

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 25, 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. Mayor Norm Archibald
- 3. PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG
- 4. PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUCEMENTS
- 5. MINUTES
 - 1. Approval of the minutes from the Special Called Meeting February 5th 2016 and the Regular Called Meeting for February 11th 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**: Authorizing the City Manager to apply for the Defense Economic Adjustment Assistance Grant Application for Expansion of Visitor Control Center at Dyess Air Force Base. *(Childers)*
- 2. Ordinance: (First Reading) Z-2016-04 A request from Abilene Auto Glass & Willie Rich Lawson, agents Jeff & Shawna Abernathy, to rezone property from HI (Heavy Industrial) & RS-8 (Single-Family Residential) to GR (General Retail) zoning, located at 2801 S. Treadaway Blvd & 2802 Palm St; and setting a public

- hearing for March 10, 2016. (Schoening)
- 3. Ordinance: (First Reading) Z-2016-05 A request from Texas Methodist Foundation, agent Tom Niblo, to rezone property from AO (Agricultural Open Space) & MF (Multi-Family Residential) to GR (General Retail) zoning, being approximately 19.32 acres located at the southwest corner of Antilley Rd & Memorial Dr; and setting a public hearing for March 10, 2016. (Schoening)
- 4. Ordinance: (First Reading) Z-2016-06 A request from Rick Weatherl, agent EHT, to rezone property from LI (Light Industrial) to CB (Central Business) zoning, located at 858 (850) N. 1st St; and setting a public hearing for March 10, 2016. (Schoening)
- 5. Ordinance: (First Reading) Z-2016-07 A request from Joshua Boynton, agent C.J. Chaney Coldwell Banker Realtor, to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 1701 N. Treadaway Blvd; and setting a public hearing for March 10, 2016. (Schoening)

7. REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

- 1. **Ordinance & Public Hearing:** (Final Reading) Transportation Network Companies; (Patterson)
- 2. **Presentation and Discussion** on a Subscription Based, Single Stream, Automated, Residential Curbside Recycling Program. (*Rice*)
- 3. **Resolution:** Authorizing the City Manager to enter into an agreement with W.B. Kibler Construction CO., LTD. to provide construction manager at-risk services for the new aquatics center. *(Andrews)*
- 4. **Resolution:** Bid Award #CB-1632 Judge Ely Blvd. Rehabilitation Project. (*Rice*)
- 5. **Resolution:** Authorizing the City Manager to execute an agreement with Vortex USA Inc. through the City's Buy Board contract for the construction of two splash pads. *(Andrews)*
- 6. Ordinance & Public Hearing: (Final Reading) To bring City code into compliance with FEMA regulations by adding a definition of Base Flood Elevation (BFE). (Rice)
- 7. **Presentation and Discussion:** Regarding the Civic Center food catering fee. *(Andrews)*
- 8. **Resolution:** Authorizing the purchase of ammunition exceeding \$50,000 for the Police Department. *(Standridge)*
- 9. **Resolution:** Authorizing the Police Department to purchase uniforms and related items from Galls, LLC (*Standridge*)
- 10. **Resolution:** Authorizing a \$24,800 City match to a State grant of \$99,200 for the purchase of body cameras for the Police Department. (Standridge)

8. EXECUTIVE SESSION

The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed 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:** Appointing/Reappointing members to the Various Boards and Commissions.

Landmarks Commission - reappointment of Rick Weatherl

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

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. Gary Lee and Marilu Lee Corpian v. City of Abilene, Cause No. 48,766-A in the 42nd District Court 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, Abilene Health Facilities Development Corp.

Inc. Board of Building Standards

Abilene Higher Education Facilities Board of Adjustments Corporation Civic Abilene, Inc.

Abilene-Taylor County Events Venue District Development Corporation of Abilene, Inc.

Civil Service Commission Friends of Safety City Board Abilene Housing Authority

Library Board

Frontier Texas!
Board of Directors Landmarks Commission
Local Redevelopment Authority

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



City Council Agenda Memo

City Council Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

FROM: James W. Childers, Assistant City Manager

Resolution: Authorizing the City Manager to apply for the Defense Economic

SUBJECT: Adjustment Assistance Grant Application for Expansion of Visitor Control Center at

Dyess Air Force Base. (Childers)

GENERAL INFORMATION

Dyess Air Force Base is a crucial component of our nation's defense, hosting B-1B bombers and C-130J airlift aircraft, and capable of projecting combat power around the world on short notice. As the region's largest single employer, with an estimated economic impact of over \$430 million per year to the local area, it is also an integral part of the Abilene economy, as well as that of the entire state of Texas. Protecting the base and its resources begins with controlling access. The Visitor Control Center (VCC) security operations at the Arnold Gate ensure good order and discipline, provide effective crime-prevention and anti-terrorism measures, and are a prerequisite to effectively accomplish the mission.

This project seeks funds from the Defense Economic Adjustment Assistance Grant to expand the existing VCC facility and parking, and upgrade required communications infrastructure. The current configuration and size of the VCC significantly restricts the number of base visitors who can be accommodated at any one time. The proposed improvements will create a location for the detention and apprehension of individuals attempting unauthorized access to the installation (i.e., individuals who have current wants/warrants, who are illegal aliens to the U.S., or who have been barred from any DoD facility). This detention hold area, away from and out of sight of the customer service area, will provide an additional safeguard for responding law enforcement personnel.

The added work space will also allow security personnel to implement function-specific lines (background checks, passes, badges) to create a faster, more efficient visitor registration process. Additionally, increasing the number of dedicated fiber optic lines for database queries will reduce customer wait time by more than 50 percent, which will allow VCC operators to more reliably verify identity, vet, and issue passes for individuals requiring access to the installation.

Improving the VCC facilities at the Arnold Gate will clearly improve the military value of the installation, as demonstrated by the fact the Air Force has planned and fully designed this project, and it is only waiting on funding. This is an opportunity for the City of Abilene to partner with the State of Texas to make a positive difference for the Air Force and the men and women of Dyess AFB.

SPECIAL CONSIDERATIONS

The Development Corporation of Abilene has committed \$200,000.00 of funding towards this project. The Air

Force has committed \$140,229.20 towards the design and construction inspection for this project.

FUNDING/FISCAL IMPACT

The funding for this project will come from FY 17 funds in the amount of \$2,127,613.38 and is 100% reimbursable for a net budgetary impact of \$0.

STAFF RECOMMENDATION

Approve resolution of support for the application for Defense Economic Adjustment Assistance Grant.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description Type

Resolution Resolution Letter

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS IN SUPPORT OF THE CITY OF ABILENE'S APPLICATION FOR THE DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT PROGRAM (DEAAG) IN ORDER TO ENHANCE THE VALUE OF DYESS AIR FORCE BASE AS A WHOLE WITHIN THE DEPARTMENT OF DEFENSE.

WHEREAS, Dyess Air Force Base is home to the 7th Bomb Wing and 317th Airlift Group, hosting B-1B bombers and C-130J airlift aircraft which are crucial to our nation's defense; and

WHEREAS, Dyess Air Force Base is the Abilene region's largest employer, with an estimated economic impact of over \$430 million dollars per year to the local area; and

WHEREAS, it is vital to the Abilene community to actively seek opportunities to promote and enhance the success and sustainability of Dyess Air Force Base; and

WHEREAS, the Defense Economic Adjustment Assistance Grant will provide funding for improvements to the Visitor Control Center (VCC) at the Arnold Gate of Dyess Air Force Base; and

WHEREAS, such improvements are anticipated to cost \$2.4 million, and the City of Abilene's portion through grant funding will be \$2,127,613.38; and

WHEREAS, these improvements will enhance security operations at the Arnold Gate as well as provide benefit to base visitors.

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

- Part 1. The City Council strongly supports the City of Abilene's application for the Defense Economic Adjustment Assistance Grant Program.
- Part 2. The City Manager is authorized to apply for the Defense Economic Adjustment Assistance Grant Program on the City's behalf for the benefit of Dyess Air Force Base and the residents of Abilene.
- Part 3. In the event the grant is awarded, the City of Abilene intends to appropriate sufficient funds to execute the project.
 - Part 4. That this resolution shall take effect immediately upon passage.

Adopted this 25 th day of February, 2016	5.
ATTEST:	
Danette Dunlap, City Secretary	Norm Archibald, Mayor
	APPROVED:
	City Attorney



City Council Agenda Memo

City Council Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

FROM: Dana Schoening, Director Planning & Development Services

Ordinance: (First Reading) Z-2016-04 A request from Abilene Auto Glass & Willie Rich

Lawson, agents Jeff & Shawna Abernathy, to rezone property from HI (Heavy

SUBJECT: Industrial) & RS-8 (Single-Family Residential) to GR (General Retail) zoning, located at

2801 S. Treadaway Blvd & 2802 Palm St; and setting a public hearing for March 10,

2016. (Schoening)

GENERAL INFORMATION

Currently the property is developed and undergoing a complete remodel. It is the previous location of RAM Printing. The adjacent properties to the south are developed with businesses that utilize outdoor storage areas. The Hendrick Home for Children is located across S. Treadaway Blvd to the northwest. The Mrs. Baird's Factory exists nearby to the northeast. A single-family residential area exists to the east. The applicant is proposing to use the newly remodeled building for an office use. In their review of the need for an adequate parking area, the applicant determined that the area behind the adjacent home would accommodate their need for additional parking. Thus the request to rezone both properties. Single-family residential uses are permitted in the GR zoning.

The Future Land Use section of the Comprehensive Plan designates this general area as a mix of industrial and residential. Both S. Treadaway Blvd & S. 27th St are designated as 'arterial' roadways and 'enhancement corridors'. The property along S. Treadaway Blvd is part of an existing industrial area. The eastern property is part of a single-family residential development. As the area continues to redevelop, it is anticipated that retail, office, and commercial development will occur. The intersection of the 2 arterial streets creates a node that lends itself more to office & retail uses than industrial uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of 5 in favor (Calk, Dunnahoo, Ellinger, Rosenbaum, & Famble), none opposed, and 1 abstained (McClarty).

ATTACHMENTS:

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

ORDINANCE NO.	

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, 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 25th day of February, A.D. 2016.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of January, 2016, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 10th day of March, 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 10th day of March, A.D. 2016.

ATTEST:		
CITY SECRETARY	MAYOR	
	APPROVED:	
	CITY ATTORNEY	

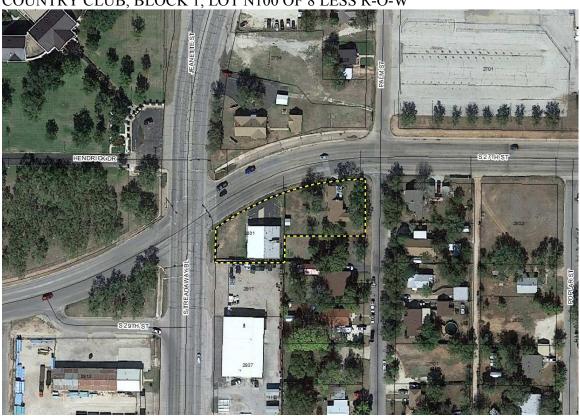
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EXHIBIT "A"

Rezone property from HI (Heavy Industrial) & RS-8 (Single-Family Residential) to GR (General Retail) zoning.

Legal Description:

COUNTRY CLUB, BLOCK 1, LOT S/PT OF 1 COUNTRY CLUB, BLOCK 1, LOT N100 OF 8 LESS R-O-W



Location:

2801 S. Treadaway Blvd & 2802 Palm St

ZONING CASE Z-2016-04 STAFF REPORT



APPLICANT INFORMATION:

Abilene Auto Glass & Willie Rich Lawson Agents: Jeff & Shawna Abernathy

HEARING DATES:

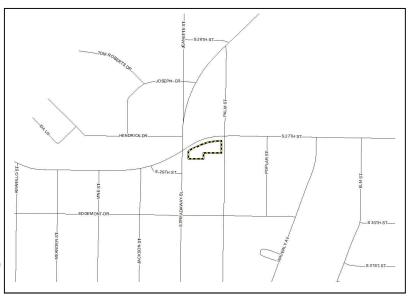
P & Z Commission: February 1, 2016 City Council 1st Reading: February 25, 2016 City Council 2nd Reading: March 10, 2016

LOCATION:

2801 S. Treadaway Blvd & 2802 Palm St

REQUESTED ACTION:

Rezone property from from HI (Heavy Industrial) & RS-8 (Single-Family Residential) to GR (General Retail) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.57 acres and is currently zoned HI & RS-8. It is currently developed and undergoing a complete remodel. The adjacent properties are zoned HI to the north & south, RS-8 to the south & east, and PD (Planned Development) to the west.

ZONING HISTORY:

The property was annexed in 1951 and was zoned HI & RS-8 some time after.

ANALYSIS:

Current Planning Analysis

Currently the property is developed and undergoing a complete remodel. It is the previous location of RAM Printing. The adjacent properties to the south are developed with businesses that utilize outdoor storage areas. The Hendrick Home for Children is located across S. Treadaway Blvd to the northwest. The Mrs. Baird's Factory exists nearby to the northeast. A single-family residential area exists to the east. The applicant is proposing to use the newly remodeled building for an office use. In their review of the need for an adequate parking area, the applicant determined that the area behind the adjacent home would accommodate their need for additional parking. Thus the request to rezone both properties. Single-family residential uses are permitted in the GR zoning.

Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as a mix of industrial and residential. Both S. Treadaway Blvd & S. 27th St are designated as 'arterial' roadways and 'enhancement corridors'. The property along S. Treadaway Blvd is part of an existing industrial area. The eastern property is part of a single-family residential development. As the area continues to redevelop, it is anticipated that retail, office, and commercial development will occur. The intersection of the 2 arterial streets creates a node

Case # Z-2016-04

Updated: February 12, 2016

that lends itself more office & retail uses than industrial uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval as requested by a vote of 5 in favor (Calk, Dunnahoo, Ellinger, Rosenbaum, & Famble), none opposed, and 1 abstained (McClarty).

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
ESCOBEDO ALFREDO II & JACKIE	2825 PALM ST	
VALDEZ MANUEL	2902 PALM ST	
DAVIS TIMOTHY LLOYD	2818 PALM ST	Opposed
DOBY ELIZABETH DIANE	2801 PALM ST	
DUSEK BOBBY E & SHARLA D	2821 PALM ST	
FLORES JOSHUA & MICHELLE	2826 PALM ST	Opposed
RICH WILLIE M	2802 PALM ST	In Favor
REINERT MANAGEMENT ABILENE LLC	2937 S TREADAWAY BL	
DAVIS ANNA RUMPH & ARTHUR M DAVIS	2809 PALM ST	
ABILENE AUTO GLASS INC & ABERNATHY JEFF	2801 S TREADAWAY BL	In Favor
REINERT MANAGEMENT ABILENE LLC	2912 S TREADAWAY BL	
BIMBO BAKERIES USA INC	2701 PALM ST	
REINERT MANAGEMENT ABILENE LLC	2917 S TREADAWAY BL	
HENDRICK HOME FOR CHILDREN	2758 JEANETTE ST	
B&B POLEBENDERS INC	2775 S TREADAWAY BL	
MC DANIEL JACK RUSSELL	2726 PALM ST	In Favor
CRETESCAPES INC	2734 S 27TH ST	

Case # Z-2016-04

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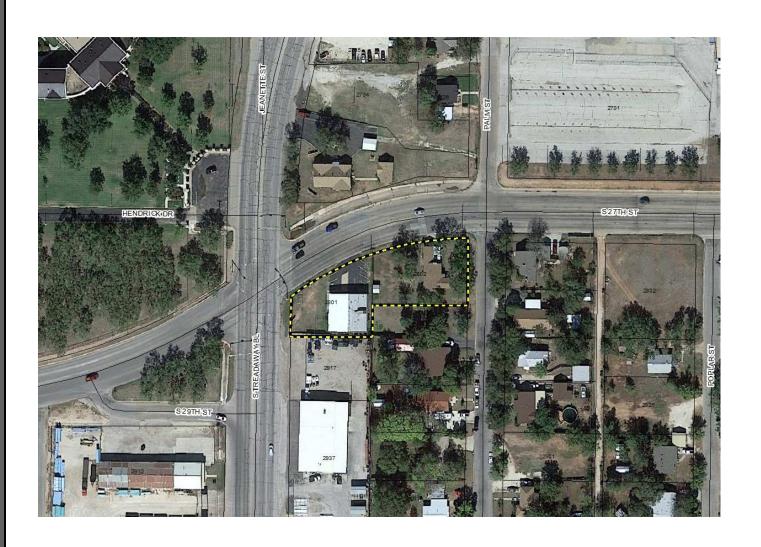
3 in Favor- Y
2 Opposed- N







Case # Z-2016-04 Updated: February 12, 2016



Case # Z-2016-04 Updated: February 12, 2016

Bryner, Ben

From:

Reports, Planning

Sent:

Monday, February 01, 2016 2:41 PM

To:

Bryner, Ben

Subject:

FW: Z-2016-04

Donna J. Boarts
Planning & Development Services
Administrative Secretary

<u>Donna.Boarts@abilenetx.com</u>
(325)676-6237 Office
(325)676-6242 Fax

From: michelle flores [mailto:julray74@hotmail.com]

Sent: Monday, February 1, 2016 12:32 PM

To: Reports, Planning Subject: Z-2016-04

Myself and several other residents of 2800 block of Palm St in Abilene, Tx 79602, oppose the rezoning of 2802 Palm St. Our neighborhood is full of families with children and we do not need or want extra traffic on our street. Our block is a nice neighborhood and we enjoy it being single family residential. We believe it is unfair that this can even be considered. Our property taxes can be influenced by this change as well as the value of our homes. We all oppose this from happening. We also no money can be very influential and the remodeling of 2801 South Treadway before this rezoning has even passed, proves it. Abilene auto glass was aware that there was very little parking on the property they purchased before remodeling the began. Almost every family has at least two children on our block that play outside like we were able to back when we were young. With more traffic there will be more risk of our children being in danger. There is property directly across from 2801 S. Treadway that has been for sale for a few years now that is already zoned and has plenty of land for what they needed. We believe it is unacceptable to change such a nice quiet neighborhood just for the convenience of a company that had plenty of real estate that is already zoned for retail available. We pray our voices are heard.

I, Michelle Gonzales, owner of 2826 Palm, will be at the final hearing and I have a written copy of this letter as well as many signatures of the residents on my block that oppose the rezoning of 2802 Palm St, Abilene, Tx 79602. Any questions, I can be reached at 325-514-8684.

Thank you!

Sent from my Verizon Wireless 4G LTE smartphone



SUBJECT:

City Council Agenda Memo

City Council Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

FROM: Dana Schoening, Director Planning & Development Services

Ordinance: (First Reading) Z-2016-05 A request from Texas Methodist Foundation, agent Tom Niblo, to rezone property from AO (Agricultural Open Space) & MF (Multi-Family Residential) to GR (General Retail) zoning, being approximately 19.32 acres

located at the southwest corner of Antilley Rd & Memorial Dr; and setting a public

hearing for March 10, 2016. (Schoening)

GENERAL INFORMATION

Currently the property is undeveloped. The Wesley Court retirement community is adjacent to the west. The Fairway Oaks subdivision exists to the north & northwest. Vacant property exists to the east across Memorial Dr. However, there are many non-residential uses to the east including Abilene Regional Medical Hospital, offices, hotels, restaurants, etc. The new Southridge Subdivision is located to the southeast of the property. The applicant is requesting the GR zoning to allow for the potential to include office & retail uses along with multi-family residential development. No specific use is proposed at this time.

The Future Land Use section of the Comprehensive Plan designates this general area as part of the 'Gateway/Mixed Use' & a 'Special Activity Center'. Antilley Rd is designated as an 'arterial' roadway. Memorial Dr is designated as a 'minor arterial' roadway. As the area continues to develop, it is anticipated that retail, office, and commercial development will occur. The intersection of the 2 arterial streets creates a node that lends itself to more office & retail uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

Texas Methodist Foundation is the current owner of the property requested for rezoning from AO & MF to GR. The owner of property where the Wesley Court Retirement Community is located is ER PROPCO WC, LLC. The previous owner had been Sears Methodist CTRS, INC. Texas Methodist Foundation, as represented by Agent Tom Niblo, requested GR zoning to potentially allow for general retail, as well as multiple family, for future development.

SPECIAL CONSIDERATIONS

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

Regarding this particular rezoning item, the ER PROPCO WC, LLC, owner of property where the Wesley Court Retirement Community is located, has opposed the rezoning. ER PROPCO WC, LLC property located within the 200' radius constitutes 44% of the land area within the radius area. The 200' radius area is the legally defined public notification area as provided for in Land Development Code and Texas State Statutes for rezoning applications. Therefore, because opposition is from 20% or more of land area in the public notification area, a super-majority vote of the City Council is required to approve an ordinance for this rezoning item.

For explanation on the 200' radius area constituting the public notification area, the radius begins at the property line of the property proposed for rezoning. The actual property area proposed for rezoning is not included as part of the public notification area. Only the 200' radius area constitutes the public notification area, therefore the portion of ER PROPCO WC, LLC property located within the 200' radius area constitutes over 20% of the total land area that defines the 200' radius area.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of 5 in favor (Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble), none opposed, and 1 abstained (Calk).

ATTACHMENTS:

	Description	Type
D	Ordinance Cover	Ordinance
D	Ordinance Exhibit	Ordinance
D	Staff Report With Maps	Backup Material
ם	ER PROPCO WC, LLC Property in 200' Radius Area	Cover Memo

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 25th day of February, A.D. 2016.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of January, 2016, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 10th day of March, 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 10th day of March, A.D. 2016.

ATTEST:		
CITY SECRETARY	MAYOR	
	APPROVED:	
	CITY ATTORNEY	

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EXHIBIT "A"

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

Legal Description:

A0830 SUR 12 L A L NW/4, TRACT 2 FASSHAUER, ACRES 13.24 A0832 SUR 12 L A L NE/4, TRACT 3 & 4 FASSHAUER, ACRES 4.10



Location:

Being approximately 19.32 acres located at the southwest corner of Antilley Rd & Memorial Dr

ZONING CASE Z-2016-05 STAFF REPORT



1

APPLICANT INFORMATION:

Texas Methodist Foundation

Agent: Tom Niblo

HEARING DATES:

P & Z Commission: February 1, 2016 City Council 1st Reading: February 25, 2016 City Council 2nd Reading: March 10, 2016

LOCATION:

Being approximately 19.32 acres located at the southwest corner of Antilley Rd & Memorial Dr

REOUESTED ACTION:

Rezone property from from AO (Agricultural Open Space) & MF (Multi-Family Residential) to GR (General Retail) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 19.32 acres and is currently zoned AO & MF. It is currently undeveloped. The adjacent properties are zoned PD (Planned Development) to the north, MD (Medium Density Residential) to the south & west, and PD & RS-8 (Single-Family Residential) to the east.

ZONING HISTORY:

The property was annexed in 1980 and was zoned AO at that time. The MF zoning was approved in 1981 (as RM-2).

ANALYSIS:

• Current Planning Analysis

Currently the property is undeveloped. The Wesley Court retirement community is adjacent to the west. The Fairway Oaks subdivision exists to the north & northwest. Vacant property exists to the east across Memorial Dr. However, there are many non-residential uses to the east including Abilene Regional Medical Hospital, offices, hotels, restaurants, etc. The new Southridge Subdivision is located to the southeast of the property. The applicant is requesting the GR zoning to allow for the potential to include office & retail uses along with multifamily residential development. No specific use is proposed at this time.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as part of the 'Gateway/Mixed Use' & a 'Special Activity Center'. Antilley Rd is designated as an 'arterial' roadway. Memorial Dr is designated as a 'minor arterial' roadway. As the area continues to develop, it is anticipated that retail, office, and commercial development will occur. The intersection of the 2 arterial streets creates a node that lends itself to more office

Case # Z-2016-05

Updated: February 12, 2016

& retail uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval as requested by a vote of 5 in favor (Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble), none opposed, and 1 abstained (Calk).

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
CITY OF ABILENE		
BURTON DWAIN C SR & ORNEITA G	23 CHERRY HILLS E	
COLLINS LERONIOUS & ANNETTE	55 HOYLAKE DR	
BOYLE JOHN D & KAREN D	25 CHERRY HILLS E	
CITY OF ABILENE		
AEI PROPERTIES LLC	2120 ANTILLEY RD	In Favor
CLARK BRANT & MARCELA	21 CHERRY HILLS E	
SEARS METHODIST CENTERS INC		
LEMOND GREGORY L & LISA D	46 HOYLAKE DR	
CIC INVESTMENTS INC	2342 ANTILLEY RD	In Favor
CENTRAL PARK 91 JV	2201 ANTILLEY RD	In Favor
SEARS METHODIST CENTERS INC		
SOUTH RIDGE DEVELOPMENT CO LLC		
SOUTH RIDGE DEVELOPMENT CO LLC	2210 SOUTH RIDGE CROSSING	
SOUTH RIDGE DEVELOPMENT CO LLC	2209 SOUTH RIDGE CROSSING	
ER PROPCO WC LLC	2617 ANTILLEY RD	Opposed
HUGHES DAVID B & LECIA D HUGHES	17 CHERRY HILLS E	
GARBER H WALLACE & KARLA G	19 CHERRY HILLS E	

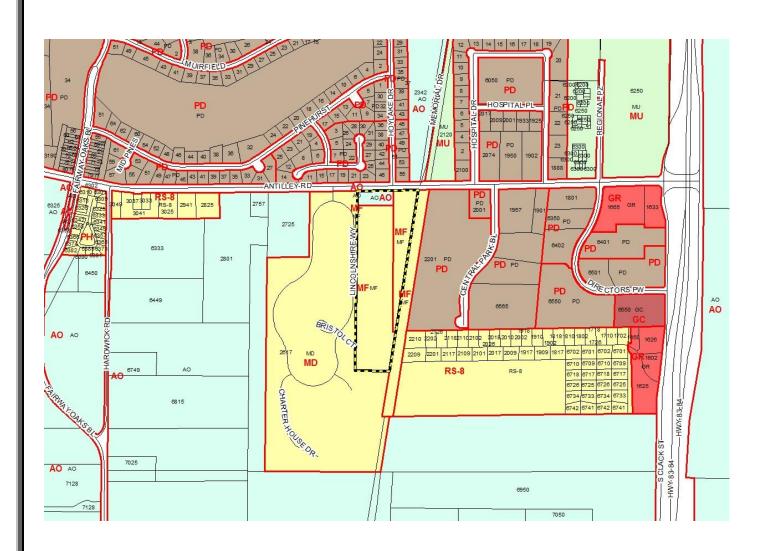
Case # Z-2016-05

2

3 in Favor- **Y**1 Opposed- **N**



Case # Z-2016-05 Updated: February 12, 2016

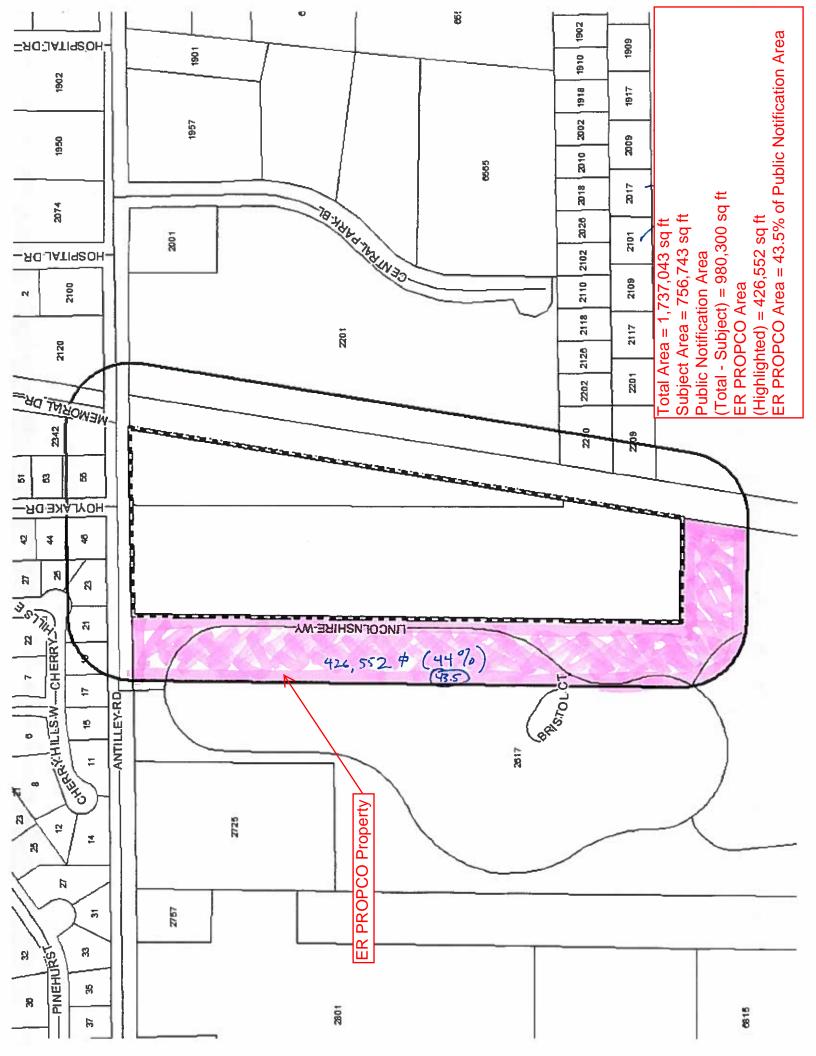




Case # Z-2016-05 Updated: February 12, 2016



Case # Z-2016-05 Updated: February 12, 2016





City Council Agenda Memo

City Council Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

FROM: Dana Schoening, Director Planning & Development Services

<u>Ordinance:</u> (First Reading) Z-2016-06 A request from Rick Weatherl, agent EHT, to rezone property from LI (Light Industrial) to CB (Central Business) zoning, located at

SUBJECT: 858 (850) N. 1st St; and setting a public hearing for March 10, 2016. (Schoening)

GENERAL INFORMATION

Currently the property is developed with a building and associated parking lot. The overflow parking for Frontier Texas & area used for the farmer's market is adjacent to the east. Adjacent uses are more office & retail and not industrial. The applicant is requesting the CB zoning to allow for a new office use. The CB zoning is preferred to the LI zoning as it does not have any setback requirements from the property lines. An expansion is being considered for the building.

The Future Land Use section of the Comprehensive Plan designates this general area as part of the 'Central Business District' area. North 1st St is designated as a 'minor arterial' roadway. The majority of this area is zoned and used for CB uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of 6 in favor (Calk, Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description

Ordinance Cover

Ordinance Exhibit

D Staff Reports with Maps

Type

Ordinance

Ordinance

Cover Memo

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 25th day of February, A.D. 2016.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of January, 2016, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 10th day of March, 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 10th day of March, A.D. 2016.

ATTEST:		
CITY SECRETARY	MAYOR	
	APPROVED:	
	CITY ATTORNEY	

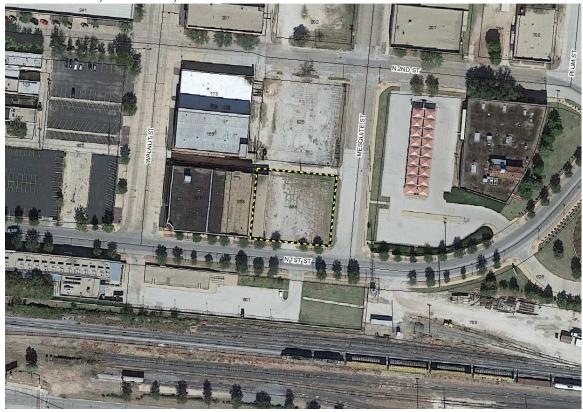
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EXHIBIT "A"

Rezone property from LI (Light Industrial) to CB (Central Business) zoning.

Legal Description:

OT ABILENE, BLOCK 5, LOTS 4-9



Location: 858 (850) N. 1st St

ZONING CASE Z-2016-06 STAFF REPORT



1

APPLICANT INFORMATION:

Rick Weatherl Agent: EHT

HEARING DATES:

P & Z Commission: February 1, 2016 City Council 1st Reading: February 25, 2016 City Council 2nd Reading: March 10, 2016

LOCATION:

858 (850) N. 1st St

REQUESTED ACTION:

Rezone property from LI (Light Industrial) to CB (Central Business) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.45 acres and is currently zoned LI. It is currently developed with a building and associated parking lot. The adjacent properties are zoned LI to the north & west and CB to the south & east.

ZONING HISTORY:

The property was part of the original city limits in 1895 and was zoned LI in 1977.

ANALYSIS:

Current Planning Analysis

Currently the property is developed with a building and associated parking lot. The overflow parking for Frontier Texas & area used for the farmer's market is adjacent to the east. Adjacent uses are more office & retail and not industrial. The applicant is requesting the CB zoning to allow for a new office use. The CB zoning is preferred to the LI zoning as it does not have any setback requirements from the property lines. An expansion is being considered for the building.

Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as part of the 'Central Business District' area. North 1st St is designated as a 'minor arterial' roadway. The majority of this area is zoned and used for CB uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

Case # Z-2016-06

Updated: February 12, 2016

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval as requested by a vote of 6 in favor (Calk, Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
CLOUD R O JR RENER M &	858 N 1ST ST	
PFEIFER WALTER A III	101 WALNUT ST	In Favor
BNSF RAILWAY COMPANY	789 N 1ST ST	
ABILENE CITY OF	901 N 1ST ST	
WEATHERL REAL ESTATE LP	858 N 1ST ST	In Favor
CITY OF ABILENE	626 N 1ST ST	
Y RIEDER LLP	159 WALNUT ST	
ABILENE ISD	825 N 2ND ST	
EVANS THEODORE III	173 WALNUT ST	

Case # Z-2016-06

2

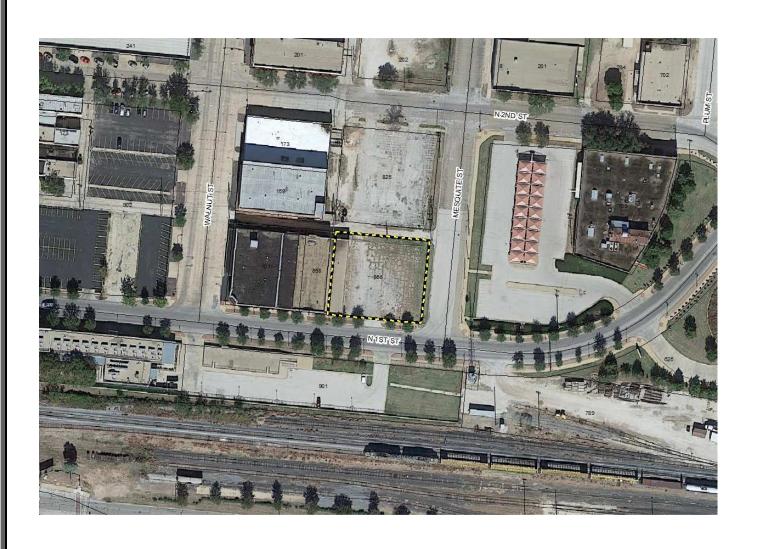
Updated: February 12, 2016

2 in Favor- Y
0 Opposed- N











City Council Agenda Memo

City Council Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

FROM: Dana Schoening, Director Planning & Development Services

Ordinance: (First Reading) Z-2016-07 A request from Joshua Boynton, agent C.J.

Chaney - Coldwell Banker Realtor, to rezone property from LI (Light Industrial) to GC

SUBJECT: (General Commercial) zoning, located at 1701 N. Treadaway Blvd; and setting a public

hearing for March 10, 2016. (Schoening)

GENERAL INFORMATION

Currently the property is developed and was the previous Mrs. Baird's Pies. Adjacent uses are more office, retail, & commercial in nature and not industrial. A new assisted living facility and a surgery center exist to the west across N. Treadaway Blvd. Several single-family residential uses exist along the east side of Cottonwood St. The applicant is requesting the GC zoning to allow for a personal fitness gym. The proposed use is not allowed in the existing LI zoning district.

The Future Land Use section of the Comprehensive Plan designates this general area as the southern part of a 'Special Activity Center' area located at the intersection of N. Treadaway Blvd & Ambler Ave. North Treadaway Blvd is designated as an 'arterial' roadway as well as an 'enhancement corridor'. Although the corridor does include some industrial type uses, the majority have transitioned to office and commercial uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of 6 in favor (Calk, Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description

Ordinance Cover

Ordinance Exhibit

Staff Report with Maps

Type

Ordinance

Ordinance

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 25th day of February, A.D. 2016.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of January, 2016, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 10th day of March, 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 10th day of March, A.D. 2016.

ATTEST:		
CITY SECRETARY	MAYOR	
	APPROVED:	
	CITY ATTORNEY	

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EXHIBIT "A"

Rezone property from LI (Light Industrial) to GC (General Commercial) zoning.

Legal Description:

CENTRAL PARK ADDN, BLOCK 4, LOT S125 E118 (E OF HWY)



Location: 1701 N. Treadaway Blvd

ZONING CASE Z-2016-07 STAFF REPORT



APPLICANT INFORMATION:

Joshua Boynton

Agent: C.J. Chaney - Coldwell Banker Realtor

HEARING DATES:

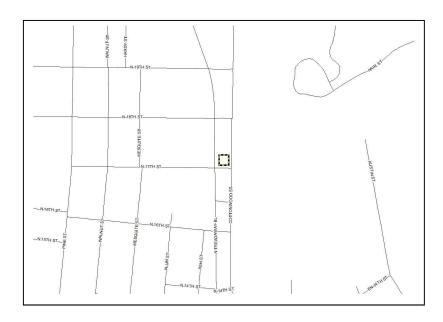
P & Z Commission: February 1, 2016 City Council 1st Reading: February 25, 2016 City Council 2nd Reading: March 10, 2016

LOCATION:

1701 N. Treadaway Blvd

REQUESTED ACTION:

Rezone property from LI (Light Industrial) to GC (General Commercial) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.32 acres and is currently zoned LI. It is currently developed and was the previous Mrs. Baird's Pies store. The adjacent properties are zoned LI to the north & south, MD (Medium Density Residential) to the east, and GC & MU (Medical Use) to the west.

ZONING HISTORY:

The property was annexed into the city in 1911 and was zoned LI sometime after.

ANALYSIS:

Current Planning Analysis

Currently the property is developed and was the previous Mrs. Baird's Pies. Adjacent uses are more office, retail, & commercial in nature and not industrial. A new assisted living facility and a surgery center exist to the west across N. Treadaway Blvd. Several single-family residential uses exist along the east side of Cottonwood St. The applicant is requesting the GC zoning to allow for a personal fitness gym. The proposed use is not allowed in the existing LI zoning district.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as the southern part of a 'Special Activity Center' area located at the intersection of N. Treadaway Blvd & Ambler Ave. North Treadaway Blvd is designated as an 'arterial' roadway as well as an 'enhancement corridor'. Although the corridor does include some industrial type uses, the majority have transitioned to office and commercial uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval as requested by a vote of 6 in favor (Calk, Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed.

NOTIFICATION:

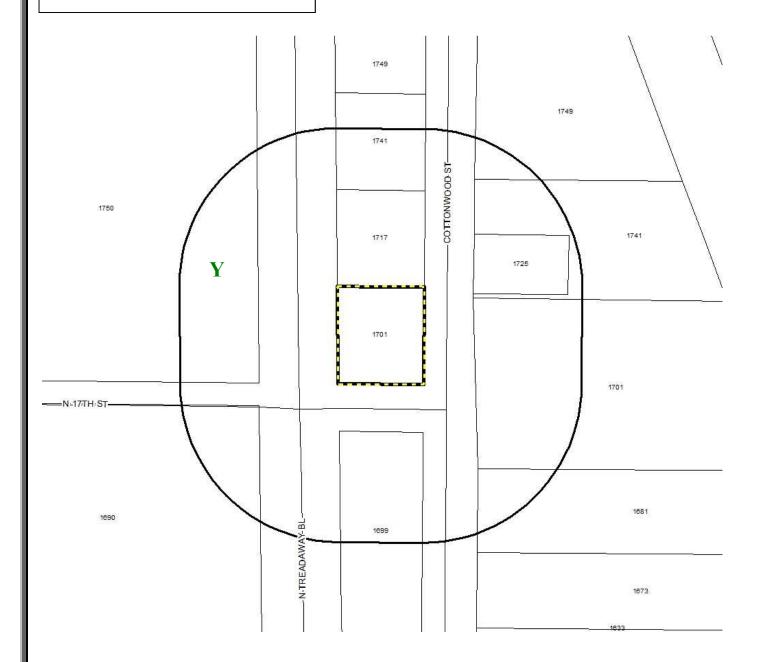
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
BARRETT J D JR	1741 N TREADAWAY BL	
ROBERSON BILLY WAYNE & RISA LYNNE	1749 COTTONWOOD ST	
ROBERSON BILLY WAYNE & RISA LYNNE	1741 COTTONWOOD ST	
BARRETT J D JR	1717 N TREADAWAY BL	
HENDRICK MEDICAL CENTER	1750 N TREADAWAY BL	In Favor
ROBERSON JO RUTH	1725 COTTONWOOD ST	
LWMW MANAGEMENT LLC	1701 N TREADAWAY BL	
LEAL LUPE T	1699 N TREADAWAY BL	
MARINES JULIO TREVINO & ELIZABETH ANN	1681 COTTONWOOD ST	
COLEMAN CARL LEON	1701 COTTONWOOD ST	
ABILENE NH LTD	1690 N TREADAWAY BL	

Case # Z-2016-07

2

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











City Council Agenda Memo

City Council Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

FROM: Mindy Patterson, Assistant City Manager

Ordinance & Public Hearing: (Final Reading) Transportation Network

SUBJECT: Companies; (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. First Reading on this ordinance was approved by Council on February 11, 2016.

The definitions in Section 1 of Exhibit A are the definitions from the State Insurance Code Chapter 1954, Insurance for Transportation Network Company Drivers.

Section 2 (c) has been changed from First Reading to address not prorating the annual permit fee. Section 12 addressing no cash trips relating to cash tips is controlled by the TNC company by the driver policies and do not need to be incorporated in the exhibit.

Staff has met with the Vehicle For Hire (Taxi) companies. Any concerns on the vehicle for hire ordinance will be addressed separately and brought forward to Council for approval.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends City council approve this Ordinance.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description Type

TNC Enacting Ordinance -First Reading Cover Memo
Revised Exhibit A Cover Memo

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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" means an individual who:
 - (1) receives connections to potential transportation network company riders and related services from a transportation network company in exchange for payment of a fee to the company; and
 - (2) 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. Fees for permits issued less than a full year shall not be prorated.

- (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: 2/25/2016

TO: Robert Hanna, City Manager

FROM: Michael Rice, Director of Public Works

SUBJECT: Presentation and Discussion on a Subscription Based, Single Stream, Automated,

Residential Curbside Recycling Program. (Rice)

GENERAL INFORMATION

This presentation is a follow up presentation and discussion on the topic of Residential Curbside Recycling, previously presented and discussed during the Oct. 18, 2015 City Council Meeting. This presentation will review related past activities, review other city recycling programs, and will outline a new proposed pilot program for a subscription based residential recycling program.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description Type

Residential Recycling PresentationCover Memo

Subscription Based Single Stream **Automated Residential** Curbside Recycling Proposal

REVIEW:

- 7/25/13 ~ Presentation to City Council by Anna Claire Boone, Mattie Smith & Kaylee Beard
- 11/6/14 ~ Presentation by Ray Grothaus with Republic Services. Heard from Ryan Beard with TDS out of Austin. Council authorized Interim City Manager to request Proposals/Qualifications for an Automated Curb Side Recycling Program.
- 3/20/15 ~ Deadline for submission of Proposals for Single Stream Curb Side Recycling Program to Public Works.
- 10/8/15 ~ Presentation to City Council on Single Stream Curb Side Residential Recycling. Council directed staff to consider a subscription type service, and reach out to other cities to find their results in their recycling programs.

Other Communities

Carrolton –

Denton –

Grand Prairie -

Killeen –

Lubbock -

Midland -

Odessa –

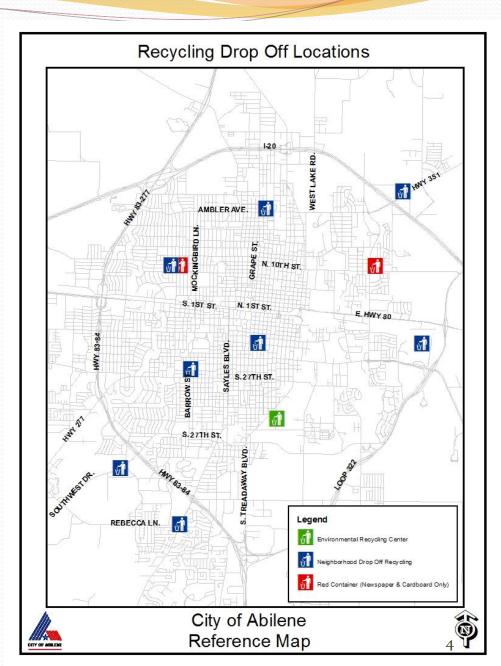
San Angelo –

Waco –

Wichita Falls -

Drop Off Sites

- Environmental Recycling Center (Oak St.)
- Buffalo Gap Road
- HEB (1345 Barrow)
- Walmart (Hwy 351)
- Southwest Drive
- United (N.10th & Willis)
- United (N.10th & Judge
- Ely)
- Zoo Lane
- S.8th & Poplar
- HSU (Simmons Ave.)



2015 Recycling Materials Totals

2015 KAB TOTALS	ALS All Weights Expressed in Tons		(Unless otherwise noted)						
							GLASS		
MONTH	CARDBOARD	PAPER	PLASTIC	METALS	ALUN	MINUM	MISC	LANDFILL	
January	164.03	86.49	12.85	5.77		0.72	11.55	25.41	
February	136.59	65.5	12.75	6.24		0.79	13.843	18.86	
March	137.15	66.9	17.5	5.97		0.62	19.51	59.65	
April	170.33	85.43	14.7	7.8		0.89	17.767	151.56	
May	163.85	74.79	13.57	7.98		0.76	17.767	46.21	
June	156.37	72.57	22.15	5.32		0.64	22.94	55.09	
July	163.66	85.62	14.27	4.26		1.48	104.53	39.94	
August	152.19	65	22.94	3.6		0.44	30.73	40.69	
September	152.53	61.38	16.77	6.77		1.64	17.54	40.82	
October	168.82	75.91	14.08	13.49	ADDED	0.68	19.22	124.81	FALL CLEAN ADDED
November	198.32	65.64	14.02	3.35		1.37	27.9	46.3	
December	154.9	95.86	16.07	7.47		0	23.44	114.04	
TOTALS	1918.74	901.09	191.67	78.02	1	10.03	326.737	763.38	

2015 Total Tons Collected (without glass) = 3,099.55 Tons

2015 Average Monthly Total Tons Collected (without glass) = 258.3 Tons/Month

Proposed Pilot Program

- Design Program to Ensure Success
- <u>Subscription</u> Based Program (Convenience Service)
- Minimum 3,000 Customers Required to Start
- Customers MUST make a One Year Commitment
- Set Program Fee to Cover Program's Total Expenses
- Bi-Weekly Collection Frequency
- Curbside Collection with different Color Container
- Begin with One Quadrant of the City of Abilene
- Begin with One Truck and One Operator
- Incorporate Market Value of Recyclables into Budget
- Collect Hard Data to determine level of Program Success

Materials Collected

- Bi-metal cans
- Aluminum cans
- Newspapers, magazines, office paper, junk mail
- #1 and #2 Plastics only (milk jugs/soda bottles)
- Cardboard

Materials NOT Collected

- Plastic Bags, Wrap and Film
- Wax Coated Boxes and Cartons
- Glass
- Styrofoam

Sample Recycling Processing Costs

Expected Case Scenario Based on Trend Averages

Newspaper
Cardboard
Mixed office paper
Aluminum Cans
Food Cans

		Α	В	С	D	E	F	
Recycle Grades	Accept Material Y or N	Sample Profile of Tons Collected for Processing	\$ Market Value Per Ton	\$ Process Cost Per Ton	\$ Subtotal Revenue or (COST) Per Ton +B - C	% Of Column D Only if Positive	Net Revenue or (COST) Per Ton Lessor of D or E	Net Revenue or (COST) for Month A x F
Paper								
NEWS	Y	175	\$80.00	\$60.00	\$20.00	55%	\$10.91	\$1,090.99
OCC	Y	12	\$110.00	\$60.00	\$50.00	55%	\$27.29	\$327.43
MIX	Y	10	\$70.00	\$60.00	\$10.00	55%	\$5.46	\$54.57
UBC	Y	2	\$1,577.57	\$60.00	\$1,517.57	55%	\$828.15	\$1,656.31
STLCAN	Y	5	\$201.37	\$60.00	\$141.37	55%	\$ 77.15	\$385.74
Plastics						55%		
#1	Y	3	\$412.08	\$60.00	\$352.08	55%	\$192.13	\$576.40
#2	Y	2	\$519.81	\$60.00	\$459.81	55%	\$250.92	\$501.85
#3 - #7	Y	1	\$60.00	\$60.00	•	55%	-	
Glass	Y	11	2.	\$60.00	(\$60.00)	0%	(\$60.00)	(\$660.00
Aseptic	Y	<1	\$20.00	\$60.00	(\$40.00)	0%	(\$40.00)	(\$20.00
TOTALS		221						\$4,732.28

Sample taken from the City of Irving

Program Time Line

- Sign Up 3,000 Customers unknown
- Purchase New Collection Vehicle 9 to 15 months after
 Purchase Order (P.O.), dependent upon factory schedule
- Purchase New Collection Carts 3 to 5 months after P.O.
- Enter into Contract with RWL for Recycling Processing
- Create Educational Materials for Program
- Hire Equipment Operator
- Distribute Ed. Materials, Notify Customers of Calendar
- Deliver Containers
- Begin Collection Operations

QUESTIONS?



City Council Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director of Community Services

Resolution: Authorizing the City Manager to enter into an agreement with W.B. Kibler

SUBJECT: Construction CO., LTD. to provide construction manager at-risk services for the new

aquatics center. (Andrews)

GENERAL INFORMATION

On May 9, 2015, voters approved Proposition 6 which allowed the issuance of \$6,000,000 in General Obligation Bonds for the construction of a new aquatics center. On January 14, 2016, Council approved a resolution granting authority to the City Manager to execute an agreement with Eikon Consulting Group, LLC to design the new aquatics center. This item is to authorize the City Manager to designate W.B. Kibler Construction (Kibler) as the construction manager at-risk (CMAR) for this project.

SPECIAL CONSIDERATIONS

A CMAR process was selected as the delivery method for the new aquatic center rather than design bid build. CMAR is a preferred delivery method when projects need to be completed in condensed schedule situations. In order to select a CMAR for this project, a Request for Proposals process took place. Two firms submitted qualifications in response to the advertisement. A committee was formed to review the proposals including Director of Community Services Lesli Andrews, Director of Capital Projects Wayne Lisenbee, Interim Assistant Director of Community Services Mirenda Walden and Recreation/Senior Administrator Jeff White along with assistance from Freese & Nichols. Each committee member reviewed the proposals and ranked them on criteria such as proposer profile, CMAR experience of proposer and team members, key personnel qualifications and experience, project approach, and fee and rate proposal. In addition, local participation was a significant consideration. Freese & Nichols compiled the four independent rankings and both firms were invited to interview. After the presentation and interviews, the committee again ranked the firms. Kibler had the highest score of both firms.

FUNDING/FISCAL IMPACT

\$5,000,000.00 for construction will be funded from voter approved General Obligation Bonds.

STAFF RECOMMENDATION

Staff recommends the City Council approve a resolution authorizing the City Manager to enter into an agreement with W.B. Kibler Construction CO., LTD. to provide construction manager at-risk services for the new aquatics center.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

	Description	Type
D	Rating Matrix	Backup Material
D	Aquatics Center CMAR Presentation	Presentation
D	Resolution	Resolution Letter

CMAR Selection Worksheet - One Step

Tabulation of Scoring

City of Abilene Rose Park Aquatic Center

Owner	's Construction Budget	\$ 5,000,000.00						
Item	Criteria	Points	WBK	Collier				
	Preconstruction Phase Services Fee		\$ 10,000.00	\$ -				
	Construction Phase Services Fee Percentage		3.85%	6.37%				
	Construction Phase Services Fee (based on budget)		\$ 192,500.00	\$ 318,500.00				
Α	Proposer Profile	10	9.5	9.0				
	Expereience - Proposer and CMAR Team Members	20	15.5	12.3				
С	Expereience - Key Personnel Qualifications and Expereience	30	27.8	22.5				
	Project Approach	25	20.5	18.3				
E	Fee and Rate Proposal	15	15.0	7.0				
Total F	Points		88.3	69.0				
Notes								
(1) Col	lier does not have a significant amount of relevant project or CMAR expe	erience.						
(2) Wit	th the aggressive schedule requirements on this project, experience will	matter						
(3) WE	K had a much more detailed Project Approach							
(4) WBK demonstrated significant CMAR experience								
(5)								
(6)								
(7)								
(8)	(8)							

Construction Manager at-Risk for Aquatics Center

February 25, 2016



CMAR for Aquatics Center

- Two firms responded to the RFP and both firms were interviewed
- W.B. Kibler is recommended as the CMAR for this project
 - Significant CMAR experience
 - Relevant aquatic construction experience
 - Competitive fee structure
 - Maintains a local office in Abilene



Questions?

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE EXECUTION OF THE CONSTRUCTION MANAGER AT RISK SERVICES AGREEMENT WITH W. B. KIBLER CONSTRUCTION CO. LTD TO CONSTRUCT THE NEW AQUATICS CENTER.

WHEREAS, On May 9, 2015, voters approved Proposition 6 which allowed the issuance of \$6,000,000 in General Obligation Bonds for the construction of a new aquatics center. and

WHEREAS, On January 14, 2016, Council approved a resolution granting authority to the City Manager to execute an agreement with Eikon Consulting Group, LLC to design the new aquatics center; and

WHEREAS, A Construction Manager at Risk (CMAR) process was selected as the delivery method for the new aquatic center; and

WHEREAS, Two firms submitted qualifications in response to the advertisement; and

WHEREAS, Local participation was a significant consideration. Freese & Nichols compiled the four independent rankings and both firms were invited to interview. W.B. Kibler Construction (Kibler) had the highest score.

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

Part 1: The City Manager is hereby authorized to negotiate and execute a contract with W. B. Kibler Construction Co., Inc. to serve as the Construction Manager at Risk to construct the new Aquatics Center.

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

ADOPTED this 25th day of February, 2016.

ATTEST:	
Danette Dunlap, City Secretary	Norman Archibald, Mayor
	APPROVED:
	Stanley Smith, Interim City Attorney



City Council Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

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

SUBJECT: Resolution: Bid Award #CB-1632 Judge Ely Blvd. Rehabilitation Project. (Rice)

GENERAL INFORMATION

This project was advertised as a Public Notice on January 24th and 31st of 2016 with a bid opening dated February 9th 2016. This construction contract involves the overlay of Judge Ely Blvd. from E. Hwy 80 to EN 13th St. where the scope will change to a rehabilitation section ending at Ambler Ave. The contract will also include small sections of concrete pavement throughout the project.

The Judge Ely Blvd. Rehabilitation 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 J.H. Strain & Sons, Inc. of Tye Texas in the amount of \$1,685,067.24.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description

Resolution

Bidtab sheet

Picture of area

Type

Cover Memo

Cover Memo

Backup Material

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID TO J.H. STRAIN & SONS, INC., TYE, TEXAS

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for the rehabilitation of Judge Ely Blvd. from E. Hwy 80 to Ambler Ave.; and

WHEREAS, the project involves the overlay of Judge Ely Blvd. from E. Hwy 80 to EN 13th St. where the scope will change to a rehabilitation section ending at Ambler Ave. The contract will also include small sections of concrete pavement throughout the project: and

WHEREAS, the following bids were received and opened on the February 9, 2016:

J.H. Strain & Sons, Inc., Tye, Texas \$1,685,067.24

Bontke Brothers, Abilene, Texas \$1,737,378.76

Contract Paving, Tye, Texas \$1,744,309.26

WHEREAS, J.H. Strain & Sons, Inc., Tye, Texas submitted the low bid in the amount of \$1,685,067.24 with the bid meeting specifications. Staff recommends awarding the bid to the low bidder, J.H. Strain & Sons, Inc., 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 \$1,685,067.24.

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

ADOPTED this 25th day of February, 2016.

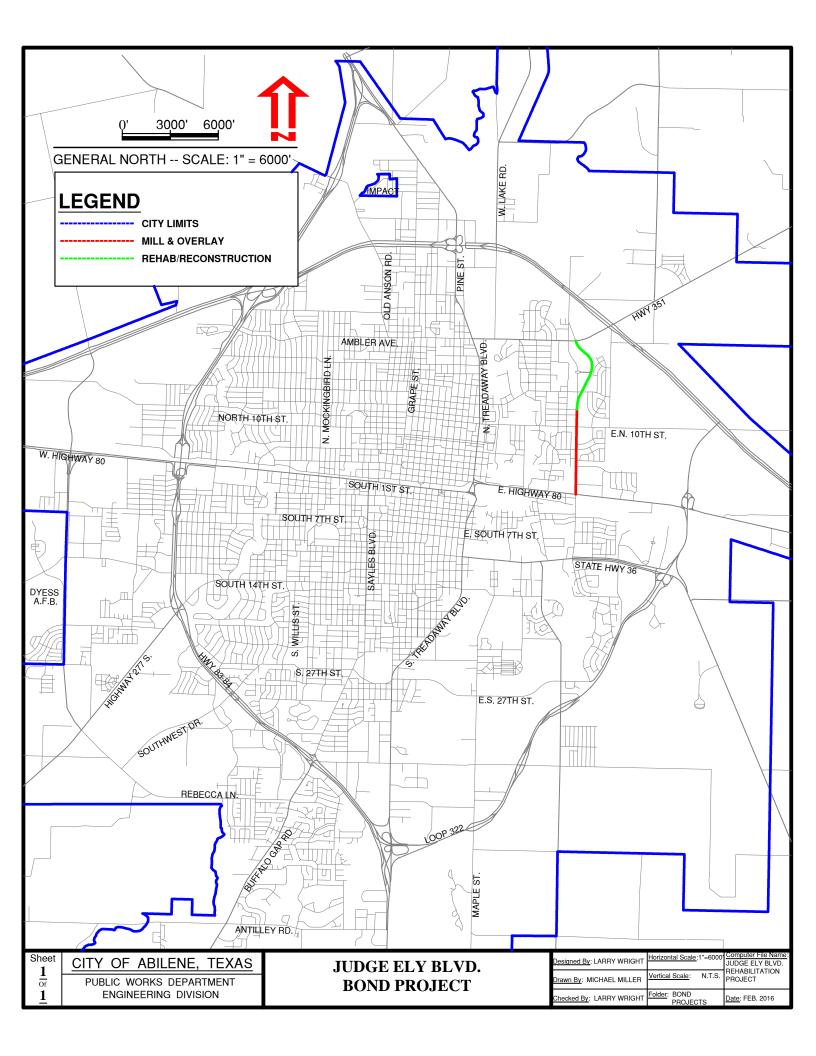
ATTEST:	
Danette Dunlap, City Secretary	Norm Archibald, Mayor
	APPROVED:
	Stanley Smith, Interim City Attorney

CITY OF ABILENE PURCHASING DIVISION TABULATION OF BIDS

PAGE 1 OF 1

DEPARTMENT: ENGINEERING BID NO.: CB - 1632 TIME OF OPENING: 11:00 DATE OF OPENING: FEBRUARY 9, 2016		J H Strain Tye, Tx		Bontke Brothers Co. Abilene Tx		Contract Paving Co Tye, Tx									
ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	JUDGE ELY REHAHILIAITON PROJECT				\$1,685,067.24		\$1,737,378.76		\$1,744,309.26						
															<u> </u>
	BASE BID														
DISCOUNT															
	TOTAL BID				\$1,685,067.24*										

*NOTES: INDICATES RECOMMENDED AWARD





City Council Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director of Community Services

Resolution: Authorizing the City Manager to execute an agreement with Vortex USA Inc.

SUBJECT: through the City's Buy Board contract for the construction of two splash pads.

(Andrews)

GENERAL INFORMATION

On May 9, 2015, voters approved Proposition 7 which allowed the issuance of \$2,500,000 in General Obligation Bonds for the construction of four new splash pads. On December 17, 2015, the City Council approved an amendment to the Jacob and Martin, LLC. on demand contract for professional services related to engineering and construction administration for two splash pads. This item is to authorize the City Manager to execute an agreement with Vortex USA Inc. (Vortex) for the construction of two splash pads.

Splash Pad One will be at Scarborough Park and feature 21 other water play components. Splash Pad Two will be at Stevenson Park and showcase 21 other water features. Though slightly different in shape both pads offer similar play areas. Each pad will provide shaded seating options including three benches and two picnic tables.

If approved, the splash pads will be open to the public by late summer.

SPECIAL CONSIDERATIONS

The splash pads were selected via the City's contract with Buy Board. Buy Board is a purchasing cooperative which means that participating contracts and vendors have been competitively procured and meet all of the local and state procurement guidelines. Staff reviewed the vendors qualified through Buy Board to design and build splash pads. Two vendors, Kraftsman and Vortex, met those qualifications. Both firms were vetted through formal interviews and verification of references and work product. Both firms have great reputations but Vortex offered more competitive pricing and features.

The plumbing and underground structure of the splash pads are just as important as the water play amenities. Each pad will be outfitted with a water recirculation system to conserve water as well as a Maestro controller system. Maestro allows for the remote monitoring and control of chemicals as well as the timing and sequence of the play structures. This will be very beneficial to the aquatics staff. Another unique element is Safeswaps which allows different water features to be changed out between pads or if there is a desire to purchase other water play components in the future.

FUNDING/FISCAL IMPACT

\$722,293.62 from the \$2,500,000 in voter approved General Obligation Bonds.

STAFF RECOMMENDATION

Staff recommends the City Council authorize the City Manager to execute an agreement with Vortex USA Inc. through the City's Buy Board contract # 423-13 for the construction of two splash pads in the amount of \$722,293.62.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

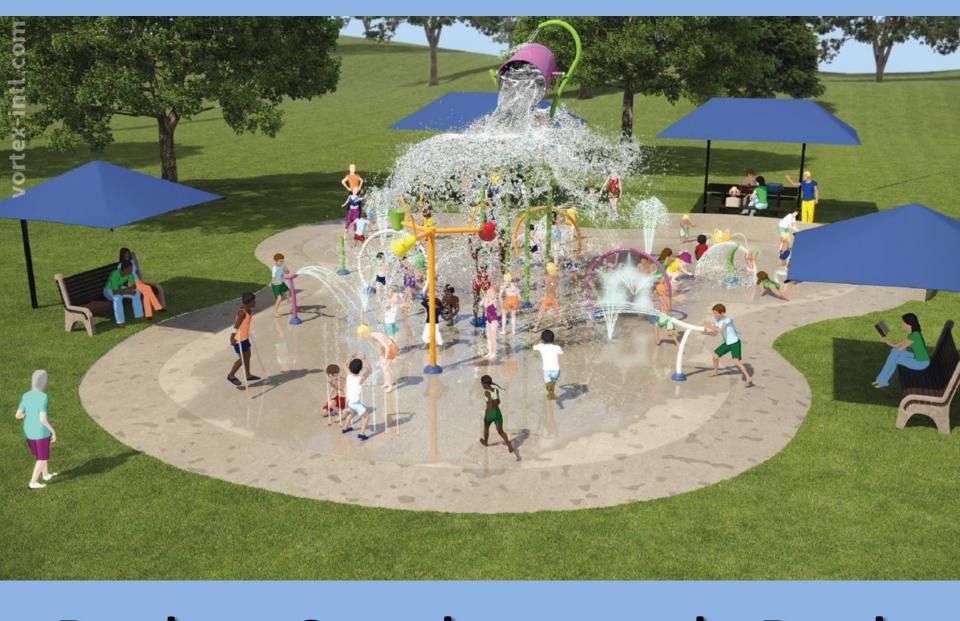
Description Type

Splash Pad Presentation Presentation
Resolution Cover Memo

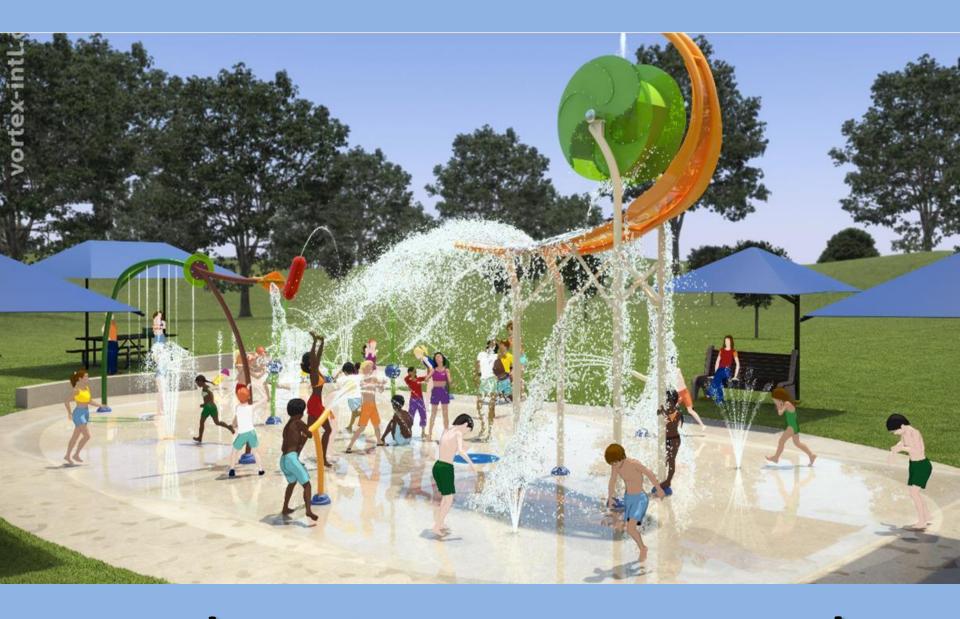
Splash Pads

February 25, 2016





Pad at Scarborough Park



Pad at Stevenson Park



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE EXECUTION OF THE AGREEMENT WITH VORTEX USA INC. THROUGH BUYBOARD CONTRACT # 423-13

WHEREAS, On May 9, 2015, voters approved Proposition 7 which allowed the issuance of \$2,500,000 in General Obligation Bonds for the construction of four new splash pads; and

WHEREAS, Splash Pad One will be at Scarborough Park and feature 21 other water play components. Splash Pad Two will be at Stevenson Park and showcase 21 other water play components. Though slightly different in shape both pads offer similar play areas. Each pad will provide shaded seating options including three benches and two picnic tables; and

WHEREAS, The splash pads were selected via the City's contract with Buy Board. Buy Board is a purchasing cooperative, which means that participating contracts and vendors have been competitively procured and meet all of the local and state procurement guidelines; and

WHEREAS, Two vendors, Kraftsman and Vortex, met those qualifications. Both firms were vetted through formal interviews and verification of references and work product. Both firms have great reputations, but Vortex offered more competitive pricing and features; and

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

Part 1: The City Manager is hereby authorized to negotiate and execute an agreement with Vortex USA Inc. through BuyBoard Contract #423-13.

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

ADOPTED this 25th day of February, 2016.

ATTEST:	
Danette Dunlap, City Secretary	Norman Archibald, Mayor
	APPROVED:
	Stanley Smith, Interim City Attorney



City Council Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

FROM: Michael Rice, Director of Public Works

Ordinance & Public Hearing: (Final Reading) To bring City code into compliance with

SUBJECT: FEMA regulations by adding a definition of Base Flood Elevation (BFE). (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

D 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 Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director of Community Services

SUBJECT: Presentation and Discussion: Regarding the Civic Center food catering fee. (Andrews)

GENERAL INFORMATION

A question has arisen into the equity of the fee structure for Abilene's catering fee at the Civic Center. Staff is seeking Council's direction on whether or not staff should pursue a percentage (%) based fee structure, or a per person fee structure.

Following this discussion and direction, staff will work with Civic Abilene, Inc. to bring a recommended fee to the Council for their consideration.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION



City Council Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

FROM: Stan Standridge, Chief of Police

Resolution: Authorizing the purchase of ammunition exceeding \$50,000 for the Police

SUBJECT: Department. (Standridge)

GENERAL INFORMATION

The Police Department budgeted \$92,000 for ammunition and associated firearms accessories for FY 2015-2016. Accessories include Taser cartridges, simunitions, targets, and weapons supplies. Ammunition is ordered in approximately six batches throughout the course of the FY. Most ammunition is ordered from Precision Delta. This vendor has a Texas Procurement and Support Services (TPASS) contract for Winchester Law Enforcement ammunition. TPASS has established, as an alternative purchasing method, the use of Texas Multiple Award Schedule (TXMAS) contracts that have been developed from contracts awarded by the federal government or any other governmental entity of any state. Precision Delta is the only state awarded contract for Winchester.

The only exceptions to ordering from Precision Delta include Federal Tactical buckshot and less-lethal beanbag rounds, which requires a different vendor who possesses a state contract to provide such ammunition. When the Department orders ammunition, it breaks the purchases up into types: duty handgun; duty rifle; training; and shotgun. This prevents significant back orders from impacting the delivery of all types of ammunition. For example: if Winchester has a back order on .380 ammunition, they may hold the entire order until the backorder ceases, thereby saving them shipping costs. However, this directly affects the Department's supply of training ammunition, hence the desire to break purchases into types of bullets used. Over the course of the last three years, the Department's Range Master has seen orders take as few as 14 days to process, all the way to 20 months for delivery.

Ordering batches of ammunition from a single provider in the course of a FY require Council approval because aggregate purchases will exceed \$50,000.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

All expenditures were communicated in the original 2015-2106 City of Abilene budget. There are no new expenditures.

STAFF RECOMMENDATION

Staff recommends Council approve the purchases of ammunition from Precision Delta through TPASS Contract #680-A1.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description Type

ResolutionContract InfoResolution LetterBackup Material

RESOLUTION NO.	
----------------	--

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE ABILENE POLICE DEPARTMENT TO PURCHASE AMMUNITION FROM PRECISION DELTA THROUGH THE TEXAS PROCUREMENT & SUPPORT SERVICES (TPASS) CONTRACT #680-A1

WHEREAS, this City Council finds the Abilene Police Department has budgeted \$92,000 for the purchase of ammunition and associated firearms accessories; and

WHEREAS, ammunition and firearms accessories are required items, essential to the services provided by the Abilene Police Department; and

WHEREAS, ammunition is ordered in approximately six batches throughout the course of the Fiscal Year. The Abilene Police Department uses Winchester Law Enforcement ammunition.

WHEREAS, the Texas Procurement and Support Services (TPASS) has been established, as an alternative purchasing method, with the use of Texas multiple award schedule (TXMAS) contracts.

WHEREAS, Precision Delta is the only state awarded contract for Winchester ammunition.

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

PART 1: The City approves the purchase of Winchester ammunition from Precision Delta.

PART 2: The City will use the Texas Procurement & Support Services (TPASS) Contract #680-A1.

PART 3: The police chief or his designee is authorized to execute the necessary transaction(s) for the purchase of said ammunition and firearms accessories.

PART 4: That this Resolution shall take effect immediately from and after passage.

Adopted the day of February, 2016	
ATTEST:	
Danette Dunlap, City Secretary APPROVED:	Norman Archibald, Mayor
Stanley Smith, Interim City Attorney	

Contract Details: # 680-A1

Number 680-A1

Description Police Equipment & Accessories

Category TxSmartBuy

Type Term

Start Date 2/1/2015

End Date 8/31/2017

Purchase Category

Code(Agencies Only)

PCC A

Optional Renewal

Terms

September 1, 2017, through August 31, 2018 September 1, 2018, through August 31, 2019

Purchase Orders

Only purchase orders issued through TxSmartBuy are eligible for contract pricing. The Contractor will not ship any products or provide related services until receipt of a Purchase Order generated by the TxSmartBuy system.

680-04 680-08 680-12 680-20 680-24 680-44 680-48 680-50 680-52 680-53 680-56 680-56 680-60 680-61

NIGP Code(s)

680-60 680-61 680-65 680-67 680-77 680-84 680-86 680-87 680-88 680-92

680-95

Questions regarding contract management issues, price changes, amendments or other post-award concerns should be directed to:

CPA Contract Management

TPASS Contract Management Office (TCMO) Texas Comptroller of Public Accounts (CPA)

Fax: (512) 936-0040

Email:tpass cmo@cpa.state.tx.us

Expedited **Pavment Discount**

Following the contract award, additional products or services of the same general category that could have been encompassed in the award of this contract, and that are not already on the contract, may be added. Customers are encouraged to request additional items by contacting the TPASS Contract Management Office.

Adding New Contract

Following the contract award, additional products or services of the same general category that could have been encompassed in the award of this Products to the contract, and that are not already on the contract, may be added. TPASS customers are encouraged to request additional items by contacting the TPASS Contract Management Office.

> If delay is foreseen, Contractor shall give written notice to the Customer and must keep Customer advised at all times of status of order.

Delivery Delays by Contractor

Default in promised Delivery Days After Receipt of Order (ARO) without accepted reasons or failure to meet specifications authorizes the Customer to purchase goods and services of this contract elsewhere and charge any increased costs for the goods and services, including the cost of re-soliciting, to the Contractor.

Failure to pay a damage assessment is cause for contract cancellation and/or debarment or removal of the contractor, as applicable, from the State Centralized Master Bidders List (CMBL).

Compliant Products by Contractor

Delivery does not occur until the Contractor delivers products, materials or services in full compliance with the specifications to Customer F.O.B. destination, unless delivery is specifically accepted, in whole or in part, by the Customer. Providing products, materials or services which do not meet all specification requirements does not constitute delivery.

Customer reserves the right to require new delivery or a refund in the event that materials or products not meeting specifications are discovered after payment has been made.

Cancellation

The Customer may request that a Contractor cancel a specific line item or an Purchase Order entire purchase order. There shall be no fees charged for cancellation of an item and/or order prior to shipment by the Contractor. The cancellation must be processed through the TxSmartBuy system.

for Returned **Products**

The Customer may request that a Contractor accept return of products already **Restocking Fee** delivered. If the return is required through no fault of the Contractor, the Contractor may request a reasonable restocking charge. The Customer may pay a restocking charge if the CPA or Customer determines that the charge is justifiable. As a guideline, such charges shall not exceed 10%.

Substitutions

During the Contract term, the Contractor shall not substitute a product or brand unless the Contractor has obtained prior written approval from the CPA Contract Manager in coordination with the Customer. The Contractor must have written confirmation from the CPA Contract Manager of the substitution before making delivery.

The Texas Procurement and Support Services (TPASS), a division of the Comptroller of Public Accounts (CPA), administers a vendor performance program for use by all customers per Texas Government Code (TGC), §2262.055, and 34 Texas Administrative Code (TAC), §20.108. The Vendor Performance relies on the customer's participation in gathering information on vendor performance. State agency customers shall report vendor performance on purchases over \$25,000 from contracts administered by CPA, or any other purchase over \$25,000 made through delegated authority granted by CPA (TAC 20.108), or purchases exempt from CPA procurement rules and procedures. State agencies are additionally encouraged to report vendor performance on purchases under \$25,000.

Contractor Performance

Vendor Performance shall be reported through the CPA VENDOR PERFORMANCE TRACKING SYSTEM.

The purpose of the Vendor Performance Tracking System is to:

- * Identify vendors that have exceptional performance
- * Aid purchasers in making a best value determination based on vendor past performance
- * Protect the state from vendors with unethical business practices
- * Provide performance scores in four measurable categories for the CMBL vendors
- * Track vendor performance for delegated and exempt purchases



City Council Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

FROM: Stan Standridge, Chief of Police

SUBJECT: Resolution: Authorizing the Police Department to purchase uniforms and related items

from Galls, LLC <u>(Standridge)</u>

GENERAL INFORMATION

In FY 2015-2016, the Police Department budgeted \$84,800 for uniforms and related items. Related items can include handcuffs; boots; flashlights; gloves, etc.

During the 2015 Meet and Confer negotiations, the Police Association asked the City to provide stipends to all sworn employees for uniform purchases. Police and City Administrations worked together, however, to keep uniform purchases out of Meet and Confer. This was accomplished by establishing a pay portal for Patrol Division Officers, wherein they could access uniform and related items to purchase from Galls using BuyBoard pricing. Each officer was given \$600 for the necessary items, with the understanding that they could order independently of the Department's Quartermaster, thereby increasing efficiency and effectiveness of uniform purchases.

In the course of the FY, officers will collectively spend more than \$50,000 with Galls through the pay portal, which requires Council approval.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

All expenditures were previously communicated in the approved FY 15-16 budget. There are no new expenditures.

STAFF RECOMMENDATION

Staff recommends Galls, LLC be approved for police uniforms and related equipment items using BuyBoard contract #432-13.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description
Type
Resolution
Resolution Letter
Galls
Gall's Info #2
Backup Material
Gall's #3
Backup Material

RESOLUTION NO.	

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING ABILENE POLICE OFFICERS TO PURCHASE UNIFORMS AND RELATED ITEMS FROM GALL'S INC. IN EXCESS OF \$50,000.

WHEREAS, this City Council finds the Abilene Police Department has budgeted \$84,800 for the purchase of uniforms and related items; and

WHEREAS, the City of Abilene provides \$600 stipends to sworn police employees for the purchase of uniforms and related items; and

WHEREAS, uniforms and related items are essential to the services provided by the Abilene Police Department; and

WHEREAS, the purchasing method will increase efficiency and effectiveness of the purchasing process; and

WHEREAS, the Abilene Police Department has identified a proper vendor through BuyBoard.

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

- PART 1: The City approves the purchase of uniforms and related items from Gall's Inc.
- PART 2: The City will utilize BuyBoard contract #432-13
- PART 3: The police chief or his designee is authorized to execute the necessary transaction(s) enabling Abilene Police Officers to purchase uniforms and related equipment from Gall's Inc. in the amount \$600 per officer up to \$84,800 in the aggregate.

PART 4: That this Resolution shall take effect immediately from and after passage.

Adopted the day of February, 2016		
ATTEST:		
Danette Dunlap, City Secretary	Norman Archibald, Mayor	
APPROVED:		
Stanley Smith, Interim City Attorney		



P.O. Box 400 Austin, TX 78767-0400 800.695.2919 | 512.467.0222 | Fax: 800.211.5454 buyboard.com

January 15, 2014

Sent Via E-mail: buyboard@galls.com

Kevin Brown Galls, LLC 1340 Russell Cave Road Lexington, KY 40505

Proposal Name & Number: Public Safety and Fire House Supplies & Equipment #432-13

Congratulations, your company has been successful on the above referenced proposal! This contract will be effective April 1, 2014. The contract documents are those identified in Section 3 of the General Terms and Conditions of the specifications.

To see the items your company has been awarded, please review the proposal tabulation #432-13 on the following web-site: www.vendor.buyboard.com. Only items marked as awarded to your company can be sold through the BuyBoard contract. In addition, on this website you will find the membership list which will provide you with the names of all entities with membership in our purchasing cooperative.

Attached to this letter you will find the following documents:

Vendor Quick Reference Sheet **Electronic Catalog Format Instructions** Vendor Billing Procedures

Receipt of a purchase order directly from a Cooperative member is not within the guidelines of the Cooperative. Accepting orders directly from member entities may result in a violation of the State of Texas competitive bid statute and cancellation of the proposal award therefore all orders must be processed through the Cooperative in order to comply. We request your assistance in immediately forwarding by fax (1-800-211-5454) to the cooperative any orders received directly from member entities. If by chance an order sent directly to you has been unintentionally processed, please fax it to the Cooperative (1-800-211-5454) and note it as RECORD ONLY to prevent duplication.

Per proposal specifications, awarded vendors will have 60 days to submit their electronic catalog including pricing. If the electronic data is not provided within 60 days of notice of award, we reserve the right to inactivate any company's award information from the BuyBoard until such time the electronic data is received.

On behalf of the Texas Association of School Boards, we appreciate your interest in the Cooperative and we are looking forward to your participation in the program. If you have any questions, please contact Arturo Salinas at 800-695-2919 ext. 6200.

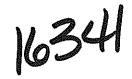
Sincerely, Wilmin Levy Melonie Perry Bid Administrator











12007 Research Boulevard • Austin, Texas 78759-2439 PH: 800-695-2919 * FAX: 800-211-5454 * www.vendor.buyboard.com

PROPOSER'S AGREEMENT AND SIGNATURE

Proposal Name: Public Safety and Fire House Supplies and Equipment

Proposal Opening Date and Time: September 9, 2013 at 2:30 PM

Proposal Number: 432-13

Location of Proposal Opening: Texas Association of School Boards, Inc. BuyBoard Department 12007 Research Blvd. Austin, TX 78759

Contract Time Period: April 1, 2014 through March 31, 2015 with two (2) possible one-year renewals.

Anticipated Cooperative Board Meeting Date: January 2014

Galls, LLC	27_August 2013
Name of Proposing Company	Date
1340 Russell Cave Rd Street Address	Signature of Authorized Company Official
Succet Address	Signature of Authorized Company Official
Lexington Ky, 40505 City, State, Zip	Kevin R. Brown Printed Name of Authorized Company Official
800-876-4242 Telephone Number of Authorized Company Official	Sales Team Lead Position or Title of Authorized Company Official
877-914-2557 Fax Number of Authorized Company Official	<u>20-35455989</u> Federal ID Number

The proposing company ("you" or "your") hereby acknowledges and agrees as follows:

- 1. You have carefully examined and understand all Cooperative information and documentation associated with this Proposal Invitation, including the Instructions, General Terms and Conditions, Attachments/Forms, Item Specifications, and Line Items (collectively "Requirements");
- 2. By your response ("Proposal") to this Proposal Invitation, you propose to supply the products or services submitted at the prices quoted in your Proposal and in strict compliance with the Requirements, unless specific deviations or exceptions are noted in the Proposal;
- 3. Any and all deviations and exceptions to the Requirements have been noted in your Proposal and no others will be claimed;

FORM A - PAGE 1

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Form 8-6-13 PAPER



12007 Research Boulevard * Austin, Texas 78759-2439 PH: 800-695-2919 * FAX: 800-211-5454 * www.vendor.buyboard.com

- 4. If the Cooperative accepts any part of your Proposal and awards you a contract, you will furnish all awarded products or services at the prices quoted and in strict compliance with the Requirements (unless specific exceptions are noted in the Proposal), including without limitation the Requirements related to:
 - a. conducting business with Cooperative members, including offering pricing to members that is the best you offer compared to similar customers;
 - b. payment of a service fee in the amount specified and as provided for in this Proposal Invitation;
 - c. the **possible** award of a piggy-back contract by another governmental entity, in which event you will offer the awarded goods and services in accordance with the Requirements; and
 - d. submitting price sheets or catalogs in the proper format for posting on the BuyBoard as a prerequisite to activation of your contract;
- 5. You have clearly identified any information in your Proposal that you believe to be confidential or proprietary or that you do not consider to be public information subject to public disclosure under a Texas Public Information Act request or similar public information law;
- 6. The individual signing this Agreement is duly authorized to enter into the contractual relationship represented by this Proposal Invitation on your behalf and bind you to the Requirements, and such individual (and any individual signing a Form) is authorized and has the requisite knowledge to provide the information and make the representations and certifications required in the Requirements;
- 7. You have carefully reviewed your Proposal, and certify that all information provided is true, complete and accurate, and you authorize the Cooperative to take such action as it deems appropriate to verify such information; and
- 8. Any misstatement, falsification, or omission in your Proposal, whenever or however discovered, may disqualify you from consideration for a contract award under this Proposal Invitation or result in termination of an award or any other remedy or action provided for in the General Terms and Conditions or by law.

FORM A — PAGE 2 Form 8-6-13 PAPER



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VENDOR PURCHASE ORDER, REQUEST FOR QUOTES, AND INVOICE RECEIPT OPTIONS

Company: <u>Gal</u>	ls, LLC General Contact Name: Kevin R. Brown
Purchase Ord	ers: Purchase orders from Cooperative members will be available through the Internet or by facsimile.
orders provide	1: Internet . Vendors need Internet access and at least one e-mail address so that notification of new can be sent to the Internet contact when a new purchase order arrives. An information guide will be do to vendors that choose this option to assist them with retrieving their orders. 2: Fax . Vendors need a designated fax line available at all times to receive purchase orders.
_,	e only one (1) of the following options for receipt of purchase orders and provide the
requested infe	
\boxtimes	I will use the INTERNET to receive purchase orders.
	E-mail Address: buyboard@galls.com
	Internet Contact: _Larry Skinker Phone: 800-876-4242 ext 2428
	Alternate E-mail Address: brown-kevin@galls.com
	Alternate Internet Contact: <u>Jon Wellman</u> Phone: <u>800-876-4242 ext 2026</u>
X	I will receive purchase orders via FAX .
	Fax Number: 877-914-2557
	Fax Contact: Buy Board rep Phone: 800-876-4242 ext 2026
Request for C	Quotes ("RFQ"): Cooperative members will send RFQs to you by e-mail. Please provide e-mail addresses of RFQs:
E-mail	Address: <u>buyboard@galls.com</u>
Alterna	te E-mail Address: <u>brown-kevin@galls.com</u>
Invitation. All they are read	ur company will be billed monthly for the service fee due under a contract awarded under this Proposal invoices are available on the BuyBoard website and e-mail notifications will be sent when by to be retrieved. Please provide the following address, contact and e-mail information for receipt of pices and related communications:
Mailing addre	ess: <u>1340 Russell Cave Rd</u> Department: <u>Accounts Payable</u>
City:Lexin	gton State:Ky Zip Code: _40505
Contact Name	e:Pam Jarvis Phone: _800-876-4242 ext 4304
Fax: 859-268	-5941 E-mail Address: <u>jarvis-pam@galls.com</u>
Alternative E	-mail Address: <u>earnest-tina@galls.com</u>



FELONY CONVICTION DISCLOSURE AND DEBARMENT CERTIFICATION

FELONY CONVICTION DISCLOSURE

Subsection (a) of Section 44.034 of the Texas Education Code (Notification of Criminal History of Contractor) states: "A person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony."

Section 44.034 further states in Subsection (b): "A school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract."

Please check ($\sqrt{}$) one of the following:

My company is a publicly-held corporation. (Advance notice requirement does not apply to p My company is not owned or operated by anyone who has been convicted of a feld My company is owned/operated by the following individual(s) who has/have been	ony.
Name of Felon(s): NA	
Details of Conviction(s):	
By signature below, I certify that the above information is true, complete and accurate authorized by my company to make this certification.	and that I am
Galls, LLC	
Company Name	
Hun 77 Hung	
Signature of Authorized Company Official Printed Name	
DEBARMENT CERTIFICATION	
Neither my company nor an owner or principal of my company has been debar otherwise made ineligible for participation in Federal Assistance programs under Exec "Debarment and Suspension," as described in the Federal Register and Rules and Regu	cutive Order 12549,
By signature below, I certify that the above is true, complete and accurate and that $$ my company to make this certification.	I am authorized by
Galls, LLC	
Company Name	
Wls. A d	
Kevin R. Brown	
Signature of Authorized Company Official Printed Name	

FORM C Form 8-6-13 PAPER



Chapter 2252, Subchapter A, of the Texas Government Code establishes certain requirements applicable

RESIDENT/NONRESIDENT CERTIFICATION

to proposers who are not Texas residents. Under the statute, a "resident" proposer is a person whose principal place of business is in Texas, including a person whose ultimate parent company or majority owner has its principal place of business in Texas. A "nonresident" proposer is a person who is not a Texas resident. Please indicate the status of your company as a "resident" proposer or a "nonresident" proposer under these definitions. Please check ($\sqrt{}$) one of the following. ☐ I certify that my company is a **Resident Proposer.** ☐ I certify that my company is a **Nonresident Proposer.** If your company is a Nonresident Proposer, you must provide the following information for your resident state (the state in which your company's principal place of business is located): Galls, LLC 1340 Russell Cave Rd Company Name Address Lexington City Α. Does your resident state require a proposer whose principal place of business is in Texas to under-price proposers whose resident state is the same as yours by a prescribed amount or percentage to receive a comparable contract? Yes No What is the prescribed amount or percentage? \$ NA or NA B. VENDOR EMPLOYMENT CERTIFICATION Section 44.031(b) of the Texas Education Code establishes certain criteria that a school district must consider when determining to whom to award a contract. Among the criteria for certain contracts is whether the vendor or the vendor's ultimate parent or majority owner (i) has its principal place of business in Texas; or (ii) employs at least 500 people in Texas. If neither your company nor the ultimate parent company or majority owner has its principal place of business in Texas, does your company, ultimate parent company, or majority owner employ at least 500 people in Texas? Please check $(\sqrt{})$ one of the following. By signature below, I certify that the information in Sections 1 (Resident/Nonresident Certification) and 2 (Vendor Employment Certification) above is true, complete and accurate and that I am authorized by my company to make this certification. Galls, LLC Company Name Her of Ma

FORM D Form 8-6-13 PAPER

Signature of Authorized Company Official

Kevin R. Brown

Printed Name



MINORITY/WOMEN-OWNED BUSINESS ENTERPRISE/ HISTORICALLY UNDERUTILIZED BUSINESS CERTIFICATION

A proposer that has been certified as a Minority/Women Business Enterprise (also known as a "Historically Underutilized Business" or "HUB" and all referred to in this form as a "MWBE") is encouraged to indicate its MWBE certification status when responding to this Proposal Invitation. The electronic catalogs will indicate MWBE certifications for vendors that properly indicate and document their MWBE certification on this form.

<u>Please</u>	check (√) all that apply
	I certify that my company has been certified as a MWBE in the following categories:
	Minority Owned Business
	☐ Women Owned Business
	Certificate Number:
	Name of Certifying Agency:
	My company has NOT been certified as a MWBE.
By sigr my cor	nature below, I certify that the above is true, complete and accurate and that I am authorized because α mpany to make this certification.
_Galls,	
Compa	any Name
Signat	ure of Authorized Company Official
	ı R. Brown d Name



AFFIRMATION REGARDING CONSTRUCTION RELATED GOODS AND SERVICES

A contract awarded under this Proposal Invitation covers only the specific goods and services awarded by the BuyBoard. As explained in the BuyBoard Construction Related Goods and Services Advisory for Texas Members ("Advisory"), Texas law prohibits the procurement of architecture or engineering services through a purchasing cooperative. This BuyBoard contract does not include such services. Architecture or engineering services must be procured by a Cooperative member separately, in accordance with the Professional Services Procurement Act (Chapter 2254 of the Texas Government Code) and other applicable law and local policy.

The Advisory, attached to this Form F, provides an overview of certain legal requirements that are potentially relevant to a Cooperative member's procurement of construction or construction-related goods and services, including those for projects that may involve or require architecture, engineering or independent testing services.

By signature below, the undersigned affirms that Proposer has read and understands the Advisory attached to this Form F and is authorized by Proposer to make this affirmation. If Proposer sells construction-related goods or services to a Cooperative member under a BuyBoard contract awarded under this Proposal Invitation, Proposer will comply with the Advisory and applicable legal requirements, and will make a good faith effort to make its Cooperative clients or potential clients aware of such requirements.

	alls, LLC npany Name	
Signature of Authorized Company Official	Kevin R. Brown Printed Name	
	27 August 2013 Date	· · ·

FORM F-PAGE 1 Form 8-6-13 PAPER



CONSTRUCTION RELATED GOODS AND SERVICES ADVISORY FOR TEXAS MEMBERS

Why make purchases using BuyBoard? Purchasing through a cooperative or "interlocal contract" satisfies the requirement of local governments to seek competitive procurement for the purchase of goods or services. Therefore, you may purchase goods and services from a vendor through BuyBoard without having to conduct your own competitive procurement. If, however, you are procuring construction related services through a BuyBoard Job Order Contract (JOC) or contract for the installation of equipment or materials (e.g., athletic fields and surfaces, kitchen equipment, HVAC, playground equipment, or modular buildings), you may need to procure certain aspects of these services using a separate procurement process outside of the BuyBoard.

What is BuyBoard's Procurement Process? The BuyBoard uses a competitive procurement process to award contracts to vendors for products and services that the BuyBoard determines, based on an evaluation of multiple criteria, represent the best value for its members.

How does BuyBoard award a contract to a vendor? As a condition of being awarded a BuyBoard contract, a vendor is bound by and must agree to comply with all the terms of the BuyBoard's proposal invitation (or specifications), the vendor's proposal response, and any additional contract terms negotiated with the BuyBoard member. Among other things, the vendor must honor the pricing submitted in the vendor's proposal. THE PRICE YOU PAY FOR THE PRODUCTS AND SERVICES COVERED BY THE BUYBOARD CONTRACT MAY BE LESS THAN THE AWARDED PRICING, BUT CANNOT BE MORE. Additionally, the vendor must comply with the BuyBoard contract's general terms and conditions, and any additional terms and conditions that apply to the specific contract, as set out in the proposal invitation.

How does a BuyBoard member make purchases through the BuyBoard contract? You utilize the awarded BuyBoard contract by issuing a signed purchase order through the BuyBoard online application to procure the selected products or services. Although BuyBoard must receive a copy of the signed purchase order, BuyBoard does not review or approve the purchase order or other supplemental agreement that you obtain — this is a matter between you and the vendor. If construction-related services are procured through the BuyBoard, additional contracts with professionals and the contractor may be required, depending on the nature and scope of the services. Consult your procurement officer and/or legal advisor for specific advice.

How do I know that my entity has made a purchase through the BuyBoard?

BuyBoard must have a copy of the purchase order in order for the purchase to be considered a BuyBoard procurement. To ensure that your entity has satisfied state law requirements for competitive procurement, make sure that the BuyBoard has your purchase order. Do not rely on the vendor to submit the purchase order on your behalf; it is your responsibility to make sure that the BuyBoard has the signed purchase order. You may log in to www.buyboard.com using your member I.D. and password to view the Purchase Order Status Report to confirm that the purchase order is in the BuyBoard system.

FORM F-PAGE 2 Form 8-6-13 PAPER



What should BuyBoard members consider when using BuyBoard for construction-related purchases? While purchasing goods and services through BuyBoard satisfies your legal requirement to competitively procure a good or service, as a general matter you must keep in mind other legal requirements that may relate to the purchase, especially when using BuyBoard for construction-related procurement.

When making construction-related purchases through a BuyBoard contract, BuyBoard members must consider the following:

- ➤ **Best value determination.** In compliance with Texas law and any local policy, your entity must first determine that purchasing through an interlocal contract or purchasing cooperative is the procurement method that will provide best value. This is done by the governing body (e.g., board of trustees, council, commissioners' court, etc.) or can be delegated by the governing body to an individual or committee, with written notice.
- Products or services not covered by the BuyBoard contract. The BuyBoard contract covers only the specific products and services awarded by the BuyBoard. If you want to purchase from a BuyBoard vendor products or services that are not covered by the vendor's BuyBoard contract, such as architectural, design, or engineering services, you must procure them separately in accordance with state law and local policy.
- ➤ Architectural or Engineering and Independent Testing services. If your product includes a construction component that requires architectural or engineering services, you must procure those services separately. YOU MAY NOT PROCURE ARCHITECTURAL OR ENGINEERING SERVICES THROUGH A BUYBOARD CONTRACT. Texas law requires architectural and engineering services to be obtained in accordance with the Professional Services Procurement Act (Chapter 2254 of the Texas Government Code) and prohibits them from being procured through a purchasing cooperative.
 - o **Architecture.** A new building owned by a political subdivision having construction costs exceeding \$100,000 or an alteration or addition to an existing building having construction costs exceeding \$50,000 must have architectural plans and specifications prepared by an architect.
 - o **Engineering.** If the products or services procured through the BuyBoard will involve engineering in which the public health, welfare, or safety is involved, the plans for structural, mechanical, electrical, electronic, fire suppression, geotechnical systems, foundation design, surface water drainage, plumbing and certain roof modifications and associated estimates must be prepared by an engineer, and the engineering construction must be performed under the direct supervision of an engineer. The Engineering Practice Act provides two exceptions to this rule no engineer is required if (1) the project involves mechanical or electrical engineering and will cost \$8,000 or less, or (2) the project does not require mechanical or electrical engineering and will cost \$20,000 or less.

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- o **Independent Testing**. Public entities are required to contract for the testing of construction materials engineering and verification testing services necessary for acceptance of the facility by the entity, independent of the contractor, construction manager, or design-build firm. The procurement of the testing services should be done under the Professional Services Procurement Act, and not under a BuyBoard contract.
- o **Written Certification.** Effective 09/01/2013, a local governmental entity purchasing construction-related goods and services through a cooperative in an amount that exceeds \$50,000 must certify in writing that the project does not require the preparation of plans or specifications by an architect or engineer OR that an architect or engineer has prepared the plans or specifications.
- ▶ **Bonds.** You must also consider whether the vendor is required to provide a payment or performance bond. A payment bond is required for contracts that exceed \$25,000 to protect subcontractors who supply labor or materials for the project. A performance bond is required for a contract that exceeds \$100,000, to protect the local government if a contractor fails to complete the project. Without payment and performance bonds, if the contractor fails to pay its subcontractors or to complete the project, the public entity that entered the contract can be held responsible for payment claims or costs to complete.
- > Construction Contract. Even though the procurement of construction or constructionrelated services may be through the BuyBoard, your construction contract is between your entity and the contractor. The BuyBoard contract's general terms and conditions, standing alone, are not sufficient to document your entity's specific transaction. THEREFORE, YOU SHOULD USE AN APPROPRIATE FORM OF CONSTRUCTION CONTRACT JUST AS YOU WOULD DO IF YOU PROCURED CONSTRUCTION SERVICES INDEPENDENTLY, USING COMPETITIVE SEALED PROPOSALS. The contract must contain provisions required by state law including: performance and payment bonds, requirements for payment of prevailing wages to all construction workers, workers' compensation coverage for all workers and, on projects where contractor employees may have direct contact with students, criminal history record checks. Other provisions which should be considered in the construction contract are retainage, contingency, liquidated damages and dispute resolution, among others. By supplementing the BuyBoard contract with an appropriate form of construction contract, you ensure that your entity's unique interests are addressed and that your entity can enforce the contract directly.
- ➤ **Legal advice.** Because of the variety of laws that relate to construction-related purchasing and the potential risk of high exposure, you are well-advised to consult with your entity's legal counsel before procuring construction-related products and services under any procurement method, including a purchasing cooperative.

For more information about BuyBoard, contact us at 800-695-2919.

Issued: June 19, 2013

FORM F-PAGE 4 Form 8-6-13 PAPER



DEVIATION AND COMPLIANCE SIGNATURE FORM

If your company intends to deviate from the General Terms and Conditions, Item Specifications or other requirements associated with this Proposal Invitation, you must list all such deviations on this form, and provide complete and detailed information regarding the deviations on this form, an attachment to this form, or elsewhere in your Proposal. (If you do not provide the information on or as an attachment to this form, the information must be clearly identified in your Proposal.) The Cooperative will consider any deviations in its contract award decision, and reserves the right to accept or reject a proposal based upon any submitted deviation.

In the absence of any deviation identified and described in accordance with the above, your company must fully comply with the General Terms and Conditions, Item Specifications and all other requirements associated with this Proposal Invitation if awarded a contract under this Proposal Invitation.

No; Deviations Yes; Deviations	
List and fully explain any deviations you are submitting:	
	A CONTRACT OF THE CONTRACT OF
PLEASE PROVIDE THE FOLLOWING INFORMATION:	
1. Shipping Via: Common Carrier	
2. Payment Terms: Net 30 days 1% in 10/Net 30 days Other:	
3. Number of Days for Delivery: <u>5-10 days</u> ARO	
4. Vendor Reference/Quote Number: Buy Board price list / CATA LOG/We	. A
5. State your return policy: No hassle gaurantee for newly purchased items within issues, manufacturer's defects and production errors, Galls will pay the shipping costs within those 30 days. Personalized items or special order items cannot be returned up by a Galls authorized rep.	s to be returned
6. Are electronic payments acceptable? ☑Yes ☐ No	
Galls, LLC Company Name Kevin R. Brown	
Signature of Authorized Company Official Printed Name	

FORM G



DEALERSHIP LISTINGS

If you have more than one location that will service a contract awarded under this Proposal Invitation, please list each location below. If additional sheets are required, please duplicate this form as necessary.

NA		
Company Name		
Address		
City	State	Zip
Phone Number	Fax Number	
Contact Person		
Company Name		
Address		
City	State	Zíp
Phone Number	Fax Number	
Contact Person		

FORM H

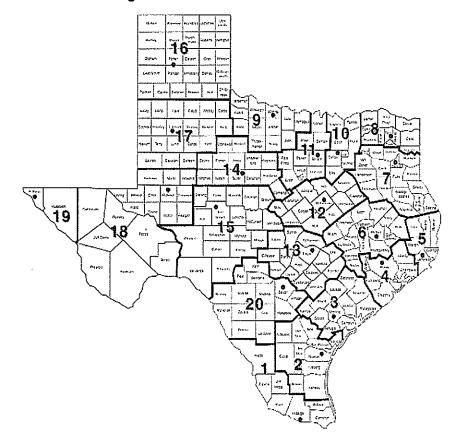


TEXAS REGIONAL SERVICE DESIGNATION

Unless you designate otherwise on this form, you agree to service members of The Local Government Purchasing Cooperative statewide!

The Cooperative (referred to as "Texas Cooperative" in this Form I and Form J, State Service Designation) offers vendors the opportunity to service its members throughout the entire State of Texas. If you do not plan to service all Texas Cooperative members statewide, you <u>must</u> indicate the specific regions you will service on this form. Additionally, if you do not plan to service Texas Cooperative members (i.e., if you will service only states other than Texas), you must so indicate on this form.

Regional Education Service Centers



Galls, LLC	
Company Name	
MAAM	

Signature of Authorized Company Official

Kevin R. Brown
Printed Name

- I will service Texas
 Cooperative members
 statewide.
- ☐ I will not service Texas
 Cooperative members
 statewide. I will only
 service members in the
 regions checked below:

	Region	<u>Headquarters</u>
ď	1	Edinburg
Ø,	. 2	Corpus Christi
Ø	3	Victoria
$\mathbb{Z}_{\mathbb{Z}}$	4	Houston
Z,	5	Beaumont
Ø,	6	Huntsville
Ø,	7	Kilgore
Ø,	8	Mount Pleasant
Ø	9	Wichita Falls
团人	10	Richardson
$\mathbb{Z}_{\mathbb{Z}}$	11	Fort Worth
Ø,	. 12	Waco
Ø,	13	Austin
	14	Abilene
Ø,	15	San Angelo
Ø,	16	Amarillo
Ø,	17	Lubbock
	18	Midland
Ø,	19	El Paso
Ø	20	San Antonio

I will not service members of the Texas Cooperative.



STATE SERVICE DESIGNATION

The Cooperative offers vendors the opportunity to service other governmental entities in the United States, including intergovernmental purchasing cooperatives such as the National Purchasing Cooperative BuyBoard. You must complete this form if you plan to service the entire United States, or will service only the specific states indicated. (Note: If you plan to service Texas Cooperative members, be sure that you complete Form I, Texas Regional Service Designation.)

Regi	ional Service	Designation.)		
:	I will service	all states in the United States.		
	I will not se	rvice all states in the United St	ates. I will service only th	ne states checked below:
	indicated. `		can service other governr s that you understand yo Galls, LLC	Nebraska
	00	A A	Company Name	
	4 Cu			<u>(evin R. Brown</u>
	Signature of	f Authorized Company Official	Pr	inted Name

FORM J Form 8-6-13 PAPER



NATIONAL PURCHASING COOPERATIVE VENDOR AWARD AGREEMENT

In accordance with the Terms and Conditions associated with this Proposal Invitation, a contract awarded under this Proposal Invitation may be "piggy-backed" by another governmental entity. The National Purchasing Cooperative is an intergovernmental purchasing cooperative formed by certain school districts outside of Texas to serve its members throughout the United States. If you agree to be considered for a piggy-back award by the National Purchasing Cooperative, you agree to the following terms and agree to serve National Purchasing Cooperative members in the states you have indicated on Form I, State Service Designation, in your Proposal.

By signing this form, Proposer (referred to in this Agreement as "Vendor") agrees as follows:

- 1. Vendor acknowledges that if The Local Government Purchasing Cooperative ("Texas Cooperative") awards Vendor a contract under this Proposal Invitation ("Underlying Award"), the National Purchasing Cooperative ("National Cooperative") may but is not required to "piggy-back" on or re-award all or a portion of that Underlying Award ("Piggy-Back Award"). By signing this National Cooperative Vendor Award Agreement ("Agreement"), Vendor accepts and agrees to be bound by any such Piggy-Back Award as provided for herein.
- 2. In the event National Cooperative awards Vendor a Piggy-Back Award, the National Cooperative Administrator ("BuyBoard Administrator") will notify Vendor in writing of such Piggy-Back Award, which award shall commence on the effective date stated in the Notice and end on the expiration date of the Underlying Award, subject to annual renewals as authorized in writing by the BuyBoard Administrator. Vendor agrees that no further signature or other action is required of Vendor in order for the Piggy-Back Award and this Agreement to be binding upon Vendor. Vendor further agrees that no interlineations or changes to this Agreement by Vendor will be binding on National Cooperative, unless such changes are agreed to by its BuyBoard Administrator in writing.
- 3. Vendor agrees that it shall offer its goods and services to National Cooperative members at the same unit pricing and same general terms and conditions, subject to applicable state laws in the state of purchase, as required by the Underlying Award. However, nothing in this Agreement prevents Vendor from offering National Cooperative members better (i.e., lower) competitive pricing and more favorable terms and conditions than those in the Underlying Award.
- 4. Vendor hereby agrees and confirms that it will serve those states it has designated on Form J (State Service Designation Form) of this Proposal Invitation. Any changes to the states designated on Form J must be approved in writing by the BuyBoard Administrator.
- 5. Vendor agrees to pay National Cooperative the service fee provided for in the Underlying Award based on the amount of purchases generated from National Cooperative members through the Piggy-Back Award. Vendor shall remit payment to National Cooperative on such schedule as it specifies (which shall not be more often than monthly). Further, upon request, Vendor shall provide National Cooperative with copies of all purchase orders generated from National Cooperative members for purposes of reviewing and verifying purchase activity. Vendor further agrees that National Cooperative shall have the right, upon reasonable written notice, to review Vendor's records pertaining to purchases made by National Cooperative members in order to verify the accuracy of service fees.

FORM K - PAGE 1 Form 8-6-13 PAPER



- 6. Vendor agrees that the Underlying Award, including its General Terms and Conditions, are adopted by reference to the fullest extent such provisions can reasonably apply to the post-proposal/contract award phase. The rights and responsibilities that would ordinarily inure to the Texas Cooperative pursuant to the Underlying Award shall inure to National Cooperative; and, conversely, the rights and responsibilities that would ordinarily inure to Vendor in the Underlying Award shall inure to Vendor in this Agreement. Vendor recognizes and agrees that Vendor and National Cooperative are the only parties to this Agreement, and that nothing in this Agreement has application to other third parties, including the Texas Cooperative. In the event of conflict between this Agreement and the terms of the Underlying Award, the terms of this Agreement shall control, and then only to the extent necessary to reconcile the conflict.
- 7. This Agreement shall be governed and construed in accordance with the laws of the State of Rhode Island and venue for any dispute shall lie in the federal district court of Alexandria, Virginia.
- 8. Vendor acknowledges and agrees that the award of a Piggy-Back Award is within the sole discretion of National Cooperative, and that this Agreement does not take effect unless and until National Cooperative awards Vendor a Piggy-Back Award and the BuyBoard Administrator notifies Vendor in writing of such Piggy-Back Award as provided for herein.

WHEREFORE, by signing below Vendor agrees to the foregoing and warrants that it has the authority to enter into this Agreement.

Galls, LLC	432-13
Name of Vendor	Proposal Invitation Number
Signature of Authorized Company Official	<u>Kevin R. Brown</u> Printed Name of Authorized Company Official
27 August 2013	
Date	

FORM K – PAGE 2 Form 8-6-13 PAPER



FEDERAL AND STATE/PURCHASING COOPERATIVE DISCOUNT COMPARISON FORM

The Cooperative strives to provide its members with the best services and products at the best prices available. The Cooperative determines whether prices/discounts are fair and reasonable by comparing prices/discounts stated in your Proposal with prices/discounts you offer federal and state entities and other interlocal purchasing cooperatives (collectively referred to as "purchasing cooperative" in this form). Please respond to the following questions.

Provide the dollar value of sales to or through purchasing cooperatives at or based on an established catalog or

market price during the previous 12-mon 12 month period is <u>May2012</u> appropriate measure of the sales, provide	/ May 2013). In the event that a d	ollar value is not an	
Based on your written discounting policies are the discounts you offer the Cooperative equal to or better than the best price you offer other purchasing cooperatives acquiring the same items regardless of quantity or terms and conditions?				
YES NO				
3. Based on your written discounting po cooperatives, either in the chart below many purchasing cooperatives as require	or in an equivalent for	formation requested below rmat. Rows should be added	for other purchasing d to accommodate as	
PURCHASING GROUP	DISCOUNT (%)	QUANTITY/VOLUME	FOB TERM	
1. Federal General Services Adm.	Varies by item	+2m per year	Origin	
2. T-PASS				
3. U.S. Communities Purchasing Alliance				
4. The Cooperative Purchasing Network				
5. Houston-Galveston Area Council				
6. Other TXMAS / PAce	Varies by item	\$70K per year	Origin	
MY COMPANY DOES NOT CURRENTLY CURRENT BUYBOARD VENDORS If you are a current BuyBoard vendor, indiced discount in this Proposal. Explain any difference	ate the discount for y nce between your curi	our current BuyBoard contra rent and proposed discounts.		
Current Discount (%):	Propose	ed Discount (%):		
Explanation:				
By signature below, I certify that the above it o make this certification.	s true, complete and a	accurate and that I am autho	rized by my company	
	Galls, LLC			
	Company Name			
acyr 2	, ,			
		Kevin R. Brown		
Signature of Authorized Company Official FORM L	Pr	rinted Name	Form 8-6-13 PAPER	



REFERENCES AND PRICE/DISCOUNT INFORMATION

PART I: For your Proposal to be considered, you must supply a minimum of five (5) individual governmental entity references. Provide the information requested below, including the existing price/discounts you offer each customer. The Cooperative determines whether prices/discounts are fair and reasonable by comparing prices/discounts stated in your Proposal with the prices/discounts you offer other governmental customers. Attach additional pages if necessary.

Entity Name	Contact	Phone#	Discount		antity/ ume	FOB Term
1. Broken Ay	TAMMO		5-20	~~	70K	Destination
				BYLIST		
2. DALLAS PD	KIMBER LY	Brewer 214	-670-6098	10-20%	\$ 500	K DESTINATION
WICHITA FALLS	STEUE	_	BY LI	y e		
3. POUCE DEPT OK DEAT	RABY (<u>940) 761-7993</u>	ITEM	#30	OK_	ORIGIN
OK bert	אומיליסק		BY LINE ETENS 5-2090	&		
4. CORRECTIONS '	100300 918	8-421-3209	5-2090	\$500	<u> ッド </u>	Octo IN
LAREDO DA			UNIFORIT CONTEACT	r		
5.FD MAR	Truez 950	6-718-6027	10-2590	\$ 20	OOK	DESTINATION
Do you ever modify you discounts (lower prices) IF MANOSACT	than indicated? \	res⊠no□ if ye	ES, please explain:			T SAVINGS
04.						
Cooperative accepts a	all or part of you ct, and how you	ur Proposal. <i>(Exa</i>	<u>mple:</u> How you	will initially	inform Co	y you will use if the poperative members of f the contract period.)
By signature below, I this certification.	certify that the	above is true and	d correct and the	at I am auth	orized by	my company to make
Galls, LLC						
Company Name ACM & M	u					
Signature of Authorize	ed Company Offi	cial				
Kevin R. Brown				<u>.</u>		
Printed Name						

FORM M



FORMS CHECKLIST (Please check (v) the following)

U	Completed: Proposer's Agreement and Signature (Form A)
D/	Completed: Vendor Purchase Order, Request for Quotes, and Invoice Receipt Options (Form B)
	Completed: Felony Conviction Disclosure and Debarment Certification (Form C)
d	Completed: Resident/Nonresident Certification (Form D)
Ø	Completed: Historically Underutilized Business (HUB) Certification (Form E)
	Completed: Affirmation Regarding Construction Related Goods and Services (Form F)
	Completed: Deviation/Compliance Signature Form (Form G)
	Completed: Dealership Listings (Form H)
	Completed: Texas Regional Service Designation (Form I)
d	Completed: State Service Designation (Form J)
Ø	<u>Completed</u> : National Purchasing Cooperative Vendor Award Agreement (Form K)
团	Completed: Federal and State/Purchasing Cooperative Discount Comparison Form (Form L)
v	Completed: References and Price Discount Information (Form M)
	Completed: Forms Checklist (Form N)
	<u>Completed</u> : Proposal Specifications with Catalogs/Pricelists and Manufacturer Letters *Catalogs/Pricelists must be submitted with proposal response or response will not be considered.

FORM N Form 8-6-13 PAPER



Item No.	Short Description	Full Description	Discount % Off Catalog or Pricelist	Catalog/Pricelist Name	Exceptions to Catalog/Pricelist Discount
		Section I: Public Safety Supplies and Equipment			
- 1	Discount % Off Catalog/Pricelist for Firearms and Ammunition	Firearms and Ammunition State Discount % Off Catalog/Pricelist for all types of firearms and ammunition	No Bid	No Bid	No Bid
2	Discount % Off Catalog/Pricelist for Tactical Equipment	Tactical Equipment State Discount % Off Catalog/Pricelist for all types of tactical equipment	minimum 20% off current retail/Catalog pricing	www.galls.com to include special order items included advertised, please call	no clearance items included
3	Discount % Off Catalog/Pricelist for Night Sticks and Batons	Night Sticks/Batons State Discount % Off Catalog/Pricelist for all types of night sticks/batons	minimum 20% off current retail/Catalog pricing	www.galls.com to include special order items that are not advertised, please call	no clearance items included
4	Discount % Off Catalog/Pricelist for Rainwear and Jackets	Rainwear and Jackets State Discount % Off Catalog/Pricelist for all types of rainwear and jackets	minimum 20% off current retail/Catalog pricing	www.galls.com to include special order items that are not advertised, please call	no clearance items included
S	Discount % Off Catalog/Pricelist for Footwear	Footwear State Discount % Off Catalog/Pricelist for all types of footwear	minimum 20% off current retail/Catalog pricing	www.galls.com to include special order items included advertised, please call	no clearance items included
9	Discount % Off Catalog/Pricelist for Riot Equipment/Body Armor	Riot Equipment/Body Armor State Discount % Off Catalog/Pricelist for all types of riot equipment/body armor	minimum 20% off current retail/Catalog pricing	www.galls.com to include special order items that are not advertised, please call	no clearance items included
	Discount % Off Catalog/Pricelist for Vehicle Equipment	Vehicle Equipment State Discount % Off Catalog/Pricelist for all types of radar, lights, speakers, etc.	10% and call to confirm	www.galls.com to include special order items that are not advertised, please call	no clearance items included



Item No.	Short Description	Full Description	Discount % Off Catalog or Pricelist	Catalog/Pricelist Name	Exceptions to Catalog/Pricelist Discount
8	Discount % Off Catalog/Pricelist for Tear Gas/Mace, etc.	Tear Gas/Mace, Etc State Discount % Off Catalog/Pricelist for all types of tear gas, mace, etc.	minimum 20% off current retail/Catalog pricing	www.galls.com to include special order items that are not advertised, please call	no clearance items included
o o	Discount % Off Catalog/Pricelist for Night Vision/Thermal Imaging Equipment	Night Vision/Thermal Imaging Equipment State Discount % Off Catalog/Pricelist for all types of equipment	15% off Current retail/catalog pricing	www.galls.com to include special order items that are not no clearance items included advertised, please call	no clearance items included
10	Discount % Off Catalog/Pricelist for Flashlights, Batteries, Etc.	Flashlights, Batteries, Etc State Discount % Off Catalog/Pricelist for all types of flashlights, batteries, etc.	minimum 20% off current retail/Catalog pricing	www.galls.com to include special order items that are not advertised, please call	no clearance items included
11	Discount % Off Catalog/Pricelist for Bicycle Patrol Equipment	Bicycle Patrol Equipment State Discount % Off Catalog/Pricelist for all types of bicycle patrol equipment	minimum 20% off current retail/Catalog pricing	www.galls.com to include special order items that are not no clearance items included advertised, please call	no clearance items included
12	Discount % Off Catalog/Pricelist for Handcuffs and Restraints	Handcuffs/Restraints State Discount % Off Catalog/Pricelist for all types of handcuffs and restraints	minimum 20% off current retail/Catalog pricing	www.galls.com to include special order items that are not advertised, please call	no clearance items included
13	Discount % Off Catalog/Pricelist for Scopes and Binoculars	Scopes and Binoculars State Discount % Off Catalog/Pricelist for all types scopes and binoculars	minimum 20% off current retail/Catalog pricing	www.galls.com to include special order items that are not advertised, please call	no clearance items included
14	Discount % Off Catalog/Pricelist for Alcohol and Drug Testing Products	Alcohol/Drug Testing Products State Discount % Off Catalog/Pricelist for all types of alcohol/drug testing products	minimum 15% off current retail/Catalog pricing	www.galls.com to include special order items included advertised, please call	no clearance items included



	Short Description	Full Description	, t	Catalog/Pricelist Name	Exceptions to Catalog/Pricelist Discount
<u> 四 </u>	Discount % Off Catalog/Pricelist for Targets	Targets State Discount % Off Catalog/Pricelist for all types of targets	minimum 20% off current retail/Catalog pricing	www.galls.com to include special order items that are not advertised, please call	no clearance items included
<u>a IOO</u>	Discount % Off Catalog/Pricelist for Finger Print Equipment and Supplies	Finger Print Equipment and Supplies State Discount % Off Catalog/Pricelist for all types of finger print equipment and supplies	minimum 15% off current retail/Catalog pricing	www.galls.com to include special order items included advertised, please call	no clearance items included
	Discount % Off Catalog/Pricelist for Knives and Tools	Knives and Tools State Discount % Off Catalog/Pricelist for all types of knives	minimum 20% off current retail/Catalog pricing	www.galls.com to include special order items included advertised, please call	no clearance items included
	Discount % Off Catalog/Pricelist for Uniforms and Accessories	Uniforms and Accessories State Discount % Off Catalog/Pricelist for all types of uniforms, clothing, and accessories	State minimum 25% off for current retail/catalog ind prices	www.galls.com to include special order items that are not advertised, please call	not to include customization such as direct embroidery, patches, heat press and screen printing. These items priced seperately
<u> </u>	Discount % Off Catalog/Pricelist for Weather Monotoring Systems	Weather Monitoring Systems State Discount % Off Catalog/Pricelist for all types of weather monitoring systems	No Bid	No Bid	No Bíd
<u> </u>	Discount % Off Catalog/Pricelist for Red Light Monitoring Systems	Red Light Monitoring Systems State Discount % Off Catalog/Pricelist for all types of red light monitoring systems	No Bid	No Bid	No bid
	Discount % Off Catalog/Pricelist for Speed Enforcement Equipment	Speed Enforcement Equipment State Discount % Off Catalog/Pricelist for all types of red light monitoring systems	5-10% off current catalog pricing	www.galls.com to include special order items that are not advertised, please call	Call for specific items and costs.



Item No.	Short Description	Full Description	Discount % Off Catalog or Pricelist	Catalog/Pricelist Name	Exceptions to Catalog/Pricelist Discount
22	Discount % Off Catalog/Pricelist for Emergency Radio Dispatch Consoles and related items	Emergency Radio Dispatch Consoles and related items State Discount % Off Catalog/Pricelist for all types of consoles and related items	No Bid	No Bid	No Bid
23	Discount % Off Catalog/Pricelist for all Misc. Public Safety Products	Miscellaneous Public Safety Supplies and Equipment State Discount % Off Catalog/Pricelist for all other products, equipment and supplies not listed above	5-20% off current retail/catalog pricing	www.galls.com to include special order items that are not advertised, please call	Call for specific items and costs.
24	Discount (%) Off Catalog/Pricelist for Repair Parts of Various Brands	Repair Parts State Discount % Off Catalog/Pricelist for all types of repair parts	No Bid	No Bid	NO Bid
25	Discount (%) Off Catalog/Pricelist for Public Safety Maintenance/Warranty Agreements	Public Safety Maintenance/Warranty Agreements State Discount % Off Catalog/Pricelist for Maintenance/Warranty Agreements	all manufacturer's warranties apply	30 day no hassle gaurantee from Galls on newly purchased items	excludes customized items unless produced in error by Galls production team
26	Please state the Hourly Labor Rate for Installation of Equipment and Systems of Various Brands	Please state the Hourly Labor Rate for: Installation of Equipment and Systems	\$/Hour	No Bid	No Bid
27	Please state the Hourly Labor Rate for Repair/Service of Various Brands	Please state the Hourly Labor Rate for: Repair/Service of Equipment and Systems	\$/Hour	No Bid	No Bid



Exceptions to Catalog/Pricelist Discount			dictated by volume style			Depending on brand/style
Catalog/Pricelist Name		<u>www.galls.com</u> to include special order items that are not advertised, please call	www.galls.com to include special order items that are not advertised, please call	www.galls.com to include special order items that are not advertised, please call	www.galls.com to include special order items that are not advertised, please call	www.galls.com to include special order items that are not advertised, please call
Discount % Off Catalog or Pricelist	No Bid	upto 20% off from retail/current catalog pricing	case by case basis, call for discounts	10%+, depending on brand/style	upto 20% off from retail/current catalog pricing	upto 25%
Section II: Fire House Supplies and Equipment	Breathing Apparatus — State Discount % Off Catalog/Pricelist for all breathing apparatus	Protective Clothing and Rescue Gear including Helmets and Gear Bags State Discount % Off Catalog/Pricelist for all products	Turnout Gear State Discount % Off Catalog/Pricelist for all turnout gear	Fire Fighters Protective Boots State Discount % Off Catalog/Pricelist for all protective boots	Nomex Station Uniforms State Discount % Off Catalog/Pricelist for uniforms	Footwear State Discount % Off Catalog/Pricelist for all footwear
	Discount % Off Catalog/Pricelist for Breathing Apparatus	Discount % Off Catalog/Pricelist for all Protective Clothing and Rescue Gear including Helmets and Gear Bags	Discount % Off Catalog/Pricelist for all Turnout Gear	Discount % Off Catalog/Pricelist for all Fire Fighters Protective Boots	Discount % Off Catalog/Pricelist for all Nomex Station Uniforms	Discount % Off Catalog/Pricelist for all Footwear
	28	29	30	31	32	33



Item No.	Short Description	Full Description	Discount % Off Catalog or Pricelist	Catalog/Pricelist Name	Exceptions to Catalog/Pricelist Discount
34	Discount % Off Catalog/Pricelist for all Communication Devices Systems State Disc Communication Devices Catalog/Pricelist for all communication devices	Communication Devices and Systems State Discount % Off Catalog/Pricelist for all communication devices and systems	No Bid	no bid	
35	Discount % Off Catalog/Pricelist for all EMS Supplies and Equipment	EMS Supplies and Equipment State Discount % Off Catalog/Pricelist for all EMS supplies and equipment	5-15%	www.galls.com to include special order items that are not advertised, please call	
36	Discount % Off Catalog/Pricelist for all Portable Lighting Equipment	Portable Lighting Equipment State Discount % Off Catalog/Pricelist for all portable lighting equipment	10-15%	www.galls.com to include special order items that are not advertised, please call	
37	Discount % Off Catalog/Pricelist for all Vehicle Light Bars, Sirens and Speakers	Vehicle light bars, sirens and speakers State Discount % Off Catalog/Pricelist all light bars, sirens and speakers	0-10%	www.galls.com to include special order items that are not advertised, please call	Depending on brand/style
38	Discount % Off Catalog/Pricelist for all Uniforms	Uniforms State Discount % Off Catalog/Pricelist for all uniforms	upto 25%	www.galls.com to include special order items that are not advertised, please call	Depending on brand/style
39	Discount % Off Catalog/Pricelist for all Gas Detection Devices	Gas Detection Devices State Discount % Off Catalog/Pricelist for all gas detection devices	No Bid	No Bid	No Bid



DEALERSHIP LISTINGS

If you have more than one location that will service a contract awarded under this Proposal Invitation, please list each location below. If additional sheets are required, please duplicate this form as necessary.

Lone Star			
Company Name			
8430 N Sam Houston Pkwy W			
Address			
Houston	Tx		77064
City	State		Zip
832-237-8000 ext 115		832-237-8008	
Phone Number		Fax Number	
Contact Person			
Company Name			
Address			
City	State		Zip
Phone Number		Fax Number	
Contact Person			



DEALERSHIP LISTINGS

If you have more than one location that will service a contract awarded under this Proposal Invitation, please list each location below. If additional sheets are required, please duplicate this form as necessary.

Best Uniforms Inc			
Company Name			
2716 Exchange Dr			
Address			
Willmington	Nc		28405
City	State		Zip
910-791-6050		910-791-2699	
Phone Number		Fax Number	
Jason Taran			
Contact Person			
Best Uniforms Inc			
Company Name			
2124 Tomlynn St			
Address			
Richmond	Va		23230
City	State		Zip
804-353-3999			
Phone Number		Fax Number	
JASON TARAN			
Contact Person			



P.O. Box 400 Austin, TX 78767-0400 800.695.2919 | 512.467.0222 | Fax: 800.211.5454 buyboard.com

March 9, 2015

Sent via email to: buyboard@galls.com

Kevin Brown
Galls, LLC
1340 Russell Cave Road
Lexington KY 40505

Re: BuyBoard Contract 432-13

Public Safety & Fire House Supplies & Equipment

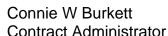
The Local Government Purchasing Cooperative (BuyBoard) awarded your company Public Safety & Fire House Supplies & Equipment Proposal, 432-13 effective April 1, 2014 – March 31, 2015, with two possible one-year renewals. At this time, we are renewing your contract through March 31, 2016.

All discounts, terms, and conditions of your proposal contract will remain the same. If you agree to this renewal, there is nothing you need to do. However, if you do not agree to this renewal, you must notify me immediately via email at connie.burkett@tasb.org.

Reminder, once a BuyBoard contract is awarded, vendors must generate a minimum of \$15,000 annually or they may not be offered a contract renewal. Evaluations will be made annually, prior to the expiration date of the contract term, and the BuyBoard reserves the right to discontinue the vendor's contract at that time.

If you have questions or comments concerning this renewal, please contact me as soon as possible at connie.burkett@tasb.org. We appreciate your interest in The Local Government Purchasing Cooperative.

Sincerely,



Counie & Burkets







P.O. Box 400 Austin, TX 78767-0400 800.695.2919 | 512.467.0222 | Fax: 800.211.5454 buyboard.com

February 16, 2016

Sent via Email to:buyboard@galls.com

Brittany Goble Galls, LLC 1340 Russell Cave Road Lexington KY 40505

Re: Public Safety & Fire House Supplies & Equipment

BuyBoard Contract 432-13

The contract that the Local Government Purchasing Cooperative (BuyBoard) awarded your company under the Public Safety & Fire House Supplies & Equipment Proposal, RFP 432-13, will expire March 31, 2016.

At this time, we are renewing your contract through March 31, 2017. This will be the final renewal of this contract.

All discounts, terms, and conditions of your proposal contract will remain the same. If you agree with the renewal, there is nothing you need to do. However, if you do not agree to this renewal, you must notify me immediately via email at connie.burkett@tasb.org.

Reminder: The receipt of a purchase order directly from a Cooperative member is not within the guidelines of the Cooperative. Accepting orders directly from a member entity may result in a violation of the State of Texas competitive bid statutes, and could cause cancellation of this proposal award. Therefore, all orders must be processed through the Cooperative in order to comply with the contract. We request your assistance in immediately forwarding any orders received directly from member entities. Purchase orders may be sent to us either by fax (800-211-5454) or by email (info@buyboard.com). If by chance an order sent directly to you has been unintentionally processed, please forward it to the Cooperative and note it as RECORD ONLY to prevent duplication.

If you have questions or comments concerning this renewal, please contact me as soon as possible at connie.burkett@tasb.org. We appreciate your interest and participation in The Local Government Purchasing Cooperative.

Sincerely,









City Council Agenda Memo

City Council Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

FROM: Stan Standridge, Chief of Police

SUBJECT: Resolution: Authorizing a \$24,800 City match to a State grant of \$99,200 for the

purchase of body cameras for the Police Department. (Standridge)

GENERAL INFORMATION

The Texas Criminal Justice Division (CJD) of the Governor's Office selected Abilene as an agency to receive a Body-Worn Camera grant. The allocation from CJD is \$99,200 and is limited to expenditures for body-worn cameras and the associated video storage and equipment. State law requires a 25% match of the grant award, giving the Department a total maximum project budget of \$124,000.

The grant mandates the Department use the funds to equip 124 front-line officers with body cameras as well as the requisite video storage and accessories required for the cameras to be functional. If the Department wishes to equip fewer officers, then it must work with CJD to reduce the grant award proportionately. It is the Department's intent to fully utilize the grant.

The Department utilizes WatchGuard for all dash video systems, so the back-end storage and accessories are already in place. Also, the Department currently owns and utilizes 16 body-worn cameras, albeit from a different vendor.

With the purchase of 124 cameras, the Department will be able to equip the majority of all Patrol and Traffic Officers.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The grant requires a 25% match, which is \$24,800.

STAFF RECOMMENDATION

Staff recommends the City authorize acceptance of the grant and grant match.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description

□ Written Resolution

Type

Resolution Letter

RESOLUTION NO
A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE TEXAS GOVERNOR'S CRIMINAL JUSTICE DIVISION
AND AN EXPENDITURE OF \$24,800 IN CITY MATCH TO A STATE GRANT EXPENDITURE OF \$99,200 FOR THE PURCHASE OF BODY WORN CAMERAS FOR THE ABILENE POLICE DEPARTMENT.
WHEREAS , this City Council finds the Abilene Police Department has a need to acquire and maintain body worn cameras; and

WHEREAS, the City of Abilene has been selected by the Criminal Justice Division of the Governor's Office to receive a grant for the purchase of the body worn cameras; and

WHEREAS, said grant requires the City of Abilene to provide matching funds of \$24,800 to the \$99,200 provided by the State grant; and

WHEREAS, the grant mandates the use of grant funds be directed toward the purchase of up to 124 body worn cameras.

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

Section I. Findings.

The city manager or his designee is authorized to enter into the grant agreement and expend \$24,800 in general revenue as matching funds for the purpose of acquiring body worn cameras for the Abilene Police Department.

Adopted the day of February, 2016		
ATTEST:		
Danette Dunlap, City Secretary	Norman Archibald, Mayor	
APPROVED:		
Stanley Smith, Interim City Attorney		



City Council Agenda Memo

City Council Meeting Date: 2/25/2016

TO: Robert Hanna, City Manager

FROM: Danette Dunlap, City Secretary

Resolution: Appointing/Reappointing members to the Various Boards and Commissions.

SUBJECT: Landmarks Commission - reappointment of Rick Weatherl

GENERAL INFORMATION

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description Type

D Resolution Resolution Letter

D Exhibit Exhibit

■ Landmarks Comm Backup Material

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RESOLUTION NO. <u>-2016</u>

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 14th day of January, A.D. 2016.

ATTEST:

TITLEST.	
Danette Dunlap, TRMC	Norm Archibald
City Secretary	Mayor
	APPROVED:
	Stanley Smith
	Interim City Attorney

RESOLUTION NO	-2016
EXHIBIT "A"	

Landmarks Commission

Members

• Rick Weatherl Nov. 2017

Reappointment Form

MEMORANDUM

Date: November 18, 2015

TO: Danette Dunlap

FROM: Ben Bryner, Planning Services Manager

SUBJECT: Board **Reappointment** Recommendation

Board: Landmarks Commission; the function of the Commission is to review and recommend

Historic Overlay Zoning; to review changes to properties that have Historic Overlay Zoning, and to review and update the goals & objectives of the Historic Preservation Plan; the length of a term is 3 years; the ordinance requirement for this appointment is that of a

member representing the Construction Industry.

Board Chair: Steve Butman

Board Chair Recommendation: Rick Weatherl wishes to continue as a member and remain chairman

Staff Contact: Stephanie Goodrich/ Historic Preservation Officer

Staff Recommendation: Staff recommends the reappointment of Rick Weatherl

Recommendation:

Reappoint:

Name/Title: Rick Weatherl, Architect, AIA
Place of Employment: Weatherl & Associates
Mailing Address: 104 Pine Street, Ste. 612
Abilene, TX 79602

Home Address: 1249 Hollis Drive 79605

Home Phone: 691-5960
Business Phone: 672-1050
Race: White
Gender: Male

Note:

Service: 12/16/99 to 11/1/15 –15 years

Attendance record: All absences were excused, and there were very few absences.

Date Potential Board Member was Contacted:

Comments: None