



City of Abilene City Council Agenda

Shane Price, Council Member
Bruce Kreidler, Council Member
Kyle McAlister, Council
Member
Robert Hanna, City Manager

Norm Archibald,
Mayor

Anthony Williams, Mayor Pro-tem
Jay Hardaway, Council Member
Steve Savage, Council Member
Stanley Smith, City Attorney
Danette Dunlap, City Secretary

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on Thursday, October 27, 2016 at 8:30 AM at 555 Walnut Street, 2nd Floor Council Chambers, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION

1. Councilman Steve Savage

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

4. PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

5. MINUTES

1. Approval of the Minutes from the Regular Meeting on October 13th 2016.

6. CONSENT AGENDA

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

1. **Ordinance:** *(First Reading)* **Case Z-2016-40** a request from Abilene RBC Properties LLC to rezone property from an AO (Agricultural Open Space) zone to a MD (Residential Medium Density) district located at 6109 Jennings Dr; and setting a public hearing for November 3, 2016. **(Schoening)**
2. **Ordinance:** *(First Reading)* **Case Z-2016-41** a request from Windmill Circle Partners LP & Oldham Partners LP to rezone property from an AO (Agricultural Open Space) zone to a GC (General Commercial) district located at 944 E. Industrial Blvd. Northwest Corner of Oldham Ln. and E. Industrial Blvd.; and setting a public hearing for November 3, 2016. **(Schoening)**

3. **Ordinance:** *(First Reading)* **Case Z-2016-43** a request from PAK Harris Enterprises, Ltd. to rezone property from an LI (Light Industrial) zone to a CB (Central Business) district located at 370 Mesquite Street.; and setting a public hearing for November 3, 2016. ***(Schoening)***
4. **Resolution:** Approving the Purchase of Taser 60 Plan - Lease Option for the Abilene Police Department. ***(Standridge)***

7. **REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS**

1. **Ordinance & Public Hearing:** *(Final Reading)* Amending Ordinance 50-2016 Adopting Fees and Charges for the Fiscal Year October 1, 2016, through September 30, 2017, for the City of Abilene; adding Abilene Taylor Co Public Health District Vaccine Fees and Charges and the CityLink fares and charges. ***(Andrews)***
2. **REMOVE FROM THE TABLE: Ordinance & Public Hearing:** *(Final Reading)* Proposed Amendment to Code of Ordinances, Chapter 8, Division 4, Section 8-151 Demolition Permit Conditions, and adding Section 8-152 Definitions for "Slab on Grade". ***(Schoening)***
3. **Ordinance & Public Hearing:** *(Final Reading)* amending, Chapter 6 of the Code of the City of Abilene by adopting a revision of Chapter 6: Animals and Fowl; providing a severability clause; declaring a penalty. ***(Walden)***
4. **Ordinance & Public Hearing:** *(Final Reading)* To regulate parking on E. N. 19th St. between Ave. D and Campus Court. ***(Rice)***
5. **Resolution:** Airport Parking Lot Revenue Control System Replacement ***(Green)***
6. **Resolution:** On authorizing the City Manager to hire two additional code enforcement officers as funded in the FY 2017 budget. ***(Hanna)***

8. **EXECUTIVE SESSION**

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

1. 551.071 (Consultation with Attorney)

- A) Economic Development Corporation
- B) Law Enforcement Center

The following pending litigation subjects which may be discussed are:

1. City of Abilene, Texas v. Aurora Bumgarner; 104th Judicial District Court, Taylor County, Texas; filed November 17, 2011
2. Chad Carter v. City of Abilene, Texas; Cause No. 10138-D, In the 350th Judicial District Court, Taylor County, Texas, filed June 17, 2014
3. Gary Lee and Marilu Lee Corpian v. City of Abilene, Cause No. 48,766-A in the 42nd District Court, filed August 7, 2014
4. Margarita Mitchell, et al. v. The City of Abilene, et al., filed in the 350th Judicial District Court, Taylor County, Texas, on October 21, 2015
5. Susan Lewis King & Austin King MD vs Ken Paxton, Attorney General of Texas and the City of Abilene. Cause No. D-1-GN-16-001160, filed March 16,

2106.

6. Abilene Matera LLC v. Board of Building Standards for the City of Abilene and City of Abilene, Cause No. 10696-D. March 17, 2016.

7. Ruby Flores and Cory Almanza v. Jesus Verastegui, Alfredo Verastegui, Rosalva Verastegui, and City of Abilene, Cause No. 49368-A, 42nd District Court, Abilene, Taylor County, Texas, filed April 13, 2016

8. E.G., et al. v. Barry Bond, City of Abilene, and Abilene Independent School District, Case 1:16-cv-00068-BL, U.S. District Court, Northern District, Abilene Division, filed April 28, 2016

9. Gary Corpian and Marilu Lee Corpian v. City of Abilene, Texas, Cause No. 49451-A, In the 42nd Judicial District Court, Taylor County, Texas, filed June 24, 2016

10. Mike Rodriguez, Lauren Rodriguez, Laura Gentry Edwards, Mike Gentry, and Lucy Gentry v. City of Abilene, Case No. 1-16CV-080-BL; In the United States District Court, Northern District of Texas, Abilene Division, filed May 17, 2016, served September 2, 2016

11. Daniel Ruchinski v. City of Abilene, Texas, et al., Case No. 1:16-cv-00165-BL, U.S. District Court, Northern District of Texas, Abilene Division, filed September 12, 2016.

2. 551.072 (Deliberations about Real Property)

A) Law Enforcement Center

3. 551.073 (Deliberations about Gifts and Donations)

4. 551.074 (Personnel Matters)

City Council may consider appointment, employment, reassignment, duties, discipline, or dismissal of public officers or employees, City Manager, City Attorney, Municipal Court Judge, City Secretary, and City Board and Commission Members.

The following Boards and Commissions may be discussed:

Abilene Economic Development Company, Inc.

Abilene Health Facilities Development Corp.

Abilene Higher Education Facilities Corporation

Abilene-Taylor County Events Venue District

Board of Adjustments

Board of Building Standards

Civic Abilene, Inc.

Civil Service Commission

Development Corporation of Abilene, Inc.

Firemen's Pension Fund Board

Friends of Safety City Board

Frontier Texas! Board of Directors

Abilene Housing Authority

Landmarks Commission

Library Board

Mechanical/Plumbing/Electrical & Swimming Pool Board of Appeals

Mental Health-Mental Retardation Board of Trustees

9-1-1 Emergency Communications District Board of Managers

Parks & Recreation Board

Planning and Zoning Commission

Taylor County Appraisal District
West Central Texas Municipal Water District
Tax Increment Reinvestment Zone Board

5. 551.087 (Business Prospect/Economic Development)

—

6. 551.076 (Deliberations about Security Devices)

9. RECONVENE

1. Action if needed from Executive Session

10. REGULAR AGENDA

1. **Resolution:** Appointing members to various boards and commissions per the City Charter. **(Dunlap)**
 - *Abilene Economic Development Company, Inc.*

11. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Danette Dunlap, City Secretary, at 325-676-6202.

CERTIFICATION

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

Danette Dunlap, City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 10/27/2016

TO: Robert Hanna, City Manager

FROM: Dana Schoening, Director, Planning & Development Services

Ordinance: (First Reading) Case Z-2016-40 a request from Abilene RBC Properties LLC to rezone property from an AO (Agricultural Open Space) zone to a MD (Residential Medium Density) district located at 6109 Jennings Dr; and setting a public hearing for November 3, 2016. (Schoening)

GENERAL INFORMATION

Currently, the subject property is zoned AO, and is vacant. The applicants would like to build duplexes on the property. In order to do this, they have applied to change the zoning to MD (Medium Density) which allows for various multiplexes. There are other residential zones, including MD, north of the subject property, making this a viable proposal.

The subject parcel totals approximately 7.66 acres and is currently zoned AO (Agricultural Open Space). The adjacent properties are zoned AO directly to the east, south, and west, a PDD (Planned Development District) to the west, northeast, and northwest, and RS-6 (Single Family Residential) and MD (Medium Density) to the north.

The Future Land Use section of the Comprehensive Plan designates this property as 'low density residential'. The AO zoning is typically designated as a "holding zoning", until an applicant desires to rezone to a compatible zoning classification with the adjacent zoning districts. The requested zoning is compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning & Zoning Commission recommends approval of this request by a vote of seven (7) in favor (Smith, Dunnahoo, Bixby, Famble, Rosenbaum, Calk and McClarty) and none opposed.

ATTACHMENTS:

| Description | Type |
|-----------------------------|--------------|
| ▣ Ordinance Cover | Ordinance |
| ▣ Ordinance Exhibit | Ordinance |
| ▣ Z-2016-40 CC Staff Report | Exhibit |
| ▣ Public Notifications | Exhibit |
| ▣ Public Notifications | Exhibit |
| ▣ PowerPoint Presentation | Presentation |

ORDINANCE NO. _____

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

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

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

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

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

PASSED ON FIRST READING this 27th day of October, 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 16th day of September, 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 3rd day of November, 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 3rd day of November, A.D. 2016.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

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

Legal Description:

A0018 SUR 43 WILLIAM BISHOP, TRACT OUT OF M NEEB 52.04 ACRES, ACRES
7.182



Location:
6109 Jennings Drive

-END-

ZONING CASE Z-2016-40

STAFF REPORT



APPLICANT INFORMATION:

Abilene RBC Properties LLC
Agent: Edgar Benito Cordova

HEARING DATES:

P & Z Commission: October 3, 2016
City Council 1st Reading: October 27, 2016
City Council 2nd Reading: November 3, 2016

LOCATION:

6109 Jennings Dr.

REQUESTED ACTION:

Rezone property from an AO (Agricultural Open Space) zone to a MD (Residential Medium Density) district



SITE CHARACTERISTICS:

The subject parcel totals approximately 7.66 acres and is currently zoned AO (Agricultural Open Space). The adjacent properties are zoned AO directly to the east, south, and west, a PDD (Planned Development District) to the west, northeast, and northwest, and RS-6 (Single Family Residential) and MD (Medium Density) to the north.

ANALYSIS:

- Current Planning Analysis
Currently, the subject property is zoned AO, and is vacant. The applicant is wanting to build duplexes on the property. In order to do this, they have applied to change the zoning to MD (Medium Density) which allows for various multiplexes. There are other residential zones, including MD, north of the subject property, making this a viable proposal.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates this property as 'low density residential'. The AO zoning is typically designated as a "holding zoning", until an applicant desires to rezone to a compatible zoning classification with the adjacent zoning districts. The requested zoning is compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

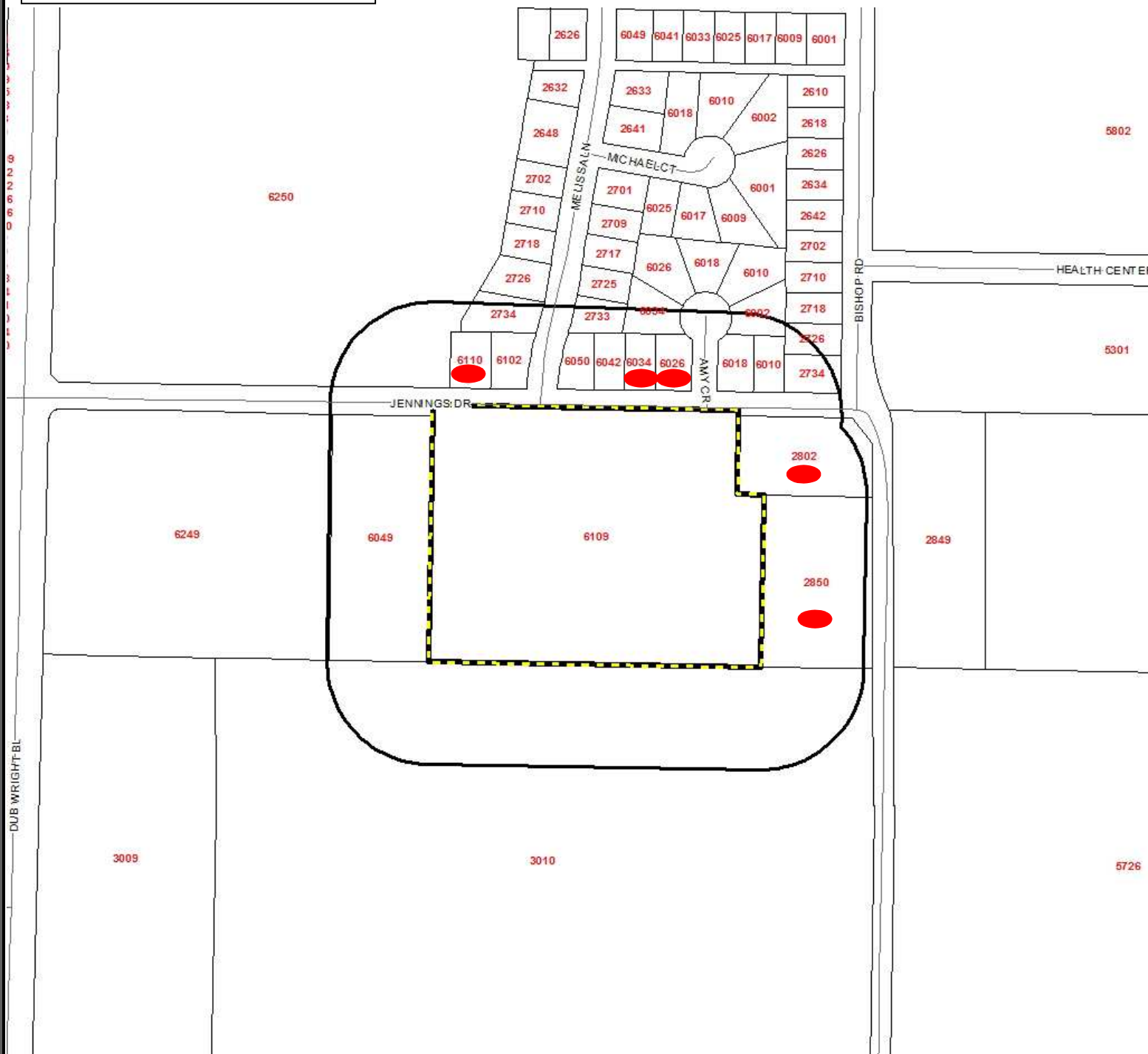
The Planning & Zoning Commission recommends approval of this request by a vote of seven (7) in favor (Smith, Dunnahoo, Bixby, Famble, Rosenbaum, Calk and McClarty) and none opposed.

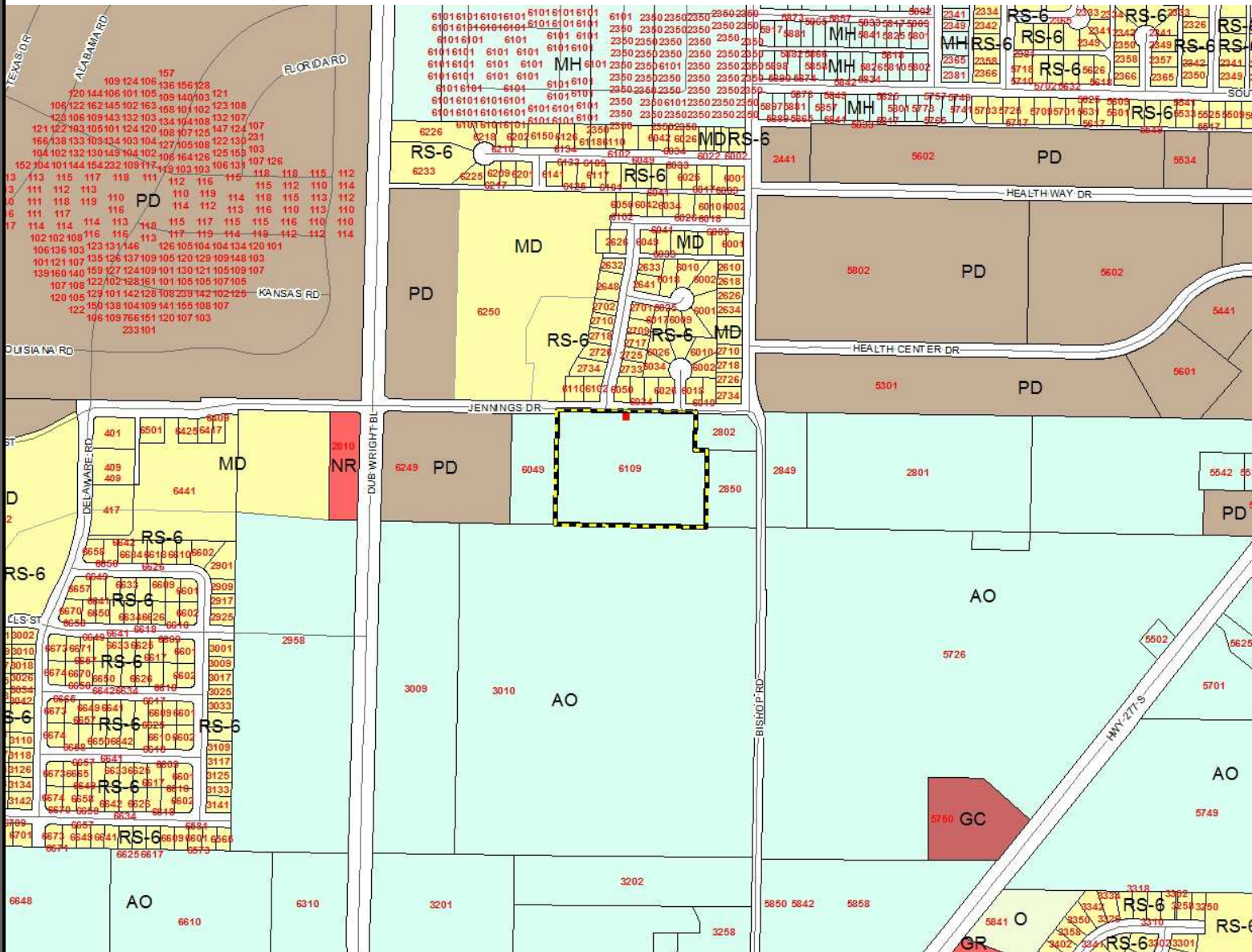
NOTIFICATION:

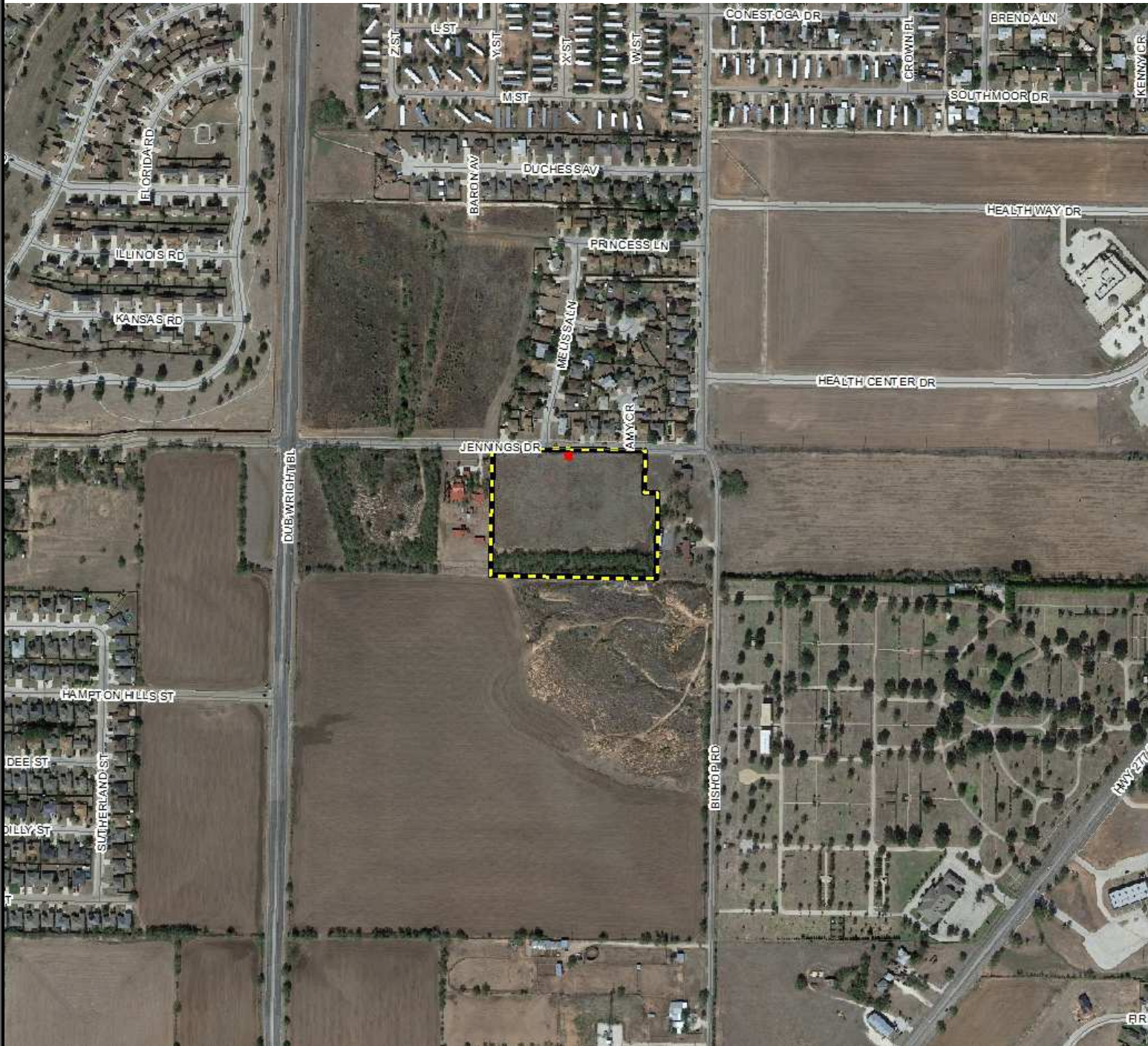
Property owners within a 200-foot radius were notified of the request.

| OWNER | ADDRESS | RESPONSE |
|-----------------------------|------------------|----------|
| WELLS KENNETH JR & TINA | 2734 BISHOP RD | |
| ROCHA ROBERT G | 2850 BISHOP RD | Opposed |
| MLADAN TONI LEANN | 2726 BISHOP RD | |
| RUSH EDWIN L & ELIZABETH A | 2802 BISHOP RD | Opposed |
| CLARK JAMES RONALD & YONG C | 6049 JENNINGS DR | |
| RAMON ERIC A & VIVIAN E | 6109 JENNINGS DR | |
| MC GOWAN ROBERT J & HUONG T | 2734 MELISSA LN | |
| BRUMLEY JEFFREY D & LISA M | 6026 JENNINGS DR | Opposed |
| SHEPHERD ASSETT MGMT LLC | 6002 AMY CR | |
| BURD SKYLA | 6102 JENNINGS DR | |
| MORENO CASSANDRA C | 6050 JENNINGS DR | |
| SCHULDT EVAN | 2733 MELISSA LN | |
| WALKER NORMA JEAN | 6034 AMY CR | |
| SKELTON GORDON S | 6018 JENNINGS DR | |
| PEREZ MODESTO LUE | 6034 JENNINGS DR | Opposed |
| ALCASAS VICTOR & REYNA L | 6042 JENNINGS DR | |
| PENDLEY JAMES D & MARY T | 6110 JENNINGS DR | Opposed |
| KIDD JEFFREY RANDALL | 6010 JENNINGS DR | |
| WEATHERBEE CONSTRUCTION INC | 6250 JENNINGS DR | |
| LEGACY FUNERAL HOLDINGS LLC | 3010 BISHOP RD | |

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









For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2016-40

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

Name: PEREZ MODESTO LUE

Address: 6034 JENNINGS DR

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

Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐

I am opposed ☒

Additional Comments:

SEP 29 AM10:58

For the ,
Please call at

ZONING COMMISSION
237 if you have any questions about this notice.

CASE #: Z-2016-40

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

Name: ROCHA ROBERT G

Address: 2850 BISHOP RD

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

Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐

I am opposed ☒

Additional Comments:

Bishop Road & Jennings could not handle all the extra traffic. Apt or Duplex use would be hard for me to watch as my land would run 300ft along their border. I might consider approving with a cushion between our properties and a wall.

Robert Rocha

9-20-16

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2016-⁴⁰~~49~~

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

Name: BRUMLEY JEFFREY D & LISA M
Address: 6026 JENNINGS DR

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

Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐

I am opposed ☒

Additional Comments:

JEFF LISA @ Suddenlink.net
invalid email

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2016-40

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

Name: PENDLEY JAMES D & MARY T
Address: 6110 JENNINGS DR

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

Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐

I am opposed ☒

Additional Comments:

Mary T. Pendley
James D Pendley

SEP 27 AM 10:23

Z-2016-40

Request: Rezone from AO to MD zoning

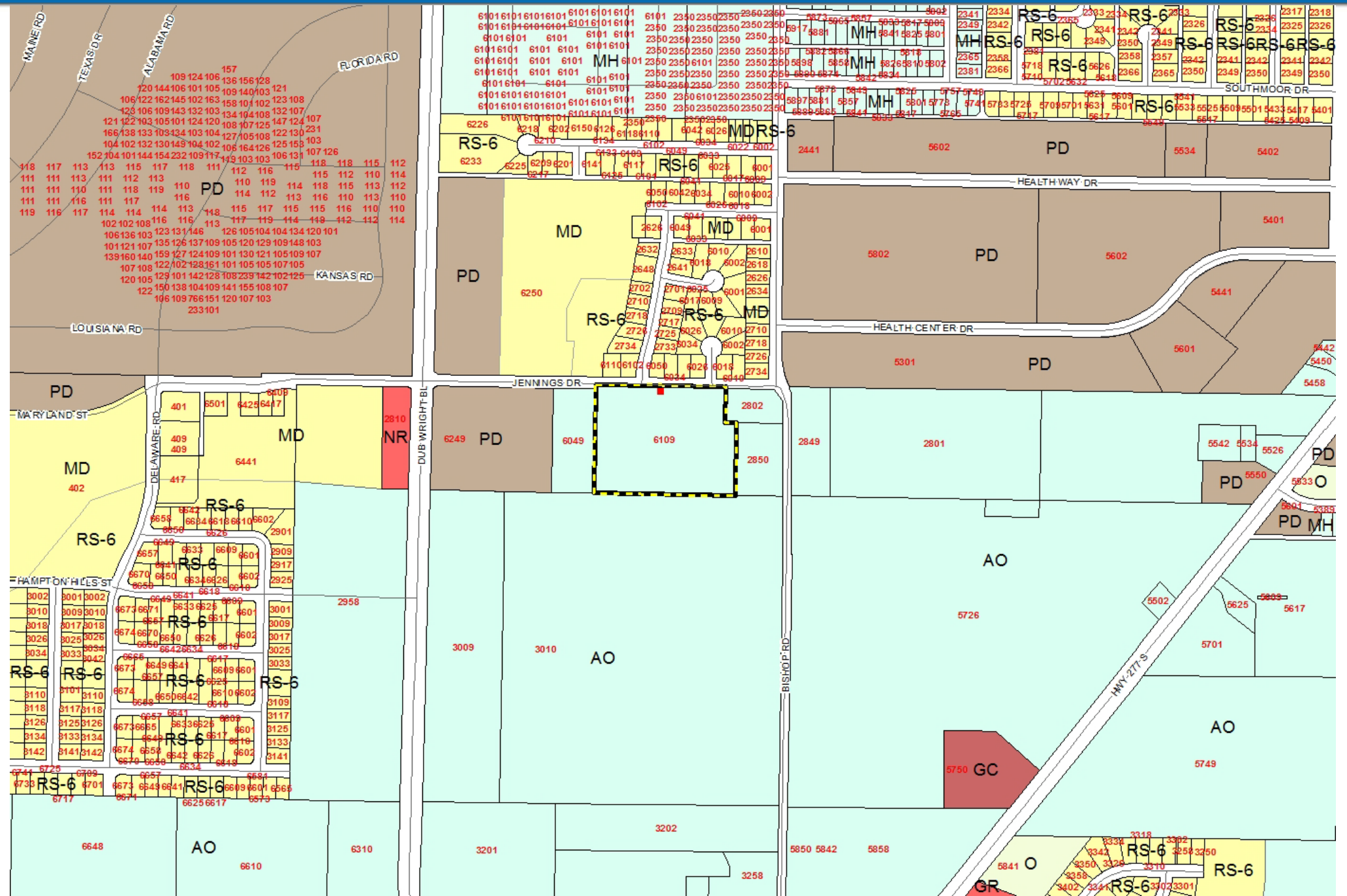
Location: 6109 Jennings Dr.

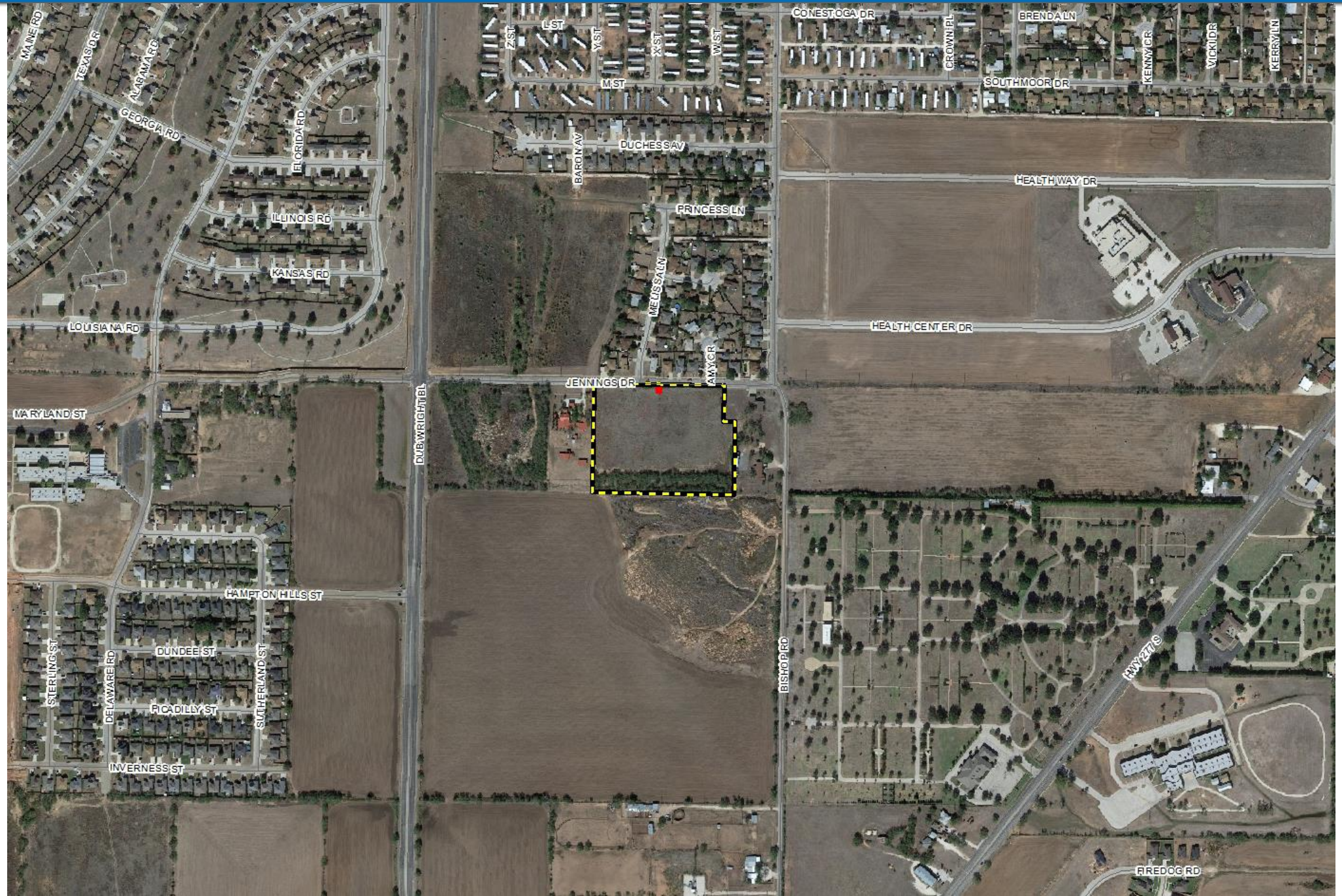
Notification: 0 in favor; 5 opposed

Staff Recommendation: Approval

P & Z Commission Recommendation: Approval









View looking south toward subject property on Jennings Dr.



View looking southeast toward subject property



View looking south of west portion of subject property



View looking southwest on Jennings Dr.



View looking east along Jennings Dr.



View looking north across from subject property on Jennings Dr.



View looking west along Jennings Dr.



Permitted Uses in AO Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling– Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P Animal Lot
- P Day Care Operation – Home-Based
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (permanent security residence)
- C Mobile Home (temporary security residence)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)

CULTURAL AND RECREATIONAL USES:

- p Civic, Social, and Fraternal Organization
- P Fairgrounds/Rodeo
- C Motorized Racing
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Zoo

LEGEND

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- C Correction, Detention, or Penal Facilities
- P Fire/Police Station
- C Military and Armed Forces Reserve Center
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P School: Public/Private

SERVICE

- C Kennel (with outdoor pens)
- P Kennel (without outdoor pens)
- P Veterinary Service (all size animals)

TRADE – RETAIL USES

- C Liquor Store (on premises consumption) (Defined under Liquor Store)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Airport, Heliport and Flying Field Terminals – Commercial
- C Antenna Tower – Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Farming, Ranching & Livestock, Hatchery
- C Mining
- C Petroleum or Gas Well



Permitted Uses in MD Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

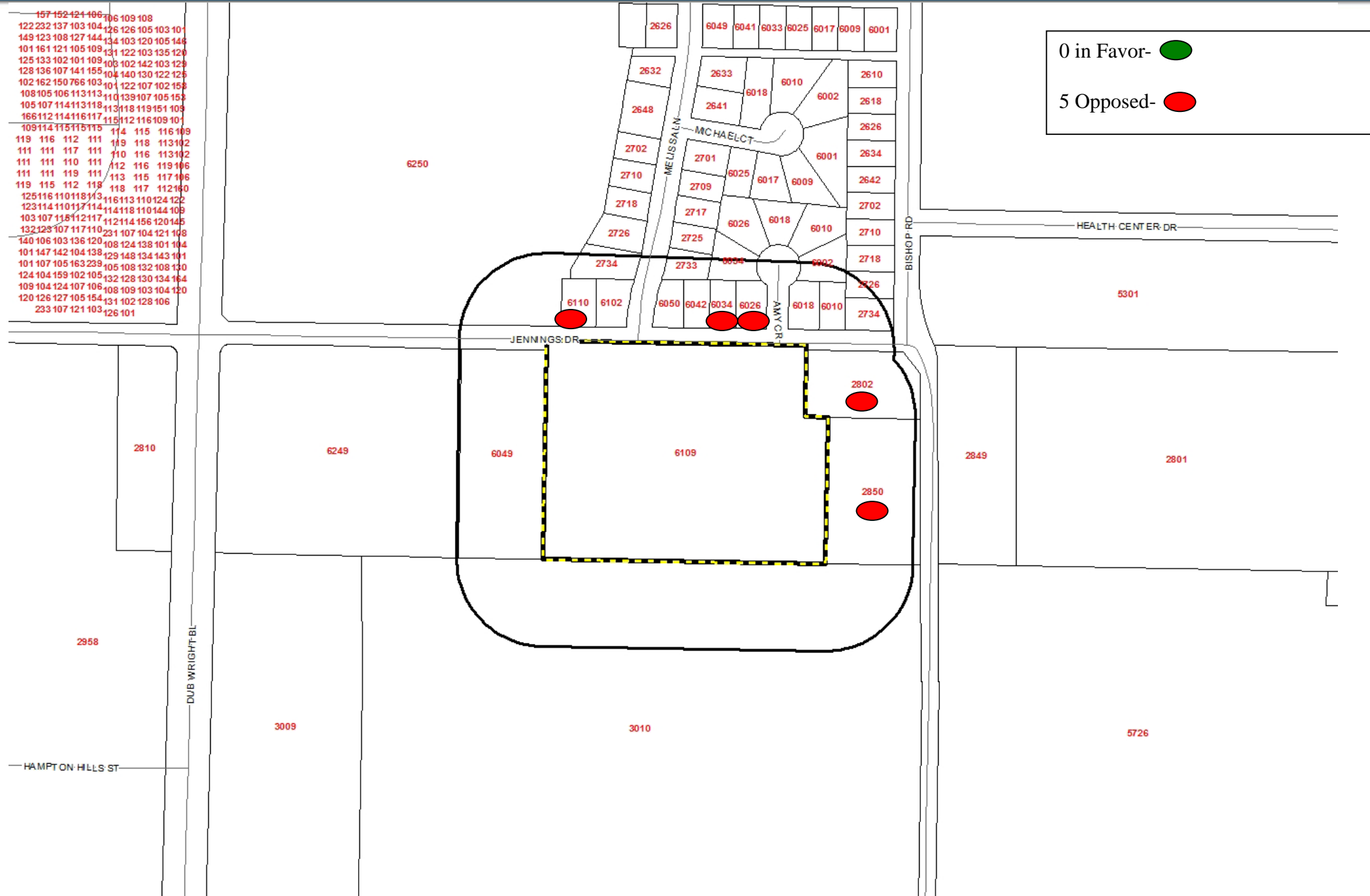
RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)
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**City Council
Agenda Memo**

City Council Meeting Date: 10/27/2016

TO: Robert Hanna, City Manager

FROM: Dana Schoening, Director, Planning & Development Services

SUBJECT: Ordinance: (First Reading) Case Z-2016-41 a request from Windmill Circle Partners LP & Oldham Partners LP to rezone property from an AO (Agricultural Open Space) zone to a GC (General Commercial) district located at 944 E. Industrial Blvd. Northwest Corner of Oldham Ln. and E. Industrial Blvd.; and setting a public hearing for November 3, 2016. (Schoening)

GENERAL INFORMATION

The subject parcel totals approximately 8.87 acres and is currently zoned AO (Agricultural Open Space). The adjacent properties are a mix of NR, GC, AO, and residential.

The property has been AO zoning since the zoning map was initially adopted in 1974.

Currently, the subject property is zoned AO, and is vacant. The applicant is wanting to develop the property as a yet unspecified commercial use. In order to do this, they are wanting to change the zoning to GC (General Commercial) which allows for various commercial uses. There are residential zones, including MD to the north of the subject property, and AO to the west and south of the subject property. There are also commercially zoned properties around the subject property. With GC zoning across Oldham Lane to the east and NR zoning across Industrial Boulevard to the south. However, staff feels that GR would be better than GC due to the adjacent residentially zoned properties and the more intensive uses that could potentially locate in a GC zoned property. These uses would include automotive related uses, contractor services and some outdoor storage to name a few. These are generally not considered compatible adjacent to residential zoning districts.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of rezoning of the property. However, staff is recommending that the property be

rezoned AO to GR (General Retail) rather than to GC (General Commercial).

BOARD OR COMMISSION RECOMMENDATION

The Planning & Zoning Commission recommends approval of the request to rezone property from AO to GC by a vote of seven (7) in favor (Smith, Bixby, Dunnahoo, Famble, Rosenbaum, Calk and McClarty) and none opposed.

ATTACHMENTS:

| Description | Type |
|-----------------------------|--------------|
| ▣ Ordinance Cover | Exhibit |
| ▣ Ordinance Exhibit | Ordinance |
| ▣ Z-2016-41 CC Staff Report | Exhibit |
| ▣ PowerPoint Presentation | Presentation |

ORDINANCE NO. _____

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

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

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

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

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

PASSED ON FIRST READING this 27th day of October, 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 16th day of September, 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 3rd day of November, 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 3rd day of November, A.D. 2016.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

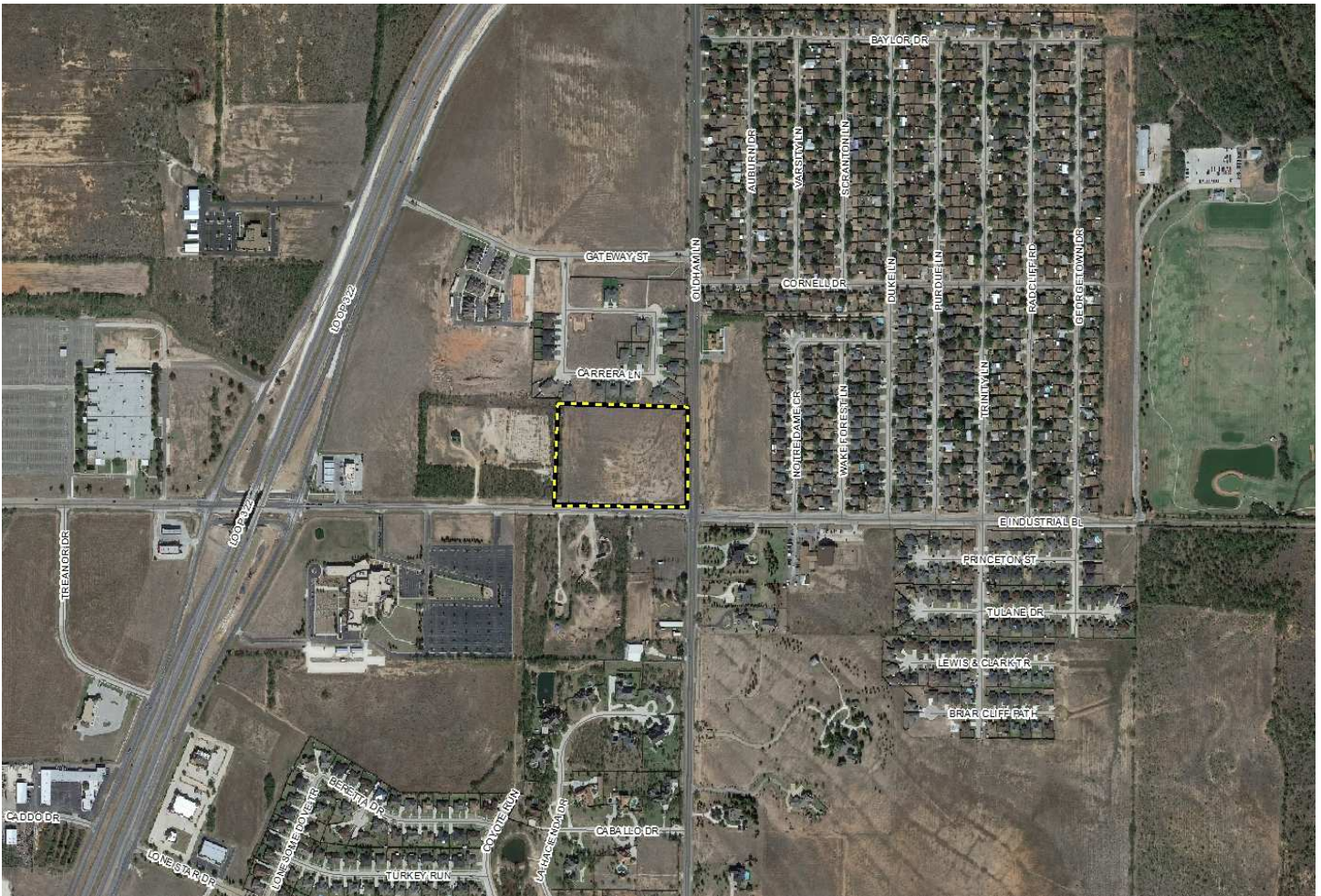
ORDINANCE NO. _____

EXHIBIT "A"

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

Legal Description:

A0679 SUR 62 B A L SE/4, ACRES 8.87



Location:

944 E. Industrial Blvd. Northwest Corner of Oldham Ln. and E. Industrial Blvd.

-END

ZONING CASE Z-2016-41

STAFF REPORT



APPLICANT INFORMATION:

Windmill Circle Partners LP & Oldham Partners LP
Agent: Tal Fillingim of Jacob & Martin Ltd.

HEARING DATES:

P & Z Commission: October 3, 2016
City Council 1st Reading: October 27, 2016
City Council 2nd Reading: November 3, 2016

LOCATION:

944 E. Industrial Blvd.
Northwest Corner of Oldham Ln. and E. Industrial Blvd.



REQUESTED ACTION:

Rezone property from an AO (Agricultural Open Space) zone to a GC (General Commercial) district.

SITE CHARACTERISTICS:

The subject parcel totals approximately 8.87 acres and is currently zoned AO (Agricultural Open Space). The adjacent properties are a mix of NR, GC, AO, and residential.

ZONING HISTORY:

The property has been AO zoning since the zoning map was initially adopted in 1974.

ANALYSIS:

• Current Planning Analysis

Currently, the subject property is zoned AO, and is currently vacant. The applicant is wanting to develop the property as a yet unspecified commercial use. In order to do this, they are wanting to change the zoning to GC (General Commercial) which allows for various commercial uses. There are residential zones, including MD to the north of the subject property, and AO to the west and south of the subject property. There are also commercially zoned properties around the subject property. With GC zoning across Oldham Lane to the east and NR zoning across Industrial Boulevard to the south. However, staff feels that GR would be better than GC due to the adjacent residentially zoned properties and the more intensive uses that could potentially locate in a GC zoned property. These uses would include automotive related uses, contractor services and some outdoor storage to name a few. These are generally not considered compatible adjacent to residential zoning districts.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential with open space. Industrial and Oldham are both designated as 'arterial' on the Master Thoroughfare Plan. It is anticipated that this area will develop as a

retail/commercial node. The intersection of the 2 arterial street creates a node that lends itself to future office & retail uses. Staff feels the General Retail zoning would be deemed more compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of rezoning of the property. However, staff is recommending that the property be rezoned to GR (General Retail) rather than GC (General Commercial).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission recommends approval of the request to rezone property from AO to GC by a vote of seven (7) in favor (Smith, Bixby, Dunnahoo, Famble, Rosenbaum, Calk and McClarty) and none opposed.

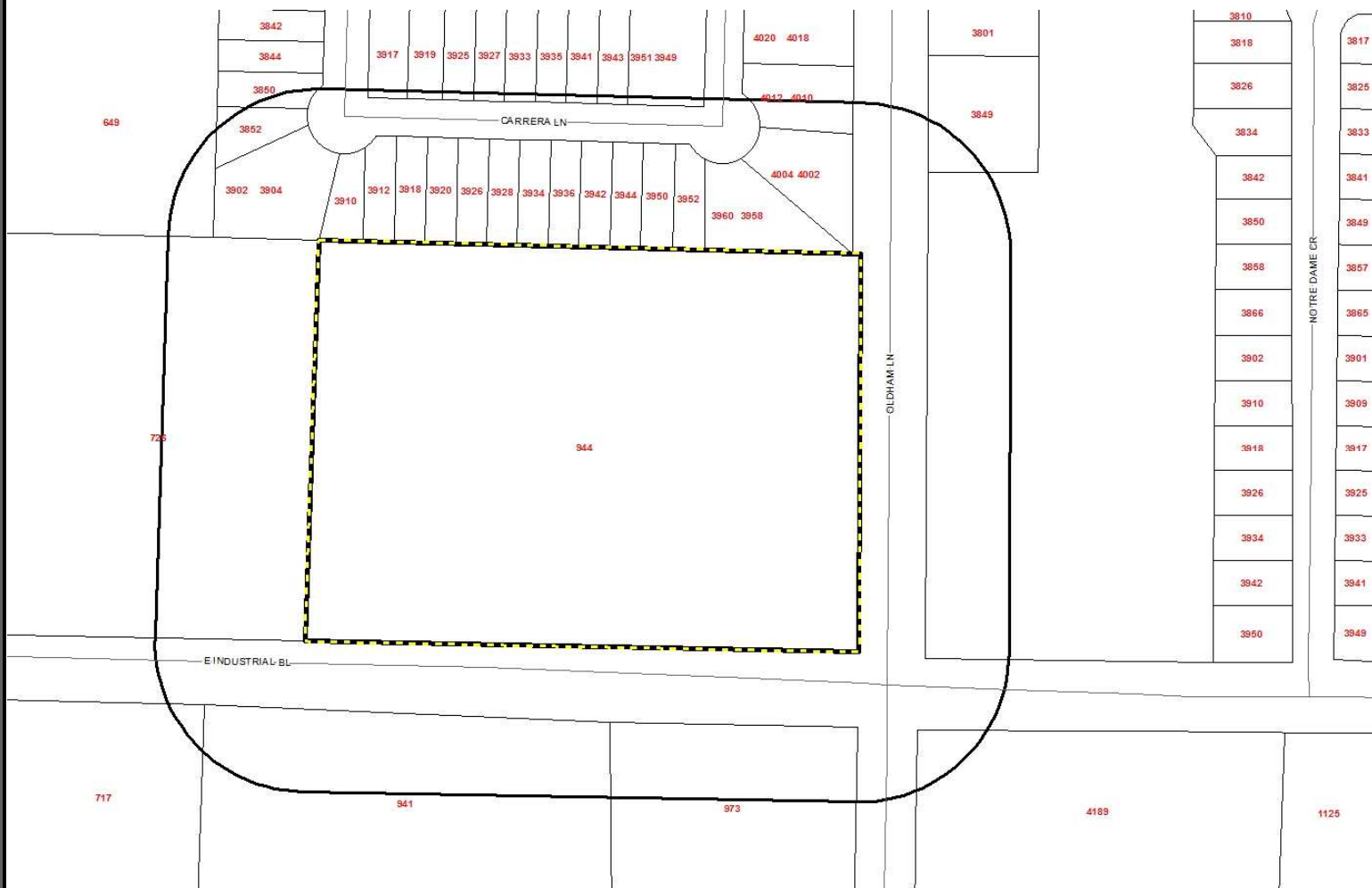
NOTIFICATION:

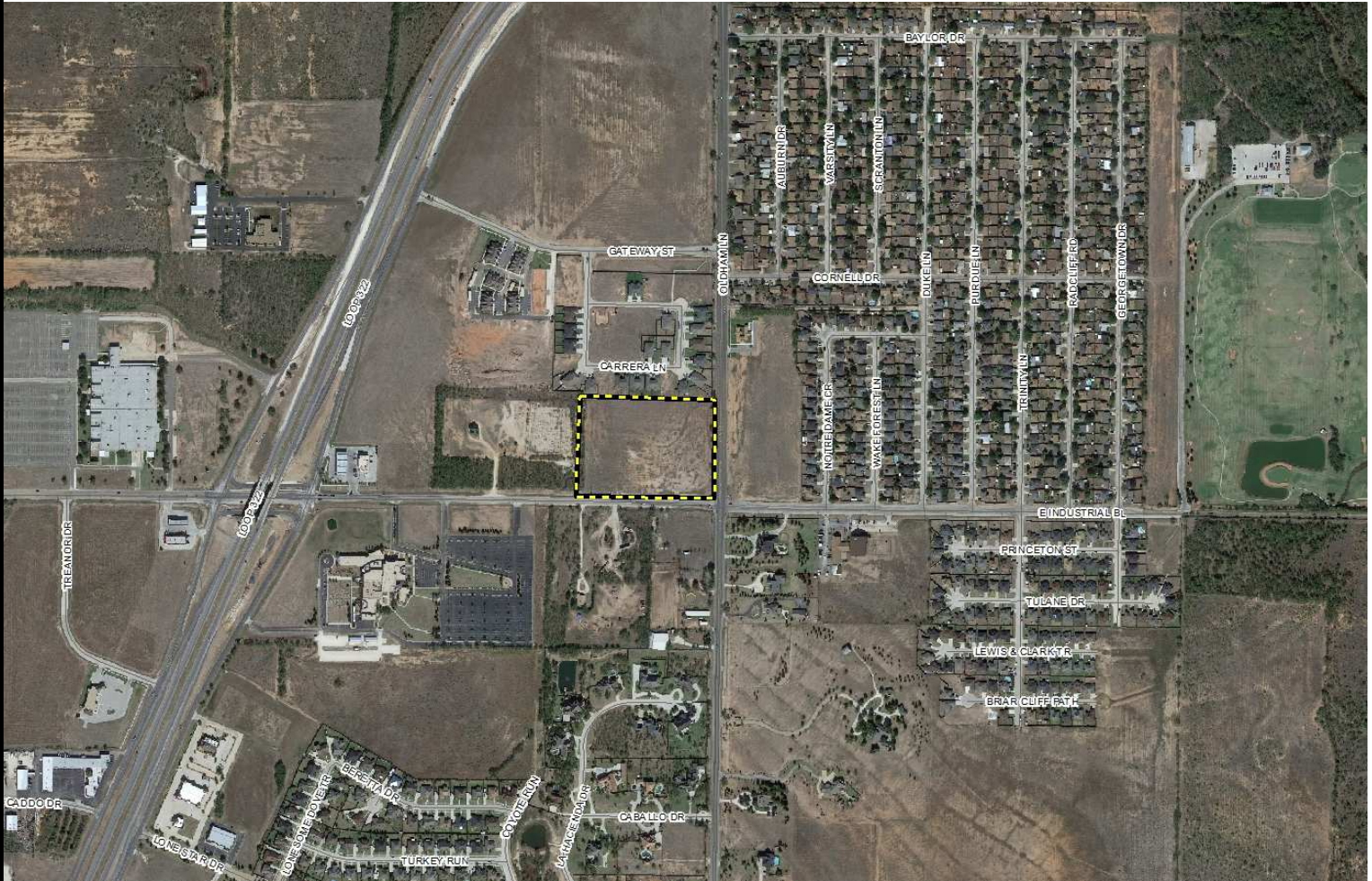
Property owners within a 200-foot radius were notified of the request.

| OWNER | ADDRESS | RESPONSE |
|-------------------------------|---------------------|----------|
| BLAKELEE BUILDERS INC | 3935 CARRERA LN | |
| CARIECO PROPERTIES LLC | 3949 CARRERA LN | |
| CARIECO PROPERTIES LLC | 3951 CARRERA LN | |
| MC LEAN MITCHELL | 3944 CARRERA LN | |
| RICH RACHEL | 3928 CARRERA LN | |
| BLAKELEE BUILDERS INC | 3933 CARRERA LN | |
| HART ANDY D & ANNETTA R | 3904 CARRERA LN | |
| HART ANDY D & ANNETTA R | 3902 CARRERA LN | |
| MC LEAN MITCHELL | 3952 CARRERA LN | |
| OLDHAM LANE DEVELOPMENT LLC | | |
| MERCER JANICE P | 3919 CARRERA LN | |
| MC LEAN MIKE & MICHELLE | 3934 CARRERA LN | |
| WILSON ANNETTE F | 4002 CARRERA LN | |
| WILSON ANNETTE F | 4004 CARRERA LN | |
| BLAKELEE BUILDERS INC | 3852 CARRERA LN | |
| MERCER JANICE P | 3917 CARRERA LN | |
| WINDMILL CIRCLE PARTNERS LP & | 649 GATEWAY ST | |
| FIRST FIN TR & ASSET MGMT CO | 973 E INDUSTRIAL BL | |
| WICHNER JUSTIN A & TIMEA | 3920 CARRERA LN | |
| BLAKELEE BUILDERS INC | 3850 CARRERA LN | |
| KUMAR KRISHNA K | 3941 CARRERA LN | |
| MC LEAN MITCHELL | 3942 CARRERA LN | |
| HOGAN PATRICIA GAIL | 941 E INDUSTRIAL BL | |
| BAKER DELORES LF EST | 3943 CARRERA LN | |
| MC LEAN MITCHELL | 3950 CARRERA LN | |
| ABILENE STATE SCHOOL | 726 E INDUSTRIAL BL | |
| FOREMAN ANN M | 3958 CARRERA LN | |
| FOREMAN ANN M | 3960 CARRERA LN | |

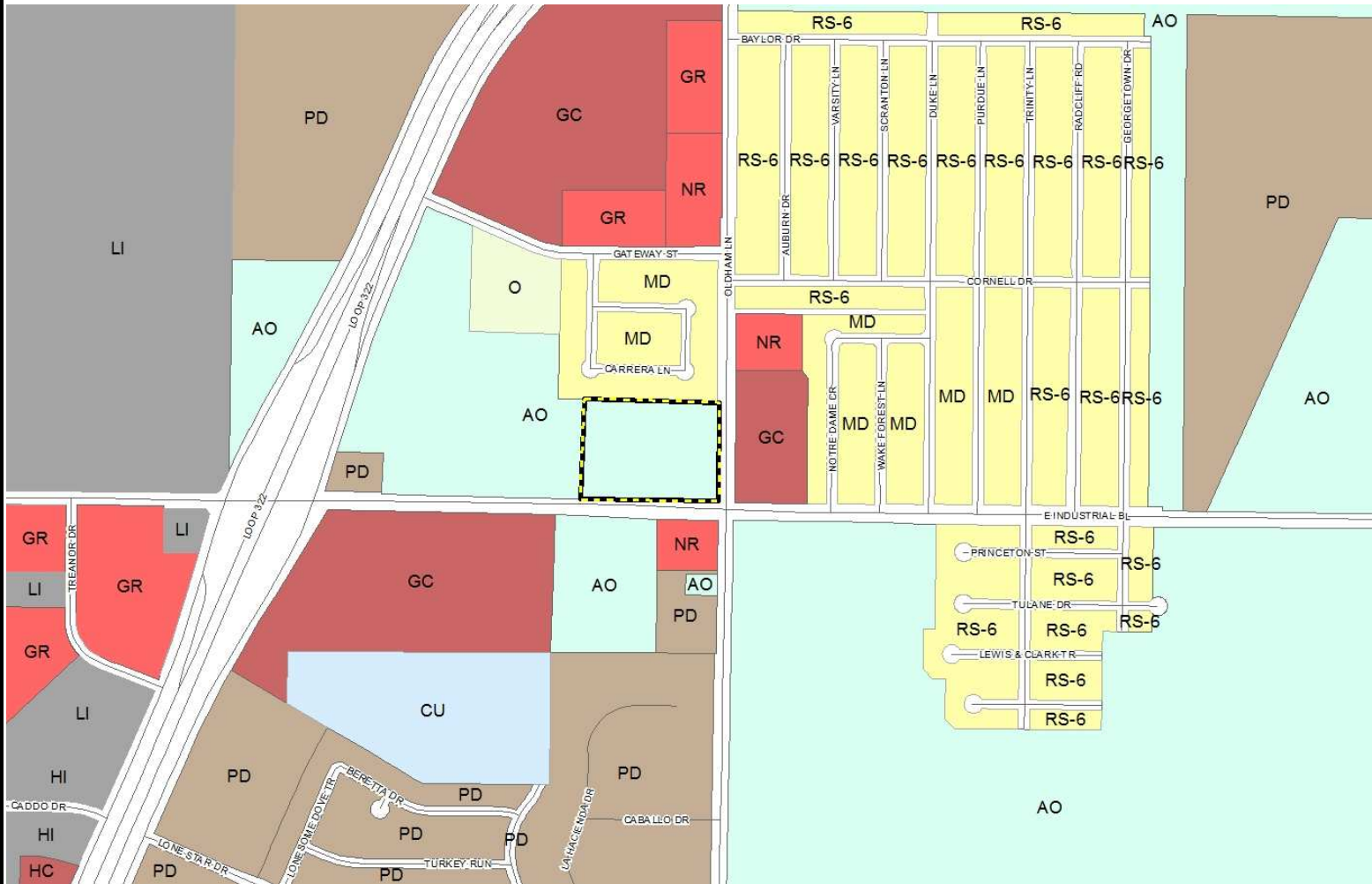
| | |
|--------------------------------|---------------------|
| MC LEAN MIKE & MICHELLE | 3936 CARRERA LN |
| CISCO JUNIOR COLLEGE | 717 E INDUSTRIAL BL |
| KUMAR KRISHNA P | 3912 CARRERA LN |
| HOTCHKISS PHILIP M & | 4012 CARRERA LN |
| HOTCHKISS PHILIP M & | 4010 CARRERA LN |
| WICHNER JUSTIN A & TIMEA | 3918 CARRERA LN |
| LAMBERT STANDARD D & DEBORAH K | 3927 CARRERA LN |
| MILLER MARK & NINA JAN | 3849 OLDHAM LN |
| LAMBERT STANDARD D & DEBORAH K | 3925 CARRERA LN |
| WEST WILLIAM S & JENNIFER | 4189 OLDHAM LN |
| RICH RACHEL | 3926 CARRERA LN |
| WINDMILL CIRCLE PARTNERS LP & | 944 E INDUSTRIAL BL |
| KUMAR KRISHNA P | 3910 CARRERA LN |

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









Z-2016-41

Request: Rezone from AO to GC zoning

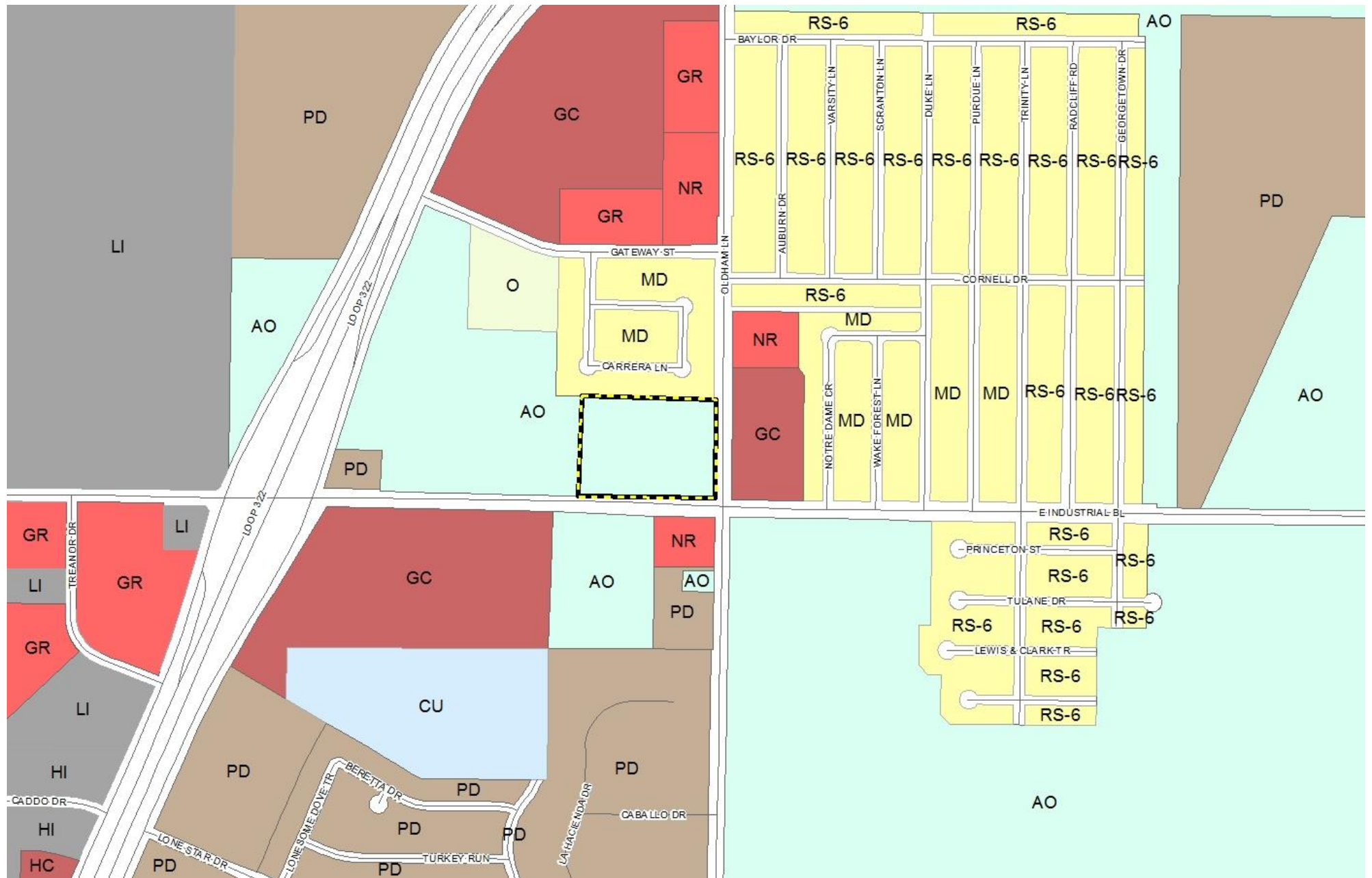
Location: 944 E. Industrial Blvd.

Notification: 2 in favor; 0 opposed

Staff Recommendation: Approval of GR

P & Z Commission Recommendation: Approval of GC





View looking north toward subject property on E. Industrial Blvd.



View looking northwest toward subject property on E. Industrial Blvd.



View looking east along E. Industrial Blvd. toward Oldham



View looking south across from subject property



View looking west along E. Industrial Blvd.



View looking east across Oldham from subject property



View looking southeast across Oldham



Permitted Uses in AO Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling– Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P Animal Lot
- P Day Care Operation – Home-Based
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (permanent security residence)
- C Mobile Home (temporary security residence)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)

CULTURAL AND RECREATIONAL USES:

- p Civic, Social, and Fraternal Organization
- P Fairgrounds/Rodeo
- C Motorized Racing
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Zoo

LEGEND

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- C Correction, Detention, or Penal Facilities
- P Fire/Police Station
- C Military and Armed Forces Reserve Center
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P School: Public/Private

SERVICE

- C Kennel (with outdoor pens)
- P Kennel (without outdoor pens)
- P Veterinary Service (all size animals)

TRADE – RETAIL USES

- C Liquor Store (on premises consumption) (Defined under Liquor Store)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Airport, Heliport and Flying Field Terminals – Commercial
- C Antenna Tower – Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Farming, Ranching & Livestock, Hatchery
- C Mining
- C Petroleum or Gas Well



Permitted Uses in GC Zoning

RESIDENTIAL USES:

- P Hotel/Motel
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Freight Container
- P Fuel Sales
- TP Itinerant Business
- P Manufacturing (incidental)
- C Mobile Home (permanent security residence)
- TP Mobile Home (temporary security residence)
- C Mobile Home or Temporary Building (office for sales and service)
- P Recycling Collection Point
- C Travel Trailers (accessory to hospitals)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
- P Drive-in Theater
- P Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Recreation and Commercial Entertainment – Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Ambulance Service
- P Fire/Police Station
- C Homeless/Emergency Shelter
- P Hospital
- P Medical/Dental Laboratory
- P Post Office
- C Rehabilitation Facility
- P Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Arts School
- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P Educational and Scientific Research
- P School: Public/Private
- P Trade/Business School
- P University/College

SERVICE

- P/C Automobile Wash
- C Contractor Services
- P Funeral Home/ Mortuary/Morgue
- C Kennel (With Outdoor Pens)
- P Kennel (Without Outdoor Pens)
- P Laundry, Dry Cleaning, Dyeing, and Linen Service (no retail customers)
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- P Printing, Copying, Reproduction, Publishing
- C Recycling Collection and Processing Center
- P Repair and Maintenance Services - Automobile/Small Truck (major)
- P Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Repair and Maintenance Services (outdoors)
- P Storage - Self-Service Units
- P Tattoo Parlor
- P Taxidermist
- P Veterinary Service (small animals)

TRADE – RETAIL USES

- C Aircraft and Accessories
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Restaurant, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (automobile/small truck)
- P Retail Sales/Rental (indoor)
- P Retail Sales/Rental (outdoors, non-vehicle)
- C Retail Sales/Rental (trucks and other large vehicles and equipment)

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)

C

Permitted as a Conditional Use Permit, Requiring Approval by City Council

TP

Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Permitted Uses in GR Zoning

RESIDENTIAL USES:

- P Bed & Breakfast
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- P Dwelling – Multiple-Family
- P Dwelling – Single Family Detached
- P Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Day Care Operation – Home Based
- P Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Freight Container
- P Fuel Sales
- P Garage Sales
- P Home Occupation
- TP Itinerant Business
- P Manufacturing (incidental)
- TP Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage and parking)
- P Recycling Collection Point
- P Subdivision Sales Office (temporary)
- P Swimming Pools, Private (accessory to residential use)
- P Tennis Courts, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Recreation and Commercial Entertainment - Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- C Ambulance Service
- P Fire/Police Station
- P Medical/Dental Laboratory
- P Post Office
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Arts School
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P Educational and Scientific Research
- P School: Public/Private
- C Trade/Business School
- P University/College

SERVICE

- P/C Automobile Wash
- C Funeral Home/ Mortuary/Morgue
- P Kennel (Without Outdoor Pens)
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- C Printing, Copying, Reproduction, Publishing
- P Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Tattoo Parlor
- P Veterinary Service (small animals)

TRADE – RETAIL USES

- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Restaurant, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (indoor)
- C Retail Sales/Rental (outdoors, non-vehicle)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

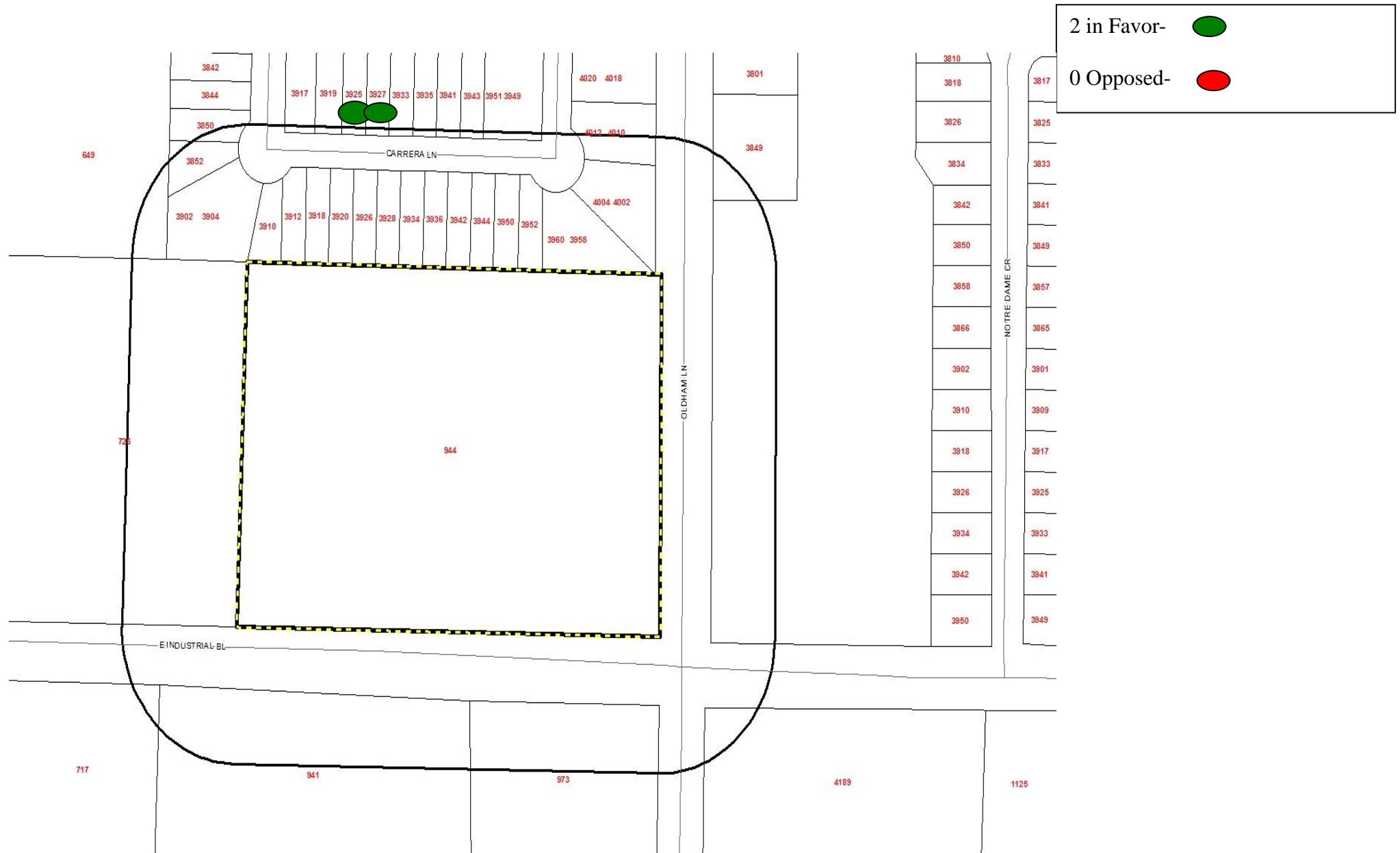
RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P
- C
- TP

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





**City Council
Agenda Memo**

City Council Meeting Date: 10/27/2016

TO: Robert Hanna, City Manager

FROM: Dana Schoening, Director, Planning & Development Services

Ordinance: (First Reading) Case Z-2016-43 a request from PAK Harris Enterprises, Ltd. to rezone property from an LI (Light Industrial) zone to a CB (Central Business) district located at 370 Mesquite Street.; and setting a public hearing for November 3, 2016. (Schoening)

GENERAL INFORMATION

The subject parcel totals approximately .241 acres and is currently zoned LI (Light Industrial). The adjacent properties are zoned LI to the north, south, and east, and CB (Central Business) to the west, northwest, and southwest.

Currently, the subject property is zoned LI. The property is being used as an office and warehouse building, which does not maximize the potential of this space. The zoning change to CB (Central Business) would allow for the property to be reused more appropriately given its downtown location. CB allows for uses including residences and restaurants that LI does not, making CB a more appealing zone for the downtown area. The majority of Downtown Abilene is currently zoned CB, including the properties directly to the west of the subject property.

The Future Land Use section of the Comprehensive Plan designates this property as the 'Central Business District'. Thus, the requested zoning is compatible with the Future Land Use Map and the adjacent properties. It is believed that the rezoning from LI to CB will support the revitalization and adaptive reuse goals for the downtown area.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning & Zoning Commission recommends approval of this request by a vote of seven (7) (Smith, Dunnahoo, Bixby, Famble, Rosenbaum, Calk and McClarty) and none opposed.

ATTACHMENTS:

| Description | Type |
|-----------------------------|--------------|
| ▣ Ordinance Cover | Exhibit |
| ▣ Ordinance Exhibit | Ordinance |
| ▣ Z-2016-43 CC Staff Report | Cover Memo |
| ▣ PowerPoint Presentation | Presentation |

ORDINANCE NO. _____

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

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

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

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

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

PASSED ON FIRST READING this 27th day of October, 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 16th day of September, 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 3rd day of November, 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 3rd day of November, A.D. 2016.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

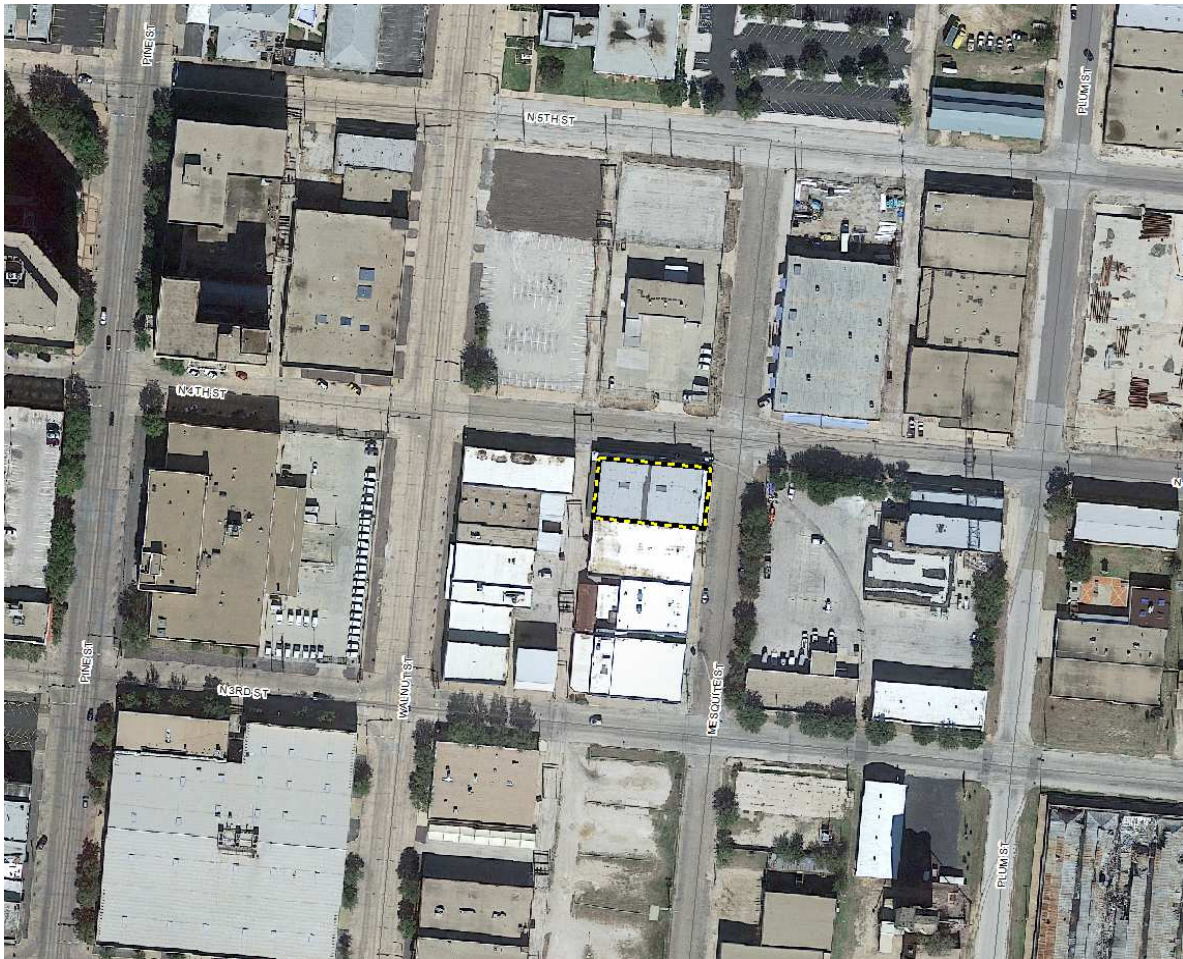
ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from Rezone property from an LI (Light Industrial) zone to a CB (Central Business) district.

Legal Description:

OT ABILENE TIF #1, BLOCK 19, LOT 1 & N1/2 LT 2



Location:

370 Mesquite Street

ZONING CASE Z-2016-43

STAFF REPORT



APPLICANT INFORMATION:

PAK Harris Enterprises, Ltd.

Agent: Kevin Phillips

HEARING DATES:

P & Z Commission: October 3, 2016

City Council 1st Reading: October 27, 2016

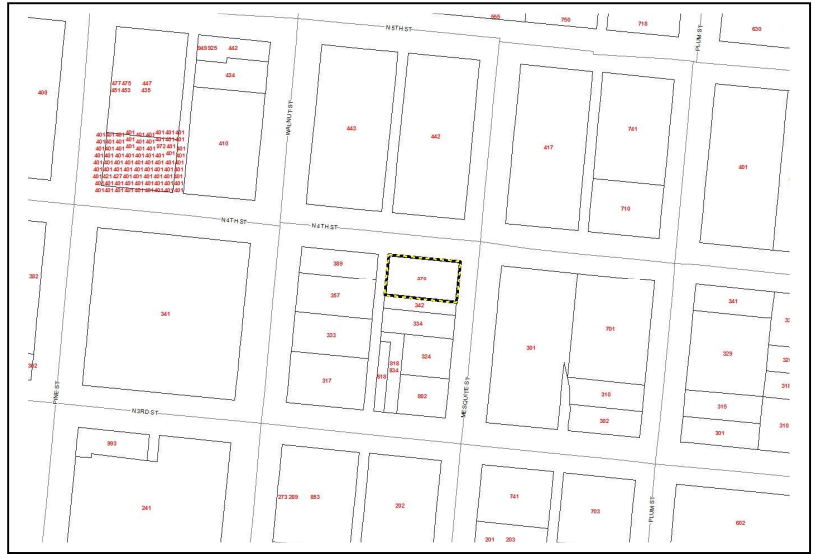
City Council 2nd Reading: November 3, 2016

LOCATION:

370 Mesquite Street

REQUESTED ACTION:

Rezone property from an LI (Light Industrial) zone to a CB (Central Business) district



SITE CHARACTERISTICS:

The subject parcel totals approximately .241 acres and is currently zoned LI (Light Industrial). The adjacent properties are zoned LI to the north, south, and east, and CB (Central Business) to the west, northwest, and southwest.

ANALYSIS:

- Current Planning Analysis

Currently, the subject property is zoned LI. The property is being used as an office and warehouse building, which does not maximize the potential of this space. The zoning change to CB (Central Business) would allow for the property to be reused more appropriately given its downtown location. CB allows for uses including residences and restaurants that LI does not, making CB a more appealing zone for the downtown area. The majority of Downtown Abilene is currently zoned CB, including the properties directly to the west of the subject property.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this property as the 'Central Business District'. Thus, the requested zoning is compatible with the Future Land Use Map and the adjacent properties. It is believed that the rezoning from LI to CB will support the revitalization and adaptive reuse goals for the downtown area.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission recommends approval of this request by a vote of seven (7) (Smith, Dunnahoo, Bixby, Famble, Rosenbaum, Calk and McClarty) and none opposed.

Case # Z-2016-43

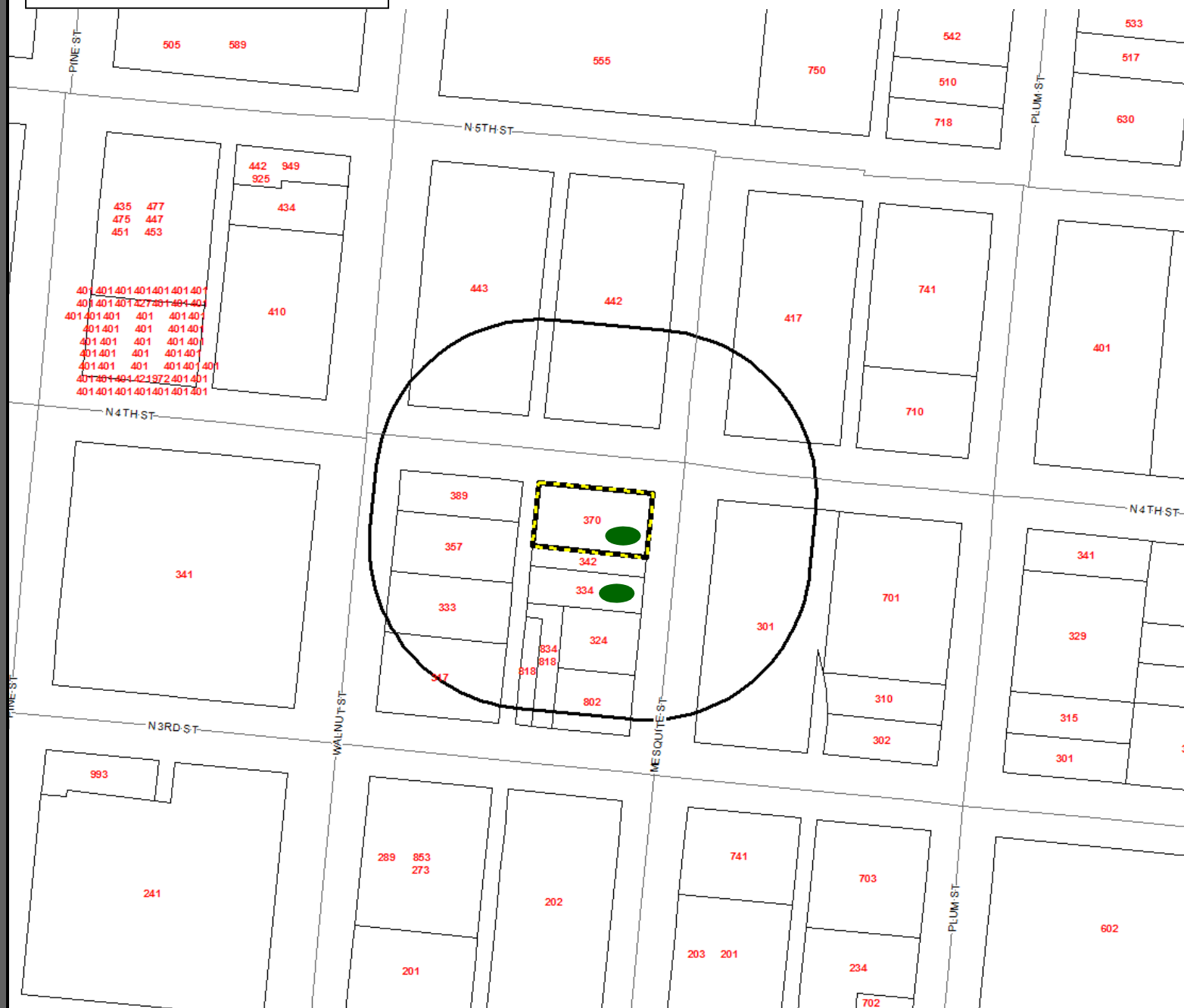
Updated: October 19, 2016

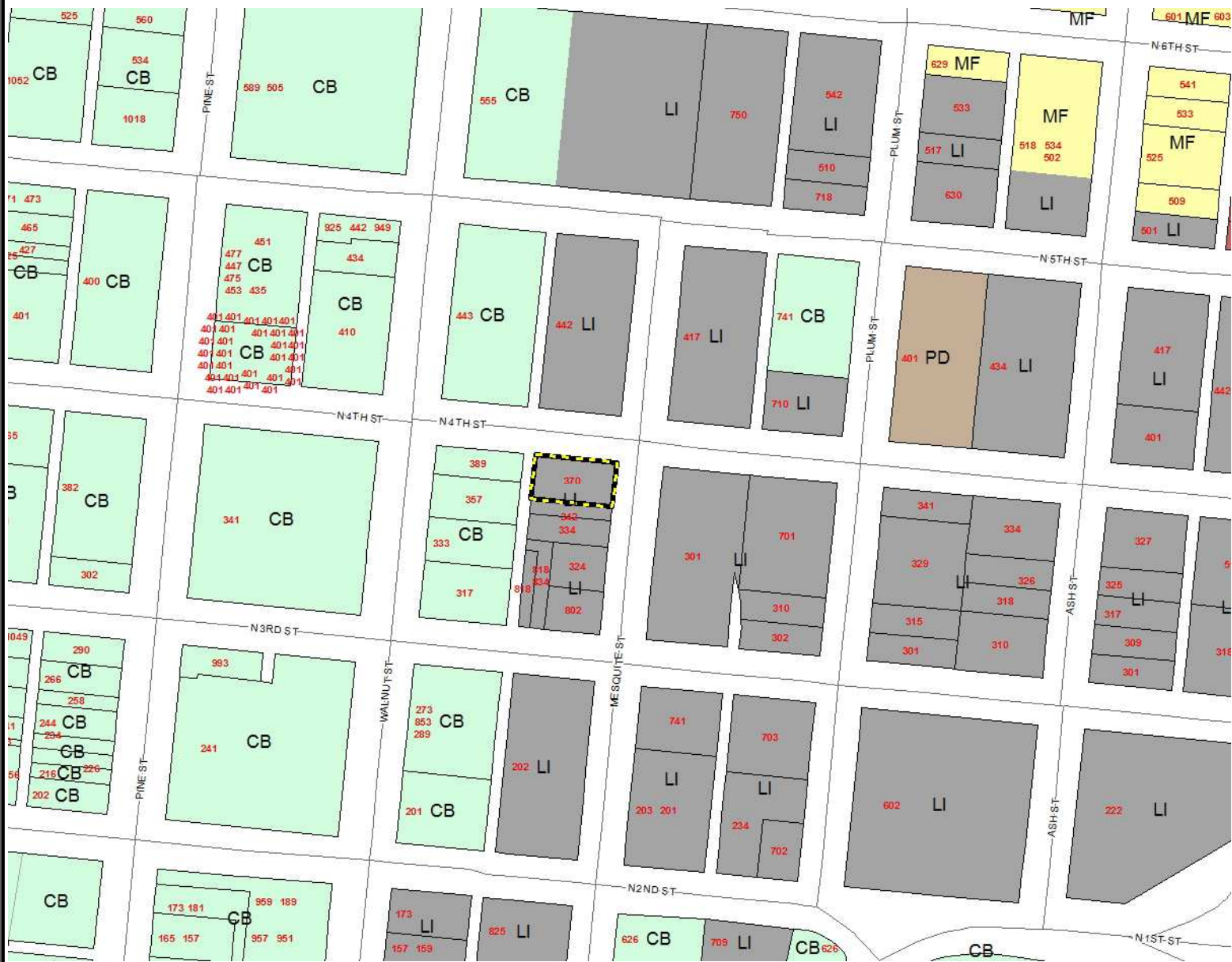
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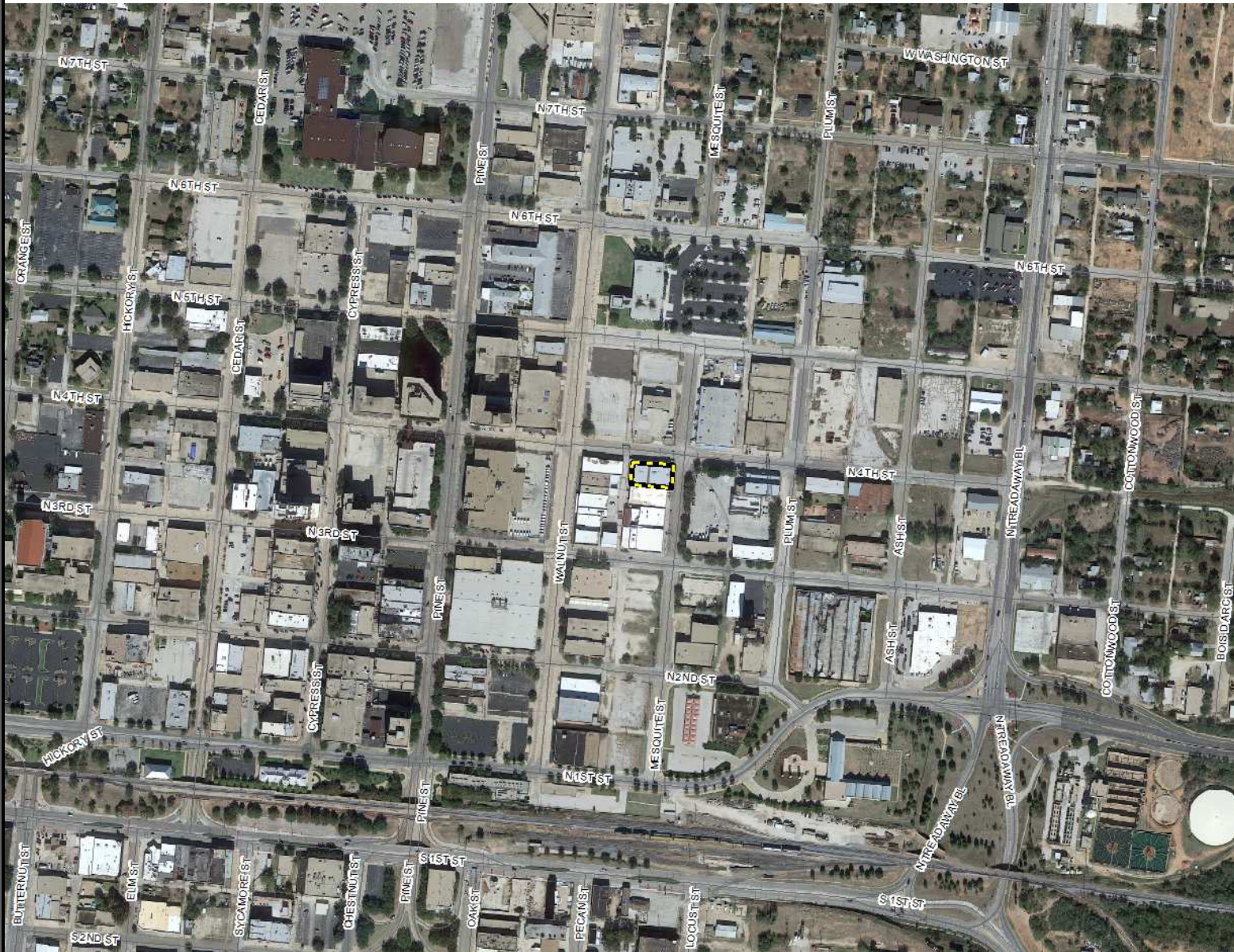
Property owners within a 200-foot radius were notified of the request.

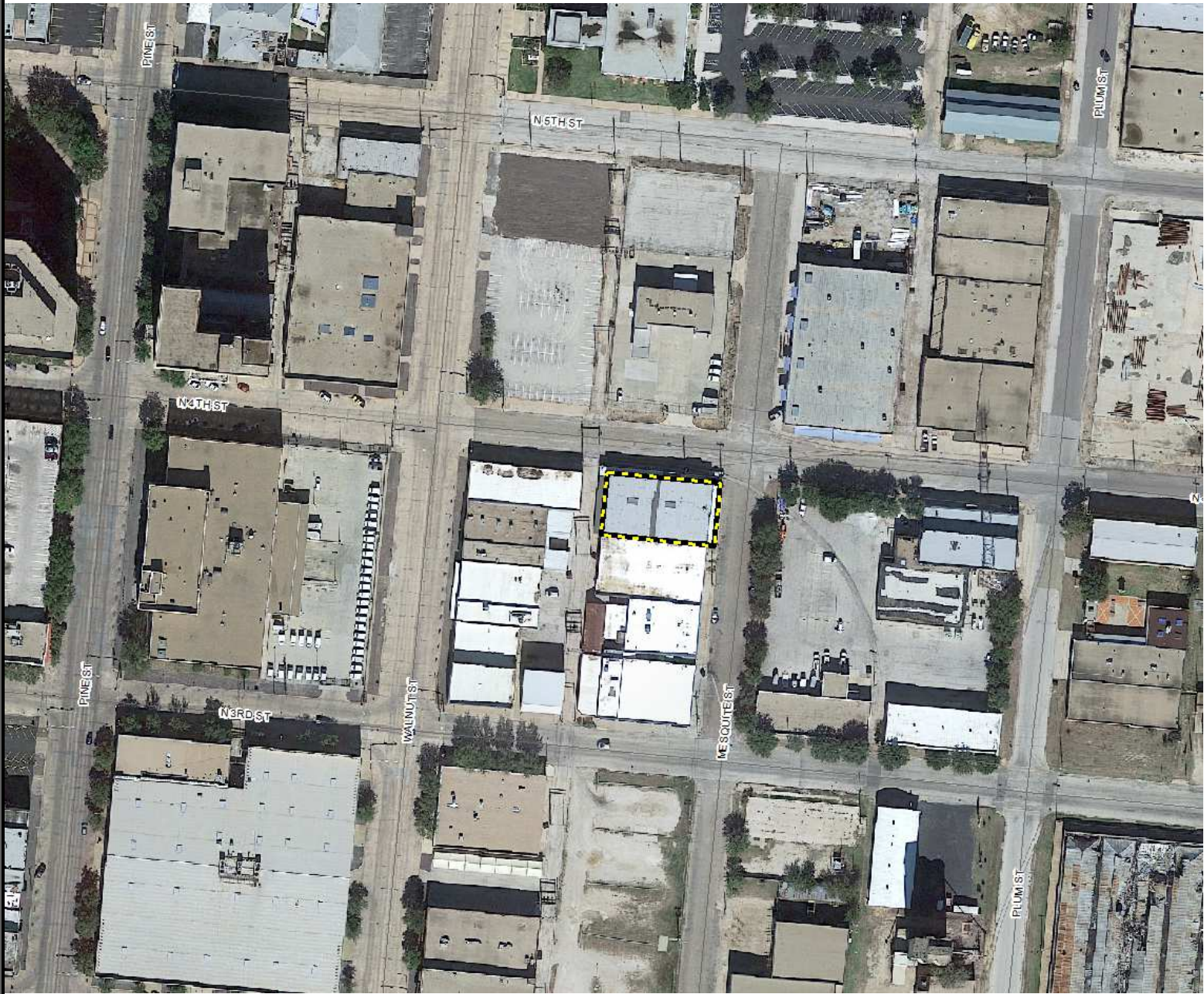
| OWNER | ADDRESS | RESPONSE |
|----------------------------|-----------------|----------|
| NIBLO EVELYN THOMAS | 342 MESQUITE ST | |
| BRIGHT BOBBY L | 317 WALNUT ST | |
| WEST TEXAS UTILITIES CO | 301 MESQUITE ST | |
| HBWJ PARTNERSHIP LTD | 417 MESQUITE ST | |
| CHAPMAN STANLEY B | 802 N 3RD ST | |
| UNITED STATES POSTAL SERV | 442 MESQUITE ST | |
| BRIGHT BOBBY L | 333 WALNUT ST | |
| CHAPMAN STANLEY B | 834 N 3RD ST | |
| CHAPMAN STANLEY B | 818 N 3RD ST | |
| FIRST FINANCIAL BANK NA | 443 WALNUT ST | |
| ABILENE ARRANGEMENT LLC | 389 WALNUT ST | |
| ABILENE ARRANGEMENT LLC | 357 WALNUT ST | |
| PAK HARRIS ENTERPRISES LTD | 370 MESQUITE ST | In Favor |
| BAILEY BOB | 334 MESQUITE ST | In Favor |
| CHAPMAN STAN | 324 MESQUITE ST | |
| BIBLE HARDWARE INC | 818 N 3RD ST | |

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









Z-2016-43

Request: Rezone from LI to CB zoning

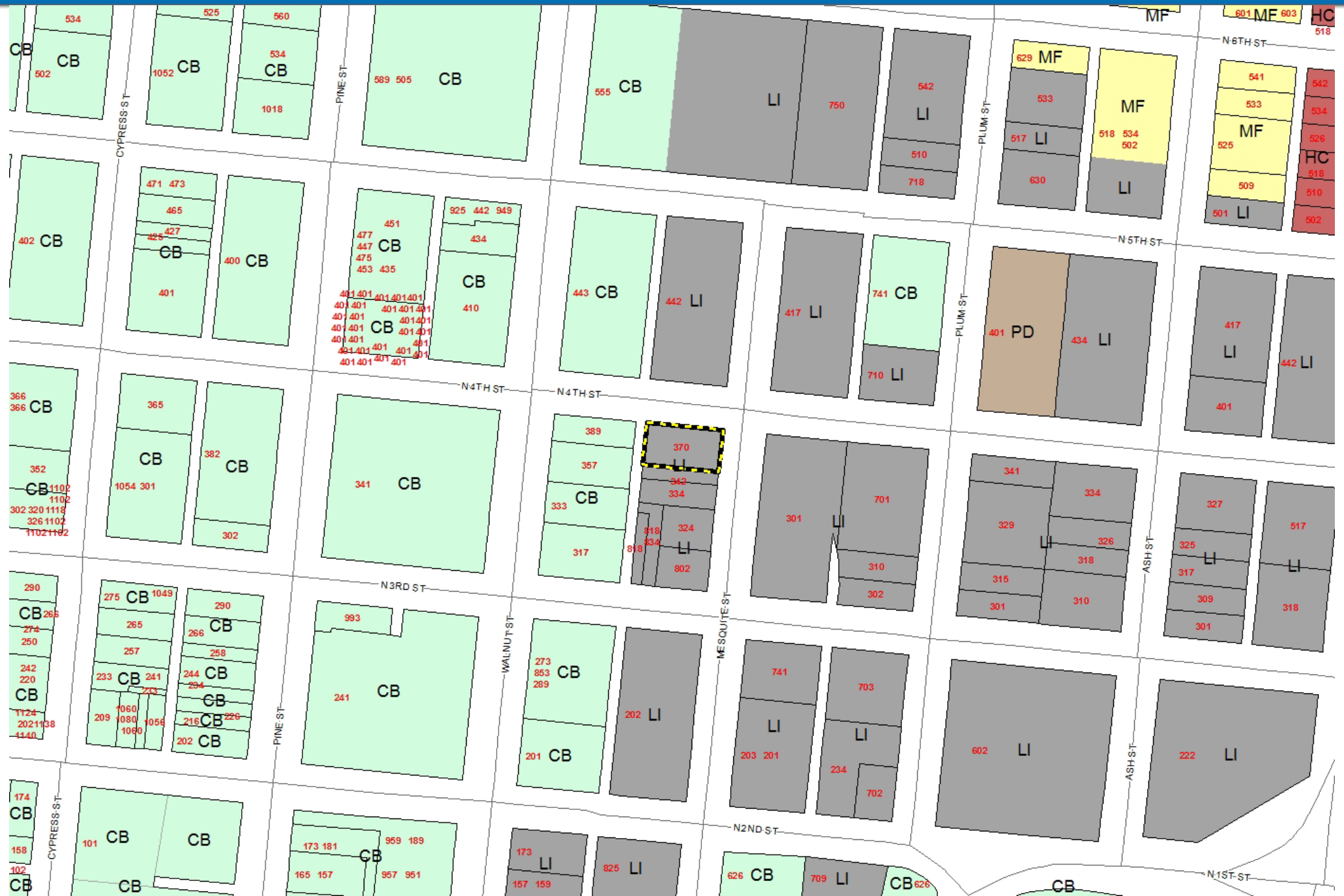
Location: 370 Mesquite St.

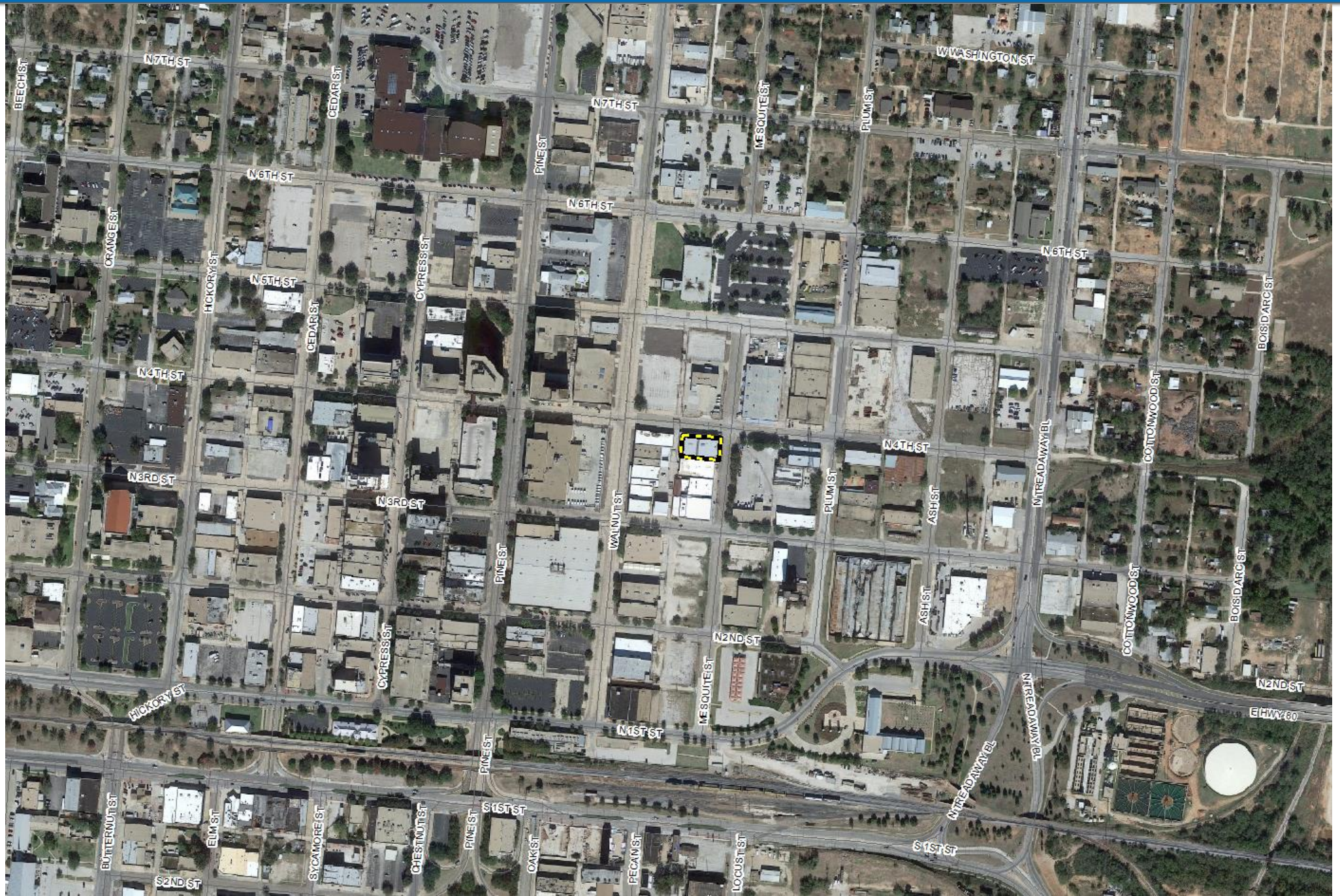
Notification: 2 in favor; 0 opposed

Staff Recommendation: Approval of request

P & Z Recommendation: Approval of request









View looking west toward subject property



View looking west toward subject property



View looking west along N 4th St.



View looking south along Mesquite St.



View looking north along Mesquite St.



View looking east across Mesquite St. from subject property



View looking south toward subject property



View looking east along N 4th St.



View looking north across N 4th St. from subject property



View looking southeast looking down the alley for the subject property



Permitted Uses in LI Zoning

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Drive-Through Facility
- TP Field Office or Construction Office (temporary)
- P Freight Container
- P Fuel Sales
- TP Itinerant Business
- P Manufacturing (incidental)
- C Mobile Home (permanent security residence)
- TP Mobile Home (temporary security residence)
- P Mobile Home or Temporary Building (office for sales and service)
- P Recreation Building, Multipurpose
- P Recycling Collection Point
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Adult Entertainment Enterprise
- C Cultural Facilities
- P Drive-in Theater
- C Motorized Racing
- P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Ambulance Service
- P Correction, Detention, or Penal Facilities
- P Fire/Police Station
- P Homeless/Emergency Shelter
- P Medical/Dental Laboratory
- P Military and Armed Forces Reserve Center
- P Post Office
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P Educational and Scientific Research
- P School: Public/Private
- P Trade/Business School

SERVICE

- P/C Automobile Wash
- P Contractor Services
- P Funeral Home/ Mortuary/Morgue
- P Kennel (With Outdoor Pens)
- P Kennel (Without Outdoor Pens)
- P Laundry, Dry Cleaning, Dyeing, and Linen Service (no retail customers)
- P Laundry/Dry Cleaning Services & Facilities

- P Office (general, professional, financial)
- P Printing, Copying, Reproduction, Publishing
- P Recycling Collection and Processing Center
- P Repair and Maintenance Services - Automobile/Small Truck (major)
- P Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- P Repair and Maintenance Services (outdoors)
- P Repair and Maintenance Services (truck and other large vehicles)
- P Scales (public)
- P Storage - Self-Service Units
- P Tattoo Parlor
- P Taxidermist
- P Veterinary Service (all size animals)
- P Veterinary Service (small animals)
- P Wrecker/Towing

TRADE – RETAIL USES

- P Aircraft and Accessories
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Head Shop
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Retail Sales/Rental (automobile/small truck)
- P Retail Sales/Rental (indoor)
- P Retail Sales/Rental (outdoors, non-vehicle)
- P Retail Sales/Rental (trucks and other large vehicles and equipment)

TRADE – WHOLESALE USES

- P Liquor, Wholesale/Distribution
- C Livestock – Wholesale or Auction
- P Wholesaling and Storage (indoor)
- P Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
- P Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility
- P Railroad Switching and Marshaling Yard
- P Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- C Mining
- P Petroleum or Gas Well
- P Liquor
- P Manufacturing (light)
- P Urban Garden

LEGEND

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



Permitted Uses in CB Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Day Care Operation – Home-Based
- C Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Fuel Sales
- P Garage Sale
- P Home Occupation
- TP Itinerant Business
- P Manufacturing (incidental)
- TP Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage and parking)
- P Subdivision Sales Office (Temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- C Travel Trailers (accessory to hospitals)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
- P Recreation – Outdoors (passive)
- P Recreation and Commercial Entertainment – Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Ambulance Service
- P Fire/Police Station
- C Homeless/Emergency Shelter
- P Hospital
- P Medical/Dental Laboratory
- P Post Office
- C Rehabilitation Facility
- P Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Arts School
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P Educational and Scientific Research
- P School: Public/Private
- P Trade/Business School
- P University/College

SERVICE

- P Funeral Home/ Mortuary/Morgue
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- P Printing, Copying, Reproduction, Publishing
- C Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Storage - Self-Service Units
- P Veterinary Service (small animals)

TRADE – RETAIL USES

- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Restaurant, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (indoor)
- C Retail Sales/Rental (outdoors, non-vehicle)

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)

C

Permitted as a Conditional Use Permit, Requiring Approval by City Council

TP

Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment







**City Council
Agenda Memo**

City Council Meeting Date: 10/27/2016

TO: Robert Hanna, City Manager

FROM: Stan Standridge, Chief of Police

SUBJECT: Resolution: Approving the Purchase of Taser 60 Plan - Lease Option for the Abilene Police Department. (Standridge)

GENERAL INFORMATION

The Police Department and the Marshals Division initially acquired Tasers in March 2010. The Taser X26 Conducted Electrical Weapon (CEW) has a manufacturer recommendation of a (5) year operational life. Current Tasers are older than five years and are no longer manufactured.

The Police Department and the Marshals Division seek the replacement of all Taser X26s with the current model of production, the X2. The Department must replace 180 Tasers, and the Marshals Division must replace 13. The Department has more than 180 Tasers, but recent Police Academy graduates have already been issued the X2s.

The Police Department has determined that a multiple-shot CEW is needed due to past use of a single-shot Taser sometimes being ineffective. Although another manufacture offers a single-shot CEW product, Taser International is the only manufacture of a multiple-shot CEW, and therefore is a sole source manufacturer. The Taser International X2 product meets the Police Department's requirement of a multiple-shot CEW.

SPECIAL CONSIDERATIONS

Taser offers a 60-month, 0% interest, "no questions asked" lease option that the City will use to purchase X2s. The Taser 60 Basic Plan includes, per sworn employee: one X2, one extended 5-year warranty, one battery, one holster, and two duty cartridges. Additionally, 400 training cartridges and 96 duty cartridges will be purchased and included in the first year's costs.

The Taser 60 plan provides a \$100 trade-in credit for each old CEW. Additionally, one free X2 and battery pack is included with each (100) ordered.

At the end of the contract, the City has the option of renewing the Taser 60 contract for another five years, or not renew and retain the current weapons.

FUNDING/FISCAL IMPACT

Year 1 cost for the Police Department is \$53,957.60 plus shipping and handling of \$348.25 for a total cost of

\$54,305.85. Year 2 through 5 costs will be \$56,160 each year. Total implementation cost will be \$278,945.85. The first year of costs will be covered through Narcotics Seized Funds, as allocated in the Council-approved FY 2016-2017 budget.

The Marshals Division will incur costs of \$3,579.42 for the first year plus shipping and handling of \$128.72 for a total cost of \$3,708.14. Each subsequent year will be \$4,056. Total costs will be \$19,932.14. First year monies were included in General Fund expenditures as allocated in the Council-approved fiscal year budget.

STAFF RECOMMENDATION

Staff recommends approval of the Taser 60 contract lease option. These items are available to the Police Department only through Taser International, who is the manufacturer and sole supplier of the multiple-shot CEW with incorporated laser and light. The purchase of the X2 is an upgrade of the X26 Tasers that have been issued to officers and marshals since 2010.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

| Description | Type |
|---|-------------------|
| <input type="checkbox"/> Written Resolution | Resolution Letter |
| <input type="checkbox"/> Presentation | Presentation |

RESOLUTION NO. _____

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE ABILENE POLICE DEPARTMENT TO PURCHASE CONDUCTED
ELECTRICAL WEAPONS FROM TASER INTERNATIONAL IN EXCESS OF \$50,000.**

WHEREAS, this City Council finds the Abilene Police Department has budgeted \$54,305.85 for the purchase of Tasers; and

WHEREAS, the Marshals Division has budgeted \$3,708.14 for the purchase of Tasers; and

WHEREAS, Tasers are effective tools that are governed by Use of Force policies that are in accordance with accreditation standards.

WHEREAS, Taser International offers a 60-month, 0% interest, “no questions asked” lease option.

WHEREAS, Taser International is a sole source provider for the X2 Conducted Electrical Weapon with an associated patent number.

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

PART 1: The City approves the use of Tasers in accordance with Use of Force Policy D-4.

PART 2: The City approves the purchase of year 1 monies for the Police Department and the Marshals Division, with costs being \$53,957.60 and \$3,579.42 respectively.

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

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

Adopted the ____ day of October, 2016

ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED:

Stanley Smith, City Attorney

Taser Lease Option

Chief Stan Standridge



Taser Purchases

- Taser X26s were first issued to Police and Marshals in March 2010. These early models are no longer in production.
- The Police Department seeks 180 replacement Tasers. X26s will be replaced with current models - X2s.
- The Marshals Division seeks 13 replacement Tasers, also X2s.
- Taser offers a 60-month, 0% interest, “no questions asked” lease option, with a \$100 trade-in for all old Tasers.

Taser Purchases

- Cost breakdowns for Police:

- Year 1 \$53,957.60 Narcotics Seized Funds
- Year 2 - 5 \$56,160 each year General Fund
- Shipping \$348.25
- Total costs \$278,945.85

- Cost breakdown for Marshals:

- Year 1 \$3,579.42 General Fund
- Year 2 - 5 \$4,056 General Fund
- Shipping \$128.72
- Total costs \$19,932.14

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 10/27/2016

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director of Community Services

SUBJECT: Ordinance & Public Hearing: (Final Reading) Amending Ordinance 50-2016 Adopting Fees and Charges for the Fiscal Year October 1, 2016, through September 30, 2017, for the City of Abilene; adding Abilene Taylor Co Public Health District Vaccine Fees and Charges and the CityLink fares and charges. (Andrews)

GENERAL INFORMATION

The Abilene-Taylor County Public Health District's (ATCPHD) immunization clinic provides private pay, adult safety net, and Texas Vaccine for Children vaccination programs. Vaccine preventable diseases are conditions which are preventable through vaccines available to protect against these diseases. ATCPHD provides all the preventable disease vaccines such as varicella, diphtheria, measles, mumps, tetanus, and pertussis. Vaccines are counted among one of the greatest public health achievements of the twentieth century. Countless lives have been saved and many diseases have been prevented because of vaccines.

SPECIAL CONSIDERATIONS

Even though most infants and toddlers have received all recommended vaccines by age 2, many under-immunized children remain, leaving the potential for outbreaks of disease. Many adolescents and adults are under-immunized as well, missing opportunities to protect themselves against diseases such as Hepatitis B, influenza, and pneumococcal disease. The costs of vaccines continue to increase on a yearly or sometimes on a quarterly basis depending on the demand and type of vaccine required. The increase in the fee schedule is critical to the operation of the immunization clinic.

FUNDING/FISCAL IMPACT

The annual cost of vaccines for fiscal year 2016 was \$243,388 versus \$201,162 in fiscal year 2015. This is a \$42,226 increase in the cost of vaccines. The average recommended increase in prices on all vaccines provided by the ATCPHD will assist in covering the cost of the vaccine, the excise tax, and any small rise in vaccine cost as well as the administrative costs to administer the immunization program. The estimated increase in revenue for vaccines provided will be \$45,000 for general health services.

STAFF RECOMMENDATION

The Abilene-Taylor County Health District recommends approval from City Council authorizing the vaccine fee increase for 2017.

Staff also recommends approval from City Council to add the Citylink fares and charges, which were previously approved by Resolution 123-2016 on September 22, 2016, to the Fee Ordinance for transparency for the public.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

| Description | Type |
|----------------|--------------|
| ▣ Ordinance | Ordinance |
| ▣ Exhibit A | Exhibit |
| ▣ Exhibit B | Exhibit |
| ▣ Presentation | Presentation |

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE 50-2016 ADOPTING FEES AND CHARGES, BY AMENDING THE FEES FOR THE ABILENE-TAYLOR COUNTY PUBLIC HEALTH DISTRICT VACCINE FEES AND CHARGES; AND ADDING THE CITYLINK FARES AND CHARGES, FOR THE CITY OF ABILENE, TEXAS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES, RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND CALLING A PUBLIC HEARING.

WHEREAS, City Council adopted Ordinance 50-2016 (“Fee Ordinance”) on September 8th, 2016 setting fees and charges commencing on October 1, 2016; and

WHEREAS, it was contemplated that this Fee Ordinance would require amendment from time to time to modify and update fees and charges; and

WHEREAS, the Fee Ordinance included the Vaccine Fees and Charges for the Abilene-Taylor County Public Health District, City of Abilene, Texas; and

WHEREAS, the vaccines are purchased in advance by the Abilene-Taylor County Public Health District and provided to the residents for a fee; and

WHEREAS, the expense of the vaccines has increased and an amendment to the vaccine Fees and Charges for the current fiscal year is needed to offset the costs to the Abilene-Taylor County Public Health Department; and

WHEREAS, the increased expense to the Abilene-Taylor County Public Health District for the vaccines occurred during the time the City was adopting the Fee Ordinance; and

WHEREAS, the new fee schedule has a flat increase of \$4.00 for Texas Vaccine for Children (TVFC) administrative costs, and the private dose vaccine is the cost of the vaccine plus excise tax and then a 10% increase to offset any rise in vaccine cost and administrative cost; and

WHEREAS, this Fee Ordinance amendment will update the Vaccine Fees and Charges for the Abilene Taylor County Public Health District for the current fiscal year; and

WHEREAS, City Council adopted Resolution 123-2016 on September 22nd 2016 setting fees and charges for CityLink operations; and

WHEREAS, this Ordinance amendment will codify the new fares for CityLink to be included in the Fee Ordinance for transparency to the public.

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

Part 1: That the Schedule of Fees and Charges for Vaccines for the Abilene-Taylor County Public Health District for the City of Abilene, Texas, be amended as set forth in Exhibit “A”, attached hereto and made a part of this Ordinance for all purposes.

Part 2: That the Schedule of Fees and Charges will also be amended to include the new fares for CityLink Transit as set forth in Exhibit “B” attached hereto and made a part of this Ordinance for all purposes.

Part 3: That all ordinances, parts of ordinances, resolutions and parts of resolutions in conflict herewith are repealed.

Part 4: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PASSED ON FIRST READING on the 13th day of October, 2016.

A notice of time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 24th day of October, 2016, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 27th day of October, 2016, to permit the public to be heard.

PASSED ON THE SECOND AND FINAL READING this 27th day of October, 2016.

ATTEST:

Danette Dunlap, City Secretary

Norm Archibald, Mayor

APPROVED:

Stanley Smith, City Attorney

EXHIBIT A

| <u>Fee/Permit</u> | <u>Item/Cost</u> | <u>Current</u> |
|-------------------------------|-------------------------|---|
| <u>HEALTH SERVICES</u> | | |
| Vaccinations (Shots) | | Cost of the vaccine plus excise tax plus 10% |
| | Private Pay | |
| | Vaccine for Children | \$14.00 |
| | Adult Safety Net | \$20.00 |

EXHIBIT B

| <u>Fee/Permit</u> | <u>Item/Cost</u> | <u>Current</u> |
|--------------------------------------|--|-----------------------|
| <u>BUS SERVICE (CITYLINK)</u> | Correct change required, drivers do not carry change. | |
| | Passes | |
| | Passes offer unlimited rides for a 7-day or 31-day and are activated the first time they are inserted into the farebox. | |
| | Fixed Route Service | |
| | Adult fare | |
| | One way adult fare | \$1.50 |
| | Day pass | \$3.00 |
| | 7-day adult pass | \$15.00 |
| | 31-day adult pass | \$45.00 |
| | Youth fare (requires valid school ID) | |
| | One way youth fare | \$1.00 |
| | 7-day youth pass | \$10.00 |
| | 31-day youth pass | \$25.00 |
| | Elderly/disabled fare (requires valid Medicare or Identification card) | |
| | One way elderly/disabled fare | \$0.65 |
| | 7-day elderly/disabled pass | \$8.00 |
| | 31-day elderly/disabled pass | \$20.00 |
| | Pre-schoolers (0-4) | No charge |
| | Transfer (with paid fare) | No charge |
| | ADA Paratransit Service | |
| | Regular service area fare | \$2.00 |
| | Extended service area fare | \$3.00 |
| | 10-ride ticket book (regular service area) | \$20.00 |
| | 10-ride ticket book (extended service area) | \$30.00 |
| | 20-ride ticket book ADA | \$60.00 |
| | Evening Service | |
| | Work and school related trips | \$2.50 |
| | General trips | \$6.00 |
| | 10-ride ticket book (CDBG/work related trips) | \$25.00 |
| | 10-ride ticket book (general trips) | \$60.00 |
| | Identification Cards | |
| | Reduced bus fares are available for the elderly and persons with disabilities with a CityLink identification card. Identification cards may be obtained at the CityLink Station at 1189 S. 2nd Street. Elderly persons must present proof of age. Persons with disabilities must provide evidence of their disability from a licensed physician or a local social service agency representative. There is a \$2.00 charge for the ID card. | |

Abilene-Taylor County Public Health District Vaccine Fee Schedule for 2017

October 13, 2016



Fee Schedule Increase for 2017

- Abilene-Taylor County Public Health District (ATCPHD) immunization clinic provides vaccines for private pay, adult safety net, and Texas Vaccine for Children.
- Vaccine cost increased \$42,226 from 2015 to 2016.
- Vaccine prices continue to increase on a yearly or sometimes quarterly bases depending on demand.



Fee Schedule Increase for 2017

- Texas Vaccine for Children (TVFC) has increased maximum administrative cost to \$14.00.
- Increasing the 2017 Vaccine fee schedule to cover the cost of the vaccine plus 10% gives the Health Department the ability to cover expenses plus a small amount for volatility.
- Proposed fee schedule would provide an estimated increase of revenue of \$45,000





**City Council
Agenda Memo**

City Council Meeting Date: 10/27/2016

TO: Robert Hanna, City Manager

FROM: Dana L. Schoening, Director of Planning and Development Services

**SUBJECT: REMOVE FROM THE TABLE: Ordinance & Public Hearing: (Final Reading)
Proposed Amendment to Code of Ordinances, Chapter 8, Division 4, Section 8-151
Demolition Permit Conditions, and adding Section 8-152 Definitions for "Slab on
Grade". *(Schoening)***

GENERAL INFORMATION

Staff had been requested to draft an ordinance amendment to Section 8-151 "Demolition Permit Conditions" to allow slabs on grade to remain with approval of the building official, pursuant to a demolition permit. Existing ordinance 8-151 requires all floor slabs, foundations, footings, sidewalks, fences and posts to be removed in a demolition. The existing ordinance provides for the property owner(s) to request to the Board of Building Standards (BOBS) to allow for the slab to remain. The proposed ordinance removes the requirement for the removal of a slab on grade, but only upon request to and with the approval of the Building Official.

In addition, the current Chapter 8, Division 4 ordinance provisions do not provide a definition of slab. The proposed ordinance creates Section 8-152 : "Definitions" to provide for the definition of Slab on Grade to define what is meant by slab as referenced in Section 8-151.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends holding the public hearing as posted and then sending this proposed Ordinance amendment to the Board of Building Standards for their comment and review.

BOARD OR COMMISSION RECOMMENDATION

No requirement for Board or Commission recommendation. However, this item was brought before the Board of Building Standards at regular meeting held October 5, 2016 for discussion only. Points of discussion included this provision (1) should not be applied to residential properties, (2) providing for the Building Official

to allow slabs to remain puts additional undue pressure on the position and (3) no need to change ordinance provision.

ATTACHMENTS:

| Description | Type |
|---|--------------|
| ▣ Enacting Ordinance | Exhibit |
| ▣ Clean Ordinance Amendment | Cover Memo |
| ▣ Current Ordinance Amendment Revisions | Exhibit |
| ▣ PowerPoint | Presentation |

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE III, DIVISION 4, "DEMOLITION OF BUILDINGS," AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, when a permit is issued for the demolition of a house, building, or other structure, City Ordinance Section 8-151 requires that the floor slab, foundation, footings, sidewalks, fences and posts be removed; however, where demolition is performed totally by the owner, and a floor slab is flush with the ground, the board of building standards may allow the slab to remain; and,

WHEREAS, it is in the best interest of the public to grant the building official the authority to allow a slab on grade to remain; and,

WHEREAS, currently there is no definition for slab on grade; and,

WHEREAS, Section 8-372 allows the board of building standards to hear appeals from any person aggrieved by a decision of the building official, and therefore any decision of the building official pursuant to Section 8-151 could be appealed to the board of building standards;

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

PART 1: That Chapter 8, Article III, Division 4, "Demolition of Buildings," Sections 8-151 and 8-152 are hereby amended as set forth in Exhibit "A," attached hereto and made a part of this Ordinance for all purposes.

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

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

PART 4: Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offence. Said ordinance, being a penal ordinance, becomes effective ten (10)

days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 8th day of September 2016.

A notice of 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 23rd day of October 2016, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 27nd day of October, 2016, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 27nd day of October, 2016.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Sec. 8-151. Demolition permit conditions.

When a permit is issued for the demolition of a house, building or other structure, the permit holder shall do all of the following:

- (a) Remove all slabs, sidewalks, fences and posts, provided any sidewalks, fences or posts may remain upon approval of the board of building standards; and in non-residential zoning, any slab(s) on grade that are free and clear of, without limitation, construction debris, vertical concrete, pipe risers and anchor bolts, may remain only upon the request, prior to final inspection, of the property owner(s) to the Building Official and subsequent approval by the Building Official; and
- (b) Clear and remove all loose tree limbs, appliances and all other personalty, trash, weeds, tall grass and other debris; and
- (c) Fill in all holes or depressions remaining at the building site and level the area so as to facilitate future mowing maintenance; and
- (d) Mow the grass.

Sec. 8-152. Definitions

Slab on grade: A slab on grade is any slab that is poured onto earth materials that are in direct contact with the slab and which are used to support the slab. This process may be flat on the ground or foundation walls can be constructed to any engineered height and backfilled with sand to the bottom of the slab to be poured to support the slab.

Sec. 8-151. Demolition permit conditions.

When a permit is issued for the demolition of a house, building or other structure, the permit holder shall do all of the following:

- (a) Remove all ~~floor~~-slabs, ~~foundations~~, ~~footings~~, sidewalks, fences and posts, provided; any sidewalks, fences or posts ~~where demolition is performed totally by the property owner any sidewalks and a floor slab that is flush with the ground and clear of debris, pipe risers, etc.,~~ may remain upon approval of the board of building standards; and in non-residential zoning, any slab(s) on grade that are free and clear of, without limitation, construction debris, vertical concrete, pipe risers and anchor bolts, may remain only upon the request, prior to final inspection, of the property owner(s) to the Building Official and subsequent approval by the Building Official.
- (b) Clear and remove all loose tree limbs, appliances and all other personalty, trash, weeds, tall grass and other debris; and
- (c) Fill in all holes or depressions remaining at the building site and level the area so as to facilitate future mowing maintenance; and
- (d) Mow the grass.

(Code 1965, § 7-2)

Sec. 8-152. Definitions

Slab on grade: A slab on grade is any slab that is poured onto earth materials that are in direct contact with the slab and which are used to support the slab. This process may be flat on the ground or foundation walls can be constructed to any engineered height and backfilled with sand to the bottom of the slab to be poured to support the slab.

Ordinance Amendment 8-151 & 8-152

Request: Proposed Amendment to Code of Ordinances, Chapter 8, Division 4, Section 8-151 Demolition Permit Conditions, and adding Section 8-152 Definitions for "Slab on Grade"



Ordinance Amendment 8-151 & 8-152

- Amendment Provisions:
 - Comparison of Existing to Proposed
 - Remove all floor slabs, foundations, footings, sidewalks, fences and posts, provided, any sidewalks, fences or posts where demolition is performed totally by the property owner any sidewalks and a floor slab that is flush with the ground and clear of debris, pipe risers, etc., may remain upon approval of the board of building standards.
 - Any slab(s) on grade that are free and clear of, without limitation, construction debris, vertical concrete, pipe risers and anchor bolts, may remain only upon request of the property owner(s) to the Building Official and approval by the Building Official.
 - Property owner(s) must request.



Ordinance Amendment to 8-151 & 8-152

- **Definition:**

Slab on grade: A slab on grade is any slab that is poured onto earth materials that are in direct contact with the slab and which are used to support the slab. This process may be flat on the ground or foundation walls can be constructed to any engineered height and backfilled with sand to the bottom of the slab to be poured to support the slab.



Ordinance Amendment 8-151 & 8-152

- Considerations:
 - Commercial and/or Residential Properties
 - Vacant
 - Underutilized
 - Poorly Maintained
 - Demolitions
 - Type of foundations supporting structures
 - Commercial – slab
 - Residential – primarily pier and beam



Ordinance Amendment 8-151 & 8-152

- Number of commercial and residential demolitions since 01/01/2012
 - Commercial – 4 demolitions
 - 2 city forced contract
 - 2 owner contracted
 - Residential – 88 demolitions
 - 25 city forced contract
 - 63 owner contracted
- Infill development
 - Utilization of Vacant and Underutilized Properties
 - Incentives
 - Disincentives



Ordinance Amendment 8-151 & 8-152

- Downtown Revitalization
 - Continuing Historic Preservation
 - Business Infusion
 - Mixed use development potential
- Continuing Nuisances





**City Council
Agenda Memo**

City Council Meeting Date: 10/27/2016

TO: Robert Hanna, City Manager

FROM: Mirenda Walden, Animal Services Director

Ordinance & Public Hearing: (Final Reading) amending, Chapter 6 of the Code of the
SUBJECT: City of Abilene by adopting a revision of Chapter 6: Animals and Fowl; providing a
severability clause; declaring a penalty. (*Walden*)

GENERAL INFORMATION

This item is to address issues in the ordinance related to seizure and impoundment, amend the time allowed for a dangerous dog investigation, add language clarifying when the City takes ownership of a stray animal and modernize language that references saleability or selling animals.

To be consistent with state law, some wording has been changed to remove the obligation for an Animal Services Officer to seize an animal if it only causes bodily injury and not serious bodily injury. Texas Health and Safety Code Chapter 822.001 defines serious bodily injury as an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actual sought medical treatment. Bodily injury is not defined in that chapter, but in practice, we treat “bodily injury” as any form of injury that doesn’t meet the above definition of “serious.” For example, bruises, scratches, etc., no hospitalization required.

In addition, the current ordinance states that a dangerous dog determination must be made before the 6th working day after the seizure and impoundment of the dog. The recommended change would amend this timeframe to 10 days after the seizure and impoundment to mirror requirements for rabies quarantine. In most dangerous dog investigations, there is a bite to a human which necessitates a 10 day rabies quarantine. This change allows the officers additional time to conduct a more thorough investigation while not causing any additional burden to the owner of the alleged dangerous dog.

The next recommendation is to include in the impoundment provisions, language that states that the City takes ownership of an animal after a certain “redemption” period, for the City of Abilene this would be three business days. This would protect the City based upon precedent established by the recent Texas Supreme Court case ruling in *Lira v. Greater Houston German Shepherd Dog Rescue, Inc.*

The final amendment is to remove language that references sell or saleability. These terms have been replaced with disposition and condition for adoption. Animal Services makes animals available for adoption with appropriate fees but does not sell pets.

SPECIAL CONSIDERATIONS

At the meeting on Thursday, October 13, 2016, Council noted some concerns with the Ordinance related to the redemption period. The redemption period has been changed to three business days. Also during the discussion some grammar/formatting concerns were identified. Section 6-77 was missing the word "of" and purchaser was changed to new owner. Also there was a concern that the numbering jumps from 6-90 to 6-96. The numbering will be correct when the new paragraphs are added back to the entire code.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval of a final reading of an ordinance amending, Chapter 6 of the Code of the City of Abilene by adopting a revision of Chapter 6: Animals and Fowl; providing a severability clause; declaring a penalty.

BOARD OR COMMISSION RECOMMENDATION

At their Thursday, September 29, 2016 meeting, the Animal Services Advisory Board unanimously approved recommending that the City Council approve the proposed amendments.

ATTACHMENTS:

| Description | Type |
|-----------------------|--------------|
| ❑ Chapter 6 Ordinance | Ordinance |
| ❑ Exhibit A Edited | Exhibit |
| ❑ Exhibit A Clean | Exhibit |
| ❑ Presentation | Presentation |

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 6, ANIMALS AND FOWLS, ARTICLE II. PETS, DIVISION 3. DANGEROUS DOGS, SECTION 6-60, "AUTHORIZATION," AND SECTION 6-62, "SEIZURE;" ARTICLE III. IMPOUNDMENT, DIVISION 1. GENERALLY, SECTION 6-69, "AUTHORIZED," SECTION 6-71, "CONFINEMENT BY PRIVATE CITIZEN," SECTION 6-73, "DISPOSITION AT SUPERINTENDENT'S DISCRETION," SECTION 6-74, "REDEMPTION BEFORE SALE," SECTION 6-75, "SALE OF IMPOUNDED ANIMALS," SECTION 6-76, "REDEMPTION AFTER SALE," AND SECTION 6-77, "RECORDS OF IMPOUNDMENT," DIVISION 2. PETS, SECTION 6-89, "AUTHORIZED," SECTION 6-90, "VACCINATED DOGS," SECTION 6-91, "UNVACCINATED DOGS AND CATS," SECTION 6-93, "REDEMPTION GENERALLY," SECTION 6-98, "DESTRUCTION OF UNREDEEMED ANIMALS," AND SECTION 6-99, "DESTRUCTION OF DONATED, SICK, INJURED ANIMALS," ARTICLE IV. RABIES CONTROL, DIVISION 2. QUARANTINE OF SPECIFIC ANIMAL, SECTION 6-133, "AUTHORIZED; MINIMUM TIME," SECTION 6-134, "PLACES," AND SECTION 6-138, "SAME-EMERGENCY SITUATION," OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, there is a need to control stray, sick and injured animals, and to protect the health, safety, and welfare of the citizens of the City of Abilene; and

WHEREAS, many State laws have changed regarding the impoundment of animals and the seizure of dangerous dogs; and

WHEREAS, amendments to the City of Abilene animal ordinance are necessary to allow enforcement in compliance with State laws and best practices.

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

PART 1: That Chapter 6, Article II, Sections 6-60 and 6-62, Article III, Sections 6-69, 6-71, 6-73, 6-74, 6-75, 6-76, 6-77, 6-89, 6-90, 6-91, 6-93, 6-98 and 6-99, Article IV, Sections 6-133, 6-134, and 6-138, of the Code of Ordinances, City of Abilene, Texas, are hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.

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

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

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

PASSED ON FIRST READING this 13th day of October, 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 23rd day of October, 2016, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 27th day of October, 2016, to permit the public to be heard. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING this 27th day of October, 2016.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT “A”

ARTICLE II. PETS

DIVISION 3. DANGEROUS DOGS

Sec. 6-60. Authorization.

The general laws of the state, except as specifically provided through proper ordinances and regulations of the city, shall control the handling of dangerous dogs. There is adopted as part of this chapter all of the provisions of Title 10, Chapter 822, Subchapter D, as amended, of the Texas Health and Safety Code insofar as applicable.

Sec. 6-62. Seizure.

(a) If a person reports an incident described by §822.041(2) of the Texas Health and Safety Code as codified and amended by section 6-61 of the Abilene City Code, the animal control department ~~shall~~may seize and impound the dog pending investigation of the incident.

(b) The animal control department shall release the dog to the owner if the animal control department has not made a determination that the dog is a dangerous dog ~~before the 6th~~on or before the tenth (10th) business day after the seizure and impoundment of the dog, and if all fees have been paid as required under subsection (d). Release of the dog does not prohibit the animal control department from receiving more information and subsequently declaring the dog a dangerous animal.

ARTICLE III. IMPOUNDMENT^{*}

DIVISION 1. GENERALLY

Sec. 6-69. Authorized.

Any peace officer or any agent of the animal control department ~~shall~~may take up and impound any animal found in violation of this chapter.

Sec. 6-71. Confinement by private citizen.

If any animal, including any domestic pet, is found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal temporarily until he can notify the animal control department. When notified, it shall be the duty of the department to impound such animal as provided in this chapter.

Sec. 6-73. Disposition at ~~superintendent's~~city manager or his designee's discretion.

If any animal impounded is found to be affected ~~with rabies~~with a contagious disease, or if the animal is seriously injured, or ~~if the animal control superintendent has determined it is not saleable, or~~ if it cannot be ~~sold~~otherwise placed for adoption as provided in the preceding section, ~~the animal shall become the property of the city and it shall may forthwith immediately be destroyed~~euthanized or otherwise disposed of without notice or any waiting period. All decisions as to the ~~condition, condition or saleability~~adoption or other disposition of the animals shall be made by the ~~animal control superintendent~~city manager or his designee.

Sec. 6-74. Redemption ~~before sale.~~

The owner of any animal not affected with a contagious disease or seriously injured and impounded under the provisions of this chapter may redeem the same within three (3) business days of its impoundment ~~before it is sold,~~ by paying the required pound fees.

Sec. 6-75. Sale Disposition of impounded animals.

(a) If not redeemed within the appropriate time period specified in Section 6-74, the animal shall become the property of the City, and the animal may be adopted, euthanized or otherwise disposed of as recommended by the city manager or his designee~~The animal control department shall sell animals impounded under the provisions of this article at public auction for cash after having held the animal for at least ten (10) days and after having published public notice of the items, terms and place of sale in a daily newspaper published in the city, which notice shall appear one time at least five (5) days prior to the sale and shall describe the animals impounded and state that the animals will be sold to defray cost if not reclaimed and the cost paid before the date of sale. If not reclaimed by such date, it shall sell the animal at public auction between the hours of 10:00 a.m. and 4:00 p.m. at such date to the highest bidder.~~

~~(b) — After deducting all the expenses of the sale and taking up and keeping of the animals, the department shall return the balance of proceeds, if any, to the owner of the animals. If the owner is unknown, the balance shall be paid into the city treasury. Any time within thirty (30) days after the sale, the owner may apply to the animal control superintendent and upon satisfactory proof of his ownership, he shall be entitled to receive the balance of proceeds, which shall be the money deposited after deducting all the expenses of the sale and taking up and keeping of the animals, paid into the city treasury on account of such sale.~~

Sec. 6-76. —Redemption after sale.

~~The owner of any impounded animal sold under the provisions of this chapter may redeem it by paying to the purchaser double the amount paid by him for such animal and his reasonable expenses for keeping it; provided, that the owner shall redeem the animal within thirty (30) days after the date of sale, otherwise the animal becomes the absolute property of the purchaser.~~

Sec. 6-77. Records of impoundment.

The animal control department shall keep a record for at least one year giving the description of all animals impounded, the date of impoundment, the date ~~of sale~~ of adoption or other disposition, the amount realized for such animal, and the name and address of the ~~purchaser~~ new owner.

DIVISION 2. PETS

Sec. 6-89. Authorized.

The agents of the animal control department are authorized to take up and impound:

- (1) All dogs found not restrained by their owners; or
- (2) All cats which do not have a vaccination tag as provided by sections 6-31 and 6-51 and found not restrained by their owners.

Sec. 6-90. Redemption

(a) The redemption period for an animal impounded other than for quarantine or pursuant to a court order, is:

(1) three business days after the date of impoundment, unless subsections (b) or (c) apply to the animal;

(b) The redemption period for an animal impounded pursuant to a court order is the time set forth in the court order or, if no provision is made in the court order, five days after the court proceedings are final.

(c) The redemption period for an animal impounded for quarantine is three days after completion of the quarantine period.

(d) If an animal is not redeemed within the appropriate time period specified in Subsections (a) through (c), or the animal is voluntarily surrendered by the owner, the animal shall become the property of the city and may be placed for adoption, euthanized, or otherwise disposed of as recommended by the city manager or his designee.

(e) An owner of an impounded animal commits an offense if he removes or attempts to remove the animal from a city animal shelter without first paying all applicable fees required in this chapter.

~~Sec. 6-90. Vaccinated dogs.~~

~~(a) Period of confinement. A vaccinated dog impounded as authorized in section 6-89 shall be confined in a humane manner for a period not less than three (3) working days.~~

(b)(f) Notice. Upon impounding a dog found with current vaccination tags or chip, the agents of the animal control department shall make a reasonable effort to notify the owner his animal has been impounded and the conditions whereby he may regain custody of such animal.

~~(Code 1965, § 5-31; Ord. No. 45-2015, pt. 1(Exh. A), 8-27-15)~~

~~Sec. 6-91.—Unvaccinated dogs and cats.~~

~~Dogs and cats impounded under this division without a vaccination tag shall become the property of the animal control department after the expiration of two (2) working days.~~

~~(Code 1965, § 5-32; Ord. No. 45-2015, pt. 1(Exh. A), 8-27-15)~~

~~Sec. 6-93.—Redemption generally.~~

~~The owner shall be entitled to resume the possession of any impounded dog or cat except as hereinafter provided in case of certain dog or cat, upon compliance with the provisions of sections 6-31 and 6-51 and the payment of the impoundment fees of section 6-92.~~

~~Sec. 6-98.—Destruction of unredeemed animals.~~

~~The animal control department may humanely destroy any animal, which has not been redeemed as provided in this division.~~

Sec. 6-99~~96~~. Destruction of donated, sick, injured animals.

The animal control department may destroy any animal by a humane method if it has been donated to the shelter with the request that it be destroyed, ~~or~~ if the animal is so sick or injured that its cure is considered by the animal control department to be impractical or if its death is imminent, or if it is found to be infected with a contagious disease. In ~~any~~either of such events, the animal shall become the property of the city and such destruction may be done immediately without notice or any waiting period.

ARTICLE IV. RABIES CONTROL

DIVISION 2. QUARANTINE OF SPECIFIC ANIMAL

Sec. 6-133. Authorized; minimum time.

Upon being presented a sworn affidavit that an animal has bitten or scratched a person, the ~~animal control superintendent~~ city manager or his designee shall quarantine the animal so identified for a period of ten (10) days.

Sec. 6-134. Places.

(a) Quarantine of an animal which has bitten or scratched a person shall be at the following:

(1) Animal shelter.

(2) A licensed veterinarian hospital in the city at the expenses of the owner, upon the owner's request.

(3) Home quarantine. Home quarantine is permissible when the ~~animal control superintendent~~ city manager or his designee agrees that home quarantine is warranted and believes the following requirements are satisfied:

(A) The owner of the animal is a resident of this city and agrees to keep the animal at his residence in this city; and

(B) The animal was properly restrained at the time the bite occurred; and,

(C) The animal was properly protected by rabies vaccination.

(b) Animals of unknown ownership will be quarantined at the animal shelter.

Sec. 6-138. Same—Emergency situation.

When an animal bites or scratches a person so that the director of the health department believes that the quarantine observation period cannot be observed because of the danger of developing rabies, the health director shall order that the animal control department immediately forward the animal's head for pathological examination.

EXHIBIT “A”

ARTICLE II. PETS

DIVISION 3. DANGEROUS DOGS

Sec. 6-60. Authorization.

The general laws of the state, except as specifically provided through proper ordinances and regulations of the city, shall control the handling of dangerous dogs. There is adopted as part of this chapter all of the provisions of Title 10, Chapter 822, Subchapter D, as amended, of the Texas Health and Safety Code insofar as applicable.

Sec. 6-62. Seizure.

(a) If a person reports an incident described by §822.041(2) of the Texas Health and Safety Code as codified and amended by section 6-61 of the Abilene City Code, the animal control department may seize and impound the dog pending investigation of the incident.

(b) The animal control department shall release the dog to the owner if the animal control department has not made a determination that the dog is a dangerous dog on or before the tenth (10th) business day after the seizure and impoundment of the dog, and if all fees have been paid as required under subsection (d). Release of the dog does not prohibit the animal control department from receiving more information and subsequently declaring the dog a dangerous animal.

ARTICLE III. IMPOUNDMENT

DIVISION 1. GENERALLY

Sec. 6-69. Authorized.

Any peace officer or any agent of the animal control department may take up and impound any animal found in violation of this chapter.

Sec. 6-71. Confinement by private citizen.

If any animal, including any domestic pet, is found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal temporarily until he can notify the animal control department. When notified, it shall be the duty of the department to impound such animal as provided in this chapter.

Sec. 6-73. Disposition at city manager or his designee's discretion.

If any animal impounded is found to be affected with a contagious disease, or if the animal is seriously injured, or if it cannot be otherwise placed for adoption, the animal shall become the property of the city and it may immediately be euthanized or otherwise disposed of without notice or any waiting period. All decisions as to the condition, adoption or other disposition of the animals shall be made by the city manager or his designee.

Sec. 6-74. Redemption

The owner of any animal not affected with a contagious disease or seriously injured and impounded under the provisions of this chapter may redeem the same within three (3) business days of its impoundment by paying the required pound fees.

Sec. 6-75. Disposition of impounded animals.

(a) If not redeemed within the appropriate time period specified in Section 6-74, the animal shall become the property of the City, and the animal may be adopted, euthanized or otherwise disposed of as recommended by the city manager or his designee

Sec. 6-77. Records of impoundment.

The animal control department shall keep a record for at least one year giving the description of all animals impounded, the date of impoundment, the date of adoption or other disposition, the amount realized for such animal, and the name and address of the new owner.

DIVISION 2. PETS

Sec. 6-89. Authorized.

The agents of the animal control department are authorized to take up and impound:

- (1) All dogs found not restrained by their owners; or
- (2) All cats which do not have a vaccination tag as provided by [sections 6-31](#) and [6-51](#) and found not restrained by their owners.

Sec. 6-90. Redemption

(a) The redemption period for an animal impounded other than for quarantine or pursuant to a court order, is:

- (1) three business days after the date of impoundment, unless subsections (b) or (c) apply to the animal;

(b) The redemption period for an animal impounded pursuant to a court order is the time set forth in the court order or, if no provision is made in the court order, five days after the court proceedings are final.

(c) The redemption period for an animal impounded for quarantine is three days after completion of the quarantine period.

(d) If an animal is not redeemed within the appropriate time period specified in Subsections (a) through (c), or the animal is voluntarily surrendered by the owner, the animal shall become the property of the city and may be placed for adoption, euthanized, or otherwise disposed of as recommended by the city manager or his designee.

(e) An owner of an impounded animal commits an offense if he removes or attempts to remove the animal from a city animal shelter without first paying all applicable fees required in this chapter.

(f) Notice. Upon impounding a dog found with current vaccination tags or chip, the agents of the animal control department shall make a reasonable effort to notify the owner his animal has been impounded and the conditions whereby he may regain custody of such animal.

Sec. 6-96. Destruction of donated, sick, injured animals.

The animal control department may destroy any animal by a humane method if it has been donated to the shelter with the request that it be destroyed, if the animal is so sick or injured that its cure is considered by the animal control department to be impractical or if its death is imminent, or if it is found to be infected with a contagious disease. In any such event, the animal shall become the property of the city and such destruction may be done immediately without notice or any waiting period.

ARTICLE IV. RABIES CONTROL

DIVISION 2. QUARANTINE OF SPECIFIC ANIMAL

Sec. 6-133. Authorized; minimum time.

Upon being presented a sworn affidavit that an animal has bitten or scratched a person, the city manager or his designee shall quarantine the animal so identified for a period of ten (10) days.

Sec. 6-134. Places.

(a) Quarantine of an animal which has bitten or scratched a person shall be at the following:

(1) Animal shelter.

(2) A licensed veterinarian hospital in the city at the expenses of the owner, upon the owner's request.

(3) Home quarantine. Home quarantine is permissible when the city manager or his designee agrees that home quarantine is warranted and believes the following requirements are satisfied:

- (A) The owner of the animal is a resident of this city and agrees to keep the animal at his residence in this city; and
- (B) The animal was properly restrained at the time the bite occurred; and,
- (C) The animal was properly protected by rabies vaccination.

(b) Animals of unknown ownership will be quarantined at the animal shelter.

Sec. 6-138. Same--Emergency situation.

When an animal bites or scratches a person so that the director of the health department believes that the quarantine observation period cannot be observed because of the danger of developing rabies, the health director shall order that the animal control department immediately forward the animal's head for pathological examination.

Agenda Item

- **Ordinance:** Public hearing and final reading to amend “Chapter 6 – Animals and Fowl” of the City of Abilene Code of Ordinances. (*Walden*)
- **Proposed Amendments**
 - Language related to seizure and impoundment.
 - Replace shall impound to may impound
 - Change the time allowed for a dangerous dog investigation from before the 6th working day to 10 days
 - Add language clarifying when the City takes ownership of a stray animal – after three business days.
 - Replace language that references saleability or selling animals to disposition and condition for adoption.





**City Council
Agenda Memo**

City Council Meeting Date: 10/27/2016

TO: Robert Hanna, City Manager

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

SUBJECT: Ordinance & Public Hearing: (Final Reading) To regulate parking on E. N. 19th St. between Ave. D and Campus Court. (Rice)

GENERAL INFORMATION

Recently Abilene Christian University acquired the former Christian Village Retirement Center on E. N. 19th St between Ave. D and Campus Court. They have refurbished this facility (Dillard Hall) to house students. Students have the choice to park on the street, or park in designated parking lots. Most of the students have chosen the street and there is only 30' of pavement. Therefore, when vehicles are parked on both sides of the road, issues arise. The roadway becomes constricted resulting in a single lane for vehicle travel for the entire block, residential properties within this block have sight restricted backing concerns when leaving their driveways, & the resulting single travel lane results in a life safety concern for emergency vehicle response.

SPECIAL CONSIDERATIONS

Abilene Christian Police has submitted a request to restrict parking along the South side of E. N. 19th St adjacent to the newly constructed Dillard Hall. Residents along the North side of E. N. 19th St. have also submitted petitions supporting the restriction of parking.

FUNDING/FISCAL IMPACT

Funding for this prohibition will be provided out of the Street Sign Budget.

STAFF RECOMMENDATION

Traffic Services, Abilene Fire Department, and Abilene Christian Police Department all recommend the prohibition of parking along the South side of E. N. 19th St. adjacent to Dillard Hall.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

| Description | Type |
|---|-----------|
| ❑ Ordinance | Ordinance |
| ❑ ACU Police Letter and Residents Petitions | Exhibit |

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 18, "MOTER VEHICLES AND TRAFFIC," ARTICLE VIII, "SCHEDULES," SECTION 18-293, "PARKING PROHIBITED -AT ALL TIMES" AS SET OUT BELOW; AND CALLING A PUBLIC HEARING.

WHEREAS, Abilene Christian University acquired a dormitory, Dillard Hall, adjacent to E.N. 19th Street; and

WHEREAS, since Dillard Hall has become a dormitory, vehicles parked along both sides E.N.19th between Ave. D and Campus Court have congested the roadway to the extent that traffic cannot easily pass in both directions; and

WHEREAS, the Abilene Christian University Police Department and area residents have requested a restriction of parking at this location.

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

- PART 1:** That Chapter 18, "Motor Vehicles and Traffic," Article VIII, Section 18-293, "Parking Prohibited -At all Times," of the Abilene City Code be amended as set out in Exhibit "A," attached hereto and made a part of this Ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.
- PART 4:** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 13th day of October, 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 9th day of October, 2016, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 27th day of October, 2016, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 27th day of October 2016.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Exhibit A

Chapter 18 Motor Vehicles and Traffic, Article III Schedules, Section 18-293 Parking Prohibited—At all times.

DELETE

| | | |
|---------------------------------|-------|--|
| East North 19 th St. | South | From Campus Ct. to 300 feet west of Campus Ct. |
|---------------------------------|-------|--|

ADD

| | | |
|---------------------------------|-------|---------------------------|
| East North 19 th St. | South | From Campus Ct. to Ave. D |
|---------------------------------|-------|---------------------------|

ABILENE CHRISTIAN UNIVERSITY

Educating Students for Christian Service and Leadership Throughout the World

Police Department

ACU Box 28010, Abilene, Texas 79699-8010
325-674-2305 • Fax 325-674-6098



September 27, 2016

James Rogge, P.E.
Traffic Engineer, City of Abilene

Mr. Rogge,

As we have previously discussed, Abilene Christian University (ACU) recently reacquired and refurbished the former Christian Village Retirement Center in the 600 block of EN 19th and converted it into a new on-campus student residence hall; Dillard Hall. While this resulted in substantial improvement to the facility, grounds, and neighborhood, it also created a new parking problem in the area. Rather than park in ACU provided parking adjacent to Dillard Hall, many residents are opting to park in the more convenient, legal on-street parking along the north & south curbs of 600 block of EN 19th Street. As a result, both the north and south curbs of EN 19th are occupied 24/7 by (legally parked) student vehicles. The ACU Police Department (ACUPD) has worked closely with the residents of EN 19th to resolve these issues. The primary complaints are: (a) constant congestion, (b) one-lane traffic, (c) difficulty of the residents backing or pulling out of their driveways onto EN 19th. (d) inability for emergency vehicles to access the area when it is congested. .

My concern is that with legal on-street parking on both sides of EN 19th, this street parking tendency will continue. Ambulances and fire apparatus will have great difficulty negotiating the congestion. The majority of the EN 19th residents are elderly, one on hospice, and the rate of fire/ambulance calls to all residence halls is high. All of these combine to create a high risk of ambulance/fire calls in this immediate area.

After initially consulting with you, I have met with each of the residents who own the 7 properties along 600 EN 19th (602, 610, 618, 626, 634, 642, 650, with 642 & 650 being owned by ACU as student/staff rental units) . Residents and/or owners are in support of restricting on-street parking along one curb of EN 19th, but are not unanimous in which curb they prefer. Two (2) owners/residents prefer the north curb to be restricted while five (5) owner/residents prefer the south curb to be restricted. (see attached)

While prohibiting one curb/either curb, would resolve the problem in general, ACUPD would recommend and request that the south curb (adjacent to Dillard Hall) be chosen as the restricted curb. This is based on the fact that the residents who live on the north curb would still have the ability to park along "their" north curb, especially during the 3.5 months of Summer Break and the 1+ month of Winter Break, when Dillard Hall will be empty. Additionally, I believe that with Dillard Hall being a 3-story structure, the Abilene Fire Department would have easier access with ladder trucks, etc., should there ever be a working fire at the 3-story Dillard Hall building.

I appreciate the opportunity to assist with this, please let me know if you or any other City officials have any other questions that ACUPD can help with or if you need me to address the City Council on this.

Sincerely,

A handwritten signature in blue ink that reads 'Jimmy Ellison'.

Jimmy Ellison
Chief of Police

Abilene Christian University Police Department

City of Abilene Traffic Engineer

City of Abilene City Council

My name is Marianna Rasco and I/we own (circle one) the home at 602 EN 19th Street, Abilene TX 79601.

The former Christian Village Retirement Home located at 633 EN 19th Street closed in 2016 and reverted back to the ownership and control of Abilene Christian University (ACU). ACU subsequently converted the facility into a sophomore women's residence hall known as Dillard Hall.

While the university has provided ample parking facilities adjacent to or near Dillard Hall for the residents, when the ACU school year started and students moved into Dillard Hall, many of them began parking in the non-restricted, on-street parking along the north and south curbs of the entire 600 block of EN 19th. This trend has continued since nearly 24 hours a day, effectively transforming the 600 block into a one lane roadway, with congestion to the point that only one vehicle can drive at a time. This situation causes potential safety issues in terms of whether or not fire and ambulance vehicles could be able to effectively and quickly respond to calls in our block.

The underlying issue is that currently, because there are no parking restrictions for on-street parking along our block, these Dillard hall residents are legally parked. Our request is that the City of Abilene place restrictions on parking on one side of EN 19th, so that 2-way traffic can occur freely and that emergency vehicles will have the ability to respond quickly and set-up for emergency issues.

My preference is that on-street parking be prohibited on the NORTH SIDE -or- SOUTH SIDE (circle one) of EN 19th Street, thereby making it a violation for anyone, residents, visitors, or students, to park there at any time, *but I acquiesce to the "deciders"*

The residents of EN 19th have worked closely with the ACU Police Department in regards to this situation and it is our understanding that they fully support the elimination of on-street parking on one side of our block to insure better traffic flow and better emergency vehicle response.

Thank you for your consideration.

Sincerely,

Marianna Rasco
(Signature)

Marianna Rasco
(Printed Name)

602 E North 19th
79601
Address

325-665-4438
(Phone Number)

City of Abilene Traffic Engineer

City of Abilene City Council

My name is Tim Fulbright and I/we own (circle one) the home at 610 EN 19th Street, Abilene TX 79601.

The former Christian Village Retirement Home located at 633 EN 19th Street closed in 2016 and reverted back to the ownership and control of Abilene Christian University (ACU). ACU subsequently converted the facility into a sophomore women's residence hall known as Dillard Hall.

While the university has provided ample parking facilities adjacent to or near Dillard Hall for the residents, when the ACU school year started and students moved into Dillard Hall, many of them began parking in the non-restricted, on-street parking along the north and south curbs of the entire 600 block of EN 19th. This trend has continued since nearly 24 hours a day, effectively transforming the 600 block into a one lane roadway, with congestion to the point that only one vehicle can drive at a time. This situation causes potential safety issues in terms of whether or not fire and ambulance vehicles could be able to effectively and quickly respond to calls in our block.

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My preference is that on-street parking be prohibited on the NORTH SIDE -or- SOUTH SIDE (circle one) of EN 19th Street, thereby making it a violation for anyone, residents, visitors, or students, to park there at any time.

The residents of EN 19th have worked closely with the ACU Police Department in regards to this situation and it is our understanding that they fully support the elimination of on-street parking on one side of our block to insure better traffic flow and better emergency vehicle response.

Thank you for your consideration.

Sincerely,

Tim Fulbright
(Signature)

Tim Fulbright
(Printed Name)

610 EN 19th
Address

361-522-1225
(Phone Number)

City of Abilene Traffic Engineer

City of Abilene City Council

My name is Ina L. Green and I/we own or rent (circle one) the home at 618 EN 19th Street, Abilene TX 79601.

The former Christian Village Retirement Home located at 633 EN 19th Street closed in 2016 and reverted back to the ownership and control of Abilene Christian University (ACU). ACU subsequently converted the facility into a sophomore women's residence hall known as Dillard Hall.

While the university has provided ample parking facilities adjacent to or near Dillard Hall for the residents, when the ACU school year started and students moved into Dillard Hall, many of them began parking in the non-restricted, on-street parking along the north and south curbs of the entire 600 block of EN 19th. This trend has continued since nearly 24 hours a day, effectively transforming the 600 block into a one lane roadway, with congestion to the point that only one vehicle can drive at a time. This situation causes potential safety issues in terms of whether or not fire and ambulance vehicles could be able to effectively and quickly respond to calls in our block.

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My preference is that on-street parking be prohibited on the NORTH SIDE -or- SOUTH SIDE (circle one) of EN 19th Street, thereby making it a violation for anyone, residents, visitors, or students, to park there at any time.

The residents of EN 19th have worked closely with the ACU Police Department in regards to this situation and it is our understanding that they fully support the elimination of on-street parking on one side of our block to insure better traffic flow and better emergency vehicle response.

Thank you for your consideration.

Sincerely,

1. Most of our guests park on the North Side if they have a choice
2. at holidays & summers our family & friends park on the North North side (nearest our house)

Ina L. Green

(Signature)

Ina L. Green

(Printed Name)

618 E.N. 19th

Address

325 677-5785

(Phone Number)

City of Abilene Traffic Engineer

City of Abilene City Council

My name is RAY WHITESIDE and I/we own or rent (circle one) the home at 626 EN 19th Street, Abilene TX 79601.

The former Christian Village Retirement Home located at 633 EN 19th Street closed in 2016 and reverted back to the ownership and control of Abilene Christian University (ACU). ACU subsequently converted the facility into a sophomore women's residence hall known as Dillard Hall.

While the university has provided ample parking facilities adjacent to or near Dillard Hall for the residents, when the ACU school year started and students moved into Dillard Hall, many of them began parking in the non-restricted, on-street parking along the north and south curbs of the entire 600 block of EN 19th. This trend has continued since nearly 24 hours a day, effectively transforming the 600 block into a one lane roadway, with congestion to the point that only one vehicle can drive at a time. This situation causes potential safety issues in terms of whether or not fire and ambulance vehicles could be able to effectively and quickly respond to calls in our block.

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My preference is that on-street parking be prohibited on the NORTH SIDE or- SOUTH SIDE (circle one) of EN 19th Street, thereby making it a violation for anyone, residents, visitors, or students, to park there at any time.

The residents of EN 19th have worked closely with the ACU Police Department in regards to this situation and it is our understanding that they fully support the elimination of on-street parking on one side of our block to insure better traffic flow and better emergency vehicle response.

Thank you for your consideration.

Sincerely,

It is definitely more dangerous for us to back out into the street when cars parked on the north side block more of a driver's view than would be the case if that "lane" was free of vehicles. Four adults live here, ages range from 22 to 86 - each with own vehicle.

Ray Whiteside
(Signature)

RAY WHITESIDE
(Printed Name)

626 E. North 19th St
Address

325-672-6479
(Phone Number) cell: 325-280-6431

City of Abilene Traffic Engineer

City of Abilene City Council

My name is Rev. Kenneth R. Deckard and I we own or rent (circle one) the home at 634 EN 19th Street, Abilene TX 79601.

The former Christian Village Retirement Home located at 633 EN 19th Street closed in 2016 and reverted back to the ownership and control of Abilene Christian University (ACU). ACU subsequently converted the facility into a sophomore women's residence hall known as Dillard Hall.

While the university has provided ample parking facilities adjacent to or near Dillard Hall for the residents, when the ACU school year started and students moved into Dillard Hall, many of them began parking in the non-restricted, on-street parking along the north and south curbs of the entire 600 block of EN 19th. This trend has continued since nearly 24 hours a day, effectively transforming the 600 block into a one lane roadway, with congestion to the point that only one vehicle can drive at a time. This situation causes potential safety issues in terms of whether or not fire and ambulance vehicles could be able to effectively and quickly respond to calls in our block.

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My preference is that on-street parking be prohibited on the NORTH SIDE -or- SOUTH SIDE (circle one) of EN 19th Street, thereby making it a violation for anyone, residents, visitors, or students, to park there at any time.

The residents of EN 19th have worked closely with the ACU Police Department in regards to this situation and it is our understanding that they fully support the elimination of on-street parking on one side of our block to insure better traffic flow and better emergency vehicle response.


Thank you for your consideration.

Sincerely,

Rev. Kenneth R. Deckard
Mildred Deckard
(Signature)

634 E. North 19th St
Address

Rev Kenneth R. Deckard
Mildred Deckard
(Printed Name)
325 338-2960
325-829-8289
(Phone Number)

ACU OWNED HOUSE
RENTED TO ACU
STAFF MEMBER


City of Abilene Traffic Engineer

City of Abilene City Council

My name is Aaron & Donna Hastings and I/we own-or rent (circle one) the home at
642 EN 19th Street, Abilene TX 79601.

The former Christian Village Retirement Home located at 633 EN 19th Street closed in 2016 and reverted back to the ownership and control of Abilene Christian University (ACU). ACU subsequently converted the facility into a sophomore women's residence hall known as Dillard Hall.

While the university has provided ample parking facilities adjacent to or near Dillard Hall for the residents, when the ACU school year started and students moved into Dillard Hall, many of them began parking in the non-restricted, on-street parking along the north and south curbs of the entire 600 block of EN 19th. This trend has continued since nearly 24 hours a day, effectively transforming the 600 block into a one lane roadway, with congestion to the point that only one vehicle can drive at a time. This situation causes potential safety issues in terms of whether or not fire and ambulance vehicles could be able to effectively and quickly respond to calls in our block.

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The residents of EN 19th have worked closely with the ACU Police Department in regards to this situation and it is our understanding that they fully support the elimination of on-street parking on one side of our block to insure better traffic flow and better emergency vehicle response.

Thank you for your consideration.

Sincerely,


(Signature)

Aaron Hastings
Donna Hastings
(Printed Name)

642 EN 19th

Address

525 224 1307

(Phone Number)

City of Abilene Traffic Engineer

City of Abilene City Council

ACU OWNED
HOUSE
RENTED TO STUDENTS

My name is TERRY BOWMAN and I/we own or rent (circle one) the home at
650 EN 19th Street, Abilene TX 79601.

The former Christian Village Retirement Home located at 633 EN 19th Street closed in 2016 and reverted back to the ownership and control of Abilene Christian University (ACU). ACU subsequently converted the facility into a sophomore women's residence hall known as Dillard Hall.

While the university has provided ample parking facilities adjacent to or near Dillard Hall for the residents, when the ACU school year started and students moved into Dillard Hall, many of them began parking in the non-restricted, on-street parking along the north and south curbs of the entire 600 block of EN 19th. This trend has continued since nearly 24 hours a day, effectively transforming the 600 block into a one lane roadway, with congestion to the point that only one vehicle can drive at a time. This situation causes potential safety issues in terms of whether or not fire and ambulance vehicles could be able to effectively and quickly respond to calls in our block.

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The residents of EN 19th have worked closely with the ACU Police Department in regards to this situation and it is our understanding that they fully support the elimination of on-street parking on one side of our block to insure better traffic flow and better emergency vehicle response.

Thank you for your consideration.

Sincerely,


(Signature)

TERRY BOWMAN - ACU Properties Manager
(Printed Name)

Box 29139
Address

325-674-6817
(Phone Number)

Ordinance

To restrict parking on E. N. 19th St. between Ave. D and Campus Court.



Parking Prohibition Location





**City Council
Agenda Memo**

City Council Meeting Date: 10/27/2016

TO: Robert Hanna, City Manager

FROM: Don Green, Director of Transportation Services

SUBJECT: Resolution: Airport Parking Lot Revenue Control System Replacement (*Green*)

GENERAL INFORMATION

The revenue control system for the airport terminal parking lot was installed in 2008 during the parking lot renovations. The manufacturer of that system is no longer in business and replacement parts are becoming very difficult to find as well as the technicians who repaired parts that we can't repair in-house now work for other companies. Additionally, the original system is not able to meet forthcoming requirements to read micro-chipped credit cards because the software and hardware for the system is no longer supported.

The city conducted a Request for Proposal (CB-1664) and received five proposals. City staff and a parking systems consultant reviewed each and selected Associated Time and Parking Controls.

Under this contract, Associated Time will replace the entrance and exit lane equipment, credit card readers, point of sale terminal, and software. This project also includes replacing the current data transfer line with a faster and encrypted line.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

This contract is funded with 2007 Certificate of Obligation funds remaining from the original Parking Lot Reconstruction project.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved its recommendation at its September 14 meeting.

ATTACHMENTS:

| Description | Type |
|---|-------------------|
| <div data-bbox="164 155 185 184">▣</div> <div data-bbox="224 155 350 184">Resolution</div> | Resolution Letter |
| <div data-bbox="164 197 185 226">▣</div> <div data-bbox="224 197 776 226">Associated Time & Parking Controls Contract</div> | Backup Material |
| <div data-bbox="164 239 185 268">▣</div> <div data-bbox="224 239 367 268">Presentation</div> | Presentation |

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS TO CONTRACT WITH ASSOCIATED TIME & PARKING CONTROLS TO REPLACE THE AIRPORT PARKING REVENUE CONTROL SYSTEM

WHEREAS, the City of Abilene (City) owns and operates Abilene Regional Airport under the Department of Transportation Services; and

WHEREAS, the Airport operates the terminal parking lot for customers' and tenants' use
; and

WHEREAS, fees are charged for parking in the lot; and

WHEREAS, the revenue control system is no longer supported for new parts or software upgrades due to the manufacturer being closed; and

WHEREAS, the city conducted a Request for Proposals through CB-1664; and

WHEREAS, Associated Time & Parking Controls was selected and a negotiated price was agreed upon with City staff.

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

- I. The City Manager is authorized to execute the contract with Associated Time & Parking Controls for \$176,220.00 to replace the Airport Parking Lot Revenue Control System.
- II. Funding for this contract comes from the 2007 Certificate of Obligation used for the Airport Parking Lot Reconstruction.

ADOPTED this 27th day of October 2016.

ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED:

Stanley Smith, City Attorney

CONTRACT

This contract, dated the 16th of August 2016, is between the City of Abilene ("City") and Associated Time and Parking ("Contractor").

I. TERMS

In consideration of \$176,220.00(One Hundred and Seventy Six Thousand Two Hundred and Twenty Dollars), the Contractor must provide the services described in Attachment D, which is incorporated by reference, according to all its provisions.

After the CONTRACTOR has fully performed the terms of this AGREEMENT and the CITY'S agent is satisfied that the work has been completed with the terms of this Agreement, the CITY'S agent shall pay the contractor in one lump sum the money specified.

The CITY reserves the right to prorate or to withhold payment from the CONTRACTOR if the CITY'S agent determines that the CONTRACTOR fails to fully perform the work in accordance with the terms of this Agreement, in which case the CONTRACTOR shall bear all costs, including the cost of hiring someone else, due to the CONTRACTOR'S neglect, delay, or refusal to fulfill the terms of this Agreement.

The CITY reserves the right to have its agent inspect the premises to determine whether or not the CONTRACTOR has fully complied with the terms of this Agreement.

II. PAYMENT

Payment shall be made under the terms of Attachment B, which is incorporated by reference, according to all its provisions.

III. DURATION

Contractor must complete all required work within 120 calendar days after the effective date of this Contract.

IV. ASSIGNMENT

Contractor may not assign any interest under this contract without the City's prior written consent.

V. STATUS OF CONTRACTOR

The Contractor is an Independent Contractor. Contractor and Contractor's employees are not the agents, servants or employees of the City.

VI. AMENDMENT OR MODIFICATION

This contract, including any attachments, constitutes the parties' entire agreement. This agreement may not be modified or replaced except by another signed written agreement.

VII. INDEMNITY

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

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

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

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

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

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

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

B. Indemnity

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

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

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

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

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

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

VIII. INSURANCE

A. GENERAL REQUIREMENTS

The Contractor agrees to maintain the type and amounts of insurance required in this contract throughout the term of the agreement. The Contractor is solely responsible for providing the required certificates of insurance. The City may terminate this agreement if the Contractor fails to timely comply with the insurance requirements.

The required insurance must be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies are subject to examination and approval by the City's Office of Risk Management for their adequacy as to content, form of protection, and providing company.

The required insurance naming the City as additional insured must be primary insurance and not contributing with any other insurance available to City, under any third party liability policy.

Before the City executes the notice to proceed with any work under this agreement, the Contractor must provide the City Secretary with either an original certificate of insurance or a certified copy of the insurance policy evidencing the required insurance. Thereafter, the Contractor must furnish new certificates or copies of the policy before the expiration date.

B. ADDITIONAL REQUIREMENTS

The required liability insurances and their certificates must:

1. Name the City as an additional insured for operations under this contract.
2. Provide for 30 days advance written notice of cancellation or material change.

C. TYPES AND AMOUNTS OF INSURANCE

The following insurance is required under this contract:

| <u>Type</u> | <u>Amount</u> |
|--|---|
| <u>X</u> 1. Workers' Compensation Employer's Liability | Statutory \$100,000 per occurrence |
| <u>X</u> 2. Commercial (Public) Liability including, but not limited to: . Premises/Operations . Independent Contractors . Products/Completed Operations . Contractual Liability (Insuring above indemnity) and where the exposures exist . Explosion Collapse and Underground | \$500,000 combined single limit for bodily injury and property damage (per occurrence) |
| <u>X</u> 3. Business Automobile Liability to include coverage for: . Owned/Leased Autos . Non-Owned Autos . Hired Cars | \$500,000 combined single limit for bodily injury and property damage (per occurrence) |
| <u> </u> 4. Professional Liability | \$500,000 combined single limit (per occurrence) |
| <u> </u> 5. See Addendum for Special Coverages and/or revisions | |
| <u> </u> 6. No Insurance Required | |

IX. VENUE, CHOICE OF LAW AND INTERPRETATION

Venue for any cause of action arising under this contract is Taylor County, Texas. This contract is governed by the laws of the State of Texas both as to interpretation and performance. This contract shall, in any dispute over its meaning or application, be interpreted fairly and reasonably, and not more strongly for or against either party.

X. VERIFICATION OF EMPLOYMENT ELIGIBILITY

Contractor must comply with the Immigration Reform and Control Act (IRCA) and may not knowingly obtain labor or services of an unauthorized alien. Contractor -- not City -- must verify eligibility for employment as required by IRCA.

XI. INDEBTEDNESS TO CITY

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

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

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

XII. EQUAL EMPLOYMENT OPPORTUNITY

It is the City's policy to recruit, employ, and to provide compensation, promotion, and other conditions of employment without regard to race, color, religion, sex, age, national origin, or disability. The City affirms that employment decisions shall be made only on the basis of bonafide occupational qualifications. The City shall continually review its employment practices and personnel procedures and take positive steps to assure that equality of employment opportunity in the City of Abilene, Texas, is a fact as well as an ideal.

XIII. MINORITY AND WOMEN BUSINESS ENTERPRISES

The City hereby gives notice that Minority and Women Business Enterprises will be afforded equal opportunities to submit bids in for this contract and will not be discriminated against on the grounds of race, ethnicity, color, sex, religion or national origin in awarding the contract. Technical assistance is available to Minority and Women Business Enterprises through the Texas Tech University Small Business Development Center, 500 Chestnut St., 6th floor, Abilene, Texas, 79602, 325-690-0300.

XIV. SALES TAX

The City qualifies as an exempt agency under the Texas Limited Sales, Excise and Use Tax Act (the Tax Act), and is not subject to any State or City sales taxes on materials incorporated into the project. Labor used in the performance of this contract is also not subject to State or City sales taxes. The City will provide an exemption certificate to the Contractor. The Contractor must have a sales tax permit issued by the Comptroller of Public Accounts and shall issue a resale certificate complying with the Tax Act, as amended, when purchasing said materials. The Contractor is responsible for any sales taxes applicable to equipment purchases, rentals, leases, consumable supplies which are not incorporated into the project, tangible personal property purchased for use in the performance of this contract and not completely consumed, or other taxable services used to perform this contract, or other taxes required by law in connection with this contract.

XV. COMPLIANCE WITH LAWS, CHARTER, ORDINANCES

Contractor, its agents, employees and subcontractors must comply with all applicable federal and state laws, the charter and ordinances of the City of Abilene, and with all applicable rules and regulations promulgated by local, state and national boards, bureaus and agencies. Contractor must obtain all necessary permits and licenses that are required in completing the work contracted for in this agreement.

XVI. PAYMENT AND PERFORMANCE BONDS

If the value of this Bid is below \$25,000, Performance and Payment Bonds are not required; however, the City will not pay the Contractor until the work is accepted and the Contractor furnishes an acceptable Release of Lien and Affidavit of Bills Paid to the City.

If the value of this Bid exceeds \$25,000, the Contractor must also furnish a payment bond. If the value of this Bid exceeds \$100,000, the Contractor must furnish a performance bond when the Contract is executed and delivered to the City. The Bonds, for the full amount of the contract, must be executed by a corporate surety company authorized to do business in the State of Texas and acceptable to the City. Bonds for projects using federal dollars must be underwritten by a surety name in the current list of "Surety Companies Acceptable on Federal Bonds" as published in the Federal Register by the Audit Staff Bureau of Accounts, U.S. Treasury Department.

The City may require additional security if the initial surety becomes insolvent, bankrupt, or otherwise financially unable to protect the City under the terms of the contract. The City's requiring new or additional security relieves neither the original surety nor the Contractor of their obligations under the contract. City may, without incurring any liability, stop work under the contract until Contractor furnishes additional security.

IN WITNESS HEREOF, the parties hereto have executed this contract:

CITY OF ABILENE

CONTRACTOR

By: _____
City Manager

By:
(Christopher Archer)

ATTEST:

Title: President

City Secretary

Federal Tax ID #: 75-1287391

APPROVED:

By: _____
City Attorney

By: _____
Risk Manager

Corporate Seal if applicable:

ATTACHMENT A

Scope of Work

Scope of work will be performed in accordance with submitted Bid Proposal #CB-1664 as negotiated to a final price of \$176,220.00. See Attachment D (Proposal #CB1664 with negotiated price sheet)

Proposal #CB-1664
Parking Access and Revenue Control System at the Abilene Regional Airport

Proposed Costs

| Location | Description | # Units | Unit Cost | Extended Cost |
|---|---|----------------|------------------|----------------------|
| Main Lot | | | | |
| Left Entry Lane | Entry Station | 1 | \$ 11,135 | \$ 11,135 |
| | Barrier Gate | 1 | \$ 2,641 | \$ 2,641 |
| | Proximity Card Reader | 1 | \$ 825 | \$ 825 |
| | UPS | 1 | \$ 3,600 | \$ 3,600 |
| | Vehicle Detection Device (Loop) | 2 | \$ 350 | \$ 700 |
| | Sub-Total, Left Entry Lane | | | \$ 18,901 |
| Right Entry Lane | Entry Station | 1 | \$ 11,135 | \$ 11,135 |
| | Barrier Gate | 1 | \$ 2,641 | \$ 2,641 |
| | Proximity Card Reader | 1 | \$ 825 | \$ 825 |
| | UPS | 1 | \$ 3,600 | \$ 3,600 |
| | Dynamic Message Sign (Please see exception notes) | 1 | \$ 9,914 | \$ 9,914 |
| | Vehicle Detection Device (Loop) | 2 | \$ 350 | \$ 700 |
| | Sub-Total, Right Exit Lane | | | \$ 28,815 |
| Left Exit Lane (Booth) | Cashier Station | 1 | \$ 15,823 | \$ 15,823 |
| | EMV Reader | 1 | \$ 3,750 | \$ 3,750 |
| | Proximity Card Reader | 1 | \$ 2,250 | \$ 2,250 |
| | Card Reader Pedestal | 1 | \$ 169 | \$ 169 |
| | I/O 100 Lane Controller | 1 | \$ 1,944 | \$ 1,944 |
| | UPS | 1 | \$ 3,600 | \$ 3,600 |
| | Barrier Gate | 1 | \$ 2,641 | \$ 2,641 |
| | Vehicle Detection Device (Loop) | 2 | \$ 350 | \$ 700 |
| | Sub-Total, Left Exit Lane (Booth) | | | \$ 30,877 |
| Right Exit Lane | I/O 100 Lane Controller | 1 | \$ 1,944 | \$ 1,944 |
| | UPS | 1 | \$ 3,600 | \$ 3,600 |
| | Credit Card Exit Terminal | 1 | \$ 15,548 | \$ 15,548 |
| | Proximity Card Reader | 1 | \$ 825 | \$ 825 |
| | EMV Reader | 1 | \$ 3,750 | \$ 3,750 |
| | Barrier Gate | 1 | \$ 2,641 | \$ 2,641 |
| | Vehicle Detection Device (Loop) | 2 | \$ 350 | \$ 700 |
| | Sub-Total, Right Exit Lane | | | \$ 29,008 |
| Parking Booth/Office | Administrative Systems & Equipment to include: | 1 | \$ 26,513 | \$ 26,513 |
| | Iparc Application & SQL Servers | 1 | | |
| | Amano Business Alerts | 1 | | |
| | Amano Revenue | 1 | | |
| | Amano Debit Access | 1 | | |
| | Amano Credit Card Suite | 1 | | |
| | Amano Count | 1 | | |
| | Subtotal, Administrative Systems Equipment | | | \$ 26,513 |
| Warranty and Maintenance | | | | |
| Annual Preventative Maintenance for first 2 years (Quarterly) | | | | \$ 6,000 |
| Year 2 Warranty | | | | \$ 8,000 |
| | Sub-Total, Warranty and Maintenance | | | \$ 14,000 |
| Installation, Implementation, and Training | Installation, Implementation, Freight, Misc, and Training to include: | 1 | \$ 28,105 | \$ 28,105 |
| | ATPC Installation, Training, and Implementation | 1 | | |
| | Misc Converters/Switches/Extenders/Spare Parts | 1 | | |
| | Freight | 1 | | |
| | Subtotal, Installation, Implementation, and Training | | | \$ 28,105 |
| System Total | | | | \$ 176,220 |

ATTACHMENT B

PAYMENT SCHEDULE

OPTION 1

Compensation is based on actual hours of work/time devoted to providing the described professional services and will be paid at a rate of \$_____ per hour not to exceed \$_____.

Contractor must submit monthly invoices to City accompanied by an explanation of charges, professional fees, and services. City will pay invoices according to its normal payment procedures.

OPTION 2

Payment is in a lump sum amount of \$176,220.00 (**50% deposit due after proof of bonding**) and balance upon completion of the work and written acceptance by City's Project Representative.

No mechanic, contractor, subcontractor, materialman or other person can or will contract for or in any other manner have or acquire any lien upon any building or work covered by the contract or the land upon which the same is situated.

Before final acceptance of this project by the City, the Contractor must execute and provide City with an Affidavit that all bills for labor, materials and incidentals incurred by subcontractors, materialmen, mechanics and suppliers under this agreement have been paid in full, and that there are no claims pending of which Contractor has been notified.

OPTION 3

Payment is a fixed fee amount of \$_____ payable per the schedule upon completion of the work and written acceptance by City's Project Representative.

No mechanic, contractor, subcontractor, materialman or other person can or will contract for or in any other manner have or acquire any lien upon any building or work covered by the contract or the land upon which the same is situated.

Before final acceptance of this project by the City, the Contractor shall execute and provide City with an Affidavit that all bills for labor, materials and incidentals incurred by subcontractors, materialmen, mechanics and suppliers under this agreement have been paid in full, and that there are no claims pending of which Contractor has been notified.

ATTACHMENT C

STATE MANDATED WORKERS' COMPENSATION INSURANCE LANGUAGE

THIS ATTACHMENT IS ONLY APPLICABLE IF WORKERS' COMPENSATION COVERAGE IS PROVIDED

a. **Definitions**

Certificate of coverage ("certificate") - a copy of a certificate of insurance, a certificate of authority to self-insure issued by the commission, or a coverage agreement (TWCC-81, TWCC-82, TWCC-83, or TWCC-84), showing statutory workers' compensation insurance coverage for the person's or entity's employees providing services on a project, for the duration of the project.

Duration of the project - includes the time from the beginning of the work on the project until the contractor's/person's work on the project has been completed and accepted by the City.

Persons providing services on the project ("subcontractors" in 406.096) - includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the contractor and regardless of whether that person has employees. This includes, without limitation, independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity which furnishes persons to provide services on the project. "Services" include, without limitations, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.

b. The Contractor shall provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all employees of the contractor providing services on the project, for the duration of the project.

c. The Contractor must provide a certificate of coverage to the City prior to being awarded the contract.

d. If the coverage period shown on the Contractor's current certificate of coverage ends during the duration of the project, the Contractor must, prior to the end of the coverage period, file a new certificate of coverage with the City showing that coverage has been extended.

e. Contractor shall obtain from each person providing services on a project and provide to City:

(1) a certificate of coverage, prior to that person beginning work on the project, so the City will have on file certificates of coverage showing coverage for all persons providing services on the project; and

(2) no later than seven (7) days after receipt by the Contractor, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project.

f. The Contractor shall retain all required certificates of coverage for the duration of the project and for one (1) year thereafter.

g. The Contractor shall notify the City in writing by certified mail or personal delivery, within ten (10) days after the Contractor knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project.

h. The Contractor shall post on each project site a notice, in the text, form and manner prescribed by the Texas Workers' Compensation Commission, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.

i. The Contractor shall contractually require each person with whom it contracts to provide services on a project to:

- (1) provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all of its employees providing services on the project, for the duration of the project;
 - (2) provide to the Contractor, prior to that person beginning work on the project, a certificate of coverage showing that coverage is being provided for all employees of the person providing service on the project, for the duration of the project;
 - (3) provide the Contractor, prior to the end of the coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project;
 - (4) obtain from each other person with whom it contracts, and provide to the Contractor:
 - (a) a certificate of coverage, prior to the other person beginning work on the project; and
 - (b) a new certificate of coverage showing extension of coverage, prior to the end of the coverage period, if the coverage period shown on the current certificate of coverage ends during the duration of the project;
 - (5) retain all required certificates of coverage on file for the duration of the project and for one (1) year thereafter;
 - (6) notify the City in writing by certified mail or personal delivery, within ten (10) days after the person knew or should have known, of any change that materially affects the provision of coverage of any person providing service on the project;
 - (7) contractually require each person with whom it contracts, to perform as required by paragraphs (1) - (7), with the certificates of coverage to be provided to the person for whom they are providing services.
- j. By signing this contract or providing or causing to be provided a certificate of coverage, the Contractor is representing to the City that all employees of the Contractor who will provide services on the project will be covered by workers' compensation coverage for the duration of the project, that the coverage will be based on proper reporting of classification codes and payroll amounts, and that all coverage agreements will be filed with the appropriate insurance carrier or, in the case of a self-insured, with the commission's Division of Self-Insurance Regulation. Providing false or misleading information may subject the Contractor to administrative penalties, criminal penalties, civil penalties, or other civil actions.
- k. The Contractor's failure to comply with any of these provisions is a breach of contract by the Contractor which entitles the City to declare the contract void if the Contractor does not remedy the breach within ten (10) days after receipt of notice of breach from the City.

(End of Document)

CONFLICT OF INTEREST QUESTIONNAIRE

FORM E-CIQ

For vendor or other person doing business with local governmental entity

This questionnaire is being filed in accordance with chapter 176 of the Local Government Code by a person doing business with the governmental entity.

By law this questionnaire must be filed with the records administrator of the local government not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

1. Name of person doing business with local governmental entity.

| | | |
|------------|----|-----------|
| First Name | MI | Last Name |
|------------|----|-----------|

2.

☐

Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than September 1 of the year for which an activity described in Section 176.006(a), Local Government Code, is pending and not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3. Describe each affiliation or business relationship with an employee or contractor of the local governmental entity who makes recommendations to a local government officer of the local governmental entity with respect to expenditure of money.

4. Describe each affiliation or business relationship with a person who is a local government officer and who appoints or employs a local government officer of the local governmental entity that is the subject of this questionnaire.

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with local governmental entity

FORM E-CIQ

Page 2

This section, item 5 including subparts A, B, C & D, must be completed for each officer with whom the filer has affiliation or business relationship.

5. Name of local government officer with whom filer has affiliation or business relationship. (Complete this section only if the answer to A, B, or C is YES.)

A. Is the local government officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?

☐

Yes

☐

No

B. Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the local government officer named in this section AND the taxable income is not from the local governmental entity?

☐

Yes

☐

No

C. Is the filer of this questionnaire affiliated with a corporation or other business entity that the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

☐

Yes

☐

No

D. Describe each affiliation or business relationship.

6. Describe any other affiliation or business relationship that might cause a conflict of interest.

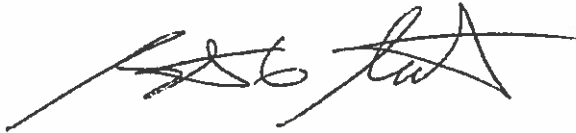
7. Signature

I, Gregory Menear, hereby swear or affirm that I completed the Form CIQ on 8/3/16.

I understand that by signing, I am submitting Form CIQ to the [CITY OF ABILENE] and hereby represent that the information provided by me is true and correct. A false statement or misrepresentation by me may result in disqualification to transact business with the [CITY OF ABILENE] in the future and may subject me to penalties under Chapter 176 of the Texas Local Government Code.

Email Address: _____

(optional)

A handwritten signature in black ink, appearing to read "Gregory Menear", written over a horizontal line.

REPLACE AIRPORT PARKING REVENUE CONTROL SYSTEM

October 27, 2016



- The revenue control system for the airport terminal parking lot was installed in 2008 during the parking lot reconstruction.
- However, the manufacturer of that system is no longer in business and replacement parts are becoming difficult to find as well as the technicians who did repairs that we can't repair in-house now work for other companies.
- The original system is not able to meet forthcoming requirements to read micro-chipped credit cards because the software and hardware for the system are no longer supported.
- Associated Time will replace the entrance and exit lane equipment, credit card readers, point of sale terminal, and software. This project also includes replacing the current data transfer line with a faster and encrypted line.





**City Council
Agenda Memo**

City Council Meeting Date: 10/27/2016

TO: Honorable Mayor and Members of the City Council

FROM: Robert Hanna, City Manager

SUBJECT: Resolution: On authorizing the City Manager to hire two additional code enforcement officers as funded in the FY 2017 budget.(Hanna)

GENERAL INFORMATION

During the September Council Workshop, the City Council directed the City Manager to begin enforcement of the City's current sign ordinance. In order to do this without negatively impacting current code enforcement operations, the City manager is requesting that Council reconsider authorizing the City Manager to expend funds appropriated in the FY 2017 budget. These two officers were originally part of the City Manager's proposed budget, but did not receive enough support during the budget hearings to move forward. Due to the nature of the CDBG funding for the two positions, Council authorized the budget to be adopted with the funding included in the adopted budget, and with the understanding that the City Manager would not expend those funds for that purpose. Approval of this item would authorize the manager to expend the appropriated funds.

SPECIAL CONSIDERATIONS

In addition to the authorization to expend the funds appropriated in the budget, the attached resolution also amends the personnel schedule by two full time positions. In the event Council chose to cease the allocation of CDBG funds for this purpose at a future date, the City Manager would reevaluate the two positions and recommend keeping the positions and funding them through the general fund, or eliminating the positions if workload allowed for it. In either case, Council would be required to authorize the continuance of the positions.

FUNDING/FISCAL IMPACT

The two code enforcement officer salaries are fully funded by Community Development Block Grant funds in the amount of \$119,120. As you know, CDBG expenditures must be for the benefit of low to moderate income neighborhoods. The attached map shows the boundary limitations where these two proposed officers will be able to work. The areas in blue are eligible neighborhoods.

STAFF RECOMMENDATION

Staff recommends authorizing the City Manager to hire two additional code enforcement officers and to use CDBG funds to pay for the associated salary and benefits for these two officers.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

| Description | Type |
|--------------------|-------------------|
| ▣ Resolution | Resolution Letter |
| ▣ Service Area Map | Exhibit |
| ▣ Presentation | Cover Memo |

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXPEND THE AUTHORIZED FUNDS IN
THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FOR TWO (2) CODE
ENFORCEMENT OFFICERS**

WHEREAS, the City of Abilene receives CDBG funding to be utilized in the low to moderate income areas of Abilene; and

WHEREAS, the CDBG budget includes the two (2) additional code enforcement officers; and

WHEREAS, the funding for the code enforcement officers is \$119,120; and

WHEREAS, the Personnel Schedule will be increased by two (2) additional employees;

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

PART 1. That the City Manager is hereby authorized to expend CDBG funds in the amount of \$119,120 for the additional code enforcement officers.

PART 2. That this Resolution shall take effect upon passage.

PASSED this ____ day of _____, 2016.

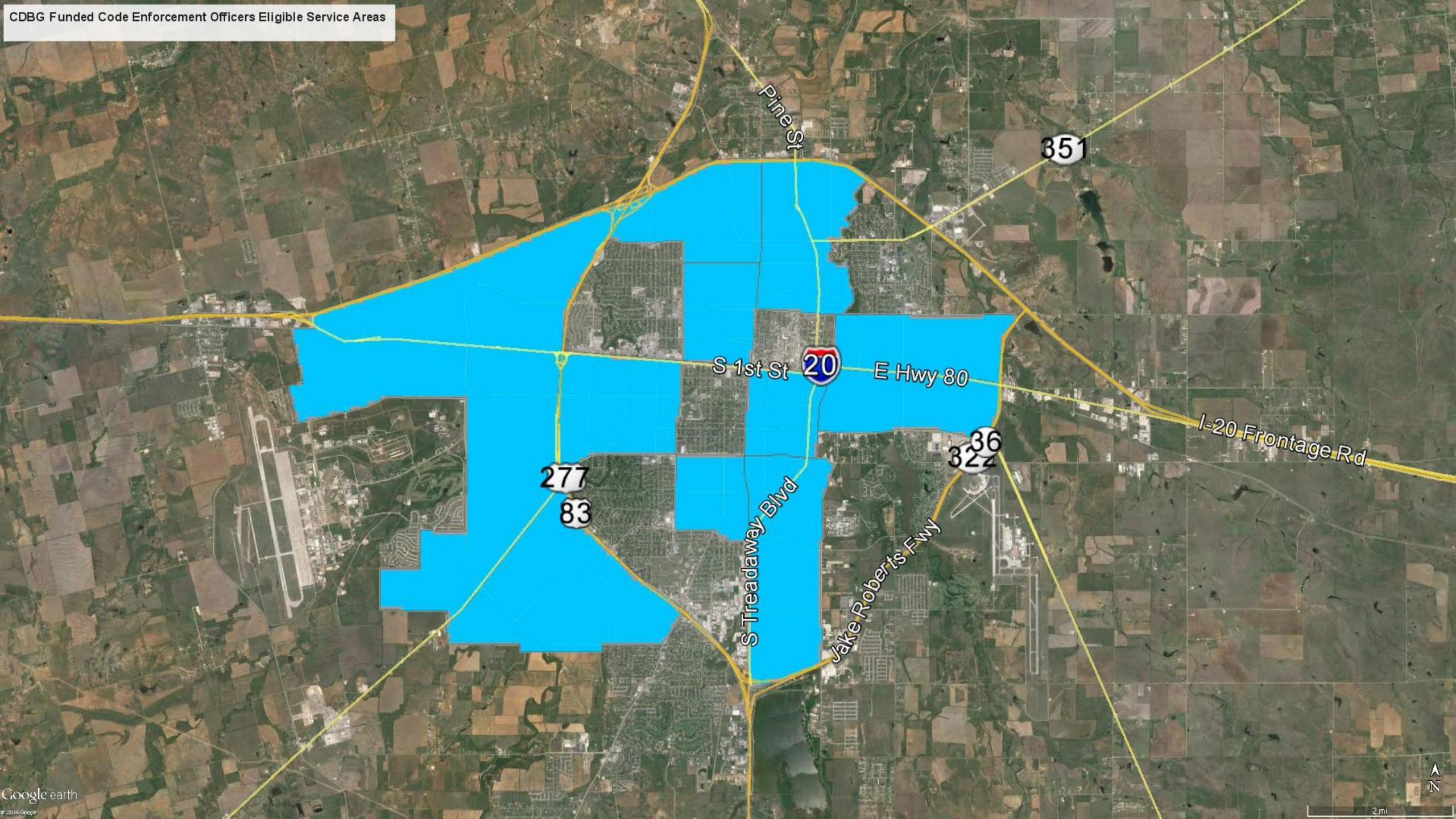
ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY



Authorize two code enforcement officers

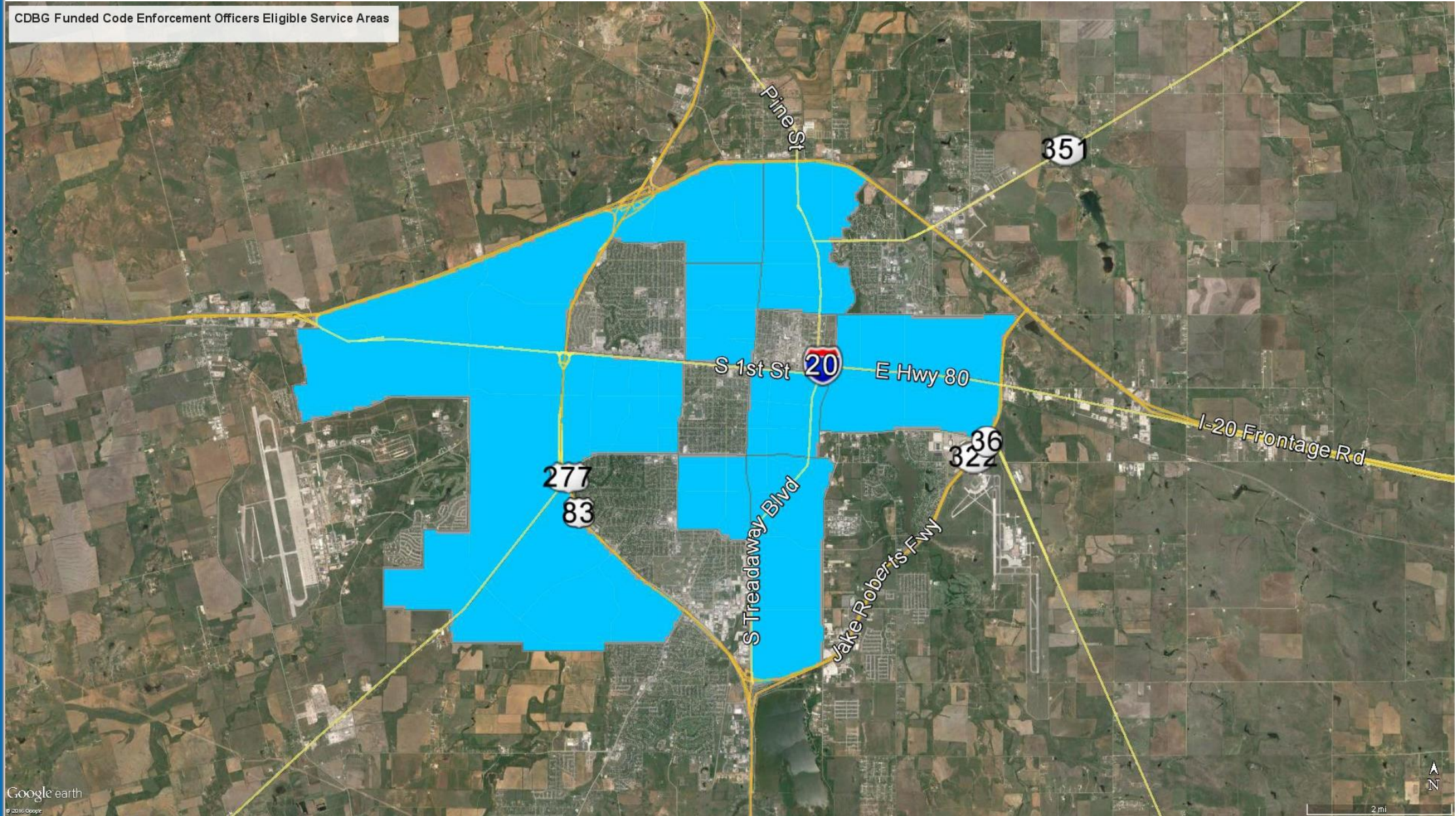
October 27, 2016



- Two code enforcement officers were originally part of the City Manager's proposed budget, but did not receive enough support during the budget hearings to move forward.
- Due to the nature of the CDBG funding for the two positions, Council authorized the budget to be adopted with the funding included in the adopted budget, and with the understanding that the City Manager would not expend those funds for that purpose.
- The two code enforcement officer salaries are fully funded by Community Development Block Grant funds in the amount of \$119,120.
- Staff recommends authorizing the City Manager to hire two additional code enforcement officers and to use CDBG funds to pay for the associated salary and benefits for these two officers.



CDBG Funded Code Enforcement Officers Eligible Service Areas





**City Council
Agenda Memo**

City Council Meeting Date: 10/27/2016

TO: Mayor & City Council

FROM: Danette Dunlap, City Secretary

SUBJECT: **Resolution:** Appointing members to various boards and commissions per the City Charter. *(Dunlap)*
• *Abilene Economic Development Company, Inc.*

GENERAL INFORMATION

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

| Description | Type |
|--------------|-------------------|
| □ Resolution | Resolution Letter |

RESOLUTION NO. _____-2016

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

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

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

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

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

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

PASSED this 27th day of October, A.D. 2016.

ATTEST:

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor

APPROVED:

Stanley Smith
City Attorney