CITY OF ABILENE

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, March 10, 2016 at 8:30 AM at 555 Walnut Street, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION

1. Councilman Jay Hardaway

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

4. PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUCEMENTS

1. Presentation of the 2015 Outstanding Programming Award and Presentation of the 2015 Outstanding Corporate Partner Award

5. MINUTES

1. Approval of the minutes from the Special Called Meeting February 23rd and the Regular Called Meeting February 25, 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 Purchase of Paratransit Vans for CityLink. ***(Green)***
2. **Oral Resolution** – Extended Term Street Use License with Schkade Brothers Operating Company, Inc. ***(Rice)***

7. REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

1. **Ordinance & Public Hearing:** *(Final 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 ***(Schoening)***
2. **Ordinance & Public Hearing:** *(Final 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 ***(Schoening)***
3. **Ordinance & Public Hearing:** *(Final 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. ***(Schoening)***
4. **Ordinance & Public Hearing:** *(Final 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. ***(Schoening)***
5. **Resolution:** Authorizing the City Manager to execute a design build agreement with H&G Construction Co. Inc. for improvements to the Abilene Civic Center. ***(Andrews)***
6. **Resolution**: Authorizing the City Manager to execute an agreement with Tittle Luther Partnership/Parkhill, Smith & Cooper (TLP/PSC) in the amount of $301,100 for the design of new Fire Station 4. ***(Bell)***
7. **Resolution**: Authorizing the Purchase of Mobile Devices in the amount of $56,600 for the Abilene Fire Department utilizing $19,245 in grant funds. ***(Bell)***
8. **Resolution**: Bid Award #CB-1635 Catclaw Dr. Reconstruction Project. ***(Rice)***
9. **Financial Workshop**:Discussion and possible action on the following items:
    a. Review and Acceptance of FY 2015 Comprehensive Annual Financial Report – Davis, Kinard & Co. and ***(Rains)***

    b. Approval of expenditure of funds in excess of the three month reserve

    c. Approval of the Investment Policy.

8. EXECUTIVE SESSION

The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney) see list below, 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters) see list below, 551.087 (Business Prospect/Economic Development), and 551.076 (Deliberations about Security Devices)

9. RECONVENE

10. REGULAR AGENDA

1. **Resolution**: Authorizing the City Manager to negotiate and execute agreements or contracts with electrical providers for electricity for the City of Abilene. ***(Dolton)***
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, Inc.	Abilene Health Facilities Development Corp.
Abilene Higher Education Facilities Corporation	Board of Building Standards
Abilene-Taylor County Events Venue District	Board of Adjustments
Civil Service Commission	Civic Abilene, Inc.
Friends of Safety City Board	Development Corporation of Abilene, Inc.
Abilene Housing Authority	Frontier Texas!
Library Board	Board of Directors Landmarks Commission
Mechanical/Plumbing/Electrical & Swimming Pool Board of Appeals	Local Redevelopment Authority
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: 3/10/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Presentation of the 2015 Outstanding Programming Award and Presentation of the 2015 Outstanding Corporate Partner Award**

GENERAL INFORMATION

The City of Abilene Senior Services Division was recently awarded with the 2015 Outstanding Programming Award for the annual Talent Show. The Senior Talent show is an excellent candidate because it gives Senior Citizens to opportunity to prove that it's never too late to shine and showcase their talent to the public. The Award was presented to staff at the annual Texas Recreation and Park Society Institute and Expo on March 2, 2016.

The City of Abilene Senior Services Division and Angels Care Home Health was awarded with the 2015 Outstanding Corporate Partner from the Texas Recreation and Park Society. In 2015, Angels Care Home Health sponsored several events for the City of Abilene Senior Services Division. Their annual financial commitment exceeded $1,000, and included supporting the Senior Talent Show, Father's Day Celebration, Family Holiday Fundraiser, Halloween Party, Halloween Dance, Veteran Day Celebration, and Monthly Birthday Celebration. Along with supporting the Senior Services Division, Angels Home Health sponsored other city wide special events like the Recreation Division Fall Festival. In addition, to the monetary backing, Angels Care Home Health provides educational classes on hot button medical and social issues for Senior Citizens. The first Tuesday of each month they offer free blood pressure checks at the Senior Center.

SPECIAL CONSIDERATIONS

N/A

FUNDING/FISCAL IMPACT

N/A

STAFF RECOMMENDATION

N/A

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

Description	Type
Pictures	Presentation
Picture	Presentation
Talent Show Picture	Presentation
Talent Show Picture 2	Presentation

Angels
Care Home Health
WELCOME
I'm thankful for
Angels
Care Home Hea

HAPPY
irthday is in
Month of:
Mondays at 9 a.m. in the Art Room
concerns about falling?
M.E.R.C.Y.
JULY IS PARKS & RECREATION MONTH
Angels
FIRST NATIONAL BANK of Abilene

City Council
Agenda Memo

City Council Meeting Date: 3/10/2016

TO: **Robert Hanna, City Manager**

FROM: **Don Green, Director of Transportation Services**

SUBJECT: **Resolution: Authorizing the Purchase of Paratransit Vans for CityLink.** ***(Green)***

GENERAL INFORMATION

CityLink Transit has received funding through FY 2016 Section 5339 (Bus and Facilities Public Transportation Grant Program) from TXDOT to purchase Paratransit Vans compatible with Americans with Disabilities Act (ADA) requirements. The grant is for $301,651, with Transportation Development Credits (TDCs) of $60,391 that will be the local match. CityLink Transit would utilize the funding to purchase four paratransit vans at $64,748.25 per unit for a total of $258,993.00.

CityLink Transit currently has 26 ADA paratransit vans within its fleet and is operating 25 of those vans. One van (Vehicle 0914) was determined to be a total loss due to an accident in 2015. Fifteen of those 25 operational paratransit vans have met the minimum useful life guidelines from Federal Transportation Administration (FTA). CityLink has identified three ADA vans that would be requested for disposal, due to the high mileage, costs of repairs and down time. The vans that are purchased would be direct replacements for the three vans designated for disposal and the one van that was determined to be a total loss. The paratransit vans would be purchased through the State Comptroller contract of TxSmartBuy.

Vehicle #0914 – Determined by TML (Texas Municipal League) to be a total loss due to wreck
Vehicle #0908 – 2010/E-450, 207,191 miles
Vehicle #0909 – 2010/E-450, 207,153 miles
Vehicle #0910 – 2010/E-450, 210,584 mile

In accordance with the city's Vehicle replacement Policy, these vans have been reviewed by the Fleet Replacement Review Committee and determined units fall within the replacement criteria.

SPECIAL CONSIDERATIONS

There would be no local match funding required. CityLink Transit would utilize TDC's for the local match requirement. The remaining funds ($41,319) would be utilized to purchase ADA van parts for the repair inventory.

FUNDING/FISCAL IMPACT

Bid for conversion:	$260,632
Grant:	$301,951
City's 20% (in Cash)	$ 0
City's 20% (in TDC's):	$ 60,391
Remaining funds:	$ 41,319

STAFF RECOMMENDATION

Recommend approval of purchasing 4 ADA paratransit vans through TxSmartBuy Program.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Paratransit Vans Purchase Resolution	Cover Memo
Support Docs	Exhibit

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE THE PURCHASE OF FOUR (4) PARATRANSIT VANS FROM CREATIVE BUS SALES

WHEREAS, the City of Abilene (City) owns and operates CityLink; and

WHEREAS, the City receives grant funding through Federal Transportation Administration (FTA), as authorized by the Congress of the United States of America for purchase of Paratransit Vans to serve the City's needs; and

WHEREAS, The City has demonstrated the need to replace four (4) existing Paratransit Vans in its fleet; and

WHEREAS, the City has received a FTA grant of $301,651.00 and Transportation Development Credits (TDCs) of $60,391.00 for this purchase; and

WHEREAS, the purchase of these Paratransit Vans from Creative Bus Sales is through the Texas Comptroller's Smart Buy under Request For Proposals Number 13N-0723; and

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

That the City Manager is authorized to execute the purchase of four (4) Paratransit Vans from Creative Bus Sales in the total amount of $260,632.00.

ADOPTED this 10th day of March 2016.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norman Archibald, Mayor

APPROVED:

_____
Stanley Smith, Interim City Attorney

3/1/2016

Creative Bus Sales

TX Comptroller Smart Buy

RFP # 13N-0723

Preparer: Mark Ondich

CATEGORY	Unit Price
885CPT	

Base Model: StarTrans Senator II 16-2
Chassis: Ford E-450 176" WB 6.8L Gasoline

Base Body Price: $37,965.00
Chassis Cost: $20,917.00
Additional Options: $5,866.25

Base Model Info:

Vehicle Length	Lift Position	Wheelchair positions	Number of Passenger Seating
176" WB	Rear	2	16

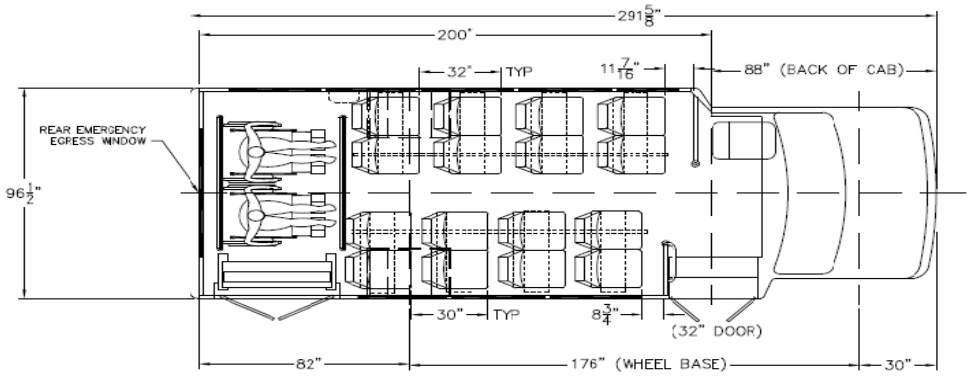
Adjusted Model Info:

Vehicle Length	Lift Position	Wheelchair positions	Number of Passenger Seating
190" WB	Front	3	13

Total per Unit: $64,748.25
Quantity: 4
Total: **$258,993.00**

Proposal For:	Abilene Citylink		
Contact:	James Oliver/Kurt Hurick		
Delivery Address:	1189 S 2nd Street Abilene, TX 79602		
Office:	325-676-6287	**Mobile:**	
Email:	james.oliver@abilenetx.com		

Floorplan



Creative Bus Sales

Included Options

Senator II 25' 176" WB E-450 6.8L Gas W/225 AMP OEM ALT *	ST	69928	C	1
SPECIAL INSTRUCTIONS OR NOTES				
SPECIAL BUILD ORDER				
HEATER SHUT OFF VALVES	ST	0599		1
PISTOL GRIP HANDLE WITH LOCK ON EACH WC DOOR	ST	0599		1
GAS SHOCKS ON LIFT DOORS	ST	0599		1
ACT 58K AC 40-HD EZ-4 EVAP CS-2 COND 10 C.I.D. COMP FORD	05	60220		1
JACK & LUG	ST	0599		1
DECALS ENGLISH TO SPANISH	ST	0599		1
SIDEWALL / REARWALL / CEILING				1
Sidewall: Grey FRP - Including Seat Track to Floor	05	STD		1
Driver Area: Grey Padded Vinyl	05	STD		1
FRP on Ceiling, Grey	05	60563		1
FRP on Rearwall, Grey	05	60564		1
FLOORING - WHITE NOSING IS STANDARD				1
Gerflor Sirius NT #6727 Anthracite (Grey) I.L.O. Graphite	05	60006		1
5/8" MarineTech Plywood Floor	05	60019		1
EXTERIOR				
Gloss Black Out Window Paint **NOTE:** Included W/Designs 1, 2 or 3 Above	05	60028		1
ENVIRONMENTAL CONTROL				
HEATERS				1
Hot Water Heater, 35K BTU 3 Speed Low Profile	05	60231		1
ELECTRICAL				1
Window Ajar Alarm Buzzer on all Egress Windows & Light in Driver Area	05	60250		1
Stainless Batt.**Tray** w/Std Batt.Box - IS 304 REQUIRED?	05	60257		1
Locate (2) Batteries to Tray or In Step Box **FORD** - Requires Tray or In Step Option	05	60258		1
EXTERIOR LIGHTS				1
Armoured Marker Lights **Rear Red Side & Mid-Ship Only	05	60291		1
LED Rear Center Mount Brake Light, **Rectangular**	05	60297		1
LED Mid-Ship Turn / Marker Lights	05	60299		1
Independent **RED** Brake & **AMBER** Turn Signal Lights	05	60300		1
INTERIOR LIGHTS				1
Door Activated Interior Lights	05	60305		1
DOORS / HATCH / WINDOWS				1
Passenger Door - Manual	05	60321		1
Rear Door, (1) Window - LH Hinge is Std Specify if RH	05	60330		1
Roof Hatch Transpec 1970 Series Standard Safety Vent II	05	60335		1
LUGGAGE RACK / STORAGE				1
Driver Storage in Cab Overhead	05	60349		1
PARATRANSIT OPTIONS				1
Double W.C. Doors w/ Windows, Interior Light, Leaf Spring, LED Exterior Lighting	05	60363		1
IS THE LIFT IN THE FRONT OR REAR OF THE UNIT? - REAR				1
BRAUN LIFTS				1
Braun Century NCL919-2 800# Lift (34"x51") N/A 138-139" WB	05	60381		1
LIFT FAST IDLE WITH 403 INTERLOCK				1
INTERMOTIVE Gateway 505-F Fast Idle with Lift Interlock Ford Chassis	05	60386		1
Q Straint W.C. Securement Kits, Accessories				1
Q-8101-L DeLuxe Retrctr Tie Down,Q8-6326-A1 Combo Lap/Shldr,L Trk	05	60400		2
Q Straint Belt Storage Pouch	05	60406		2
Q-Straint Belt Cutter (ship loose)	05	60407		1

Included Options

SAFETY OPTIONS				1
5 Lb Fire Extinguisher	05	60412		1
25 Unit First Aid Kit	05	60417		1
Emergency Triangle Kit	05	60419		1
Back-Up Alarm SAE Type C 97 db(A)	05	60421		1
Interior Flat Mirror, 6" x 16"	05	60429		1
Wide Angle Lens 11"x14", Fresnel	05	60430		1
GRAB RAIL / STANCHION / PANELS				1
Ceiling Grab Rail (each) If 1 Specify Side:	05	60448		2
1 1/4" Dual Entry Grab Rails Parallel to Entrance Steps (both sides)	05	60450		1
Stanchion and Modesty Panel Behind Driver	05	60453		1
Add Tinted Plexiglass Upper Panel **- LOCATION:**	05	60459		1
SEATING - DRIVER				1
SHIELD FC Recliner(GM&Ford), RH Arm, 4 Position Lumbar, Mesh Pocket	05	60460		1
FREEDMAN SHIELD & LO CAM DRIVER SEAT FABRICS				1
Driver Seat Cover - Level 1 Newport Vinyl; Oxen Vinyl; Olefin	05	60467		1
G2E AND RECARO DRIVER SEAT FABRICS				1
Driver Seat Cover - Level 1 Newport Vinyl; Oxen Vinyl; Olefin	05	60474		1
SEATING - PASSENGER				1
STD RIGID SEATS				1
Mid High Double Seat	05	60482		8
PASSENGER SEAT FABRICS				1
Seat Cover - Level 1 Newport Vinyl; Oxen Vinyl; Olefin	05	60520		16
SEAT OPTIONS				1
ABS Seat Backs Per Person (Mid-High Rigid and Notchback Folds Only)	05	60529		16
Anti-Vandal Grab Handle, Black Ea **on: AISLE**	05	60530		8
SEAT BELTS				1
Seat Belt, Retractable ** NOT AVAILABLE WITH FOLDAWAY SEATS**ORDER USR BELTS	05	60558		16

Creative Bus Sales

Additional Options-STD

Manufacturer (Brand)	Manufacturer's Code/Part No	Item Description	QTY	Extended Price	Catalog List Price (MSRP)
Bus Manufactures	CB01-003	HEAVY DUTY ANTI-SLIP ALUMINUM RUNNING BOARD ON DRIVER SIDE (LARGE)	1	$312.50	$312.50
Bus Manufactures	CB01-005	MOR-RYDE RL SUSPENSION	1	$1,125.00	$1,125.00
Bus Manufactures	CB01-007	EXTERIOR MIRROR, SET REMOTE/HEATED, FORD 08+ (VELVAC)	1	$687.50	$687.50
Bus Manufactures	CB01-014	ROMEO RIM REAR BUMPER	1	$843.75	$843.75
Bus Manufactures	CB02-015	VOLTMETER INSTALLED OVERHEAD	1	$62.50	$62.50
Bus Manufactures	CB02-016	ROTARY DISCONNECT SWITCH	1	$125.00	$125.00
Bus Manufactures	CB02-024	WIRING SCHEMATIC ***AS BUILT*** ON ELECTRICAL PANEL DOOR	1	$62.50	$62.50
Champion Bus Only	CB03-001	LIGHTS, LED ALL EXTERIOR (Non Ada) STANDARD LIGHTS ONLY - TRUCK LITE *Includes Rear Center and Side Directional/Turn.	1	$562.50	$562.50
Bus Manufactures	CB03-006	INTERIOR LED LIGHTS DRIVER/PASSENGER DOME, ENTRY DOOR, UPPER ENTRY	1	$187.50	$187.50
Bus Manufactures	CB04-012	GROUND PLANE FOR 2-WAY RADION, PULL CORD, CONDUIT (**Ran to OEM Radio Location)	1	$93.75	$93.75
Bus Manufactures	CB05-001	FLAT FLOOR (Raised 6")	1	$637.50	$637.50
Bus Manufactures	CB05-007	YELLOW STEP NOSING-PER STEP	3	$37.50	$12.50
Bus Manufactures	CB05-010	FUEL SENDING UNIT INSPECTION PLATE (IN FLOOR)	1	$62.50	$62.50
Bus Manufactures	CB06-00A	DELETE BASE MODEL A/C SYSTEM - STD CUTAWAY	1	-$3,725.00	-$3,725.00
Bus Manufactures	CB06-022	ACT 70,000 BTU MAX A/C (FORD 5.4 OR 6.8G)	1	$3,915.00	$3,915.00
Bus Manufactures	CB07-005	DOOR, REAR 37-1/8 X 56 W/2 WINDOWS	-1	-$468.75	$468.75
Bus Manufactures	CB07-015	UNDERCOATING, TECTYL 121B	1	$118.75	$118.75
Bus Manufactures	CB09-028	Q-8101-L DELUXE RETRACTOR TIE DOWN, Q8-6326-A1 COMBO LAP/SHOULDER, L TRACK (Additional)	1	$543.75	$543.75
Bus Manufactures	CB10-019	YELLOW "STANDEE" LINE	1	$18.75	$18.75
Bus Manufactures	CB17-007	DRIVER-SEAT COVER LEVEL 1 NEWPORT VINYL; OXEN VINYL; OLEFIN (Sheild or Lo-Cam Seat Fabrics)	1	$0.00	$0.00
Bus Manufactures	CB17-020	PASSENGER-MID HIGH DOUBLE SEAT (Standard Rigid) DELETE	-3	-$795.00	$265.00
Bus Manufactures	CB17-021	PASSENGER-MID HIGH SINGLE SEAT (Standard Rigid) REAR ROW ADDITION	1	$170.00	$170.00
Bus Manufactures	CB17-027	PASSENGER-HANDI FLIP - DOUBLE (Flip)	1	$443.75	$443.75
Bus Manufactures	CB17-051	PASSENGER-SEAT COVER LEVEL 1 NEWPORT VINYL; OXEN VINYL; OLEFIN	13	$0.00	$0.00
Bus Manufactures	CB17-060	PASSENGER-ABS SEAT BACKS PER PERSON (Mid-High and Notchback Fold Only) DELETE	-10	-$812.50	$81.25
Bus Manufactures	CB17-061	PASSENGER-ANTI VANDAL GRAB HANDLE, BLACK (each) *Enter location AISLE DELETE	-5	-$218.75	$43.75
Bus Manufactures	CB17-087	SEAT BELT, RETRACTABLE *Not Available with Foldaway Seats	-3	-$123.75	$41.25
CBS	Fleet Quote	Abilene CityLink Custom Paint Scheme and Lettering	1	$2,000.00	$2,000.00
TOTAL				$5,866.25	

City Council
Agenda Memo

City Council Meeting Date: 3/10/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Oral Resolution – Extended Term Street Use License with Schkade Brothers Operating Company, Inc.** ***(Rice)***

GENERAL INFORMATION

Jeff Grindstaff, Agent and Landman for Schkade Brothers Operating Co., Inc. (Schkade Brothers) of Abilene, Texas, has submitted an application for an Extended Term Street Use License to use a portion of City right-of-way on Bridge Street north of Vogel (location depicted on attached map). The applicant wishes to place two 2-3 inch pipelines for the transportation of crude oil and water from a possible oil well location to existing storage facilities. Per the City oil and gas ordinance, Schkade Brothers must apply for and obtain a City drilling permit for any & all wells they plan to drill.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff has reviewed this request and recommends that the City Council authorize the Mayor to execute the attached Extended Term Street Use License with Schkade Brothers Operating Co., Inc. for use of a portion of the City's right-of-way on Bridge Street north of Vogel.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Street Use License Agreement	Backup Material

THE STATE OF TEXAS

STREET USE LICENSE AGREEMENT
EXTENDED TERM

COUNTY OF TAYLOR

THIS STREET USE LICENSE AGREEMENT, hereinafter referred to as "License", executed this _____ day of _____, A.D., 20_____, by and between the CITY OF ABILENE, a municipal corporation situated in Taylor and Jones Counties, Texas, hereinafter referred to as "City", and Schkade Brothers Operating Company, hereinafter referred to as "Licensee".

WITNESSETH:

That City, pursuant to Chapter 29, "Streets and Sidewalks", Article V, "Street Use License", does hereby grant to Licensee the privilege of using the following described public property, to-wit:

Bridge Street right-of-way north of Vogel Avenue

for and in consideration of THREE HUNDRED AND NO/l00 ($300.00) DOLLARS, commencing the date of execution unless otherwise specified, and upon the conditions and covenants set forth in this License and in Exhibit A incorporated by reference for all purposes herein.

I. Purpose:

The purpose of this License is to permit Licensee to:

Place two (2) 2 to 3 inch pipelines to transport crude oil and water from the west side of the Bridge Street right-of-way then north along the western edge of the drainage cut to property on the east, then onto the existing storage facilities to the northeast (see attached map).

II. Indemnity:

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

"Licensee's employees" shall mean any employees, officers, agents, subcontractors, licensee and invitees of Licensee.

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

injury or damage to any property or right

injury, damage, or death to any person or entity

attorneys fees, witness fees, expert witness fees and expenses, and

all other costs and expenses of litigation

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

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

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

B. Indemnity

The Licensee agrees to indemnify, hold harmless, and defend the City from and against liability for any claims arising out of the Licensee's occupancy or use of the premises described above and/or activities conducted in connection with this License.

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

The City assumes no responsibility or liability for damages which are directly or indirectly attributable to premise defects which may now exist or which may hereafter arise on the premises, whether or not caused in whole or in party by improvements constructed by the Licensee. Responsibility for all such defects is expressly assumed by the Licensee.

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

BOTH CITY AND LICENSEE EXPRESSLY INTEND THIS LICENSE'S INDEMNITY PROVISION TO REQUIRE LICENSEE TO INDEMNIFY AND

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

III. Insurance

Licensee agrees to secure and maintain the following types and amounts of insurance, for the term of this license:

Type	Amount
Comprehensive General Liability	$250,000 --------Per Person
to include (but not limited to)	$500,000 --------Per Occurrence for
the following:	Bodily Injury, and
a) Premises/Operations Coverage	$l00,000 --------Per Occurrence for
a) Contractual Liability Coverage	Property Damage

The preceding insurance requirements notwithstanding, the City reserves the right to revise the types and amounts of insurance required by this License prior to the approval of the License or if License is in effect, to be effective thirty (30) days after notice is sent to the address provided herein.

All insurance policies or certificates shall contain the following provisions:

a. That the City of Abilene, Texas, is named as an additional insured.

b. That such insurance shall not be cancelled or materially changed without a minimum of thirty (30) day's advance notice in writing to the City.

All insurance policies shall be subject to the examination and approval of the Office of Risk Management, City of Abilene, Texas, for their adequacy as to form and content, form of protection, and insurance company. Licensee shall furnish to City Secretary for her License file certificates or copies of the policies, plainly and clearly evidencing such insurance at the time of application, and thereafter new certificates prior to the expiration date of any prior certificate.

Licensee understands that it is its sole responsibility to provide this necessary information and that failure to timely comply with the requirements of this article shall be a cause for termination of this License.

IV. License Requirements and Restrictions:

I. During the term of this License, Licensee shall maintain the premises licensed herein in a good and safe condition at all times. If the street surface, parkway, or facilities in the parkway, including landscaping, are damaged or disturbed by any activity associated with this License, the Licensee shall at its expense, restore the same to as good a condition as before the activity, to the satisfaction of the Director of Public Works or designee.

2. The construction signing and barricading requirements of the Texas Manual On Uniform Traffic Control Devices shall be met for all work done in the public right-of-way.

3. The Licensee shall be responsible for locating, protecting, and repairing (if damaged) all utilities within the area permitted and shall pay all costs associated with adjustments to utilities including street lights that are necessitated by the permitted use.

4. Permitted facilities shall be installed in accordance with all applicable laws, regulations, and codes.

5. The Licensee shall relocate its facilities at its own expense to accommodate public improvements in the right-of-way.

6. In the performing or permitting of work consistent with its normal course of duty within the right-of-way, the City shall not be liable for any damages to the Licensee's facilities or equipment or injury to Licensee, all such claim for damage or injury being expressly waived by Licensee.

7. If Street Use License regulations change, the Licensee shall agree to any new requirements or shall remove all constructed facilities from the right-of-way.

8. Upon termination the Licensee shall restore the property at its expense, to a good workmanlike condition and in a manner satisfactory to the Director of Public Works or designee.

9. The City Manager, Police Chief, Fire Chief, or a designee of such officials, shall have the authority to order immediate removal of any objects or materials placed on the premises by Licensee if, in the City's opinion, removal is necessary to protect the health, safety, or welfare of the public. If the Licensee fails to comply with the order, the City shall remove the materials, and the Licensee shall reimburse the City for the cost of compliance. The Licensee may appeal the removal order to the Abilene City Council by filing written notice with the City Secretary within 5 days of the order; provided, however that ANY APPEAL SHALL NOT STAY THE OFFICIAL'S ORDER OR THE REMOVAL PROCEDURE.

V. Termination

1. This License shall automatically terminate 10 years from the date of execution.

2. The City shall have the right to cancel this License at any time by giving Licensee thirty (30) days notice of its cancellation. The notice shall be in writing delivered to Licensee by certified mail.

3. In the event Licensee shall permit any City of Abilene, Abilene Independent School District, West Central Texas Municipal Water District, or any other taxes assessed against it to become delinquent, this License shall automatically terminate and become null and void.

4. This License may not be assigned or conveyed; any attempt by Licensee to do either shall automatically terminate the License. In the event Licensee should sell the property adjacent to the area for which the License has been granted, this License shall automatically terminate.

CITY OF ABILENE, TEXAS

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED:

_____
City Attorney

NAME OF LICENSEE:

Schkade Bros. Operating Co.

By: _____
Signature

Brent Schkade - President
Printed Name and Title

Business Address: 8 Olympic Cir.
Abilene, TX 79606

STREET USE LICENSE AGREEMENT
WITH
Schkade Brothers Operating Company

CONDITIONS AND COVENANTS

The Street Use License Agreement is subject to the following conditions and covenants:

1. The Licensee shall contact the city's Engineering Division (676-6281) prior to commencing any work in the right-of-way.

2. The Licensee shall submit a traffic control plan to the Traffic and Transportation Division (676-6281) for approval before beginning any work that will result in blocking traffic lanes.

3. The Licensee shall contact the Traffic Signal Shop (676-6066) or the Traffic Engineering office (676-6281) for location of traffic signal facilities and shall contact the Water Utilities Department (676-6425) for location of water and sewer lines before beginning excavation in the right-of-way.

4. The Licensee shall contact the city of Abilene Building Inspections (676-6232) regarding any necessary permits for the installation of the requested facility.

5. The Licensee shall ensure all underground utilities are identified and marked prior to any excavation.

6. The Licensee shall barricade any excavation in the right-of-way to prevent pedestrian and/or vehicular access while excavation is unattended. Any barricades left in the right-of-way overnight must be lighted.

7. The Licensee shall promptly repair all signs, pavement markings, and other traffic control devices damaged by its work in the right-of-way.

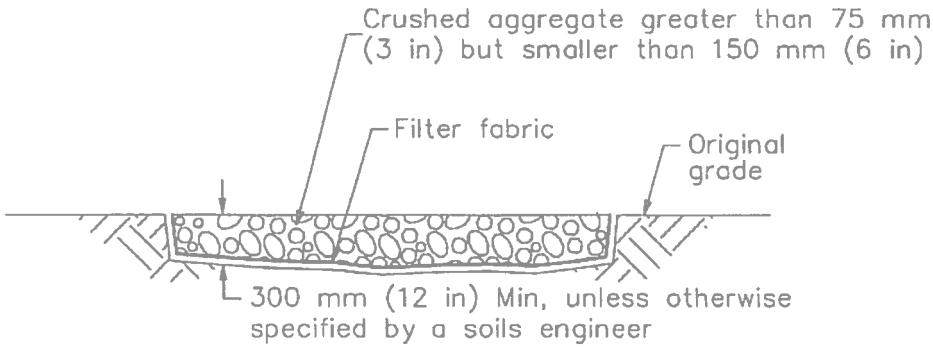
8. If the City determines that the subject right-of-way is needed for purposes that would be adversely impacted by the permitted facility, the Licensee shall remove the permitted facility within sixty (60) days notice of cancellation.

9. The "Caltrans TC-1type1 Construction Exit" is allowable per your detail as a site entrance/exit along the west side of the Bridge Street right-of-way (ROW) north of Vogel Avenue. All materials excavated for the installation of the "Caltrans TC-1type1 Construction Exit" must be removed from the site and disposed of outside of any 100 year flood plain. A copy of the "Caltrans TC-1type1 Construction Exit" will be attached to and become part of the

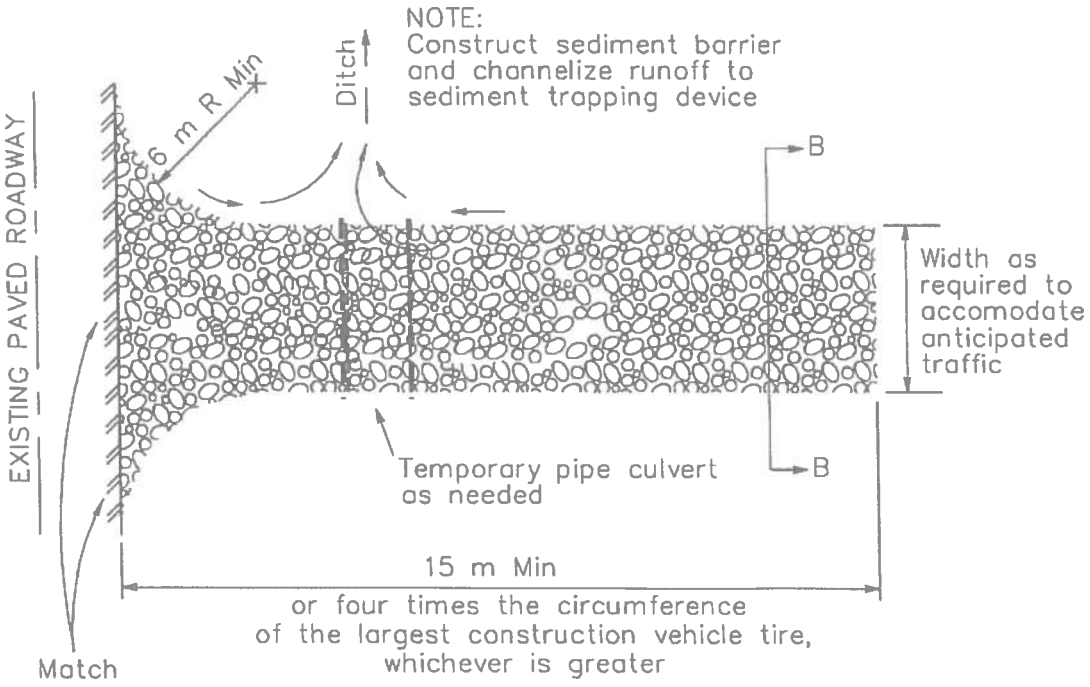
"Floodplain Development Permit/Application and Extended Term Street Use License".

10. The pipeline as it crosses the drainage way as labeled with 40' per your site plan (Proposed Pipeline and Construction Entrance-Exit 2-18-2016 copy attached) will have to be buried a minimum of 2' beneath natural ground and be sleeved and a concrete cap (around the top and sides of the sleeve or pipe). If buried a minimum of 4' below natural ground concrete encasement may be omitted. The full 40' must be at depth additional pipe burial will be required to achieve transition from surface runs of pipeline to burial depth.

Stabilized Construction Entrance/Exit TC-1



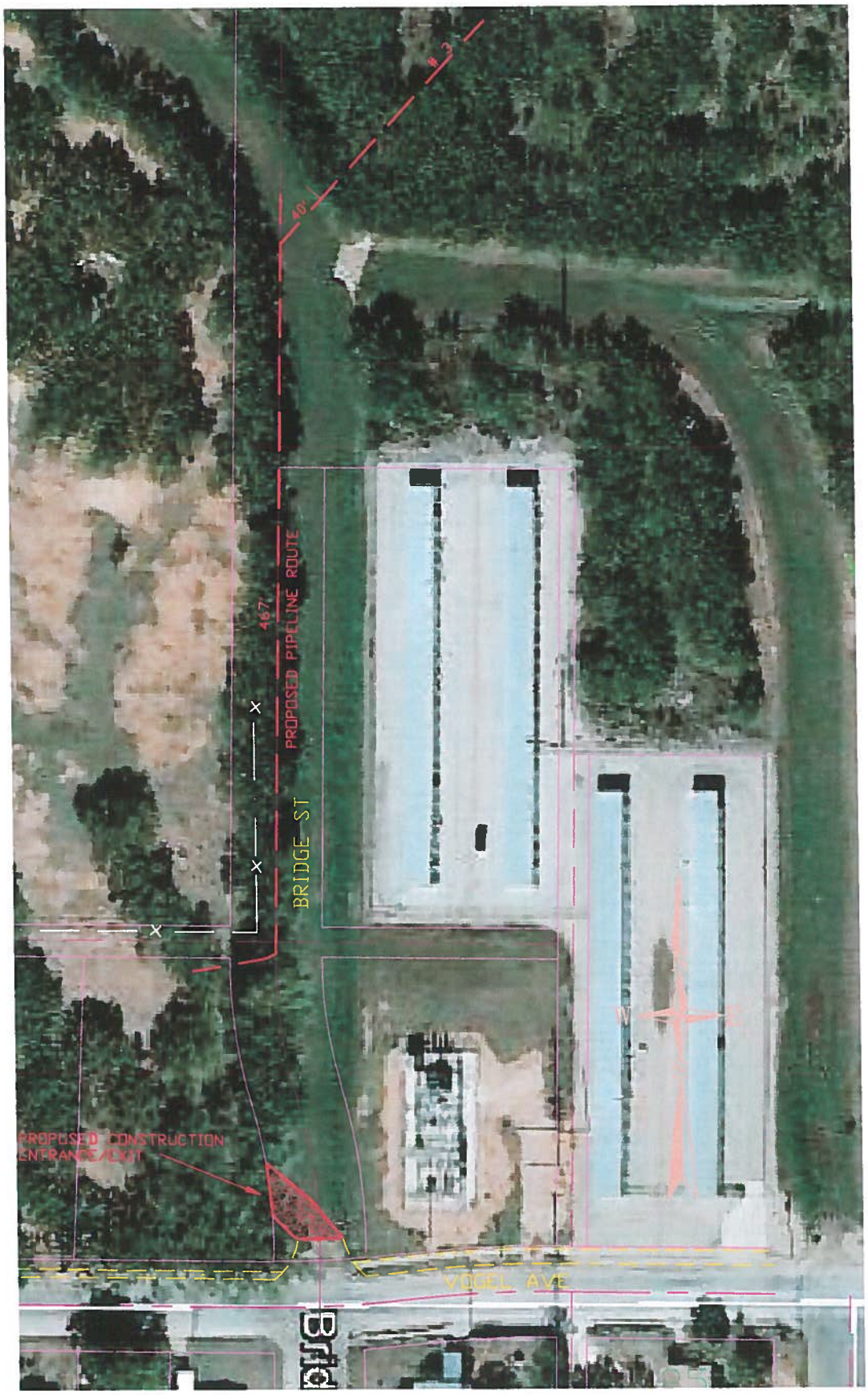
SECTION B–B
NTS



PLAN
NTS

Stabilized Contraction Entrance/Exit (Type 1)

Proposed Pipeline and Construction Entrance-Exit



SCHKA-1 OP ID: SJ

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 01/11/2016

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

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

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

CONTACT NAME: Ronny Jaye Bryant
PHONE (A/C, No, Ext): 325-673-6414 FAX (A/C, No): 325-673-4413
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: St Paul Fire & Marine Ins. Co.	24767
INSURER B: Progressive	24260
INSURER C: Texas Mutual Insurance Company	22945
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Schkade Brothers Operating Co,
Inc & Schkade Production Co.
P.O. Box 2617
Abilene, TX 79604

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			ZPP91M14388-15-N4	09/10/2015	09/10/2016	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER							$
B	AUTOMOBILE LIABILITY			08226317-6	09/10/2015	09/10/2016	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS X SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS X NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
B	X UMBRELLA LIAB X OCCUR			ZPP91M14388-15-N4	09/10/2015	09/10/2016	EACH OCCURRENCE	$ 2,000,000
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$ 2,000,000
	DED X RETENTION $ 10,000							$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N			TSF0001030231	09/10/2015	09/10/2016	X PER STATUTE OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? N/A						E.L. EACH ACCIDENT	$ 1,000,000
	(Mandatory in NH)						E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	$ 1,000,000

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

Oil/Gas Lease Operations. General Liability includes Blanket Additional Insured & Blanket Waiver of Subrogation which apply if required in written contract.

CERTIFICATE HOLDER

CITY OF

City of Abilene
P.O. Box 60
Abilene, TX 79604

CANCELLATION

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

AUTHORIZED REPRESENTATIVE
Ronny J. Bryant

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City Council
Agenda Memo

City Council Meeting Date: 3/10/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Ordinance & Public Hearing: *(Final 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 *(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
Ordinance Cover	Ordinance
Ordinance Exhibit	Ordinance
Staff Report with Maps	Backup Material
Surrounding Property Owner Response	Backup Material

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, 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

ORDINANCE NO. _____

EXHIBIT "A"

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

Legal Description:

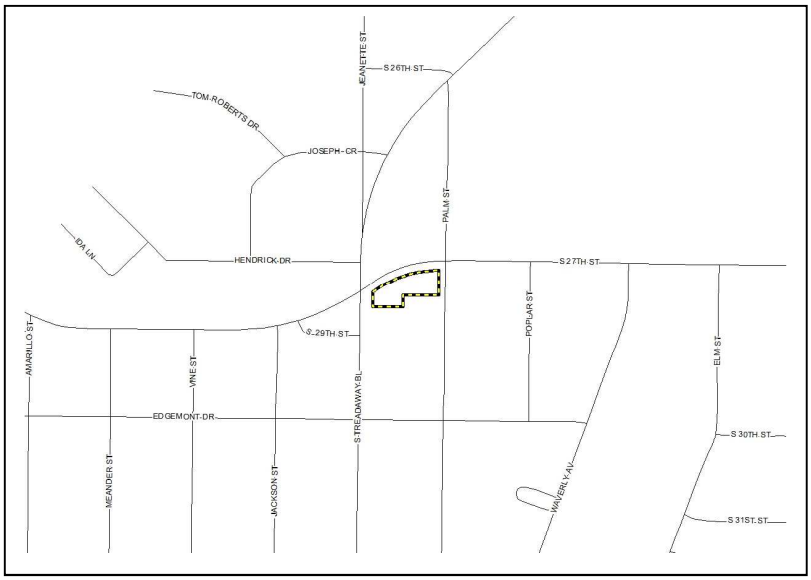
COUNTRY CLUB, BLOCK 1, LOT S/PT OF 1
COUNTRY CLUB, BLOCK 1, LOT N100 OF 8 LESS R-O-W

Location:
2801 S. Treadaway Blvd & 2802 Palm St

-END-

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

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).

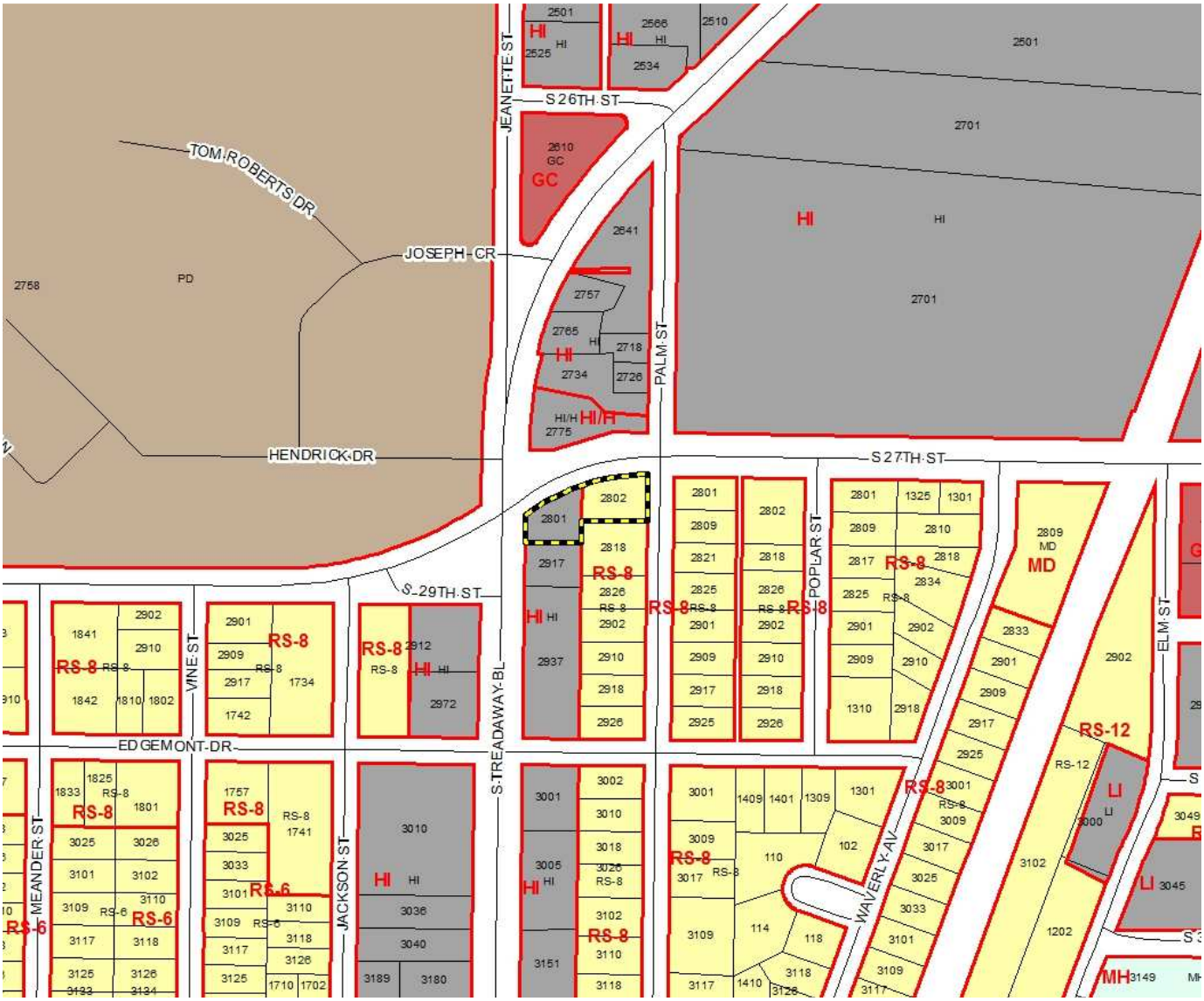
NOTIFICATION:

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	

3 in Favor- **Y**

2 Opposed- **N**


TOM ROBERTS DR
JOSEPH CR
HENDRICK DR
JEANETTE ST
S 26TH ST
S 27TH ST
S 29TH ST
PALM ST
POPLAR ST
ELM ST
VINE ST
MEANDER ST
JACKSON ST
S TREADAWAY BL
EDGEMONT DR
WAVERLY AV
PD
GC
HI
MD
LI
MH
RS-8
RS-6
RS-12

JEANETTE ST
S 26TH ST
TOM ROBERTS DR
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HENDRICK DR
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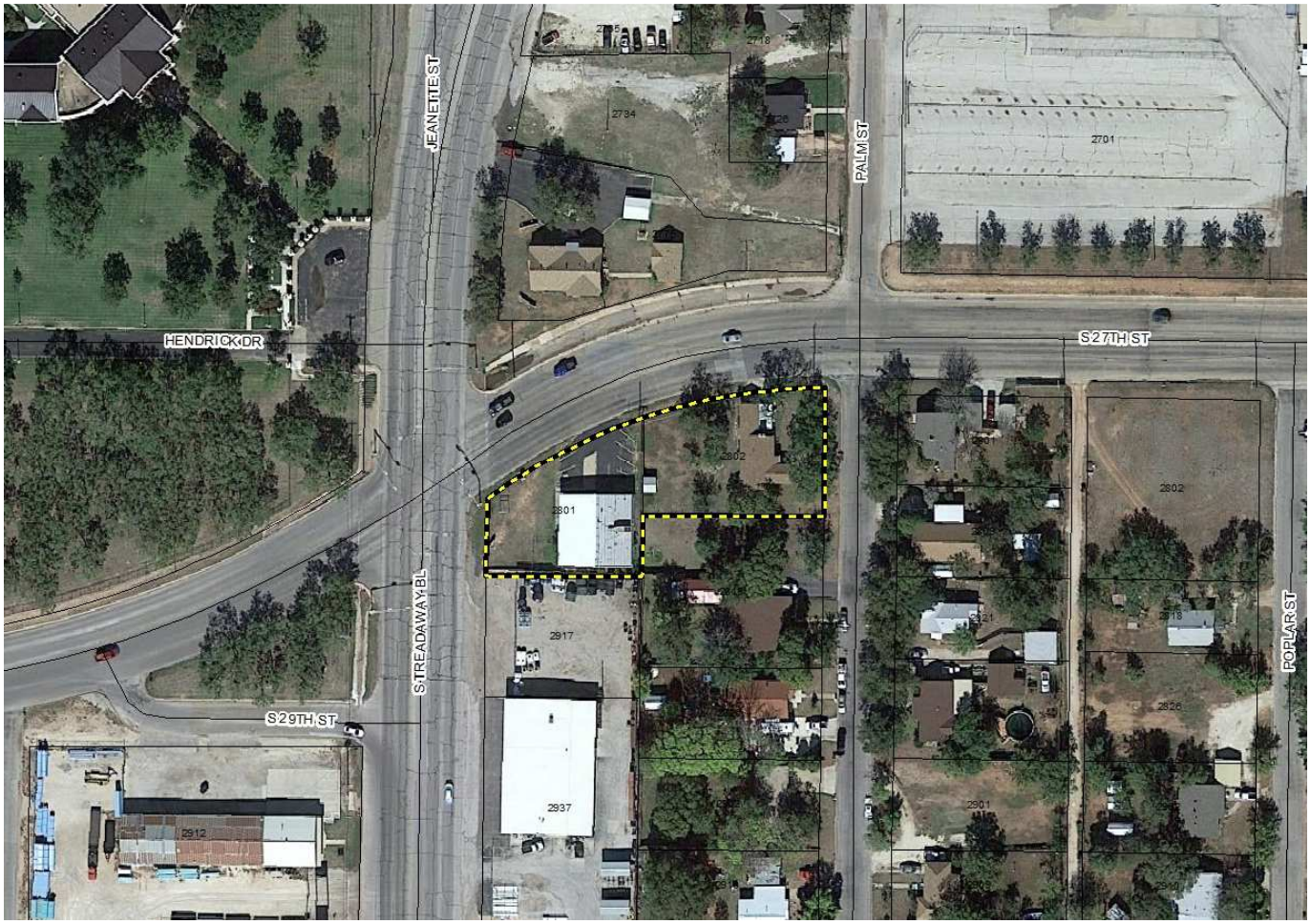
S 31ST ST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S TREADAWAY BL
S 29TH ST
POPLAR ST
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2801
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2937
2912
2826
2901

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
Donna.Boarts@abilenetx.com
(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

City Council
Agenda Memo

City Council Meeting Date: 3/10/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Ordinance & Public Hearing: *(Final 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 *(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
Ordinance Cover	Ordinance
Ordinance Exhibit	Ordinance
Staff Report With Maps	Backup Material
ER PROPCO WC, LLC Property in 200' Radius Area	Backup Material
Exhibit	Exhibit

ORDINANCE NO. _____

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

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

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

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING this 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

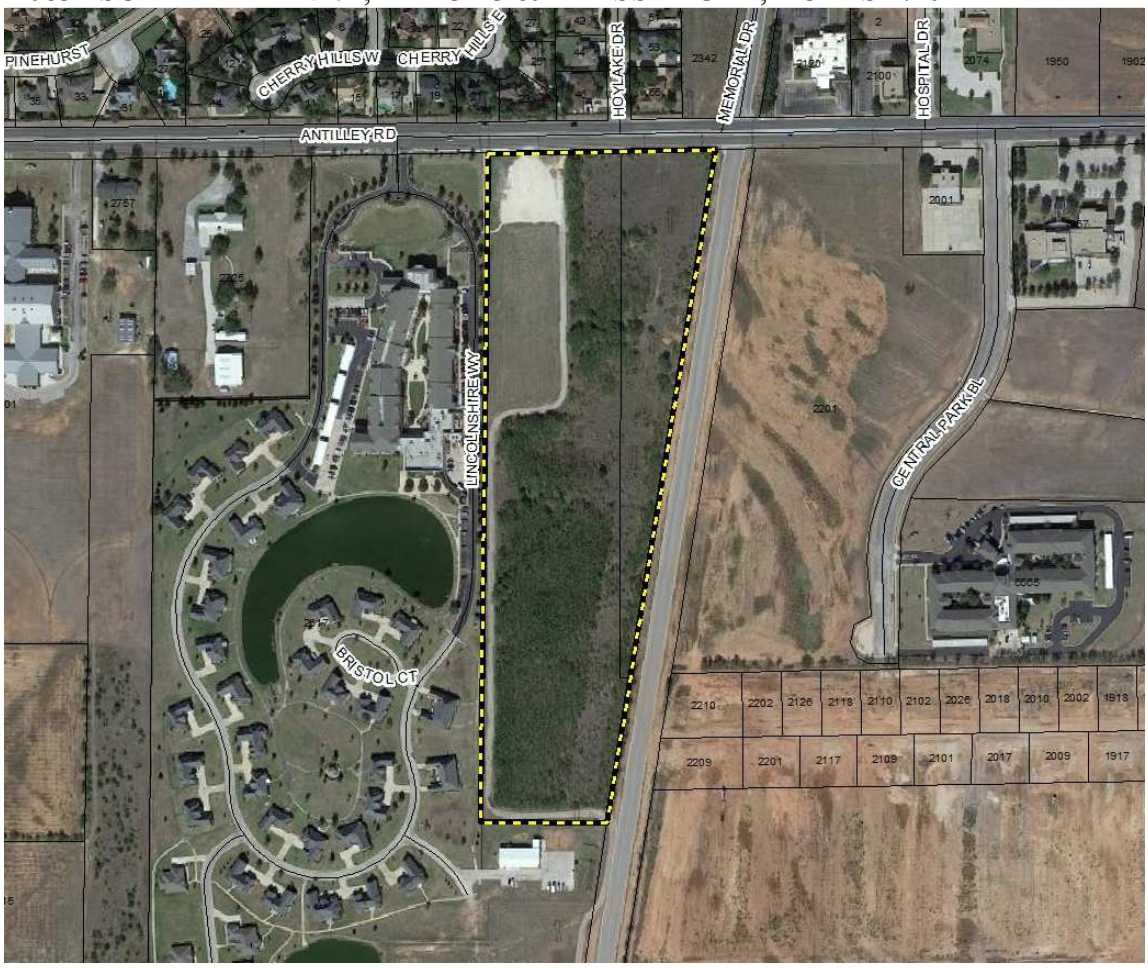
ORDINANCE NO. _____

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

-END-

ZONING CASE Z-2016-05
STAFF REPORT

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

REQUESTED 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 multi-family 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

& 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).

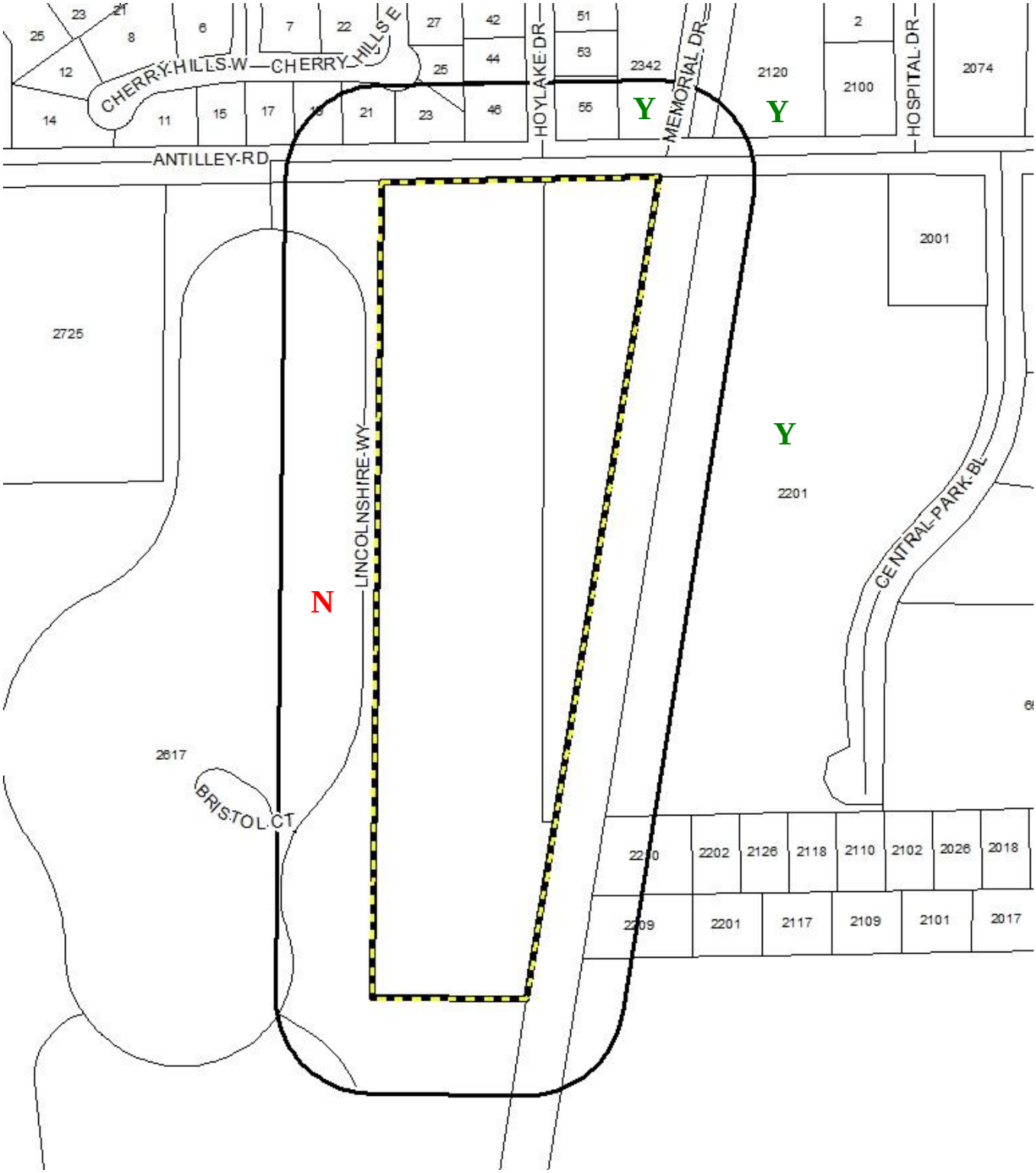
NOTIFICATION:

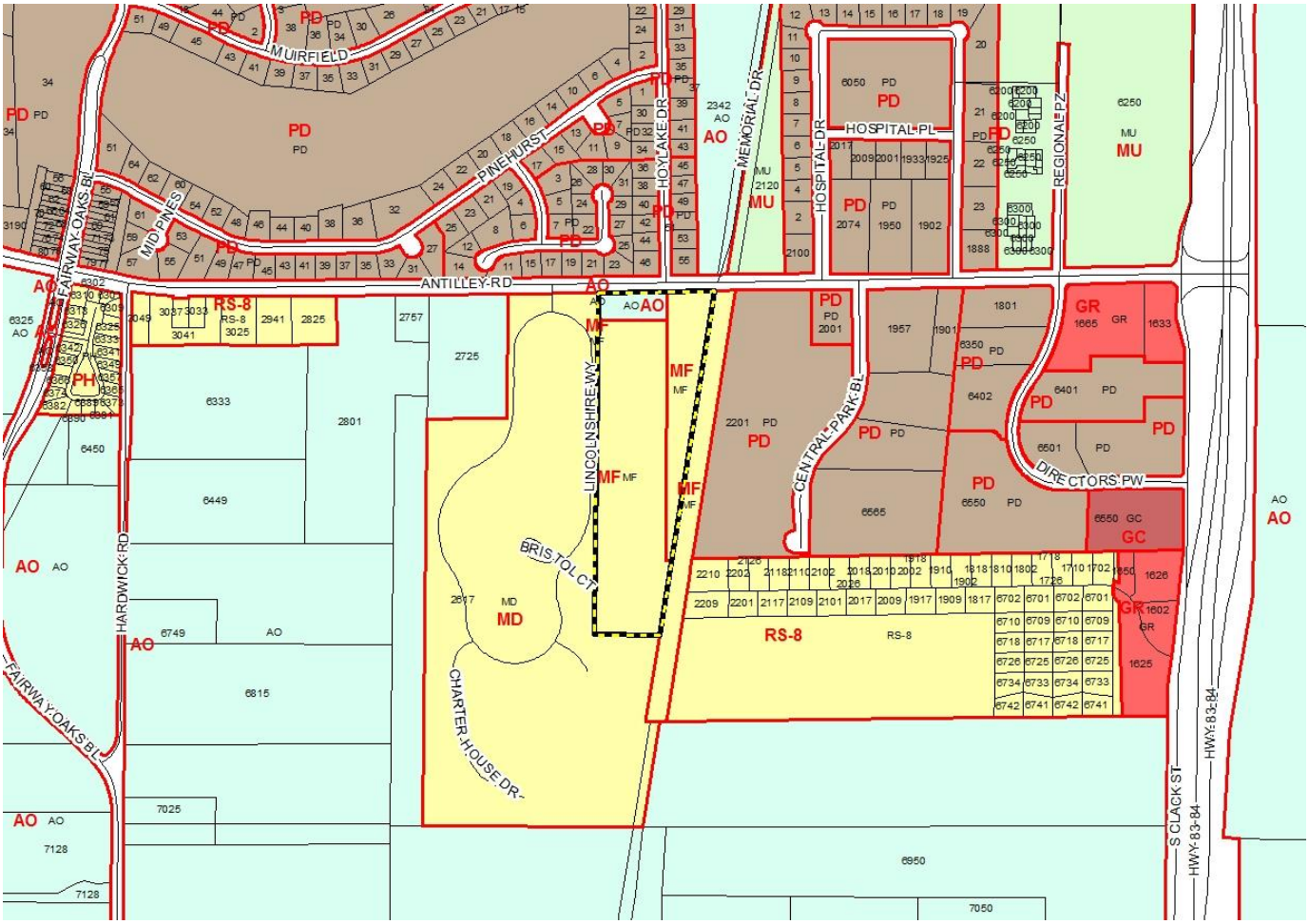
Property owners within a 200-foot radius were notified of the request.

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	

3 in Favor- **Y**

1 Opposed- **N**




MUIRFIELD
PINEHURST
MID PINES
FAIRWAY OAKS BL
ANTILLEY RD
HOYLAKE DR
MEMORIAL DR
HOSPITAL DR
HOSPITAL PL
REGIONAL PZ
LINCOLNSHIRE WY
BRISTOL CT
CHARTER HOUSE DR
HARDWICK RD
CENTRAL PARK BL
DIRECTORS PW
S CLACK ST
HWY 83-84
PD
AO
MF
MD
RS-8
GR
GC
MU
PH

MUIRFIELD
PINEHURST
HOYLAKE DR
MEMORIAL DR
HOSPITAL DR
HOSPITAL PL
REGIONAL PZ
MID PINES
FAIRWAY OAKS BL
ANTILLEY RD
UNCOLNSHIREWY
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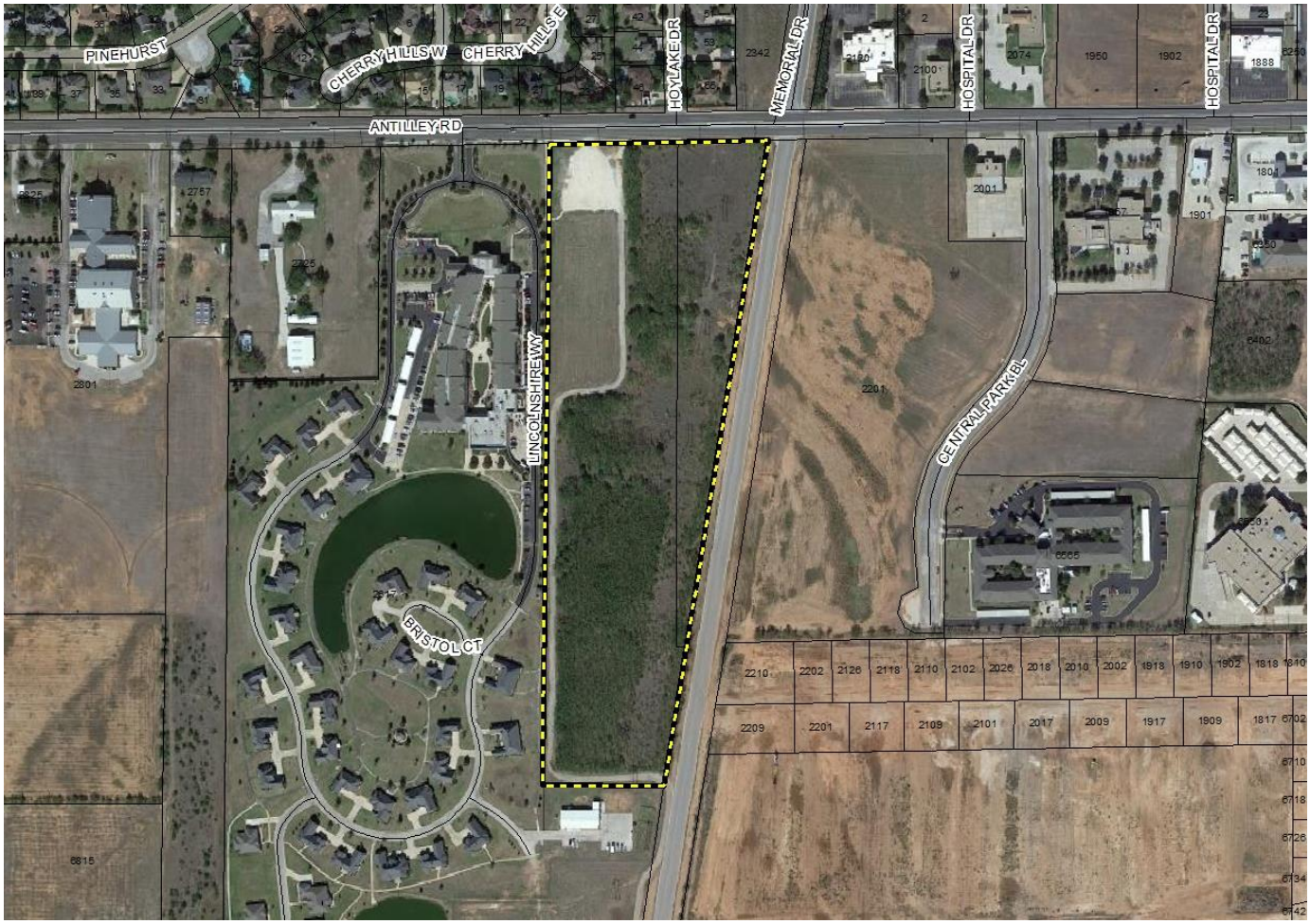
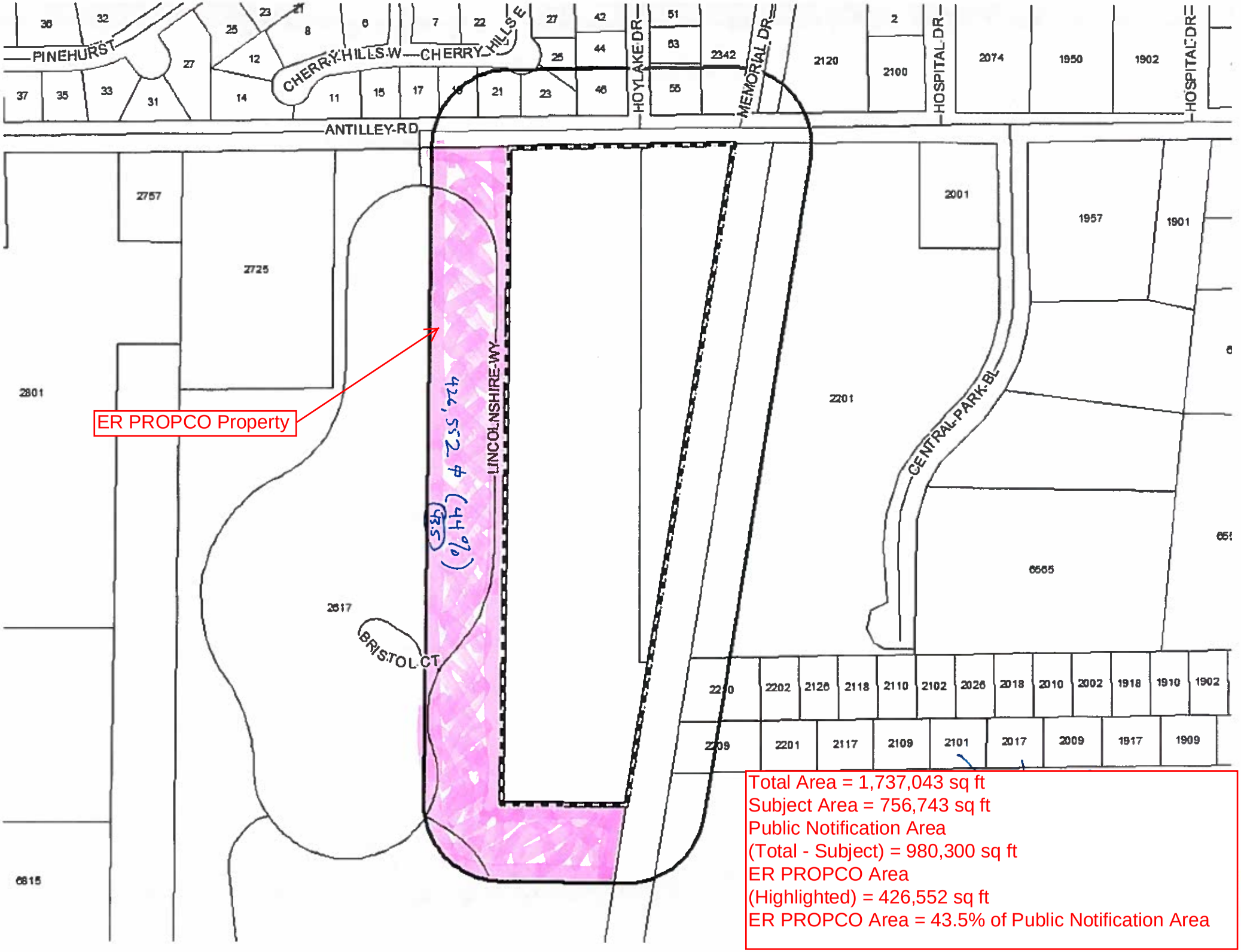
DIRECTORS PW
BRISTOL CT
HARDWICK RD
CHARTER HOUSE DR
S CLACK ST
HWY 83-84


PINEHURST
CHERRY HILLS W
CHERRY HILLS E
HOYLAKE DR
MEMORIAL DR
HOSPITAL DR
HOSPITAL DR
ANTILLEY RD
LINCOLNSHIRE WY
BRISTOL CT
CENTRAL PARK BL


ANTILLEY-RD
PINEHURST
CHERRY-HILLS-W
CHERRY-HILLS-E
HOYLAKE-DR
MEMORIAL-DR
HOSPITAL-DR
HOSPITAL-DR
LINCOLNSHIRE-WY
CENTRAL-PARK-BL
BRISTOL-CT
ER PROPCO Property
426,552 # (9.79 ac)
Total Area = 1,737,043 sq ft
Subject Area = 756,743 sq ft
Public Notification Area
(Total - Subject) = 980,300 sq ft
ER PROPCO Area
(Highlighted) = 426,552 sq ft
ER PROPCO Area = 43.5% of Public Notification Area

WAGSTAFF Est. 1890 LLP
Attorneys & Counselors

Charles L. Black
Partner
Board Certified – Texas Board of Legal Specialization
Commercial Real Estate Law
Direct: 325-738-0141
clblack@wagstaffaw.com

January 28, 2016

Planning and Development Services
planning@abilenetx.com
P.O. Box 60
Abilene, Texas 79604

Re: Case #: Z-2016-05; Rezoning Application by Texas Methodist Foundation

Dear Members of the Planning and Zoning Commission:

Our firm represents ER Propco WC, LLC ("Wesley Court"), the owner of that certain property located at 2617 Antilley Road, Abilene, Texas, 79606 ("Property"), upon which Wesley Court Senior Living campus is located.

Wesley Court opposes Texas Methodist Foundation's request to rezone the approximately 19.32 acres located at the southwest corner of Antilley Road and Memorial Drive.

Very truly yours,

Wagstaff LLP

By: _____
Charles L. Black

CLB/lc
cc: Tom Niblo
Brian Dowd

City Council
Agenda Memo

City Council Meeting Date: 3/10/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Ordinance & Public Hearing: *(Final 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. *(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	Type
Ordinance Cover	Ordinance
Ordinance Exhibit	Ordinance
Staff Reports with Maps	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

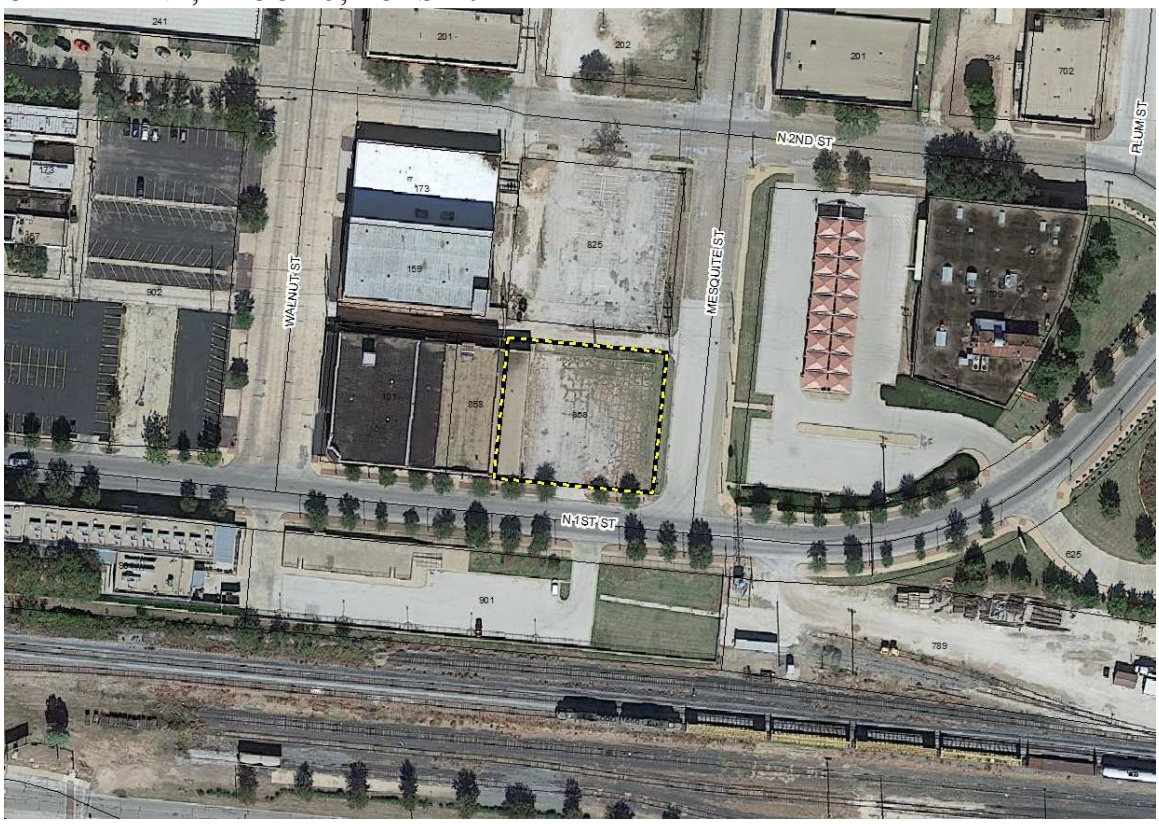
ORDINANCE NO. _____

EXHIBIT "A"

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

Legal Description:

OT ABILENE, BLOCK 5, LOTS 4-9

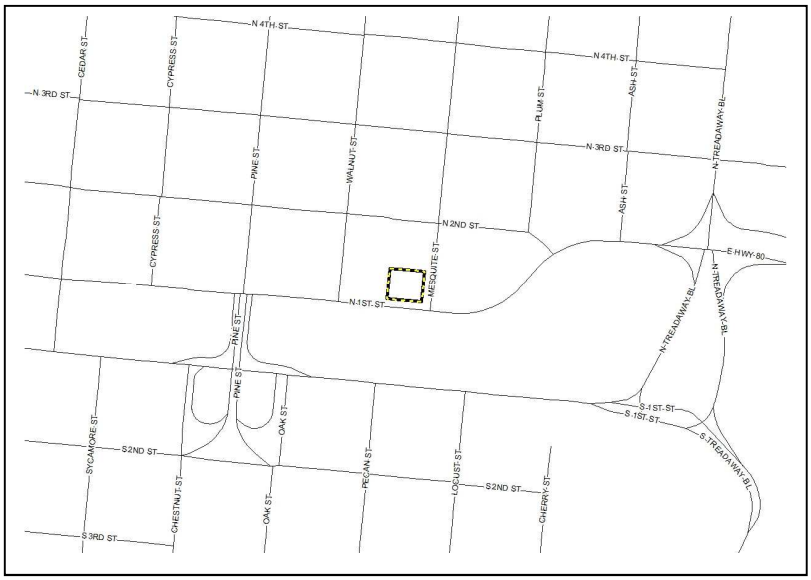


Location:
858 (850) N. 1st St

-END-

ZONING CASE Z-2016-06
STAFF REPORT

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.

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	

2 in Favor- **Y**

0 Opposed- **N**

N 4TH ST
N 3RD ST
N 2ND ST
N 1ST ST
E HWY 80
S 1ST ST
S 2ND ST
S 3RD ST
CEDAR ST
CYPRESS ST
PINE ST
WALNUT ST
PLUM ST
ASH ST
MESQUITE ST
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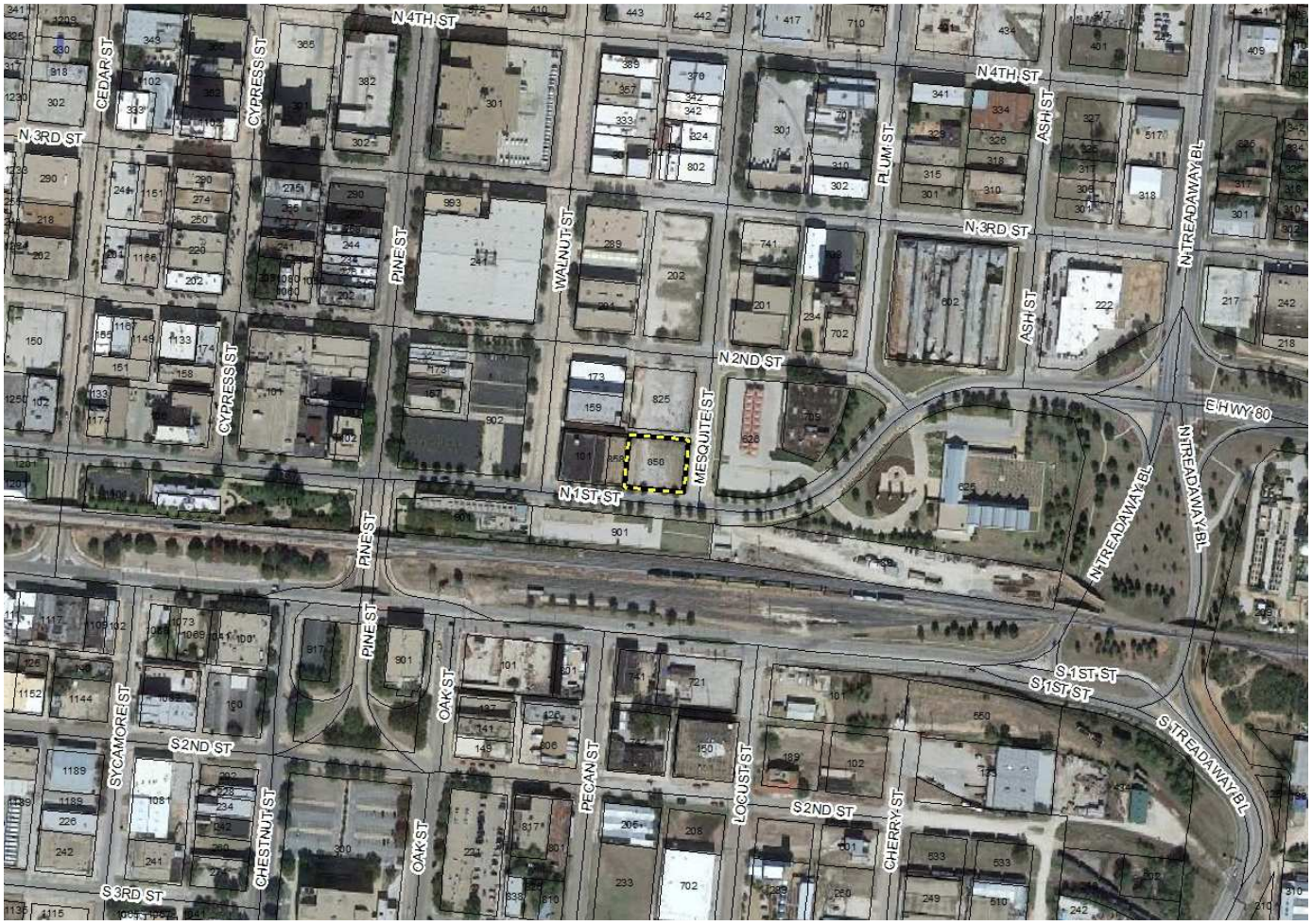
SYCAMORE ST
CHESTNUT ST
OAK ST
PECAN ST
LOCUST ST
CHERRY ST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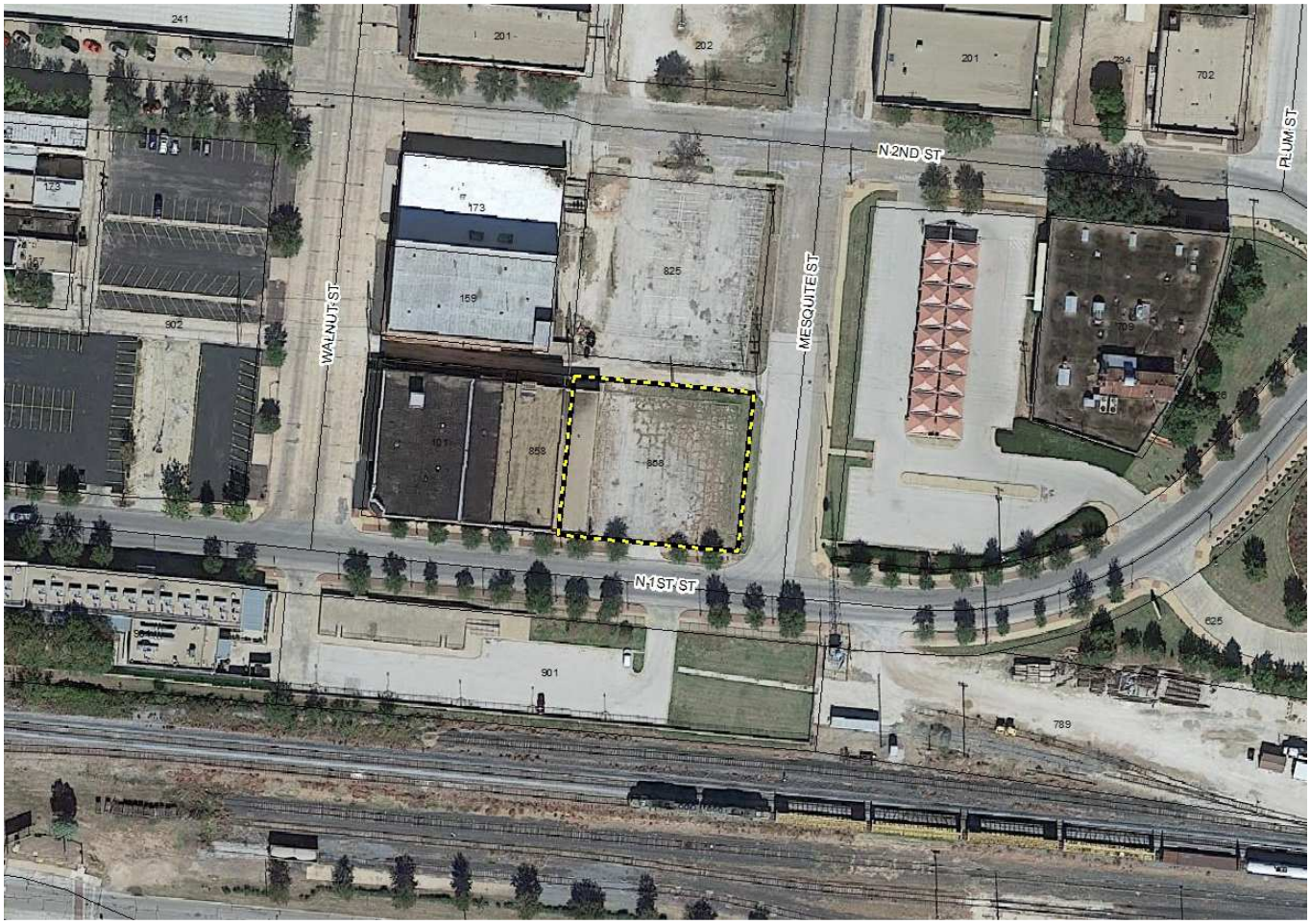
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WALNUT ST
MESQUITE ST
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868
N 1ST ST
625
901
789

City Council
Agenda Memo

City Council Meeting Date: 3/10/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Ordinance & Public Hearing: *(Final 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. *(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	Type
Ordinance Cover	Ordinance
Ordinance Exhibit	Ordinance
Staff Report with Maps	Backup Material

ORDINANCE NO. _____

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

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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

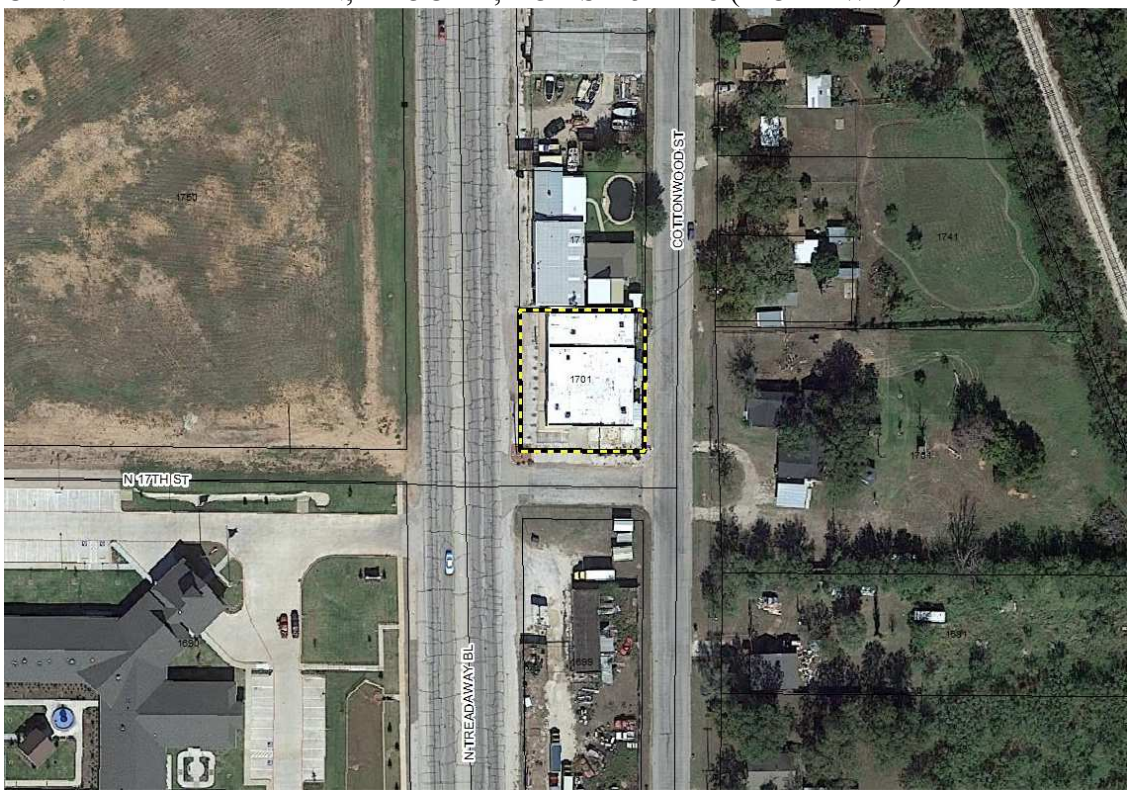
ORDINANCE NO. _____

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

-END-

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.

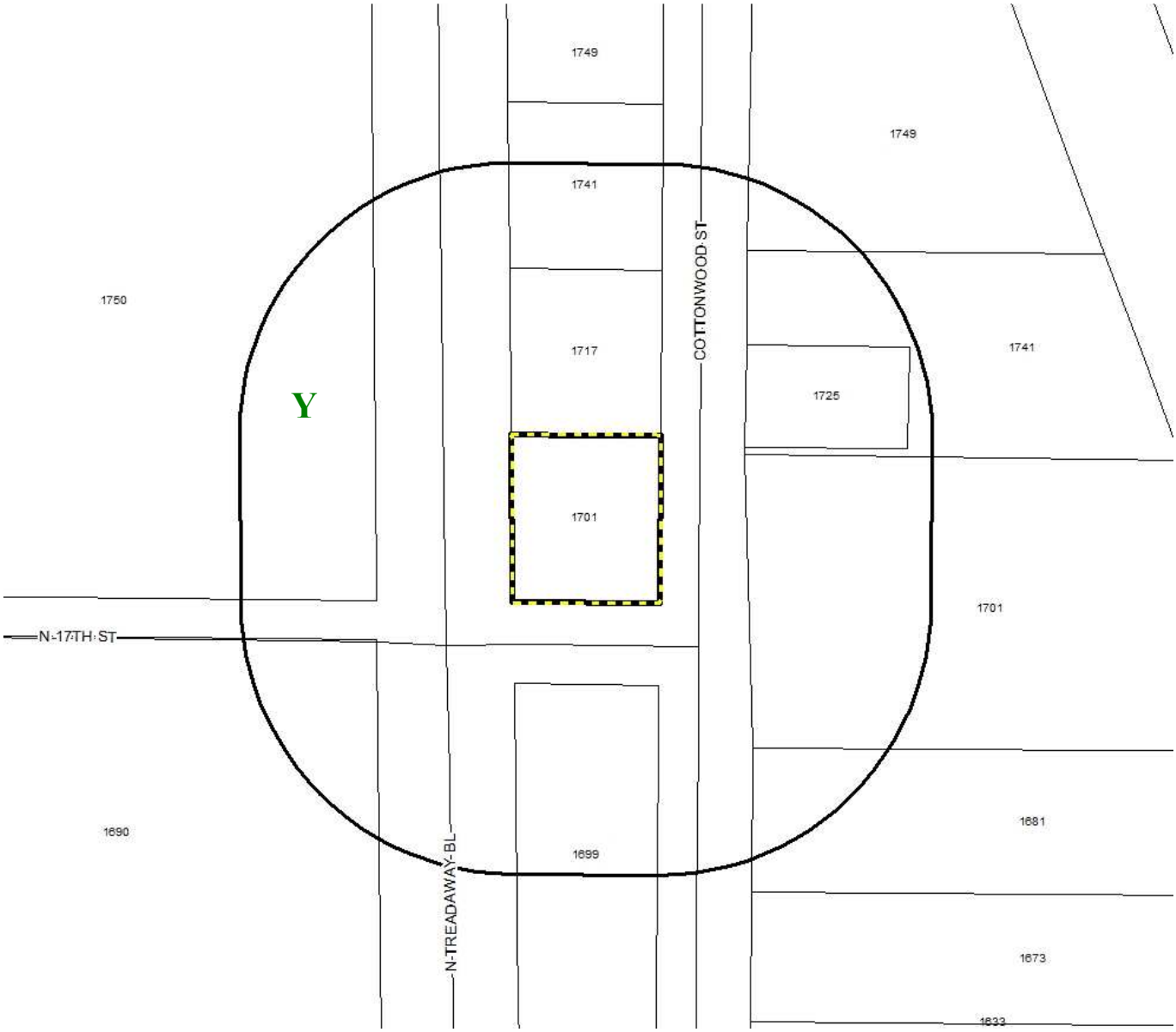
PLANNING AND ZONING COMMISSION RECOMMENDATION:
The Planning and Zoning Commission recommends approval as requested by a vote of 6 in favor (Calk, Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed.

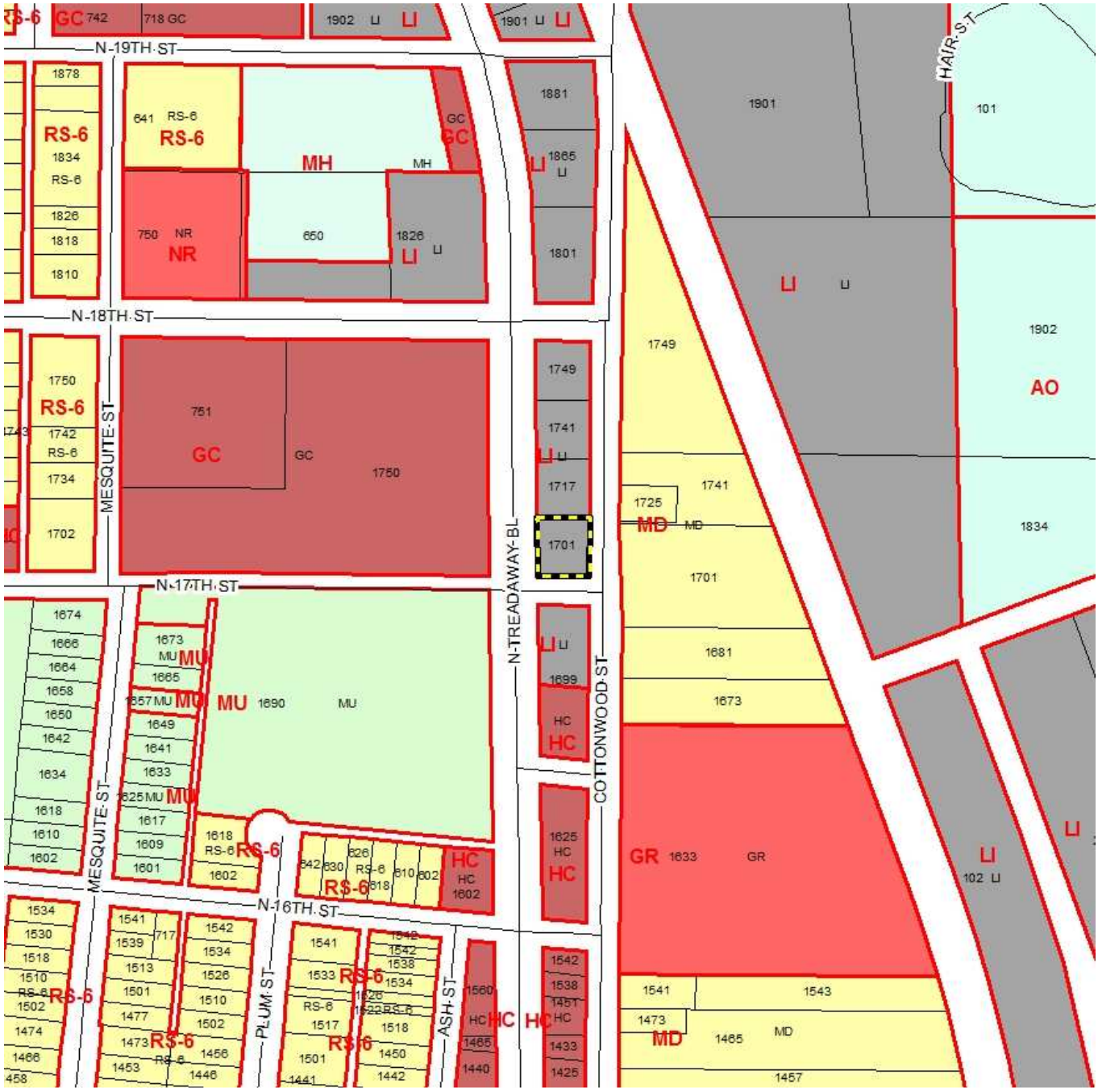
NOTIFICATION:
Property owners within a 200-foot radius were notified of the request.

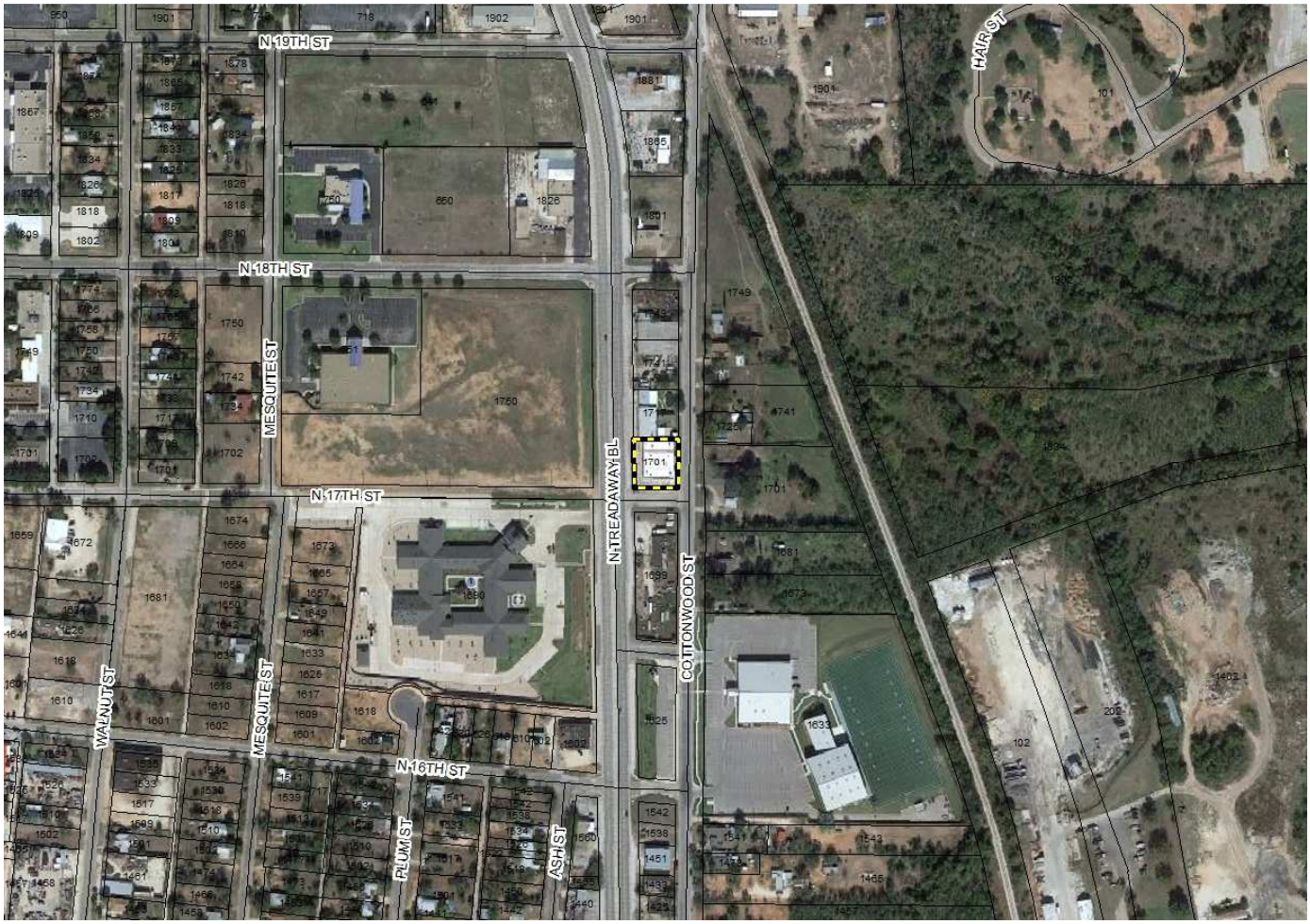
OWNER	ADDRESS	RESPONSE
BARRETT J D JR	1741 N TREADAWAY BL	
ROBERSON BILLY WAYNE & RISA LYNNE	1749 COTTONWOOD ST	
ROBERSON BILLY WAYNE & RISA LYNNE	1741 COTTONWOOD ST	
BARRETT J D JR	1717 N TREADAWAY BL	
HENDRICK MEDICAL CENTER	1750 N TREADAWAY BL	In Favor
ROBERSON JO RUTH	1725 COTTONWOOD ST	
LWMW MANAGEMENT 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	

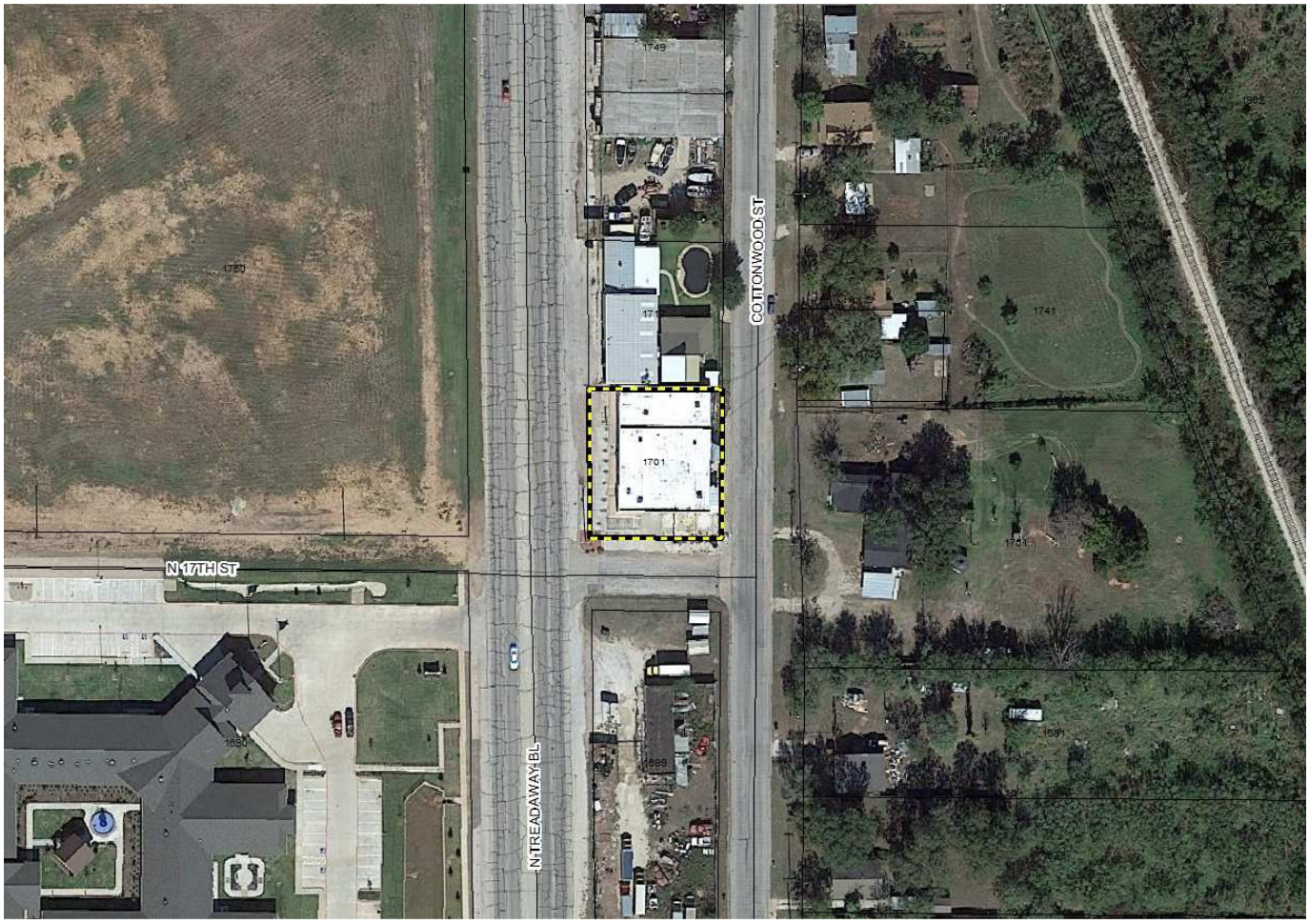
1 in Favor- **Y**

0 Opposed- **N**




N-19TH-ST
N-18TH-ST
N-17TH-ST
N-16TH-ST
MESQUITE-ST
PLUM-ST
ASH-ST
N-TREADAWAY-BL
COTTONWOOD-ST
HAIR-ST
RS-6
GC
MH
NR
LI
MU
HC
MD
GR
AO


N 19TH ST
N 18TH ST
N 17TH ST
N 16TH ST
MESQUITE ST
WALNUT ST
PLUM ST
ASH ST
N TREADAWAY BL
COTTONWOOD ST
HAIR ST
1701


N 17TH ST
COTTONWOOD ST
N TREADAWAY BL
1749
1750
1741
1701
1690
1699
1581

City Council
Agenda Memo

City Council Meeting Date: 3/10/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: Authorizing the City Manager to execute a design build agreement with H&G Construction Co. Inc. for improvements to the Abilene Civic Center. *(Andrews)***

GENERAL INFORMATION

On May 9, 2015, voters approved Proposition 2 which allowed the issuance of $2,810,000 in General Obligation Bonds for improvements to the Abilene Civic Center. This item is to authorize the City Manager to execute a design build agreement with H&G Construction Co. Inc. (H&G).

Planned improvements to the Abilene Civic Center include a state-of-the-art fly system in the auditorium as well as updates to the exhibit hall and kitchen. The exhibit hall will be updated with a new ceiling and floor. The current fly system in the auditorium is 45 years old and is operated via a counter-weight system. The new system will be computer controlled.

SPECIAL CONSIDERATIONS

A design build process was selected as the delivery method for the improvements to the Abilene Civic Center because it better fits the renovation project parameters combined with the schedule demands. In order to select a design build team for this project, a Request for Qualifications 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, Assistant Interim Director of Community Services Mirenda Walden and Civic Center Manager Molly Moser along with assistance from Freese & Nichols. Each committee member reviewed the proposals and ranked them on criteria such as proposer and team profile, qualifications and experience, organization and project approach. In addition, local participation was a significant consideration. Freese & Nichols compiled the four independent rankings and both firms were deemed qualified. Then a Request for Proposals process took place. Both firms submitted proposals and were asked to interview. After the presentation and interviews, the committee again ranked the firms. At this time Theater Technical Coordinator Phil Engel joined the committee. The criteria used included the project management plan, design and construction schedule, quality assurance, costing methodology and the interview. H&G had the highest score of both firms.

FUNDING/FISCAL IMPACT

$2,810,000.00 for design and construction is funded from voter approved General Obligation Bonds.

STAFF RECOMMENDATION

Staff recommends the City Council approve a resolution authorizing the City Manager to execute a design build agreement with H&G Construction Co. Inc. for improvements to the Abilene Civic Center.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

Description	Type
Civic Center Improvements Resolution	Resolution Letter
Rating Matrix	Backup Material
Civic Center Presentation	Presentation

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A DESIGN BUILD AGREEMENT WITH H&G CONSTRUCTION CO. INC. FOR IMPROVEMENTS TO THE CIVIC CENTER.

WHEREAS, On May 9, 2015, voters approved Proposition 2 which allowed the issuance of $2,810,000 in General Obligation Bonds for improvements to the Civic Center; and

WHEREAS, a design build process was selected as the delivery method for this project and two firms submitted proposals; and

WHEREAS, Freese & Nichols compiled the five independent rankings and H&G Construction Co. Inc. had the highest score; 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 a design build agreement with H&G Construction Co. Inc.

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

ADOPTED this 10th day of March, 2016.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norman Archibald, Mayor

APPROVED:

_____
Stanley Smith, Interim City Attorney

Design Build Team Selection RFP Worksheet

Tabulation of Scoring

City of Abilene Civic Center Renovations

Owner's Construction Budget		$		2,810,000.00
Item	**Criteria**	**Points**	**H&G Construction**	**Speed Fab-Crete**
	Compliant Transmittal Letter; Financial Information, Ability to Provide Bonds/Insurance	Pass/Fail	Pass	Pass
A	Project Management Plan	25	21.6	22.2
B	Design and Construction Schedule	15	13.6	14.4
C	Quality Assurance/Quality Control Plan	20	18.6	17.8
D	Costing Methodology	25	21.4	19.0
E	Interview	15	15.0	12.6
Total Points			**90.2**	**86.0**

Notes
(1)
(2)
(3)
(4)
(5)

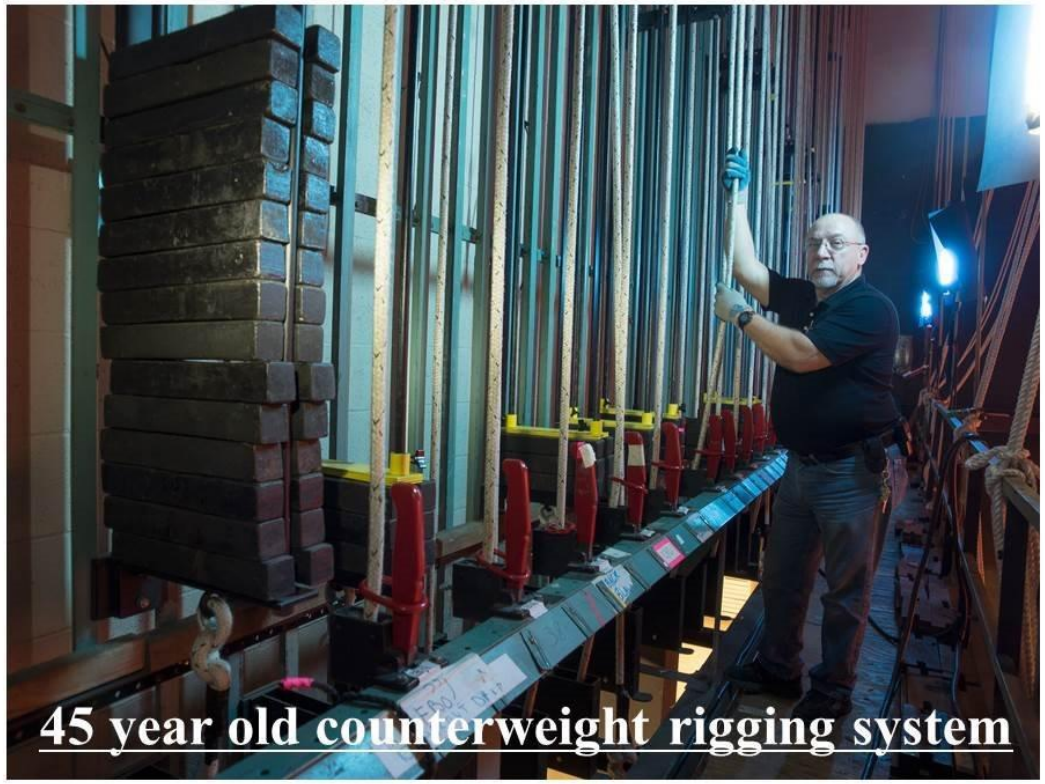
Civic Center Improvements

March 10, 2016

CITY OF ABILENE TEXAS

Civic Center Improvements

- A new automated fly system to replace the 45 year old system.
- New system will be computer controlled.



CITY OF ABILENE TEXAS

Civic Center Improvements

- Improvements to Exhibit Hall space:
  - Flooring
  - Ceiling/lighting
  - Paint
  - New doors
  - Kitchen improvements

CITY OF ABILENE TEXAS

CITY OF ABILENE TEXAS

Questions

CITY OF ABILENE

City Council
Agenda Memo

City Council Meeting Date: 3/10/2016

TO: **Robert Hanna, City Manager**

FROM: **Larry Bell, Fire Chief**

SUBJECT: **Resolution: Authorizing the City Manager to execute an agreement with Tittle Luther Partnership/Parkhill, Smith & Cooper (TLP/PSC) in the amount of $301,100 for the design of new Fire Station 4.** ***(Bell)***

GENERAL INFORMATION

On May 9, 2015 voters approved Proposition 4, which allowed the issuance of $12,865,000 million in bond funds for public safety purposes. With these funds, three new fire stations, a maintenance facility, a new fire training center, and a facility for the Police Department's records and evidence storage will be constructed. The new fire stations are replacement stations for Station 3, 4, and 7. This item grants the authority to the City Manager to execute an agreement with the Tittle Luther Partnership/Parkhill, Smith & Cooper (TLP/PSC) to provide architectural/engineering services for the Fire Station #4 prototype design located at 3802 Grape Street. Design for Stations 3 and 7 will be considered as Station 4 is being designed, but is not included in the scope of work for this item.

SPECIAL CONSIDERATIONS

To select the best firm for this project a Request for Qualifications (RFQ) process took place. Five firms submitted their Statement of Qualifications (SOQ). An internal selection committee was formed to review these submittals. This committee was made up of Assistant City Manager Mindy Patterson, Emergency Services Deputy Fire Chief Weldon Wilkerson, A-Shift Battalion Chief Mike Burden, Station 4 Capt. Randy Scalf, and Fire Chief Larry Bell. Chris Jones with Freese-Nichols facilitated the review. Each committee member reviewed the qualifications of the five firms and scored them against the dimensions of the proposer's ability to provide services, qualifications and availability, staff capabilities, similar project experience, project approach, and history of successful performance. Local participation was also considered. Individual scores were accumulated and tabulated. TLP/PSC significantly scored the highest of all firms.

FUNDING/FISCAL IMPACT

$2,575,000 is funded from voter approved General Obligation bonds. Of the $2,575,000 the design agreement is for $301,100 which includes a basic services cost of $180,000, reimbursable expenses of $26,500, additional services cost of $32,100, construction administration services not to exceed $45,000 and construction materials testing allowance of $17,500.

STAFF RECOMMENDATION

Staff recommends the City Council approve a resolution authorizing the City Manager to execute an agreement

with Tittle Luther Partnership/Parkhill, Smith, and Cooper (TLP/PSC) in the amount of $301,100 for the design of Fire Station 4.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

Description	Type
A/E Services Selection Worksheet Scores	Cover Memo
Resolution	Cover Memo

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TITTLE LUTHER PARTNERSHIP/PARKHILL, SMITH & COOPER (TLP/PSC).

WHEREAS, on May 9th 2015, voters approved Proposition 4 which allowed for the issuance of $12,865,000 in General Obligation Bonds for the replacement of three new fire stations, new fire apparatus maintenance facility, new fire training center, and a facility for the Police Department's records and evidence storage.

WHEREAS, Request for Qualifications (RFQ) process took place. Five firms submitted their Statement of Qualifications (SOQ).

WHEREAS, Local participation was considered and individual scores were accumulated and tabulated. TLP/PSC significantly scored the highest of all firms.

WHEREAS, the City Council authorizes the City Manager to execute an agreement with Tittle Luther Partnership/Parkhill, Smith & Cooper (TLP/PSC) in the amount of $301,100 for the design of Fire Station 4. TLP/PSC's scope of work for this item is only for Fire Station 4, and includes a basic services cost of $180,000, reimbursable expenses of $26,500, additional services cost of $32,100, construction administration services not to exceed $45,000 and construction materials testing allowances of $17,500. Design for Station 3 and 7 will be considered as Station 4 is being designed.

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

PART 1: That the City Council authorizes the City Manager to execute an agreement with Tittle Luther Partnership/Parkhill, Smith & Cooper (TLP/PSC).

PART 2: That the design agreement is in the amount of $301,100 for the design of Fire Station 4. TLP/PSC's scope of work is only for Fire Station 4, and includes a basic services cost of $180,000, reimbursable expenses of $26,500, additional services cost of $32,100, construction administration services not to exceed $45,000, and construction materials testing allowances of $17,500.

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

ADOPTED this 10th day of March, 2016.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norm Archibald, Mayor

APPROVED:

_____
Stanley Smith, Interim City Attorney

City Council
Agenda Memo

City Council Meeting Date: 3/10/2016

TO: **Robert Hanna, City Manager**

FROM: **Larry Bell, Fire Chief**

SUBJECT: **Resolution: Authorizing the Purchase of Mobile Devices in the amount of $56,600 for the Abilene Fire Department utilizing $19,245 in grant funds. *(Bell)***

GENERAL INFORMATION

The Abilene Fire Department has formulated a plan to provide Operations personnel with mobile devices that would enable the use of EMS field reporting, and records management. Fifteen (15) Panasonic Toughbooks, with accessories, will be purchased. The total cost for this purchase is $56,655. To assist with this purchase, AFD personnel pursued grant opportunities. In December 2015, the Firehouse Subs Public Safety Foundation awarded a grant of $19,245 to the Abilene Fire Department for the purchase of five (5) Panasonic Toughbooks with accessories. The City's share of this purchase would be the remaining $37,410.

SPECIAL CONSIDERATIONS

The Panasonic devices are quoted through DIR pricing, through TonerTiger. The Panasonic Toughbook is commonly used throughout the Fire and EMS service and has a proven history of withstanding adverse work environments. These devices are Windows-based and will handle Fire Department software and hardware requirements.

The Firehouse Subs Public Safety Foundation grant has a deadline for purchase of April 30, 2016.

FUNDING/FISCAL IMPACT

Funding for this equipment is available through the 2015 Firehouse Subs Public Safety Foundation grant in the amount of $19,245. The remaining $37,410 will be purchased through the City's 2016 General Fund. The Abilene Fire Department will manage internal funds during the revised budget process to offset all or a majority of the costs.

STAFF RECOMMENDATION

Staff recommends purchase of this equipment in the amount of $56,655 from TonerTiger.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

Description	Type
Resolution	Cover Memo
TonerTiger CF-20 Quote	Cover Memo

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TONERTIGER.

WHEREAS, Abilene Fire Department has formulated a plan to provide Operations personnel with mobile devices that would enable the use of EMS field reporting, and records management. Fifteen (15) Panasonic Toughbooks, with accessories, will be purchased.

WHEREAS, total costs for this purchase is $56,655. In December 2015, Firehouse Subs Public Safety Foundation awarded a grant of $19,245 to the Abilene Fire Department for the purchase of five (5) Panasonic Toughbooks with accessories. The City's share of this purchase would be the remaining $37,410.

WHEREAS, the Panasonic devices are quoted through DIR pricing, TonerTiger. The Panasonic Toughbook is commonly used throughout the Fire and EMS service and has proven history of withstanding adverse work environments. These devices are Windows-based and will handle Fire Department software and hardware requirements.

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

PART 1: That the City Council authorizes the City Manager to execute an agreement with TonerTiger.

PART 2: Funding for this equipment is available through the 2015 Firehouse Subs Public Safety Foundation grant in the amount of $19,245. The remaining $37,410 will be purchased through the City's 2016 General Fund. The Abilene Fire Department will manage internal funds during the revised budget process to offset all or a majority of the costs.

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

ADOPTED this 10th day of March, 2016.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norm Archibald, Mayor

APPROVED:

_____
Stanley Smith, Interim City Attorney

Estimate

Date	Quote #
2/29/2016	80570

1233 N 3rd Street
Abilene, TX 79601
Phone # 325-677-0775

Made For The Express Use Of
City of Abilene 555 Walnut St Abilene, TX 79601

Ship To
City of Abilene - Helpdesk 555 Walnut, Suite B-13 Abilene,TX 79601

Terms
Net 30

Item	Description	Qty	Price	Total
Hardware	CF-20C5046KM PANASONIC : Win7 (Win10 Pro COA), m5-6Y57 1.10 GHz, vPro, 10.1 in WUXGA 10-pt Gloved Multi Touch+Digitizer, 8GB, 128GB SSD, a/b/g/n/ac, TPM, BT, Dual Pass, 2D Bar Laser, 4G LTE Multi Carrier, 8MP Cam, Bridge Battery, Emissive Backlit Keyboard, Toughbook Preferred	15	3,493.00	52,395.00
Warranty EX	CF-SVCLTEXT2Y PANASONIC : Extended Warranty - Laptop (Years 4 & 5)	15	284.00	4,260.00
	Panasonic DIR-TSO-2520 Quote			

Subtotal	$56,655.00
Sales Tax (8.25%)	$0.00
Total	$56,655.00

City Council
Agenda Memo

City Council Meeting Date: 3/10/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: Bid Award #CB-1635 Catclaw Dr. Reconstruction Project.** ***(Rice)***

GENERAL INFORMATION

This project was advertised as a Public Notice on February 7th and 14th of 2016 with a bid opening dated February 23rd 2016. This contract will be a combination of two separate projects on Catclaw Dr., the first being a 2015 Bond Project from Rebecca Ln. to Curry Ln. which will include reconstruction and widening of the existing roadway, also included is the addition of a section of concrete pavement, curb ramps, and curb and gutter. The second project will utilize CO funds, and will be a mill and overlay with spot full depth repair sections from Curry Ln. to Southwest Dr.

The Catclaw Dr. Reconstruction Project is the fourth of four street projects scheduled for construction in 2016 as part of Proposition 1 of the voter approved 2015 Bond Program.

SPECIAL CONSIDERATIONS

The approved 2015 Bicycle Plan does not include bike lanes, bike routes, or bike paths on Catclaw Drive.

FUNDING/FISCAL IMPACT

The funds for this project will be paid through 2015 General Obligation funds, 2011 Certificates of Obligation funds, and Private Developer Escrow funds.

STAFF RECOMMENDATION

Staff recommends bid award to Bontke Brothers Construction Co. of Abilene Texas in the amount of $1,637,227.01.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution	Resolution Letter

- Bidtab sheet — Backup Material
- Picture of area — Backup Material

RESOLUTION NO._____

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

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for the reconstruction of Catclaw Dr. from Rebecca Ln. to Southwest Dr.; and

WHEREAS, the project involves the reconstruction and widening of Catclaw Dr. from Rebecca Ln. to Curry Ln. where the scope will change to a mill and overlay section ending at Southwest Dr. The contract will also include a section of concrete pavement, addition of curb ramps, and curb and gutter throughout the project: and

WHEREAS, the following bids were received and opened on the February 23, 2016:

Bontke Brothers Construction Co., Abilene, Texas	$1,637,227.01
J.H. Strain & Sons Inc., Tye, Texas	$2,212,213.23
Contract Paving Co., Tye, Texas	$2,732,710.61

WHEREAS, Bontke Brothers Construction Co., Abilene, Texas submitted the low bid in the amount of $1,637,227.01 with the bid meeting specifications. Staff recommends awarding the bid to the low bidder, Bontke Brothers Construction Co., Abilene, Texas.

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

PART 1: That the City Council approves this bid in the amount of $1,637,227.01.

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

ADOPTED this 10th day of March, 2016.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norm Archibald, Mayor

APPROVED:

_____

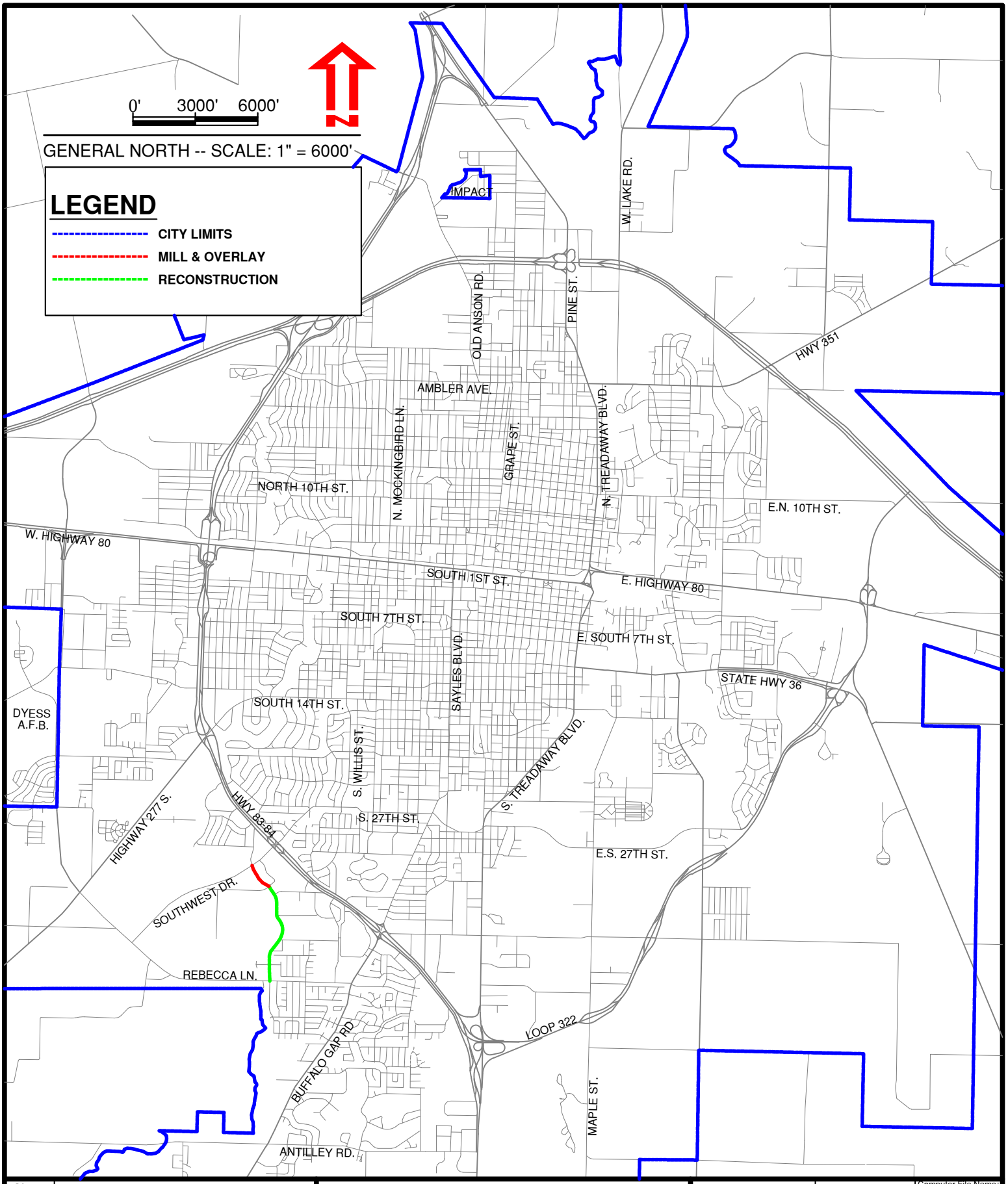
Stanley Smith, Interim City Attorney

CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS

DEPARTMENT: ENGINEERING
BID NO.: CB - 1635
TIME OF OPENING: 11:00
DATE OF OPENING: FEBRUARY 23, 2016

				Bontke Brothers Abilene, Texas		J H Strain & Sons Tye, Texas		Contract Paving Tye, Texas							
ITEM	**DESCRIPTION**	**QTY**	**UNIT**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**
1	CATCLAW DR. REHABILIATION PROJECT				$1,637,227.01		$2,212,213.23		$2,732,710.61						
BASE BID					$1,637,227.01		$2,212,213.23		$2,732,710.61						
DISCOUNT															
TOTAL BID					$1,637,227.01*		$2,212,213.23		$2,732,710.61						

*NOTES: INDICATES RECOMMENDED AWARD



Sheet	CITY OF ABILENE, TEXAS	CATCLAW DR. BOND PROJECT	Designed By: LARRY WRIGHT	Horizontal Scale: 1"=6000	Computer File Name: CATCLAW DR. RECONSTRUCTION PROJECT
1 Of 1	PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION		Drawn By: MICHAEL MILLER	Vertical Scale: N.T.S.	
			Checked By: LARRY WRIGHT	Folder: BOND PROJECTS	Date: FEB. 2016

City Council
Agenda Memo

City Council Meeting Date: 3/10/2016

TO: **Robert Hanna, City Manager**

FROM: **Mike Rains, Director of Finance**

SUBJECT:

Financial Workshop:Discussion and possible action on the following items:

a. Review and Acceptance of FY 2015 Comprehensive Annual Financial Report – Davis, Kinard & Co. and *(Rains)*

b. Approval of expenditure of funds in excess of the three month reserve

c. Approval of the Investment Policy.

GENERAL INFORMATION

The Comprehensive Annual Financial Report (CAFR) for FY 2015 has been completed and will be presented at the March 10, 2016 Council meeting. Some sections that you may wish to read are the Letter of Transmittal, Management's Discussion and Analysis, Basic Financial Statements (including notes to financial statements) and General Fund Schedule of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual - Budgetary Basis.

Staff will make a presentation of the CAFR and Davis, Kinard & Co., P.C. will make a presentation of the auditors reports and their comments regarding the CAFR and audit process.

A presentation of FY 2015 excess fund balance and the Investment Policy will also be made.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends acceptance of the CAFR for the year ended September 30, 2015; approval of the expenditure of funds in excess of our three month reserve; and approval of the Investment Policy.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Financial Workshop Powerpoint	Cover Memo
Investment Policy	Cover Memo

Financial Workshop

March 10, 2016

Mike Rains
Director of Finance

CITY OF ABILENE

CITY OF ABILENE, TEXAS
STATEMENT OF NET POSITION
SEPTEMBER 30, 2015

	Primary Government			
	Governmental Activities	Business-Type Activities	Total	Component Unit
ASSETS				
Current and other assets	$ 102,730,377	$ 113,663,174	$ 216,393,551	$ 37,072,328
Capital assets	215,683,121	335,091,282	550,774,403	41,949,723
TOTAL ASSETS	318,413,498	448,754,456	767,167,954	79,022,051
Deferred outflow of resources	9,738,411	1,100,001	10,838,412	-
LIABILITIES				
Accounts payable	3,664,882	14,082,386	17,747,268	485,345
Retainage payable	90,029	6,079,472	6,169,501	149,956
Accrued expenses	2,379,496	764,261	3,143,757	197,165
Accrued interest	392,346	1,412,045	1,804,391	-
Other deposits and liabilities	584,815	167,904	752,719	-
Unearned revenues	1,883,287	-	1,883,287	-
Noncurrent liabilities:				
Due within one year	14,053,102	7,193,968	21,247,070	-
Due in more than one year	133,071,792	229,852,408	362,924,200	-
TOTAL LIABILITIES	156,119,749	259,552,444	415,672,193	832,466
NET POSITION				
Net investment in capital assets	169,593,848	141,042,489	310,636,337	41,949,723
Restricted for:				
Contractual obligations	-	-	-	8,549,691
Debt service	1,488,064	714,753	2,202,817	-
Capital Projects & special revenue purposes	4,801,423	-	4,801,423	-
Unrestricted	(3,851,175)	48,544,771	44,693,596	27,690,171
TOTAL NET POSITION	$ 172,032,160	$ 190,302,013	$ 362,334,173	$ 78,189,585

GENERAL FUND
BALANCE SHEET
SEPTEMBER 30, 2015

	General Fund
ASSETS	
Cash and investments	$ 23,553,049
Receivables (net of allowance for uncollectibles):	
Accounts receivable	3,517,852
Property taxes receivable	814,992
Due from other funds	764,927
Due from other governments	5,390,175
Inventories	2,292
Prepaid items	21,461
Total Assets	$ 34,064,748
LIABILITIES, DEFERRED INFLOWS AND FUND BALANCES	
LIABILITIES:	
Accounts payable	$ 1,634,465
Accrued expenses	2,077,129
Due to other funds	406,528
Other deposits and liabilities	215,939
Total Liabilities	4,334,061
DEFERRED INFLOW OF RESOURCES:	
Unavailable revenue	2,839,849
FUND BALANCES:	
Non-spendable:	
Inventories	2,292
Prepaid items	21,461
Assigned to:	
27th pay period	1,630,000
Other purposes	858,447
Unassigned	24,378,638
Total Fund Balances	26,890,838
TOTAL LIABILITIES, DEFERRED INFLOWS AND FUND BALANCES	$ 34,064,748

GENERAL FUND
Revenues and Expenditures
Revised Budget vs Actual Budget Basis

	2015 Actual	2015 Budget	Variance
Revenues			
Property Taxes	$ 27,389,339	$ 26,846,620	$ 542,719
Sales Taxes	31,656,913	31,481,690	175,223
Franchise Taxes	7,400,027	7,333,130	66,897
Penalties and interest	307,191	285,000	22,191
Miscellaneous Other Taxes	1,438,012	1,391,740	46,272
Licenses & Permits	1,548,832	1,440,710	108,122
Charges for Services	3,937,650	3,812,400	125,250
Intergovernmental Revenues	89,530	96,870	(7,340)
Interest & Miscellaneous	7,688,073	8,392,230	(704,157)
Total Revenues	81,455,567	81,080,390	375,177
Expenses			
General Government	1,902,992	2,019,450	116,458
Administrative Services	2,700,880	2,846,630	145,750
Finance	6,894,987	7,195,000	300,013
Planning & Development Services	3,178,236	3,183,350	5,114
Public Works	6,445,675	7,091,170	645,495
Police	24,557,305	24,879,120	321,815
Fire	18,565,411	18,986,770	421,359
Aviation	2,023,374	2,187,270	163,896
Community Services	11,761,418	12,499,930	738,512
Total Expenses	78,030,278	80,888,690	2,858,412
Transfers In	3,126,053	3,050,000	76,053
Transfers Out	(4,925,771)	(4,925,780)	9
	(1,799,718)	(1,875,780)	76,062
Net Change in Fund Balance	$ 1,625,571	$ (1,684,080)	$ 3,309,651

GENERAL FUND
2014 - 2015
Approved Revised Budget

	Budget	Actual	Difference
100 GENERAL GOVERNMENT	$ 2,019,450	$ 1,902,992	$ 116,458
150 ADMINISTRATIVE SERVICES	2,930,930	2,785,180	145,750
200 FINANCE	11,429,850	11,129,828	300,022
250 PLANNING & DEVELOPMENT SERVICES	3,190,650	3,194,486	(3,836)
305 PUBLIC WORKS	7,100,120	6,445,675	654,445
500 POLICE	24,879,120	24,557,305	321,815
550 FIRE	18,986,770	18,565,411	421,359
600 AVIATION	2,683,620	2,519,724	163,896
700 COMMUNITY SERVICES	12,593,960	11,855,448	738,512
TOTAL EXPENDITURES INCLUDING TRANSFERS OUT	$ 85,814,470	$ 82,956,049	$ 2,858,421

Revised Budget With Adjustments

	Budget	Actual	Difference
100 GENERAL GOVERNMENT	$ 2,019,450	$ 1,902,992	$ 116,458
150 ADMINISTRATIVE SERVICES	2,930,930	2,785,180	145,750
200 FINANCE	11,429,850	11,129,828	300,022
250 PLANNING & DEVELOPMENT SERVICES	3,199,600	3,194,486	5,114
305 PUBLIC WORKS	7,091,170	6,445,675	645,495
500 POLICE	24,879,120	24,557,305	321,815
550 FIRE	18,986,770	18,565,411	421,359
600 AVIATION	2,683,620	2,519,724	163,896
700 COMMUNITY SERVICES	12,593,960	11,855,448	738,512
TOTAL EXPENDITURES INCLUDING TRANSFERS OUT	$ 85,814,470	$ 82,956,049	$ 2,858,421

General Fund

Revenues Exceeding Estimates:

- Property Tax = $542,719
- Sales Tax = $175,223
- Charges for Services = $125,250
- Licenses and Permits = $108,122
- Franchise Fees = $66,897
- All Other Revenues = $68,463

Revenues Not Exceeding Estimates:

- Interest & Miscellaneous = ($435,418)
- Fines & Forfeitures = ($268,739)
- Intergovernmental Revenue = ($7,340)

Total $375,177

General Fund

Expenditures Below Estimates:

- Personal Services = $1,214,205
- Supplies = $246,669
- Maintenance = $187,418
- Other Services and Charges = $1,210,116

Total $2,858,412

Water & Sewer Fund
Revenues and Expenditures
September 30, 2015

	2015 Actual	2014 Actual
Revenues		
Water Service	$ 31,181,991	$ 27,528,778
Sewer Service	11,559,729	11,714,275
Service & Penalty Charges	437,261	437,302
Miscellaneous Revenues	886,118	1,168,408
Interest on Investments	142,643	92,845
Rents and Royalties	134,359	157,405
Total Revenues	44,342,101	41,099,013
Expenses		
Personal Services	7,005,496	7,046,040
Supplies	2,533,499	2,006,043
Maintenance	1,515,274	1,690,032
Other Services and Charges	16,202,894	17,138,130
Depreciation/Amortization	5,412,430	5,251,964
Interest Expense	3,181,289	2,562,023
Total Expenses	35,850,882	35,694,232
Income (Loss) before Contributions & Transfers	5,404,781	5,404,781
Transfers In (Out)	-	-
Capital Contributions	2,268,575	1,486,521
Net Contributions & Transfers	2,268,575	1,486,521
Net Income (or Loss)	$ 10,759,794	$ 6,891,302

- Transmittal Letter – Pages I-3 – I-6
  - Financial Policy – Pages I-6 – I-10
- Management's Discussion & Analysis – Pages 3 -15
- Investment Policy – Separate Document

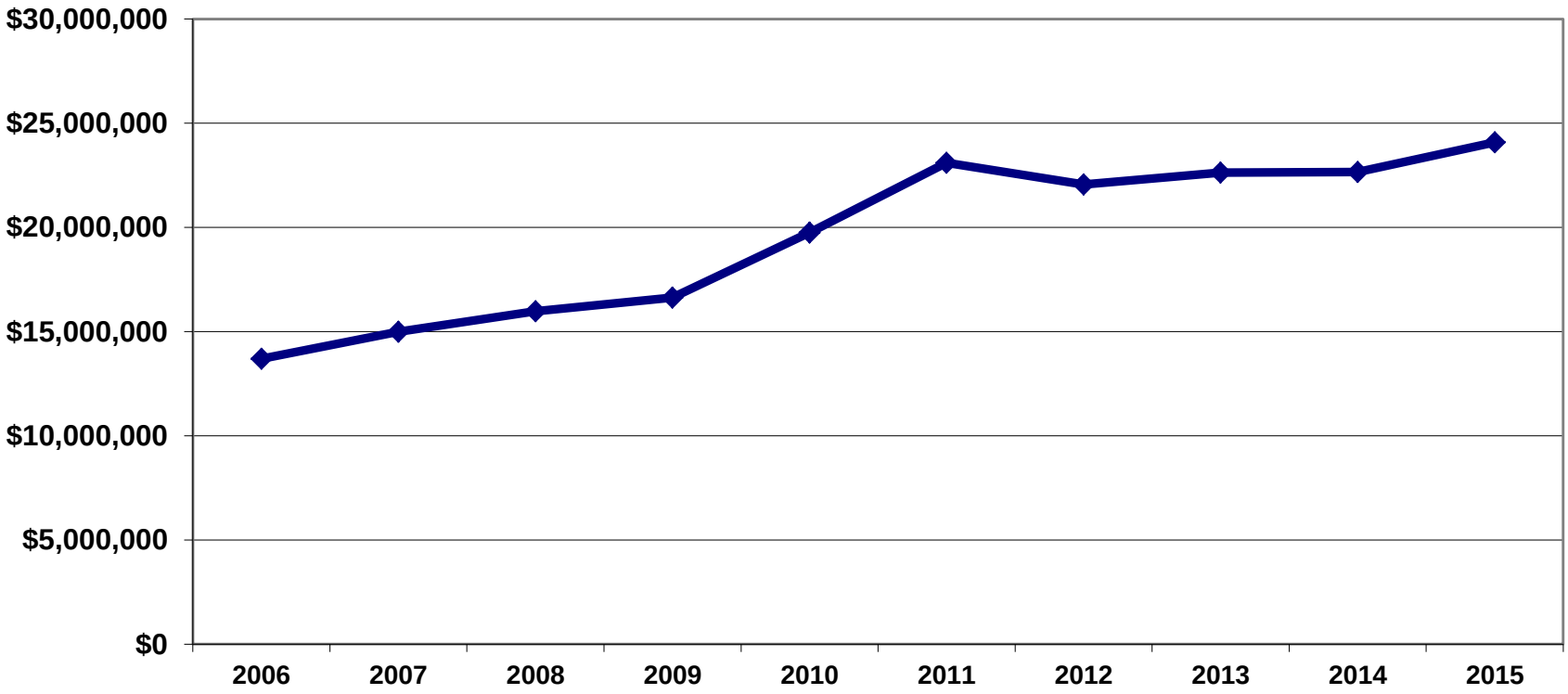
Davis, Kinard & Co. - Presentation

- Overall Audit Opinion – Page 1
- Audit Reporting Package – Separate Document

Fund Balance

CITY OF ABILENE

General Fund
Fund Balance History – Budget Basis
Fiscal Years 2006-2015



General Fund
Fund Balance – Budget Basis

FY 2011	3.9 months	$23,096,850
FY 2012	3.5 months	22,055,148
FY 2013	3.4 months	22,632,845
FY 2014	3.3 months	22,655,269
FY 2015	3.3 months	24,080,840

General Fund

FY 2015 Fund Balance – Budget Basis

$24,080,840 or 3.3 months

Per Policy FY 2015 Fund Balance

$21,827,730 or 3.0 months

$2,253,110

Recommendations for Addressing Fund Balance

Policy – 50% Street Maintenance/50% Fire Apparatus Fund

Staff Recommendations:

- Street Paving Index Study
- Street Pavement Patching Truck
- Fire Apparatus Fund
- CAD/RMS Software Upgrade (FY 16-Interfund loan)

FY 2015 Fund Balance Excess	$2,253,110

- Street Paving Index Study — TBD
- Street Pavement Patching Truck — TBD
- Fire Apparatus Fund — 1,000,000
- CAD/RMS Software Upgrade (FY 16-Interfund loan) — 836,492

Questions

CITY OF ABILENE

City of Abilene, Texas, Investment Policy

The purpose of this investment policy is to aid the City of Abilene, Texas ("City") in the administration of its funds and investment of those funds. These funds shall be handled at the highest public trust. The City will invest public funds in a way, which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City. This policy serves to satisfy local law and the Texas Public Funds Investment Act, Chapter 2256, Texas Government Code (The "Act").

I. SCOPE

This investment policy applies to all financial assets and funds held by the City.

A. Pooling of Funds: The City commingles its funds into one pooled investment fund for investment purposes for efficiency and maximum investment opportunity with the exception of the proceeds of general obligation and certificate of obligation bond funds which are invested separately. These funds are accounted for in the City's Comprehensive Annual Financial Report (CAFR) and include:

General Fund	Enterprise Funds
Special Revenue Funds	Internal Service Funds
Debt Service Funds	Trust and Agency Funds
Capital Project Funds	

The bond funds are accounted for in Capital Project Funds and Enterprise Funds.

B. Income Allocation: Investment income will be allocated to the various funds based on their respective participation in the pool and in accordance with generally accepted accounting principles.

II. INVESTMENT STRATEGY / OBJECTIVES STATEMENT

The City of Abilene investment strategy primary objective is to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure, which will experience minimal volatility during economic cycles.

The objectives, in priority order, of investment activities shall be safety, liquidity, and yield:

A. Safety

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

1. Credit Risk The City will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:

- Limiting investments to the safest types of securities
- Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the City will do business
- Diversifying the investment portfolio so that potential losses on individual securities will be minimized.

2. Interest Rate Risk The City will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity
- Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools.

B. Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity). A portion of the portfolio also may be placed in money market mutual funds or local government investment pools, which offer same-day liquidity for short-term funds.

C. Yield

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. “Market rate of return” may be defined as the average yield of the current three-month United States Treasury Bill. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being

assumed. Securities shall not be sold prior to maturity with the following exceptions:

- A security with declining credit may be sold early to minimize loss of principal.
- A security swap would improve the quality, yield, or target duration in the portfolio.
- Liquidity needs of the portfolio require that the security be sold.

III. STANDARDS OF CARE

A. Prudence: The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. It should be noted that in a diversified portfolio occasional measured losses are inevitable and must be considered within the context of the overall portfolio's return.

B. Ethics and Conflicts of Interest: Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City. An employee or investment officer who is related within the second degree of affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement with the Texas Ethics Commission disclosing this relationship.

C. Delegation of Authority: Authority to manage the investment program is granted to the Director of Finance and/or Assistant Director of Finance [designated officials, hereinafter referred to as investment officers], acting on behalf of the City Council. Responsibility for the operation of the investment program is hereby

delegated to the investment officers, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officers. The investment officers shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

D. Investment Advisory Committee: There is hereby created an Investment Advisory Committee ("the Committee"), consisting of, the Director of Finance, the Assistant Director of Finance or other individual designated by the City Manager.

1. Meetings: Any member of the Committee shall have the power to call a meeting of the Committee. Meetings shall be called as necessary to review investment decisions, the investment report, and policies and procedures.

2. Responsibilities: It shall be the responsibility of the Committee to:
    a) Approve the process of selecting authorized dealers, brokers, investment advisors, and safekeeping agents/custodians used by the City.

    b) Immediately notify the Investment Officers in the event any information comes to their attention that may have a material adverse effect upon the portfolio or marketability of any of the investments purchased under the provisions of this policy.

    c) Review the City's General Portfolio activity and performance for compliance with this policy and recommend any amendments to this policy to the City Council. Also review for actions necessary to bring the City into compliance with the scope of the investment policy of the Act.

    d) Advise City Investment Staff as to recommendations relative to said portfolio activity/performance.

    e) Inform the City Council of any concerns with the management of the City's investment portfolio.

E. Investment Training: In accordance with the Public Funds Investment Act, Chapter 2256, Texas Government Code, (the "Act"), investment training is required for the Investment Officer(s) of a local government. Training must be received

from an independent source approved by the investment committee and must include educations in investment controls, security risks, strategy risks, market risks, diversification of the investment portfolio, and compliance with the Act. Ten hours of training must be completed within 12 months of taking office or assuming duties. Thereafter, ten hours of training must be completed every two years.

F. Legal Limitations: Direct specific investment parameters for the investment of public funds in Texas are found in the Public Funds Investment Act, Chapter 2256, Texas Government Code, (the "Act"). The Interlocal Cooperation Act, Chapter 791, Texas Government Code, authorizes local governments in Texas to participate in an investment pool established thereunder. That statute and the reference to authorize investments in investment pools are the primary authorities for use of investment pools by political subdivisions of the State of Texas.

G. Internal Controls: The investment officers are responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the investment officers shall establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

- Control of collusion
- Separation of transaction authority from accounting and record keeping
- Custodial safekeeping
- Avoidance of physical delivery securities
- Clear delegation of authority to subordinate staff members
- Written confirmation of transactions for investments and wire transfers
- Development of a wire transfer agreement with the lead bank and third-party custodian

The Investment Advisory Committee shall establish additional controls as warranted.

IV. AUTHORIZED INVESTMENTS

The City's investment authority is derived from the Public Funds Investment Act. The investments are to be chosen in a manner, which promotes diversity of market sector and maturity. The choice of high-grade government instruments and high-grade money market instruments is designed to assure the marketability of those investments should liquidity needs arise.

A. Investment Types Consistent with the Texas Public Funds Investment Act, Chapter 2256, Texas Government Code, (the "Act"), and the following investments will be permitted by this policy:

- Obligations of the United States Government, its agencies and instrumentalities, and government sponsoring enterprises, which have a liquid market with a readily determinable market value EXCEPT the investments prohibited in section V PROHIBITED INVESTMENTS
- Certificates of deposit issued by a depository institution that has its main office or a branch office in Texas that is:
  - (a) guaranteed or insured by the Federal Deposit Insurance Corporation, National Credit Union Share Insurance Fund or their successor;
  - (b) secured as described in section VI F.
- Repurchase Agreements fully collateralized and secured by an obligation of the United States, its agencies or its instrumentalities, to include certain mortgage backed securities of the United States. An executed PSA Master Repurchase Agreement must be on file with the City and the counter party bank or primary dealer.
- Money Market Mutual Funds may be invested in a no-load money market mutual fund which is regulated by the Securities and Exchange Commission. This fund must be rated "AAA" or its equivalent by at least one nationally recognized investment rating firm. The money market fund must also maintain a dollar-weighted average stated maturity of 90 days or fewer, and include in its investment objectives the maintenance of a stable net asset value of $1.00. The City may not own more than 10% of the fund's total assets.
- Commercial Paper if the paper has a stated maturity of 270 days or less from the date of issuance and is rated not less than A-or P-1 or an equivalent rating by at least: two nationally recognized credit ratings agencies or one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.
- Banker's Acceptance as defined by the Public Funds Investment Act. The acceptance must have a stated maturity of 270 days or less from the date of issuance, will be in accordance with its terms, liquidated in full at maturity, be eligible for collateral for borrowing from a Federal Reserve Bank and be accepted by a bank organized and existing under the laws of the United States or any state, the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, and rated not less than A-1 or P-1 or an equivalent rating by at least on nationally recognized credit rating agency; and
- Local government investment pools, as authorized by the Act.

In the event an investment is downgraded below the required rating all prudent measures will be taken to liquidate that investment in accordance with this policy.

V. PROHIBITED INVESTMENTS

The City of Abilene will not invest in any of the following investment instruments which are strictly prohibited:

A. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;

B. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;

C. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and

D. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

VI. POLICY GUIDELINES

A. Investment Administration

The City's Investment Program is divided into three portfolios: 1) Core; 2) Emergency/Liquidity; and 3) Discretionary

1) CORE PORTFOLIO: The core portfolio is specifically managed to achieve the first three objectives of safety, liquidity, and legality. This portfolio consists of instruments that have a stated maturity date covering a twelve (12) to eighteen (18) month period. The instruments are timed to meet payrolls, bond payments, accounts payable, and capital project schedules. Typical investments may include Treasury Bills, Treasury Notes, and other short-term obligations of agencies or instrumentalities of the United States. Derivatives are not purchased for core portfolio purposes.

2) EMERGENCY/LIQUIDITY PORTFOLIO: The emergency/liquidity portfolio is managed to not only achieve the objectives of the core portfolio but also to achieve better yields and flexibility. This portfolio consists of instruments with a stated maturity date that is not required to cover operations but is available for liquidity purposes, if necessary, or to take advantage of changes in the market. In addition, Local Government Investment Pools are maintained to provide immediate access to funds should conditions warrant. Derivatives are not purchased for emergency/liquidity purposes.

3) DISCRETIONARY PORTFOLIO: The discretionary portfolio is managed to achieve all of the objectives while allowing somewhat more flexibility including longer maturities. This portfolio is utilized to enhance the overall yield of the investment program by allowing flexibility in the type of instruments purchased from monies not needed in the immediate futures. Derivatives are allowed in this portfolio as allowed by the Act only after careful analysis. Any derivative within six (6) months of expected maturity is moved to the core portfolio for maturity balancing purposes only. Should market conditions extend the expected maturity beyond the six months, the investment is returned to the discretionary portfolio. *For the purpose of this Investment Policy, the definition of derivatives include instruments which have embedded features that alter their character or income stream or allow holders to hedge or speculate on a market or spreads between markets that are external to the issuer, or not correlated on a one-to-one basis to the associated index or market.*

B. Diversification The investments shall be diversified by:

- limiting investments to avoid over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities),
- limiting investment in securities that have higher credit risks,
- investing in securities with varying maturities, and
- continuously investing a portion of the portfolio in readily available funds.

Specific portfolio composition guidelines will be guided by the following general parameters:

US Government Securities, Agencies and Instrumentalities
The portfolio may be comprised of 100% direct government obligations. However, at all times at least twenty five percent (25%) of the portfolio will be invested in US governmental securities unless market conditions warrant otherwise.
Local Government Investment Pools
The portfolio may be comprised of 100% local government investment pools. The need for liquidity directs a high use of local government investment pools.
Repurchase Agreements
Fifty percent (50%) of the portfolio may be invested in direct repurchase agreements.
Certificates of Deposit
A maximum of fifty percent (50%) of the portfolio may be invested in fully collateralized certificates of deposit.
Money Market Mutual Funds
A maximum of fifteen percent (15%) of the portfolio may be invested in approved money market funds.

Commercial Paper
A maximum of fifteen percent (15%) of the portfolio may be invested in commercial paper.

C. Maximum Maturities To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than five (5) years from the date of purchase or in accordance with state and local statutes and ordinances. The City shall adopt weighted average maturity limitations (which often range from 90 days to 3 years), consistent with the investment objectives.

Reserve funds and other funds with longer-term investment horizons may be invested in securities exceeding five (5) years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of funds.

Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds to ensure that appropriate liquidity is maintained to meet ongoing obligations.

Specific portfolio maturity limitation guidelines will be guided by the following general parameters:

US Government Securities, Agencies and Instrumentalities
The maximum stated maturity on any US obligation, agency or instrumentality in the City's portfolio shall be limited to two (2) years in the core and emergency portfolio and not to exceed ten (10) years as stated by the Act in the discretionary portfolio.
Repurchase Agreements
The maximum maturity on direct repurchase agreements shall not exceed ninety (90) days.
Certificates of Deposit
The maximum maturity on certificates of deposit is one year.
Money Market Mutual Funds
Money market funds will have a weighted average maturity of ninety (90) days.
Commercial Paper
The maximum maturity on commercial paper shall not exceed one hundred eighty (180) days.

D. Competitive Bidding: It is the policy of the City to obtain competitive bidding on all security purchases with the exception of local government investment pools which are deemed to be made at prevailing market rates. The securities will be purchased or sold after a minimum of two (2) documented competitive bids/offers are obtained to verify that the City is paying or receiving fair market value/price for the investment. For those situations where it may be impractical or unreasonable to receive two bids for a transaction due to a rapidly changing market environment or to secondary market availability, documentation of a competitive market survey of comparable securities or an explanation of the specific circumstance must be noted.

E. Authorized Financial Dealers and Institutions: A list will be maintained of financial institutions authorized to provide investment services. In addition, a list also will be maintained of approved security broker/dealers selected. These may include "primary" dealers or regional dealers that are licensed and in good standing with the Texas Department of Securities, the Securities and Exchange Commission (SEC), the Financial Industry Regulatory Authority (FINRA) or other applicable self-regulatory organization. Every dealer with whom the City transacts business with will be provided a copy of the Investment Policy to assure that they are familiar with the goals and objectives of the investment program. The broker/dealer will be required to return a signed copy of the Certification form (Exhibit A) certifying that the policy has been received and reviewed.

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

- Audited financial statements
- Proof of Financial Industry Regulatory Authority certification
- Proof of state registration
- Completed broker/dealer questionnaire
- Certification of having read and understood and agreeing to comply with the City of Abilene's investment policy

F. Collateralization and Safekeeping:

1) Securities will be held by a third party custodian designated by the City and evidenced by safekeeping receipts.

2) All uninsured demand, time deposits, and repurchase agreements will be fully collateralized with pledged securities or by letters of credit for both principal and accrued interest in accordance with Texas Government Code Chapter 2257, Collateral for Public Funds.
    a) The pledged securities will be held by a third party banking institution as approved by the City or at the Federal Reserve Bank.
    b) The City will accept as collateral any security that is directly allowed to be held in the City's portfolio as authorized

under Section IV. In addition, obligations of states, agencies, counties, cities, and other political subdivisions of Texas rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent will be accepted.

c) Substitution or release of collateral is allowed with prior approval by one of the investment officers.
d) The value of the pledged investment securities shall be the market value as determined by a nationally recognized rating agency.

G. Delivery vs. Payment All trades where applicable will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds. A third-party custodian as evidenced by safekeeping receipts will hold securities.

VII. REPORTING

A. Methods The investment officers shall prepare an investment report providing basic information regarding the City's investments. Reports shall be filed monthly, quarterly, and annually with the City Secretary's Office to be available to the City Council and citizens for review at least quarterly, including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report should be provided to the investment officers and the legislative body. The report will include the following:

- Listing of individual securities held at the end of the reporting period.
- Realized and unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over one-year duration that are not intended to be held until maturity (in accordance with Governmental Accounting Standards Board (GASB) requirements).
- Average weighted yield to maturity of portfolio on investments as compared to applicable benchmarks.
- Listing of investment by maturity date.
- Percentage of the total portfolio that each type of investment represents.

B. Performance Standards The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks shall be established against which portfolio performance shall be compared on a regular basis.

C. Marking to Market The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed. The market price shall be obtained from a nationally recognized rating agency that has been approved by the investment committee.

VIII. POLICY CONSIDERATIONS

A. Exemption Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

B. Amendments This policy shall be reviewed on an annual basis. Any changes must be approved by the investment officers and any other appropriate authority, as well as the individual(s) charged with maintaining internal controls.

IX. INVESTMENT POLICY ADOPTION

The investment policy of the City of Abilene shall be adopted by the City Council. This policy shall be reviewed on an annual basis.

City Council
Agenda Memo

City Council Meeting Date: 3/10/2016

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: Authorizing the City Manager to negotiate and execute agreements or contracts with electrical providers for electricity for the City of Abilene. *(Dolton)***

GENERAL INFORMATION

The City of Abilene is in a commercial electric supply agreement with the Texas Coalition for Affordable Power since January 2012, which will come to an end December 31, 2017. The City of Abilene plans to exercise its option to assess the electric utility market to determine the provider that will be the best option for the City. The City plans to send out a request for qualification to gather information and review those responses to determine the best option for the City of Abilene

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Authorize the City Manager to negotiate and execute agreements or contracts with electrical providers for electricity for the City of Abilene.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution	Resolution Letter

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANGER TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY AND TO ENTER INTO A CONTRACT

WHEREAS, commodity prices for electricity experienced significant volatility between 2002 and 2009; and

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

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

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

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

Part 1: That the City Manager is authorized to negotiate an electric supply agreement for the City of Abilene.

Part 2: That the City Manager is hereby authorized to sign an electric supply agreement for the City of Abilene.

PASSED this 10th day of March, 2016.

ATTEST:

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Danette Dunlap, TRMC
City Secretary

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Norm Archibald
Mayor

APPROVED:

_____
Stanley Smith
Interim City Attorney