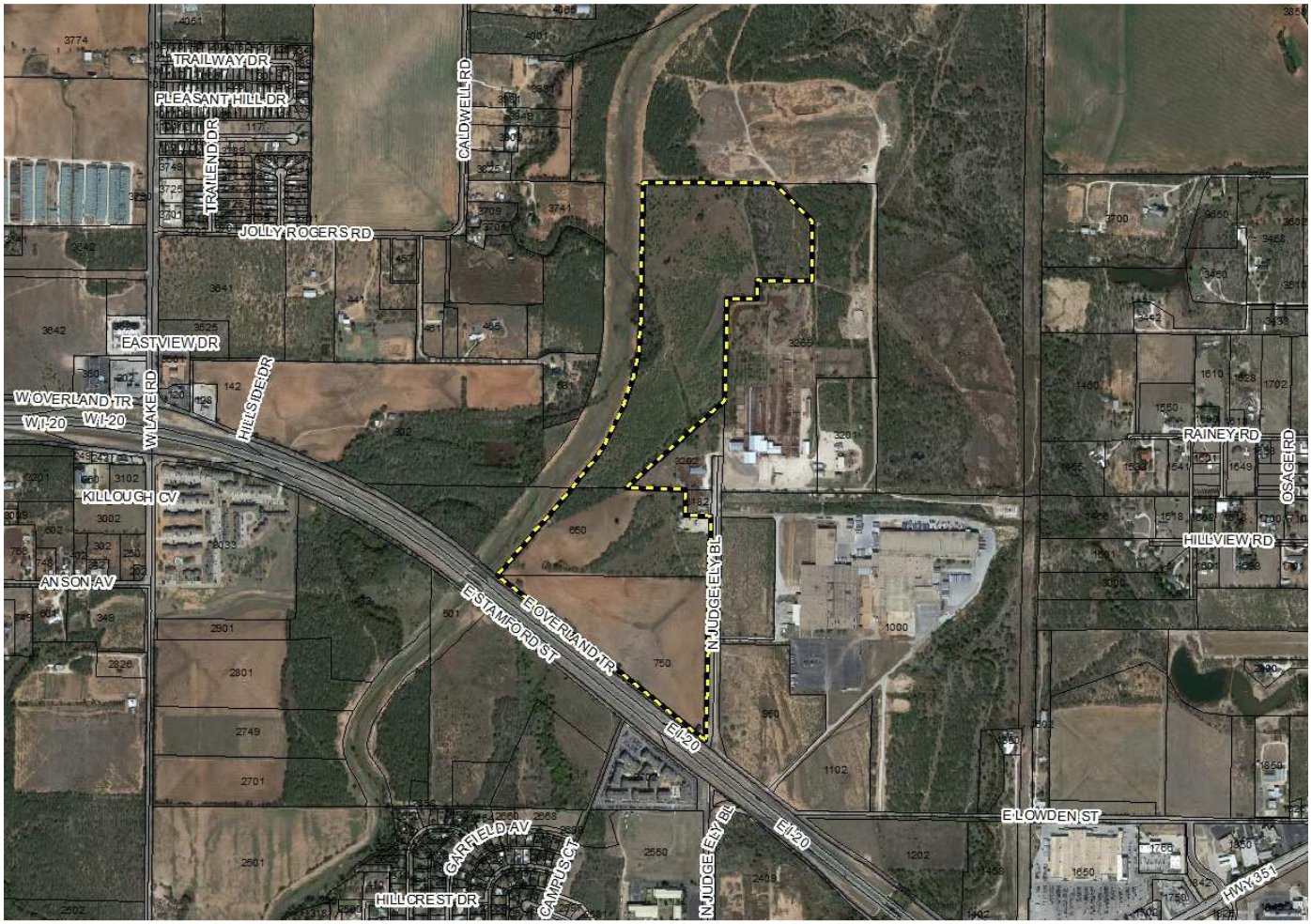
OWNER	ADDRESS	RESPONSE
MOOSA CHARLES		
ABILENE AUCTION INC	3182 N JUDGE ELY BL	
GOODWIN RODNEY & DEBRA KAY	3202 N JUDGE ELY BL	
RAMSEY LEASING INC		In Favor
RAMSEY LEASING INC	650 E OVERLAND TR	In Favor
CITY OF ABILENE		
RAMSEY LEASING INC	750 E OVERLAND TR	In Favor
ABILENE AUCTION INC	3265 N JUDGE ELY BL	
MOTONCO PARTNERS	950 E OVERLAND TR	
NIP OWNER III LLC	1000 E I-20	

3 in Favor- **Y**

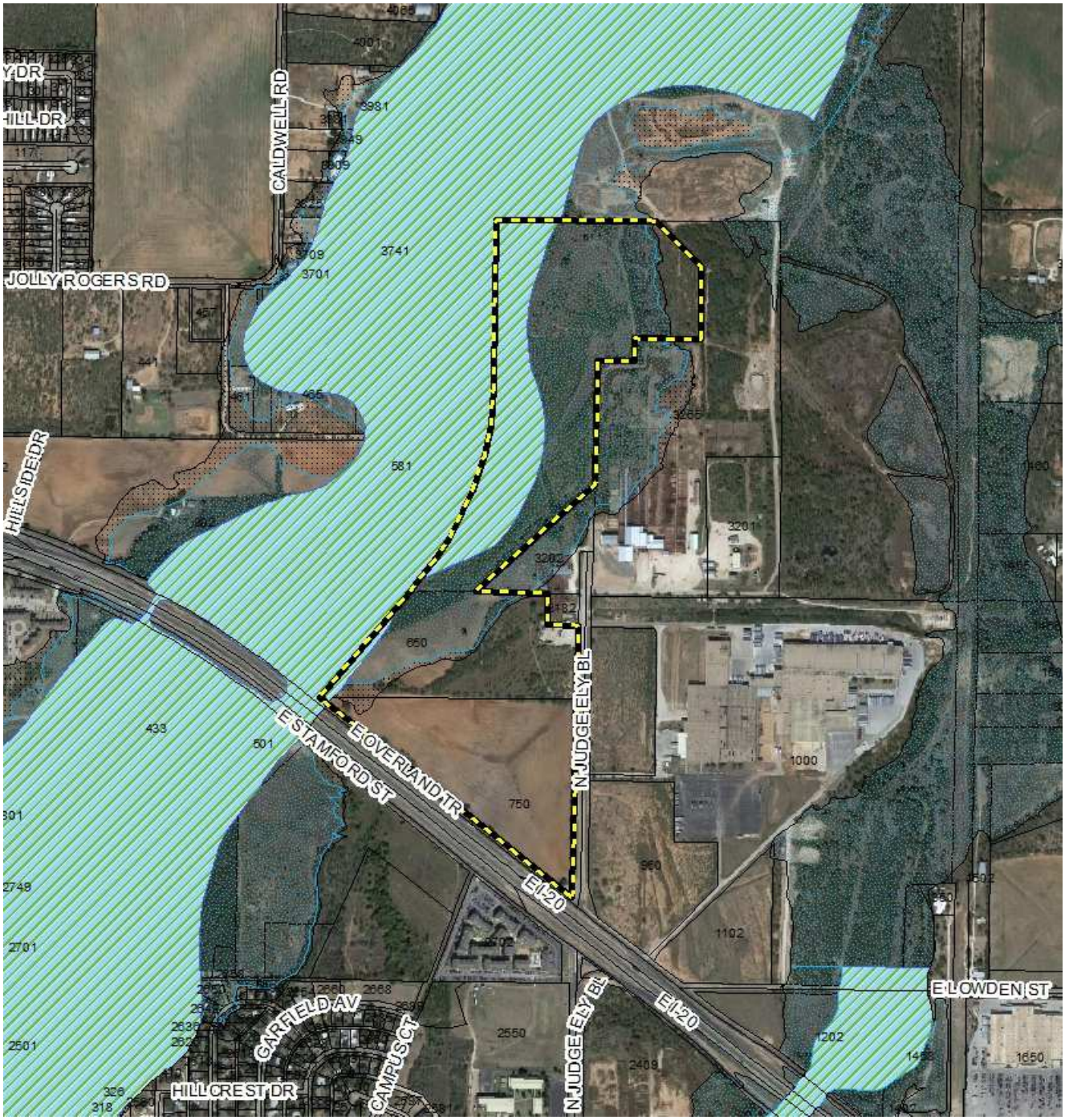
0 Opposed- **N**




AO
MH
CALDWELL RD
JOLLY ROGERS RD
AO
AO
MH
AO
GC
HILLSIDE DR
GC
HC
E I-20
E OVERLAND TR
E STAMFORD ST
N JUDGE ELY BL
PD
GC
PD
PD
MF
GR
E I-20
E LOWDEN ST
RS-6


TRAILWAY DR
PLEASANT HILL DR
TRAILEND DR
CALDWELL RD
JOLLY ROGERS RD
EASTVIEW DR
W OVERLAND TR
W I-20
W LAKE RD
HILLSIDE DR
KILLOUGH CV
ANSON AV
E STAMFORD ST
E OVERLAND TR
N JUDGE ELY BL
E I-20
RAINEY RD
OSAGE RD
HILLVIEW RD
E LOWDEN ST
GARFIELD AV
CAMPUS CT
HILLCREST DR
HWY 351

CALDWELL RD
OGERS RD
Area for GC Zoning
E I-20
E OVERLAND TR
E STAMFORD ST
N JUDGE ELY BL
E LOWDEN ST


CALDWELL RD
JOLLY ROGERS RD
HILLSIDE DR
E STAMFORD ST
E OVERLAND TR
N JUDGE ELY BL
E I-20
E LOWDEN ST
GARFIELD AV
CAMPUS CT
HILLCREST DR

City Council
Agenda Memo

City Council Meeting Date: 2/11/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Ordinance & Public Hearing:** ***(Final Reading)*** **Z-2016-02 A request from East Lake Five, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to MD (Medium Density Residential) zoning, located at 1826 Colony Hill Rd.** ***(Schoening)***

GENERAL INFORMATION

Currently the property is undeveloped. The surrounding area is developed with single-family homes. The property to the east is developing as the Southlake Estates subdivision. The property to the south is undeveloped but does have land sufficient for farming activities. The applicant is proposing 'Medium Density Residential' zoning for this property which would allow for multi-family dwellings such as duplexes, triplexes, and quadplexes. The zoning would not allow for an apartment complex.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. Both Maple St and Colony Hill Rd are designated as 'arterial' roadways. The area is primarily single-family residential homes to the north, west & east. However, as the area develops it is anticipated that retail and office development will occur at the intersection of Maple St & Colony Hill Rd. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties. The MD zoning would provide a transition to less intense zoning to the north and east.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval as requested by a vote of 4 in favor (Bixby, Dunnahoo, Rosenbaum, & McClarty) to 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 January, 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 18th day of December, 2015, 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 February, 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 February, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

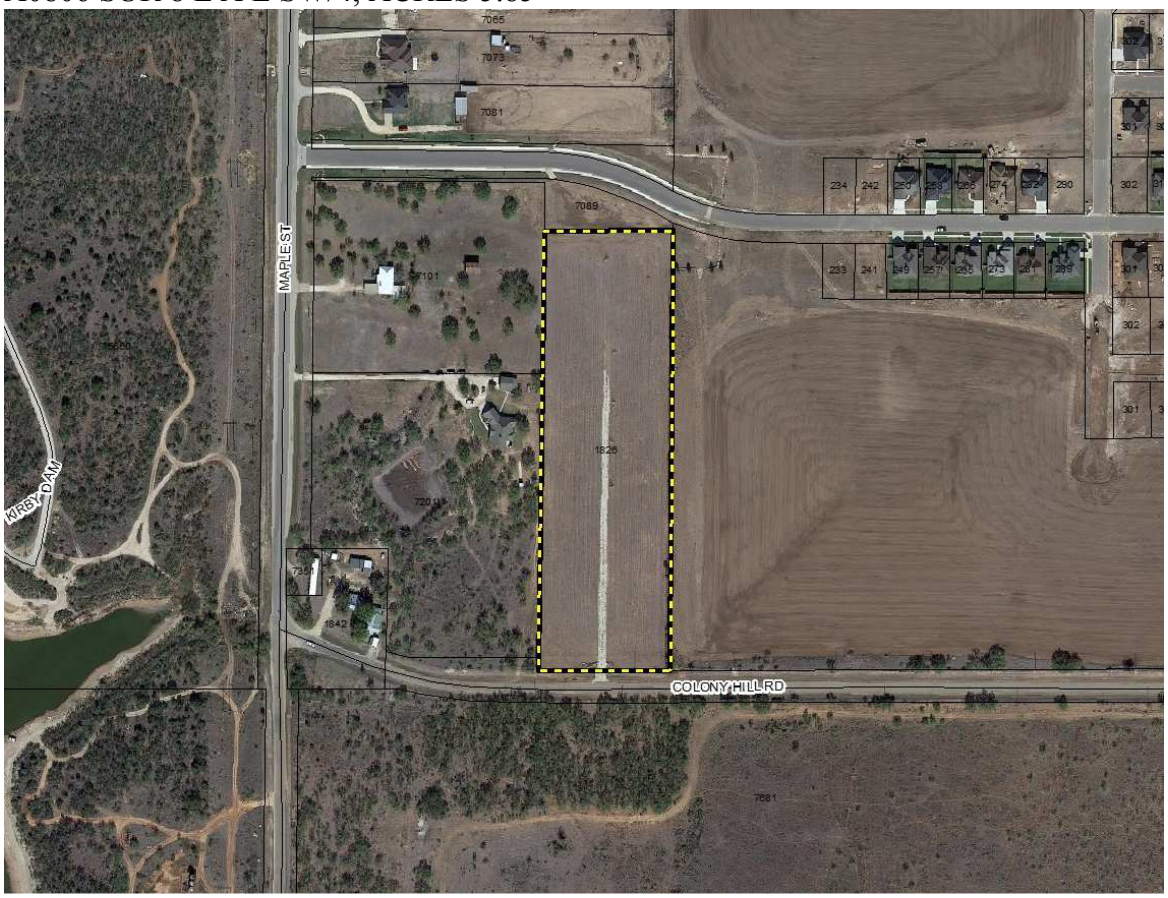
ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to MD (Medium Density Residential) zoning.

Legal Description:

A0806 SUR 8 L A L SW/4, ACRES 5.85



Location:
1826 Colony Hill Rd

-END-

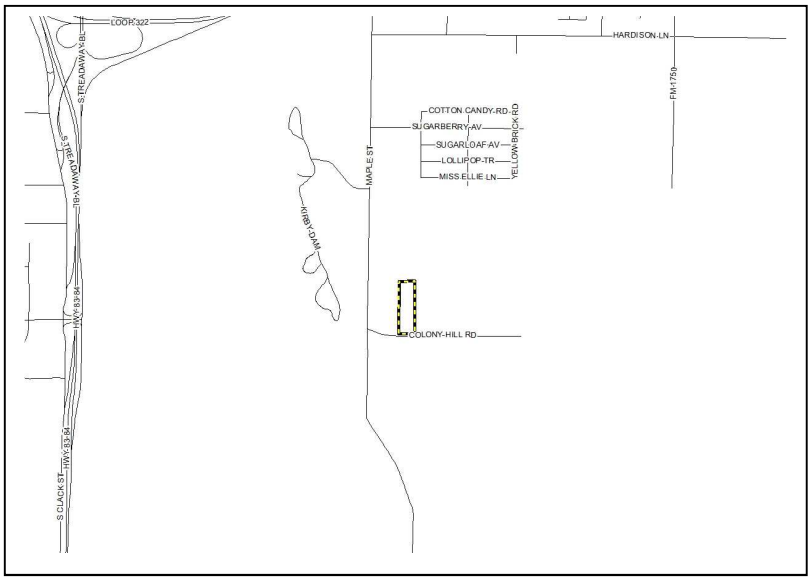
ZONING CASE Z-2016-02
STAFF REPORT

APPLICANT INFORMATION:
East Lake Five, LLC
Agent: Tal Fillingim

HEARING DATES:
P & Z Commission: January 4, 2016
City Council 1st Reading: January 28, 2016
City Council 2nd Reading: February 11, 2016

LOCATION:
1826 Colony Hill Rd

REQUESTED ACTION:
Rezone property from AO (Agricultural Open Space) to MD (Medium Density Residential) zoning



SITE CHARACTERISTICS:
The subject parcel totals approximately 5.85 acres and is currently zoned AO. It is currently undeveloped. The adjacent properties are zoned AO to the south & west and RS-6 (Single-Family Residential) to the north & east.

ZONING HISTORY:
The property was annexed in 2009 and was given the AO zoning at that time.

ANALYSIS:
- <u>Current Planning Analysis</u>
  Currently the property is undeveloped. The surrounding area is developed with single-family homes. The property to the east is developing as the Southlake Estates subdivision. The property to the south is undeveloped but does have land sufficient for farming activities. The applicant is proposing 'Medium Density Residential' zoning for this property which would allow for multi-family dwellings such as duplexes, triplexes, and quadplexes. The zoning would not allow for an apartment complex.

- <u>Comprehensive Planning Analysis</u>
  The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. Both Maple St and Colony Hill Rd are designated as 'arterial' roadways. The area is primarily single-family residential homes to the north, west & east. However, as the area develops it is anticipated that retail and office development will occur at the intersection of Maple St & Colony Hill Rd. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties. The MD zoning would provide a transition to less intense zoning to the north and east.

PLANNING STAFF RECOMMENDATION:
Staff recommends approval as requested.

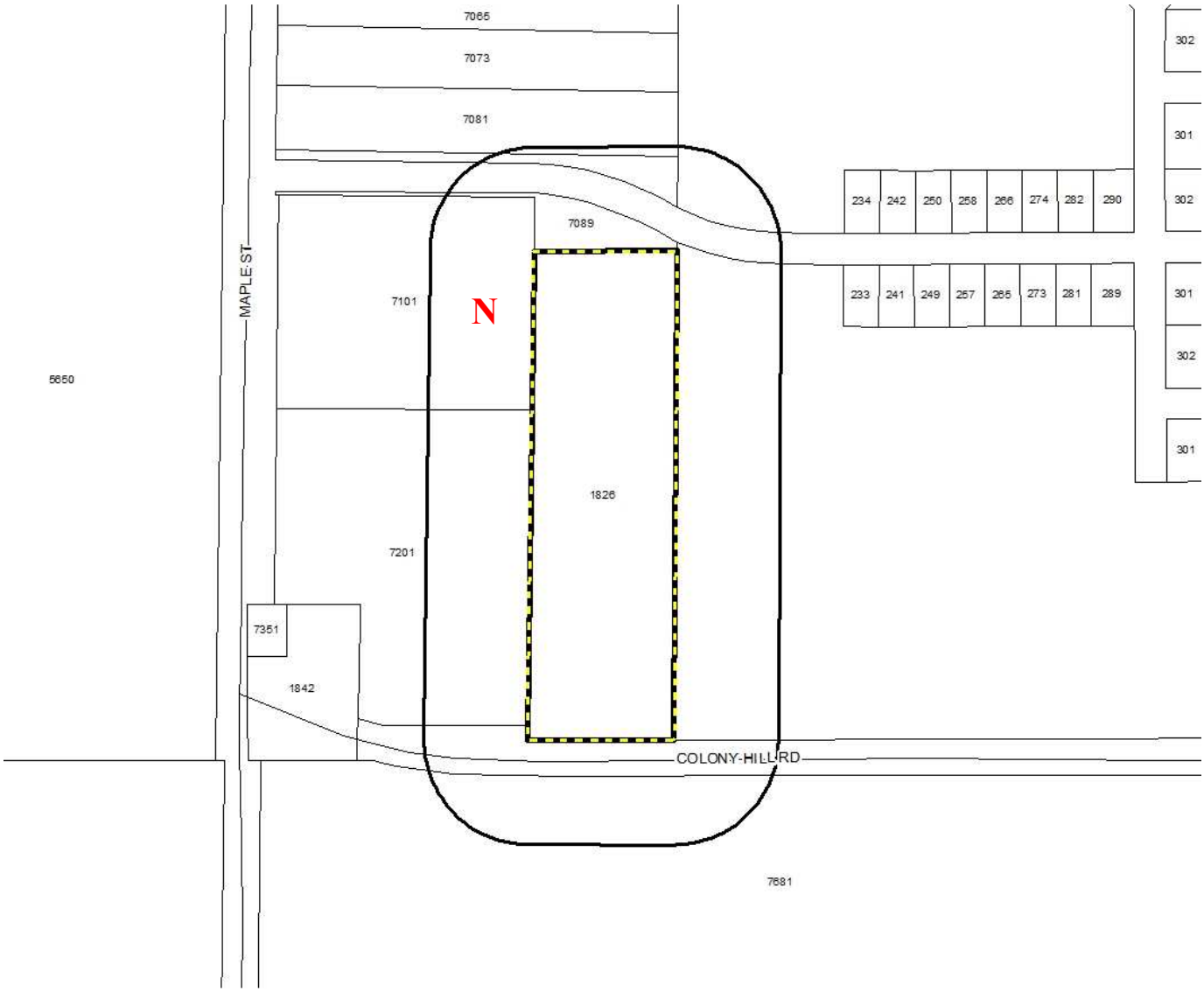
PLANNING AND ZONING COMMISSION RECOMMENDATION:
The Planning and Zoning Commission recommended approval as requested by a vote of 4 in favor (Bixby, Dunnahoo, Rosenbaum, & McClarty) to none opposed.

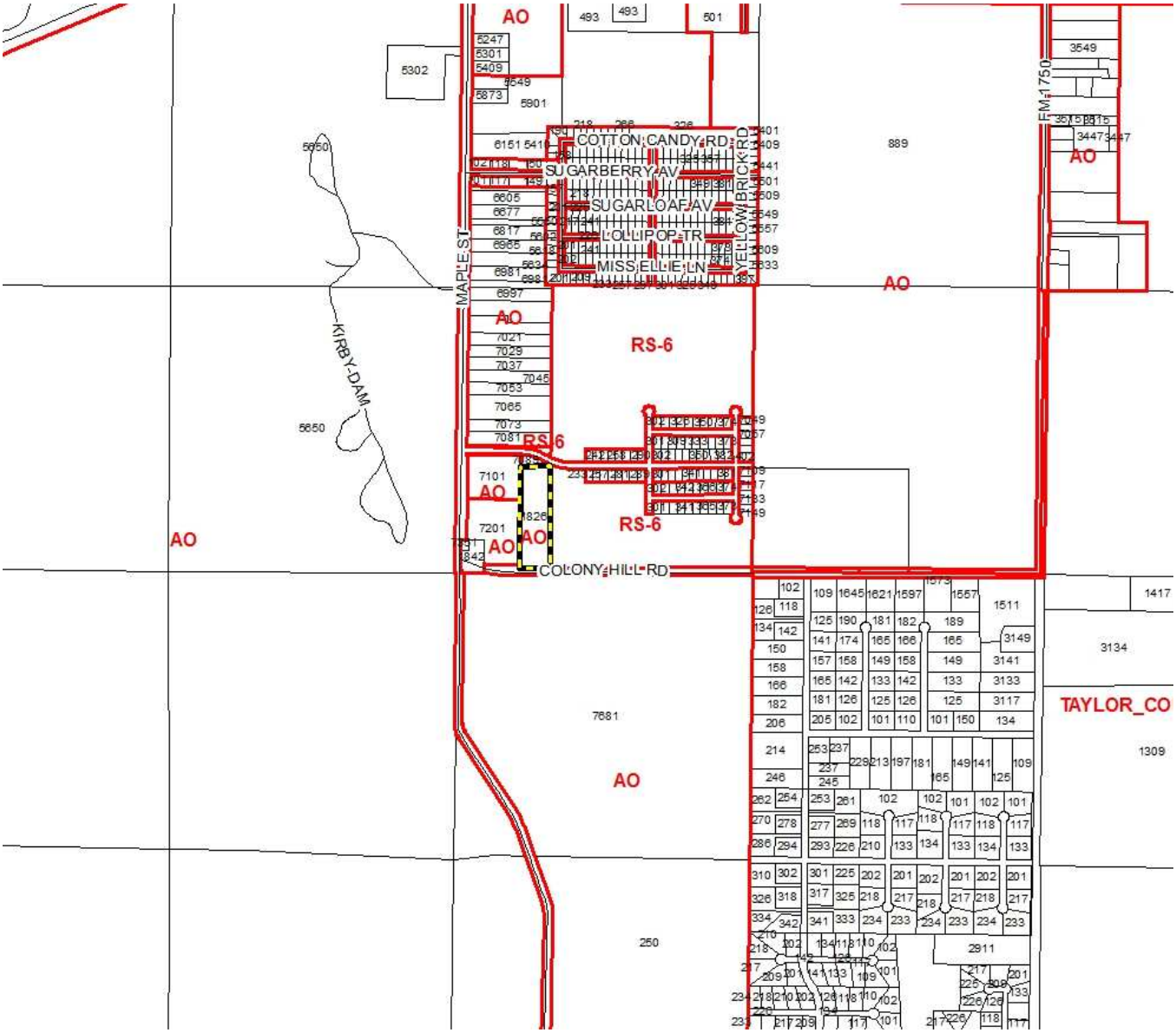
NOTIFICATION:
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
NEWQUIST DENNIS M & AMY A	7201 MAPLE ST	
WEEKS ROBERT W	7101 MAPLE ST	Opposed
MC LEOD PROPERTY DEV LLC		
MC LEOD PROPERTY DEV LLC	7089 MAPLE ST	
CALVIN MARSHALL A & STEPHANIE D	7081 MAPLE ST	
TALIAFERRO SCOTT JR & LEIGH	7681 MAPLE ST	
RIVAS JOSE	1826 COLONY HILL RD	
MC LEOD PROPERTY DEV LLC		
MC LEOD PROPERTY DEV LLC		

0 in Favor- **Y**

1 Opposed- **N**

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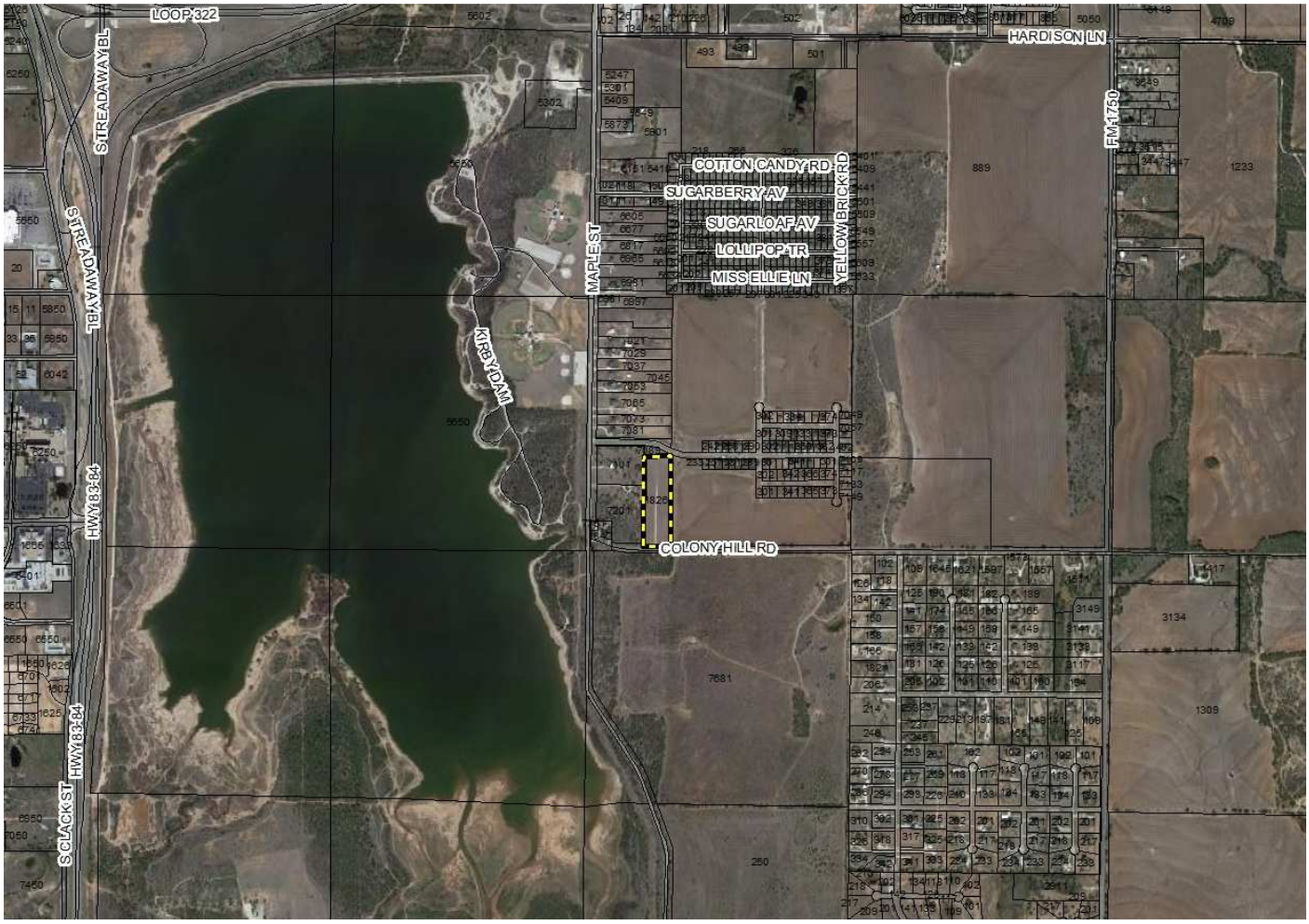
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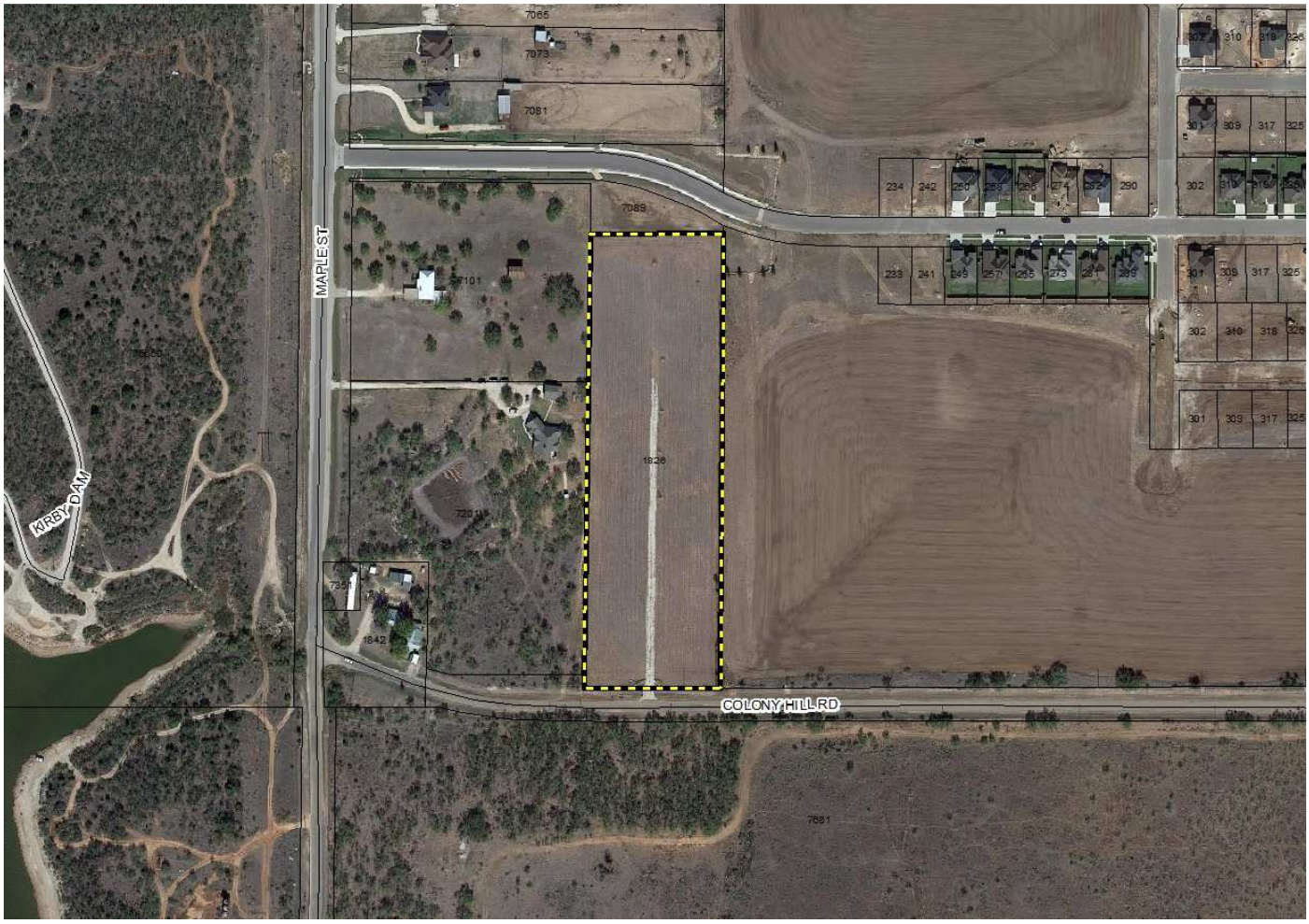
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City Council
Agenda Memo

City Council Meeting Date: 2/11/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Ordinance & Public Hearing:** ***(Final Reading)*** **Z-2016-03 A request from Christian Service Center of Abilene, Inc. to rezone property from MD (Medium Density Residential) to GR (General Retail) zoning, located at 3185 N. 10th St.** ***(Schoening)***

GENERAL INFORMATION

Currently the property is developed with a church. The surrounding area is developed with additional churches to the north & south, an undeveloped property to the west, and retail uses to the east along N. Mockingbird Ln. The YMCA on State St is located just to the southwest of this site. The applicant is proposing to convert the church into their main office and distribution center. The applicant provides food and clothing to those in the community who are in need.

The Future Land Use section of the Comprehensive Plan designates this general area as a 'local community center' centered on the intersection of N. Mockingbird Ln and N. 10th St. North 10th St is designated as an 'enhancement corridor' as well. The area is part of a larger mixed use area that includes retail, office, churches, and residential. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties. The zoning will allow the Christian Service Center to accommodate all existing services to include a small thrift store at this location.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval as requested by a vote of 4 in favor (Bixby, Dunnahoo, Rosenbaum, & McClarty) to 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 January, 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 18th day of December, 2015, 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 February, 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 February, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from MD (Medium Density Residential) to GR (General Retail) zoning.

Legal Description:

GREENLEA ADDN, BLOCK 3, LOT 1

Location:
3185 N. 10th St

-END-

ZONING CASE Z-2016-03
STAFF REPORT

APPLICANT INFORMATION:
Christian Service Center of Abilene, Inc.

HEARING DATES:
P & Z Commission: January 4, 2016
City Council 1st Reading: January 28, 2016
City Council 2nd Reading: February 11, 2016

LOCATION:
3185 N. 10th St

REQUESTED ACTION:
Rezone property from MD (Medium Density Residential) to GR (General Retail) zoning

SITE CHARACTERISTICS:
The subject parcel totals approximately 2.31 acres and is currently zoned MD. It is currently developed and used by a church. The adjacent properties are zoned MD to the north & south, GC (General Commercial) to the east, and GR to the west.

ZONING HISTORY:
The property was annexed in 1957 and was zoned MD some time after.

ANALYSIS:
- Current Planning Analysis
  Currently the property is developed with a church. The surrounding area is developed with additional churches to the north & south, an undeveloped property to the west, and retail uses to the east along N. Mockingbird Ln. The YMCA on State St is located just to the southwest of this site. The applicant is proposing to convert the church into their main office and distribution center. The applicant provides food and clothing to those in the community who are in need.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as a 'local community center' centered on the intersection of N. Mockingbird Ln and N. 10th St. North 10th St is designated as an 'enhancement corridor' as well. The area is part of a larger mixed use area that includes retail, office, churches, and residential. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties. The zoning will allow the Christian Service Center to accommodate all existing services to include a small thrift store at this location.

PLANNING STAFF RECOMMENDATION:
Staff recommends approval as requested.

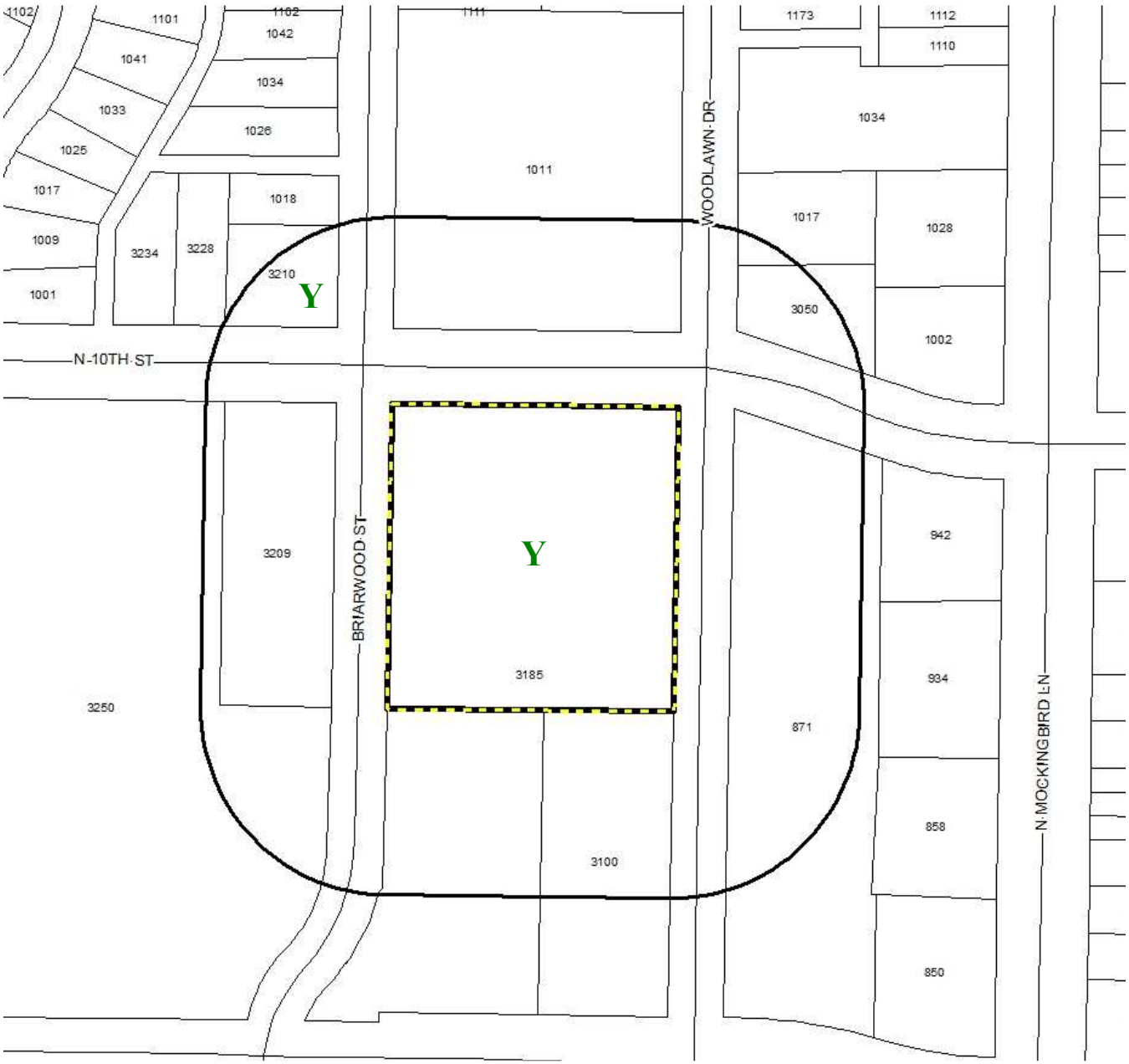
PLANNING AND ZONING COMMISSION RECOMMENDATION:
The Planning and Zoning Commission recommended approval as requested by a vote of 4 in favor (Bixby, Dunnahoo, Rosenbaum, & McClarty) to none opposed.

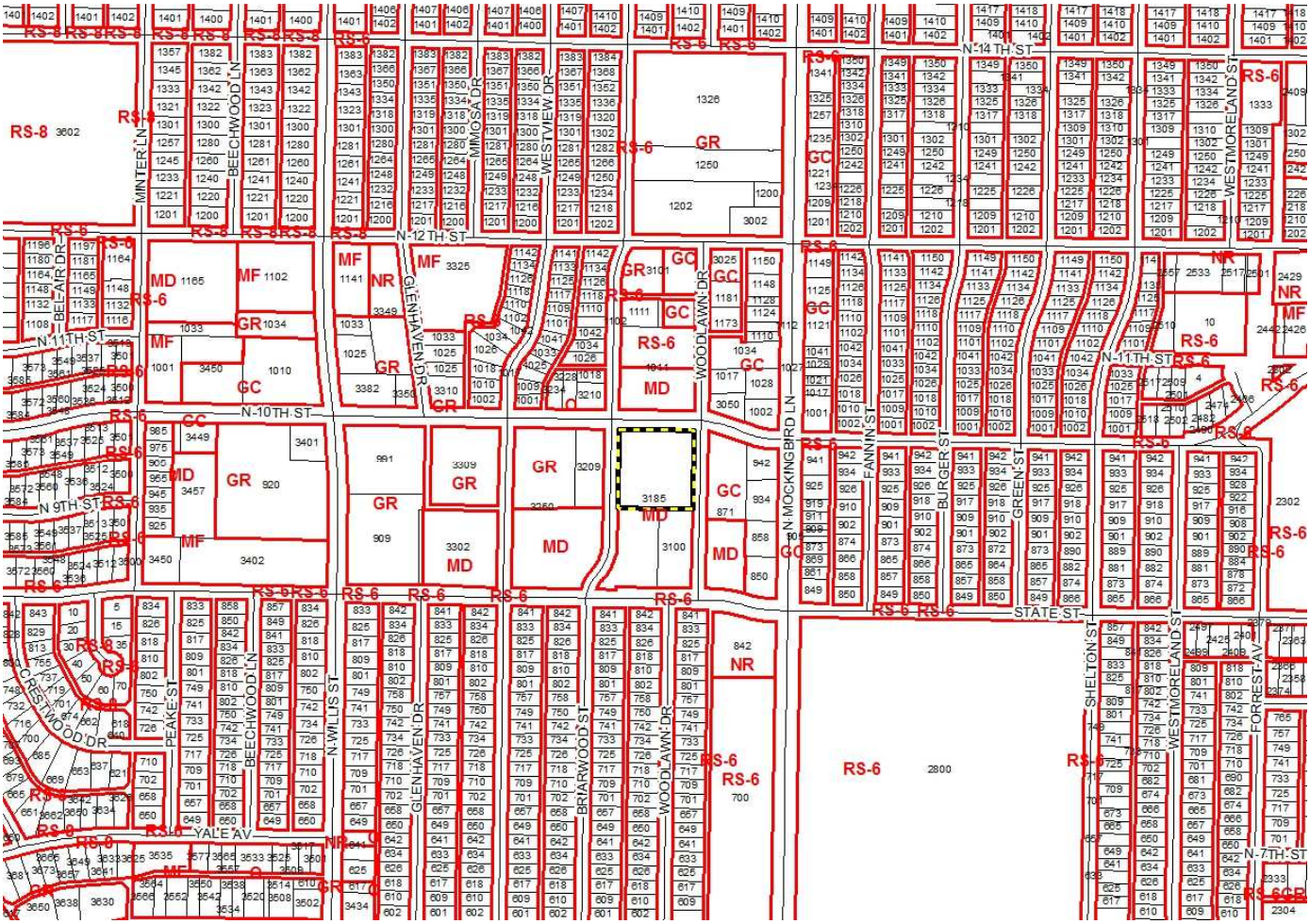
NOTIFICATION:
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
SANDERS RICK A & RISHA	3228 N 10TH ST	
CURRY JACK AND MARIE	3210 N 10TH ST	In Favor
CHRISTIAN SERVICE CENTER OF ABILENE INC	3185 N 10TH ST	In Favor
MC MILLAN MARK	1017 WOODLAWN DR	
HOLT BARBARA	3050 N 10TH ST	
TRINITY BAPTIST CHURCH	3100 STATE ST	
TRINITY BAPTIST CHURCH	871 WOODLAWN DR	
CURRY JACK AND MARIE	1018 BRIARWOOD ST	
GALILEE BAPTIST CHURCH	1011 BRIARWOOD ST	
YMCA	3250 STATE ST	
WOODLAWN CHURCH OF CHRIST	3209 N 10TH ST	

2 in Favor- **Y**

0 Opposed- **N**

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BEECHWOOD LN
WESTVIEW DR
MIMOSA DR
GLENHAVEN DR
WOODLAWN DR
N MOCKINGBIRD LN
FANNIN ST
BURGER ST
GREEN ST
WESTMORELAND ST
SHELTON ST
FORREST AV
PEAKE ST
N-WILLIS ST
BRIARWOOD ST
CRESTWOOD DR
RS-6
RS-8
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N 14TH ST
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MINTER LN
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City Council
Agenda Memo

City Council Meeting Date: 2/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Odis Dolton, Assistant Director of Finance**

SUBJECT: **Resolution: Authorizing the Texas Coalition for Affordable Power (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018; Authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing City Manager and the TCAP Executive Director to execute an Electric Supply Agreement for Deliveries of Electricity. *(Dolton)***

GENERAL INFORMATION

TCAP is a non-profit, political subdivision corporation, owned and controlled by its 171 political subdivision members, the vast majority of whom are cities. TCAP was formed in 2011 from the merger of Cities Aggregation Power Project ("CAPP") and South Texas Aggregation Project ("STAP"), both of which were created in 2001, shortly before retail deregulation became effective on January 1, 2002. TCAP is governed by a 15 member board of directors, all of whom must be city employees or elected city officials. Typically, board members have been mayors, city managers, assistant city managers, finance directors or city attorneys. Aggregated cities have historically been interested in flat, fixed-price, full-requirements contracts and price stability. The resolution under consideration maintains that goal for a five-year period at a price much lower than the current contract price. In 2002, CAPP and STAP were able to obtain prices for energy at 4 cents per kWh. Very quickly after retail deregulation was implemented, natural gas prices started to rise, and they continued on an upward trend until late 2008. In late 2008, CAPP cities were paying approximately 13.5 cents per kWh. Fear that natural gas price volatility would continue to result in high electricity rates, CAPP cities were excited to lock-in long term rates beginning in 2009 that were significantly lower than prices experienced in the 2007-2008 time frame. STAP cities experienced their highest rate in 2006 at slightly more than 9 cents per kWh. STAP cities saw prices drop to around 7.8 cents per kWh in 2008 and were happy to find a contract that would stabilize prices in the 7 to 8 cent range for an extended period. When CAPP and STAP members signed new contacts in late 2008, no one could have predicted that the economy was about to enter a multi-year recession and that fracking would bring a glut of natural gas to a market with reduced demand, putting natural gas and electricity prices into a downward trend. Fortunately, gas prices have continued to drop and now TCAP members have an opportunity to again capture rates in the range of, and hopefully below, 4 cents per kWh.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

As reflected in the fifth and eighth Whereas clauses, aggregated cities have historically been interested in flat, fixed-price, full-requirements contracts and price stability. The resolution under consideration maintains that goal for a five-year period at a price much lower than the current contract price. In 2002, CAPP and STAP were able to obtain prices for energy at 4 cents per kWh. Very quickly after retail deregulation was implemented, natural gas prices started to rise, and they continued on an upward trend until late 2008. In late 2008, CAPP cities were paying approximately 13.5 cents per kWh. Fear that natural gas price volatility would continue to result in high electricity rates, CAPP cities were excited to lock-in long term rates beginning in 2009 that were significantly lower than prices experienced in the 2007-2008 time frame. STAP cities experienced their highest rate in 2006 at slightly more than 9 cents per kWh. STAP cities saw prices drop to around 7.8 cents per kWh in 2008 and were happy to find a contract that would stabilize prices in the 7 to 8 cent range for an extended period. When CAPP and STAP members signed new contacts in late 2008, no one could have predicted that the economy was about to enter a multi-year recession and that fracking would bring a glut of natural gas to a market with reduced demand, putting natural gas and electricity prices into a downward trend. Fortunately, gas prices have continued to drop and now TCAP members have an opportunity to again capture rates in the range of, and hopefully below, 4 cents per kWh.

STAFF RECOMMENDATION

Staff recommends that Council approve the Resolution authorizing TCAP to negotiate an electric supply agreement for five years effective January 1, 2018.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution:	Cover Memo

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE TEXAS COALITION FOR AFFORDABLE POWER, INC. (TCAP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR FIVE YEARS FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018; AUTHORIZING TCAP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING CITY MANAGER AND THE TCAP EXECUTIVE DIRECTOR TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018 AND COMMITTING TO BUDGET FOR ENERGY PURCHASES IN 2018 THROUGH 2022 AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2018 THROUGH 2022 THROUGH TCAP

1. **WHEREAS,** the City of Abilene, Texas (City) is a member of Texas Coalition For Affordable Power, Inc. (TCAP), a non-profit, political subdivision corporation dedicated to securing electric power for its more than 170 members in the competitive retail market; and

2. **WHEREAS,** TCAP has unique rights under Texas law to negotiate directly in the wholesale market and arrange separate contracts for power supply and retail services which provides TCAP leverage to achieve contract provisions that single city negotiations with a Retail Electric Provider (REP) would be unlikely to produce; and

3. **WHEREAS,** TCAP's geographic diversity across all four ERCOT zones produces an aggregated peak load that is lower than the total of individual peak loads of the individual TCAP members, allowing price benefits in the wholesale market that are not likely to be available to any given TCAP member alone; and

4. **WHEREAS,** TCAP and its predecessor organizations, Cities Aggregation Power Project, Inc. (CAPP) and South Texas Aggregation Project, Inc. (STAP), negotiated favorable contract terms that resulted in rebates from the wholesale supplier and reasonable commodity prices for delivered electricity since 2002 resulting in stable budgets for electricity for members; and

5. **WHEREAS,** commodity prices for electricity experienced significant volatility between 2002 and 2009, with prices ranging from 4 cents to over 13 cents per kWh, causing CAPP and STAP members to welcome a five year contractual commitment that came close to cutting the 2008 prices in half, with that contract being extended until December 31, 2017, with a negotiated price reduction of about 1 cent per kWh; and

6. **WHEREAS,** TCAP has become a forceful voice for consumer protections and market reform to benefit the public and well as cities and other political subdivisions; and

7. **WHEREAS,** TCAP is owned by its members and distributes monetary and other resources according to relative load size of members and is controlled by a 15 member Board of Directors, all of whom must be city employees of members who represent diversity in size and geography; and

8. **WHEREAS,** wholesale power prices within the deregulated Texas market are largely determined by the NYMEX gas futures prices for natural gas which are currently low and relatively stable, but which change daily; and

9. **WHEREAS,** daily price changes require retail customers to execute a contract immediately upon receipt of a favorable offer; and

10. **WHEREAS**, pursuant to Texas Local Government Code Section 252.022(a)(15) expenditures for electricity are exempt from competitive bidding requirements; and

11. **WHEREAS,** on any given day, TCAP is able to capture a favorable wholesale price for any period of time, comparable to or better than any given REP or broker; and

12. **WHEREAS**, TCAP intends to continue to contract with its current wholesale supplier, NextEra, because the relationship with NextEra is such that NextEra is willing, after it knows the size of a given load, to execute a contract at or below prescribed price and terms; and

13. **WHEREAS,** the City desires to execute a contract for electricity for the period beyond the expiration of its current contract on December 31, 2017, that locks-in favorable wholesale prices under one of three different supply options:

Option 1 - fixed-price, full-requirements at a price not to exceed 4.1 cents per kWh for the North and West zones or 4.25 cents per kWh for the South and Houston zones;

Option 2 - fixed price for on-peak hours and variable spot market prices for off-peak hours;

Option 3 - block energy at a fixed price to cover the base load hours, a fixed price for solar energy to cover mid-day peak hours (approximately 10% of total load) and variable spot market prices for all remaining consumption; and

14. **WHEREAS,** TCAP will allow members six weeks from receipt of this resolution to consider whether to participate in this second opportunity to contract for post-2017 electrical supply, and thereafter allow NextEra until June 30, 2016 to contact for power for five years at a price not to exceed 4.1 cents per kWh in the North and West zones and a price not to exceed 4.25 cents per kWh in the South and Houston zones for Option 1 , so long as the aggregated load for any of the three supply options reaches at least 50 megawatts; and

15. **WHEREAS**, wholesale suppliers demand assurance that TCAP will pay for all contracted load; and

16. **WHEREAS**, the City needs to assure TCAP that it will sign a Commercial Electric Supply Agreement (CESA) reflecting the contract extension and budget for energy purchases for the post-2017 period and honor its commitment to purchase power for its electrical needs for 2018 through 2022 through TCAP,

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

Part 1:
That the TCAP Board of Directors and its consultants and advisors are agents authorized to negotiate for the City's electricity needs as a member of TCAP for the period 2018 through 2022 at a price not to exceed 4.1 cents per kWh for the North and West zones and a price not to exceed 4.25 cents per kWh in the Houston and South zones for supply Option 1;

Part 2:
The City prefers to participate in supply Option 1 with the following understanding: a) while supply Option 1 is a full-requirements, fixed-price option, Options 2 (fixed price on-peak, variable spot prices for off-peak usage) and 3 (fixed price for base load, fixed price for a portion of peak load, and variable spot market for remainder) have variable price components and savings over Option 1 cannot be guaranteed, and b) if there is insufficient desire among members to achieve a 50 MW threshold for either Option 2 or 3, the member selecting the inadequately subscribed option will be placed in the Option 1 category. If no option is selected, TCAP will assume that a passed Resolution approves of Option 1.

Part 3:
Assuming this resolution is passed before February 25, 2016 and the combined load of TCAP members passing this resolution exceeds 50 megawatts for the preferred Option and NextEra is able to provide TCAP an opportunity prior to June 30, 2016 to contract for power to be delivered to members at a price not to exceed 4.1 cents per kWh for the North and West zones and not to exceed 4.25 cents per kWh in the Houston and South zones for supply Option 1 for the period January 1, 2018 through December 31, 2022, any one of the following individuals is hereby authorized to sign an electric supply agreement for the City within 24 hours of receipt of a contract that has been approved and recommended by the TCAP Board of Directors: Robert Hanna, the City Manager or an Assistant City Manager or the TCAP Executive Director, Jay Doegey.

Part 4:
That the City will commit to purchase power to meet all of its electricity needs eligible for competition pursuant to the TCAP approved supply agreement and approve funds necessary to pay electricity costs proportionate to the City's load under the supply agreement (whether wholesale or retail) arranged by TCAP and signed by TCAP's Executive Director or President or other TCAP representatives authorized by the TCAP Board.

Part 5:
That a copy of this resolution shall be sent to Jay Doegey, Executive Director, TCAP, 15455 Dallas Parkway, Suite 600, Addison, Texas 75001 and Geoffrey M. Gay, legal counsel to TCAP at 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED this _____ day of _____, 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

3137/10/4975879

City Council
Agenda Memo

City Council Meeting Date: 2/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Danette Dunlap, City Secretary**

SUBJECT: **Resolution: Appointing members to various Boards and Commissions per City Charter *(Dunlap)***

GENERAL INFORMATION

Appoint James Childers to replace David Vela as the City Representative voting member to the Frontier Texas! Board.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution	Cover Memo
Exhibit A	Cover Memo

RESOLUTION NO._____

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

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

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

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

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

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

PASSED this 11th day of February, A.D. 2016.

ATTEST:

_____
Danette Dunlap, TRMC
City Secretary

_____
Norm Archibald
Mayor

APPROVED:

_____
Stanley Smith
Interim City Attorney

RESOLUTION NO. _____

EXHIBIT "A"

Frontier Texas! board

Member

- James Childers (City of Abilene Representative) Term: February 2019