CITY OF ABILENE

City of Abilene
City Council Agenda

Shane Price, Council Member Bruce Kreitler, Council Member Kyle McAlister, Council Member Robert Hanna, City Manager	Norm Archibald, Mayor	Anthony Williams, Mayor Pro-tem Jay Hardaway, Council Member Steve Savage, Council Member Stanley Smith, 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, January 12, 2017 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 Jay Hardaway

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

4. PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

1. **Employee Service Awards**
   Charles "Toby" Dyer Mechanical/Plumbing Inspector 20 Years
2. **Proclamations**
   National Mentoring Month 2017
   West Texas Rehab

5. MINUTES

1. Approval of the Minutes from the December 15th 2016 Regular Meeting.

6. CONSENT AGENDA

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

1. **Resolution**: Award of Bid **#CB-1706** - Purchase of 3/4 Ton Trucks**.** ***(Don Green)***
2. **Resolution**: Award of Bid **#CB-1714 -** Ambler Avenue Rehabilitation Project

(Michael Rice)

3. **Resolution:** Award of Bid **#CB-1718** - Texas Ave. Overlay Project. ***(Michael Rice)***
4. **Resolution:** Award Bid for Repair of Solid Waste Horizontal Grinder. ***(Michael Rice)***
5. **Ordinance:** *(First Reading)* Amending the Fire Code Pamphlet, which amends The International Fire Code, 2009 Edition, adopted by City of Abilene Ordinance, Section 10-47; and setting a public hearing for January 26, 2017 ***(Larry Bell)***

7. REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

1. **Ordinance & Public Hearing:** (*Final Reading)* **Z-2016-42.** A request from International Medical Christian Ministries Inc., agent Richard Humphries, to rezone property from AO (Agricultural Open-Space) and PD-37 (Planned Development) to GR (General Retail) and NR (Neighborhood Retail), located in the 7300-7400 Blocks (east side) of Buffalo Gap Rd. **(*Dana Schoening*)**
2. **Ordinance & Public Hearing: (***Final Reading***) Z-2016-46** A request from Griffith Lake Estates, LLC, agent Tal Fillingim to rezone property from AO (Agricultural Open Space) to PH (Patio Home) zoning, located 1701 Griffith Road. ***(Dana Schoening)***
3. **Resolution: REMOVE FROM THE TABLE**: Authorizing The Official Name Change of the Civic Center of Abilene, Texas to Abilene Convention Center. ***(Mindy Patterson)***

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) TML-IRP Roofs
B) Discuss water rights

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. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
12. Cause No. 49612-A; Pablo Flores and Edwina Flores v. City of Abilene, Texas, In the 42nd Judicial District Court, Taylor County, Texas, filed December 12, 2016

2. 551.072 (Deliberations about Real Property)

A) Regional Water Supply

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

5. 551.087 (Business Prospect/Economic Development)

A) Hotel Proposals
B) Consider 380 Agreement for Public Utilities

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)***
    - *9-1-1 Emergency Communications District Board*
    - *Abilene Health Facilities Development Corp.*
    - *Abilene Housing Authority*
    - *Abilene Taylor County Events Venue District*
    - *Abilene Taylor County Child Advocacy Board*
    - *Abilene Taylor County Public Health Board*
    - *Airport Development Board*
    - *Animal Services*
    - *Board of Adjustment*
    - *Board of Building Standards*
    - *CityLink ADA Advisory Board*
    - *Civil Service*
    - *Development Corporation of Abilene (DCOA)*
    - *Friends of Safety City Board*
    - *Frontier Texas Board*
    - *Keep Abilene Beautiful*
    - *Landmarks Commission*
    - *Library Board*
    - *Office of Neighborhood Services Advisory Council*
    - *Planning and Zoning Commission*
    - *Tax Increment Reinvestment Zone (TIRZ)*

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 ___6___ day of January, 2017, at _____.

_____

Danette Dunlap, City Secretary

City Council
Agenda Memo

City Council Meeting Date: 1/12/2017

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: Award of Bid #CB-1706 - Purchase of 3/4 Ton Trucks. *(Don Green)***

GENERAL INFORMATION

The city conducted a bid (CB-1706) for the purchase of nine 3/4 Ton trucks of various configuration and for various City departments. After review by Solid Waste and Airport staffs, two vehicles, Units 4011 and 4099 will not be replaced this year. Therefore, only seven of the nine purchases will be made through this bid award. With one vehicle reduction (4099) coming from the Lawrence Hall Chevrolet bid for two vehicles classified in Item 4 of CB-1706, the purchase price is reduced to $31,563.20 and therefore, doesn't need Council action.

Arrow Ford was the low bidder for vehicles classified in Items 1, 2, 3 and 5 of CB-1706 and the recommended bid award is $160,710.00, which does require Council approval.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The purchases of $160,710.00 and $31,563.20 total to $192,273.20 and was budgeted in FY17.

STAFF RECOMMENDATION

Staff recommends award of $160,710.00 to the low bidder, Arrow Ford.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
CB-1706 Resolution	Backup Material
CB1706 Bid Tab	Backup Material
CB-1706 Additional Information	Backup Material

- CB-1706 Recommendation — Backup Material
- CB-1706 Presentation — Backup Material

RESOLUTION NO _____

A RESOLUTION OF THE CITY OF ABILENE, TEXAS

AWARDING ITEMS 1, 2, 3 and 5 OF BID

CB-1706 TO ARROW FORD FOR SEVEN 3/4-TON TRUCKS

WHEREAS, the City of Abilene conducted a request for bids for nine 3/4-ton trucks through CB-1706; and

WHEREAS, three bids were received; and

WHEREAS, seven of the trucks are determined needed at this time;

WHEREAS, one vehicle was removed under Item 1; and

WHEREAS, one vehicle was removed from Item 4 of the bid causing that item's purchase price to fall below the Council approval level; and

WHEREAS, Arrow Ford was the low bidder for Items 1, 2, 3 and 5

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

PART 1: That the City Council approves this award in the amount of $160,710.00 to Arrow Ford for Items 1, 2, 3 and 5.

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

ADOPTED this 12th Day of January, 2017

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norm Archibald, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS

DEPARTMENT: FLEET MANAGEMENT
BID NO.: CB-1706
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: NOVEMBER 16, 2016

				ARROW FORD ABILENE, TX		CALDWELL CONTRY CHEVROLET CALDWELL, TX		LAWRENCE HALL ABILENE, TX							
ITEM	**DESCRIPTION**	**QTY**	**UNIT**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**
1.	¾ TON PICKUP TRUCK- REGULAR CAB – 2WD	2	EA		*46,062.00		49,650.00		51,180.00						
2.	¾ TON PICKUP TRUCK - REGULAR CAB – 4WD	1	EA		*25,500.00		26,975.00		27,800.00						
3.	¾ TON PICKUP TRUCK - 4 DOOR 2WD	2	EA		*52,784.00		56,230.00		57,760.00						
4.	¾ TON PICKUP TRUCK – 4 DOOR 4WD	1	EA		N/B		31,105.00		**31,563.20						
5.	¾ TON PICKUP TRUCK – 4 DOOR 4WD DIESEL	1	EA		*36,364.00		38,295.00		38,950.00						
BASE BID															
DISCOUNT															
TOTAL BID															

NOTES: *INDICATES RECOMMENDED AWARD / **INDICATES RECOMMENDED AWARD WITH 5% LOCAL PREFERENCE

ADDITIONAL INFORMATION FOR COUNCIL MEETING ITEM
3/4 TON PICKUP TRUCKS

Unit #	Assignment	Year	Make	Model	Mileage	Hours	Lifetime Maintenance $	PM Maintenance $	Tire Maintenance $	Disposal Method	Replcement Reasoning
4011	Solid Waste	09	Dodge	2500	121,534	9,275	$10,922.77	$4,020.42	$1,521.22	Auction	Will meet mileage criteria by the time the replacement is delivered and in-service. Interior very worn.
3314	Parks	03	Chevrolet	2500	107,733	7,615	$11,245.39	$4,617.08	$1,205.04	Auction	Meets age criteria. Will meet mileage criteria by the time the replacement is delivered and in-service. Interior worn, transmission slips.
3408	Parks	04	Chevrolet	1500	104,302	7,564	$9,169.92	$5,345.43	$1,272.50	Auction	Meets age criteria. Will meet mileage criteria by the time the replacement is delivered and in-service. Vehicle has been in several incidents, appearance is poor. Heater and A/C malfunction frequently, needs upholstery work and has hail damage.
4078	Water Production	10	Ford	F250	128,597	--	$8,625.41	$4,403.57	$3,966.26	Auction	Will meet mileage criteria by the time the replacement is delivered and in-service. Rough riding, engine is sluggish, has hail damage.
2849	Solid Waste	98	Ford	Econoline	98,029	--	$17,521.83	$5,266.49	$2,483.22	Auction	Meets age criteria. Coolant and oil leaks, heater and A/C does not work, rear doors stick, front end has a shake.
3164	Parks	02	Chevrolet	1500	103,614	793	$15,455.85	$6,439.29	$1,929.22	Auction	Meets age criteria. Will meet mileage criteria by the time the replacement is delivered and in-service.
3058	Police Patrol	01	Chevrolet	Suburban	98,338	3,492	$16,548.84	$3,911.94	$1,681.45	Auction	Meets age criteria. Will meet mileage criteria by the time the replacement is delivered and in-service. Engine noises.
4099	Aviation	10	Ford	Explorer	113,974	--	$12,757.32	$2,435.63	$4,096.10	Auction	Will meet mileage criteria by the time the replacement is delivered and in-service.
4088	Water Distribution	10	Ford	F250	96,860	6,621	$14,741.53	$4,453.36	$5,274.63	Auction	Will meet mileage criteria by the time the replacement is delivered and in-service. A/C does not work properly, seats are worn.

Units 4011 and 4099 will have replacement deferred for consideration in FY18.

CITY OF ABILENE

We work together to build a community of the highest quality for present and future generations.

M E M O R A N D U M

DATE: **November 18, 2016**

TO: **Melissa Denson, Purchasing Administrator**

FROM: **Cheri Carter, CAFM**

SUBJECT: **CB-1706 Three Quarter Ton Pickup Trucks REVISED**

The bid review for the above referenced item has been performed by Fleet Management. It is Fleet's recommendation to award as follows:

To Arrow Ford:

Item 1:	
Two regular cab 2WD pickups @ $23,031 each	$ 46,062.00
No options to be purchased	$ 0.00
Subtotal	$ 46,062.00
Item 2:	
One regular cab 4WD pickup @ $25,284 each	$ 25,284.00
Cruise control	$ 216.00
Subtotal	$ 25,500.00
Item 3:	
Two 4-Door 2WD pickups @ $26,392 each	$ 52,784.00
No options to be purchased	$ 0.00
Subtotal	$ 52,784.00
Item 5:	
One 4-Door 4WD diesel pickup @ $36,364 each	$ 36,364.00
No options to be purchased	$ 0.00
Subtotal	$ 36,364.00
Total purchase to Arrow Ford	$160,710.00

To Lawrence Hall Chevrolet:

Item 4:	
One 4-Door 4WD pickups @ $31,000.00 each	$ 31,000.00
Power adjustable mirrors @ $563.20 each	$ 563.20
Subtotal	$ 31,563.20
Total purchase to Lawrence Hall	$ 31,563.20

Arrow Ford was the out-right low bidder but no-bid Item 4. Lawrence Hall Chevrolet was within the 5% local preference amount for Item 4.

Please let me know if you have questions or concerns.

¾ TON TRUCKS PURCHASE (CB-1706)

January 12th, 2017

CITY OF ABILENE TEXAS

Unit #	Assignment	Year	Make	Model	Mileage	Hours	Lifetime Maintenance $	PM Maintenance $	Tire Maintenance $	Disposal Method	Replcement Reasoning
4011	Solid Waste	09	Dodge	2500	121,534	9,275	$10,922.77	$4,020.42	$1,521.22	Auction	Will meet mileage criteria by the time the replacement is delivered and in-service. Interior very worn.
3314	Parks	03	Chevrolet	2500	107,733	7,615	$11,245.39	$4,617.08	$1,205.04	Auction	Meets age criteria. Will meet mileage criteria by the time the replacement is delivered and in-service. Interior worn, transmission slips.
3408	Parks	04	Chevrolet	1500	104,302	7,564	$9,169.92	$5,345.43	$1,272.50	Auction	Meets age criteria. Will meet mileage criteria by the time the replacement is delivered and in-service. Vehicle has been in several incidents, appearance is poor. Heater and A/C malfunction frequently, needs upholstery work and has hail damage.
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Units 4011 and 4099 will have replacement deferred for consideration in FY18.

- The city conducted a bid (CB-1706) for the purchase of nine 3/4 Ton trucks of various configuration and for various City departments
- After further review by Solid Waste and Airport staff, Vehicles 4011 and 4099 will not be replaced this year. Therefore, only seven of the nine purchases will be made through this bid award
- With the one vehicle (4099) reduction coming from the Lawrence Hall Chevrolet bid for two vehicles classified in Item 4 of CB-1706, the purchase price is reduced to $31,563.20 and therefore, doesn't need Council action
- Arrow Ford was the low bidder for vehicles classified in Items 1, 2, 3 and 5 of CB-1706 and the recommended bid award is $160,710.00

City Council
Agenda Memo

City Council Meeting Date: 1/12/2017

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: Award of Bid #CB-1714 - Ambler Avenue Rehabilitation Project *(Michael Rice)***

GENERAL INFORMATION

This Project was advertised as a Public Notice on December 4th & 11th of 2016 with a bid opening dated December 20th 2016. This contract involves the mill and overlay of Ambler Ave. from N. Danville Dr. to Treadaway Blvd. Also included in this contract is a one course surface treatment to act as an underseal, areas of full depth repair for failed areas, concrete pavement sections, placement of new conduit for later traffic signal upgrades, and placement of bike route signage.

The Ambler Ave. project is one of the street projects scheduled for this year as part of Proposition 1 of the voter approved 2015 Bond Program.

Ambler Ave. is located on the approved Bicycle Plan for the City of Abilene.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Funding for this project is allocated through General Obligation funds.

STAFF RECOMMENDATION

Staff recommends bid award to J.H. Stain & Sons, Inc., of Tye Texas in the amount of $1,768,459.35.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution Letter	Resolution Letter
Bid Tab	Backup Material

Project Location Map	Exhibit
Contract	Backup Material
Presentation Slides	Presentation

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID TO J.H. STRAIN & SONS, INC., TYE, TEXAS

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for the rehabilitation of Ambler Ave. from N. Danville Dr. to Treadaway Blvd.; and

WHEREAS, the project involves the mill and overlay of Ambler Ave. from N. Danville Dr. to Treadaway Blvd. The contract will also include sections of concrete pavement throughout the project, bike route signage, and conduit for traffic signal modifications: and

WHEREAS, the following bids were received and opened on the December 20, 2016:

J.H. Strain & Sons, Inc., Tye, Texas	$1,768,459.35
Nobles Road Construction Inc., Abilene, Texas	$1,771,960.28
Bontke Brothers, Abilene, Texas	$2,015,726.00
Contract Paving, Tye, Texas	$2,493,033.78

WHEREAS, J.H. Strain & Sons, Inc., Tye, Texas submitted the low bid in the amount of $1,768,459.35 with the bid meeting specifications. Staff recommends awarding the bid to the low bidder, J.H. Strain & Sons, Inc., Tye, Texas.

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

PART 1: That the City Council approves this bid in the amount of $1,768,459.35.

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

ADOPTED this 12th day of January, 2017.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norm Archibald, Mayor

APPROVED:

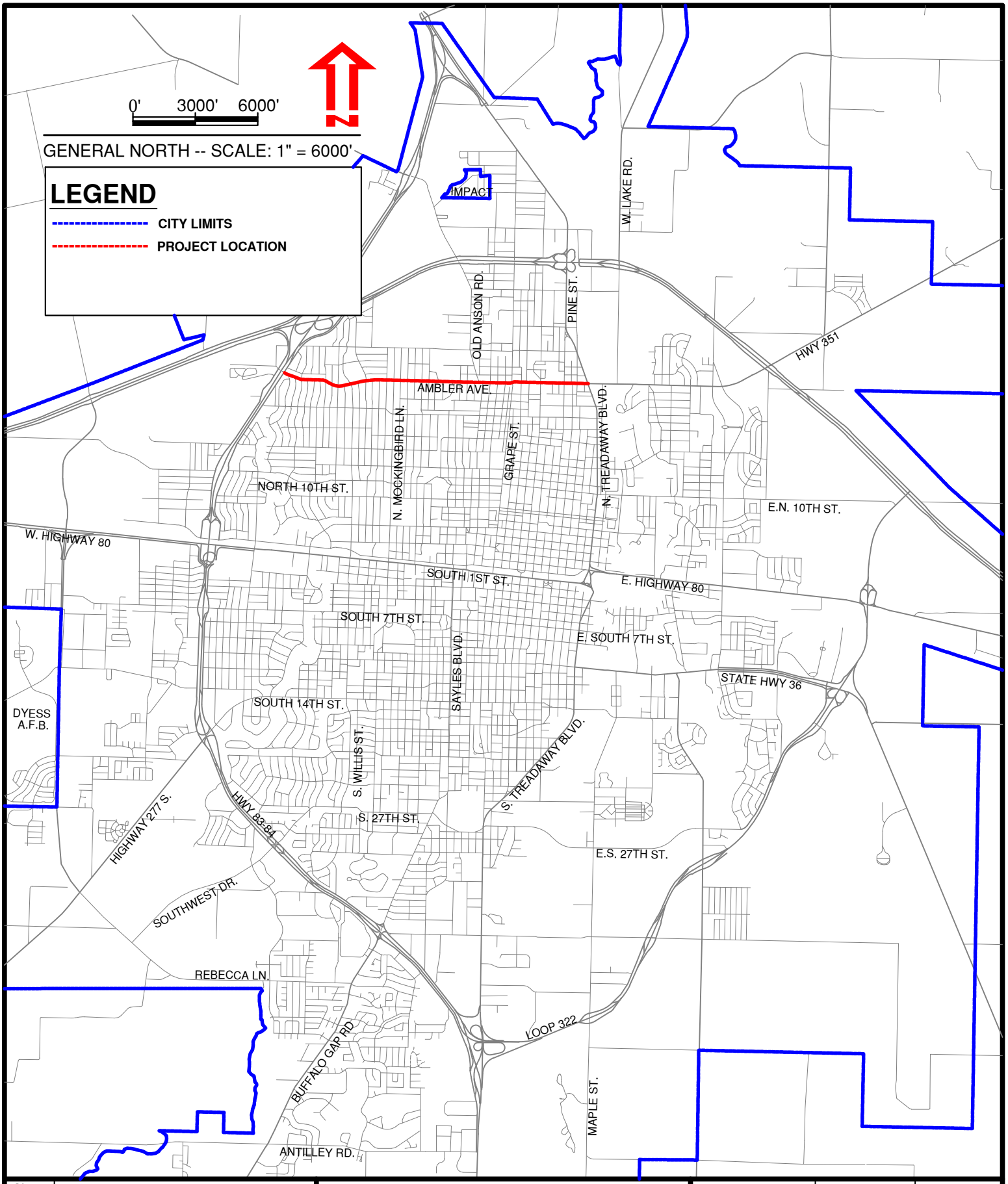
_____
Stanley Smith, City Attorney

CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS

DEPARTMENT: ENGINEERING
BID NO.: CB-1714
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: DECEMBER 20, 2016

				J.H. STRAIN & SONS, INC. TYE, TX		NOBLES ROAD CONSTRUCTION, INC. ABILENE, TX		BONTKE BROTHERS CONSTRUCTION CO., INC. ABILENE, TX		CONTRACT PAVING CO. TYE, TX					
ITEM	**DESCRIPTION**	**QTY**	**UNIT**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**	**UNIT PRICE**	**EXTENSION**
1.	AMBLER AVE. REHABILITATION PROJECT				*1,768,459.35		1,771,960.28		2,015,726.00		2,493,033.78				
BASE BID					*1,768,459.35		1,771,960.28		2,015,726.00		2,493,033.78				
DISCOUNT															
TOTAL BID					*1,768,459.35		1,771,960.28		2,015,726.00		2,493,033.78				

*NOTES: INDICATES RECOMMENDED AWARD



Sheet 1 Of 1	CITY OF ABILENE, TEXAS PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION	**AMBLER AVE. REHABILITATION PROJECT**	

Designed By: M. RICE	Horizontal Scale: 1"=6000'	Computer File Name: AMBLER AVE. REHABILITATION
Drawn By: M. MILLER	Vertical Scale: N.T.S.	
Checked By: M. RICE	Folder: MISC. PROJECTS	Date: DEC. 2016

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made **January 12, 2017** is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and **J.H. Strain & Sons, Inc.** of the City of **Tye**, State of Texas. ("Contractor").

The City recognizes a need for high quality construction work; the Contractor agrees to complete the project in return for payment.

THE AGREEMENT

1. **Work and Consideration.**

The Contractor hereby agrees to commence and complete the construction of Work described as

AMBLER AVE. REHABILITATION PROJECT

The Contractor must provide all Work required in the Contract Documents -- incorporated herein by reference -- labeled:

AMBLER AVE. REHABILITATION PROJECT

All work to be performed will be completed in conformance with (1) Part I and II of the City of Abilene's Standard Specifications for Construction adopted September, 2006 with the attached amendments in these Contract Documents, and (2) the Plans attached to these Contract Documents. City of Abilene specifications control over Texas Department of Transportation specifications in the event of a conflict.

In consideration of this Work, the City will pay the Contractor the sum of **$1,768,459.35 (One million seven hundred sixty-eight thousand four hundred fifty-nine dollars and thirty-five cents)**.

2. **Timely Work**. The Contractor must begin and fully complete Work in the days stated in the Notice to Proceed. The time allows for normal delays associated with weather conditions, crew coordination, etc. Time is of the essence, and liquidated damages as set forth in the General Conditions (Paragraph 16) apply for late Work.

3. **Payment**. If Performance and Payment Bonds are required, the City will pay Contractor according to the General Conditions (Paragraph 20). If Performance and Payment Bonds are not required, the City will pay Contractor according to the Instructions to Bidders.

4. **No liens**. No mechanic, contractor, subcontractor, supplier, or other person can or will contract for, or in any other manner have or acquire any lien upon the work of this Contract, or the land upon which it is situated. The laws of the State of Texas govern this Contract.

5. **Venue**. Venue for any legal proceeding is Taylor County, Texas.

6. **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.

7. **Insurance.** The Special Conditions found the City of Abilene's Standard Specifications for Construction adopted September, 2006, Part I, Division I, Item 3, contain the insurance requirements of this Contract.

8. **Overcharges.** The Contractor assigns to City any claims for overcharges related to this Contract which arise under antitrust laws of the United States, 15 U.S.C.A. Sec. 1 et seq, as amended.

9. **Contract Interpretation.** Any dispute about the Contract's meaning or application will be interpreted fairly and reasonably, and neither more strongly for or against either party.

10. **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 or interest. Contractor is responsible for ensuring that no indebtedness exists.

Section 130 of the City Charter authorizes the City to counterclaim and offset 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 or interest.

11. **Contract Execution.** The Contractor must sign the Contract first, with any necessary attestation and seal. The City Attorney or designee must review the Contract, and approve or disapprove it. If approved, the City's authorized agent will then sign. The City Secretary must keep a signed original in the City Secretary's Office.

12. **Contract Copies.** Each of the two executed copies is an original.

IN WITNESS HERE OF, the parties hereto have executed this contract:

CONTRACTOR

Name of Contractor:

J.H. STRAIN & SONS, INC.

Business Address:

PO BOX 277

TYE, TX 79563

Signature

KENT STRAIN
Name - Typed or Printed

VICE PRESIDENT
Title - Typed or Printed

325 692-0067
Business Phone No.

75-1038129
Federal Tax I.D.#

ATTEST: (If Corporation)

Ernest Strain
Corporate Secretary's Signature

Corporate Seal
(if none, write "None")

CITY OF ABILENE

Authorized Signature

APPROVED:

City Attorney

Risk Manager

ATTEST:

City Secretary

Seal:

Agenda Item:

Ambler Ave. Rehabilitation Project

Resolution: Bid Award **#CB-1714** Ambler Ave. Rehabilitation Project.
(Rice)

CITY OF ABILENE TEXAS

Ambler Ave. Rehabilitation Project

- Construction Contract for the rehabilitation of Ambler Ave. from N. Danville Dr. to Treadaway Blvd.
- Project Advertised December 4th & December 11th, Bids Opened December 20th.
- Four bids were received.
- Staff recommends award of contract to J.H. Stain & Sons Inc., in the amount of $1,768,459.35.

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 1/12/2017

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: Award of Bid #CB-1718 - Texas Ave. Overlay Project.** ***(Michael Rice)***

GENERAL INFORMATION

This Project was advertised as a Public Notice on December 11th & 18th of 2016 with a bid opening dated January 3rd 2017. This contract involves the mill and overlay of Texas Ave. from Dub Wright Blvd. to US HWY 277. Also included in this contract is a one course surface treatment to act as an underseal, areas of full depth repair for failed areas, curb ramps where required, bike lane signage, and bike lane pavement markings.

The Texas Ave. project is one of the street projects scheduled for this year as part of Proposition 1 of the voter approved 2015 Bond Program.

Texas Ave. is located on the approved Bicycle Plan for the City of Abilene.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Funding for this project is allocated through General Obligation funds.

STAFF RECOMMENDATION

Staff recommends bid award to J.H. Strain & Sons, Inc., of Tye Texas in the amount of $689,712.13.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution Letter	Resolution Letter
Project Location Map	Exhibit
Bid Tab	Backup Material

- Contract — Backup Material
- Presentation Slides — Presentation

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID TO J.H. STRAIN & SONS, INC., TYE, TEXAS

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for the overlay of Texas Ave. from Dub Wright Blvd. to US HWY 277; and

WHEREAS, the project involves the mill and overlay of Texas Ave. from Dub Wright Blvd. to US HWY 277. The contract will also include sections of sidewalk, ramps, bike lane signage & markings, and traffic signal improvement: and

WHEREAS, the following bids were received and opened on the January 3, 2017:

J.H. Strain & Sons, Inc., Tye, Texas	$689,712.13
Bontke Brothers Co., Inc., Abilene, Texas	$693,667.50
Nobles Road Construction Inc., Abilene, Texas	$709,103.70
Contract Paving, Tye, Texas	$820,659.00
Alamo City Constructors, Inc., San Antonio, Texas	$886,911.25

WHEREAS, J.H. Strain & Sons, Inc., Tye, Texas submitted the low bid in the amount of $689,712.13 with the bid meeting specifications. Staff recommends awarding the bid to the low bidder, J.H. Strain & Sons, Inc., Tye, Texas.

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

PART 1: That the City Council approves this bid in the amount of $689,712.13.

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

ADOPTED this 12th day of January, 2017.

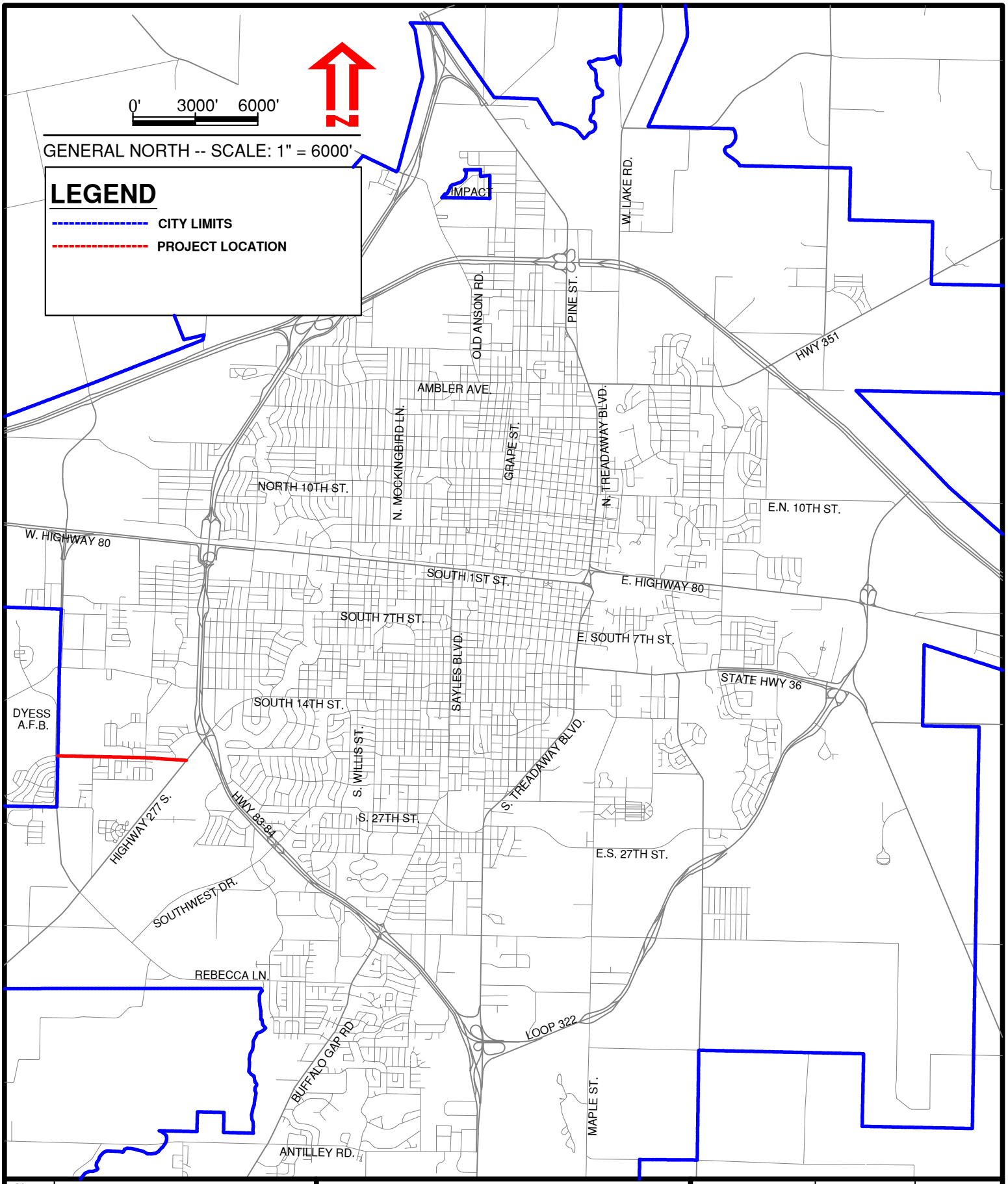
ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norm Archibald, Mayor

APPROVED:

_____
Stanley Smith, City Attorney



Sheet 1 Of 1	CITY OF ABILENE, TEXAS PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION	**TEXAS AVE. OVERLAY PROJECT**	Designed By: M. RICE Drawn By: M. MILLER Checked By: M. RICE Horizontal Scale: 1"=6000' Vertical Scale: N.T.S. Folder: MISC. PROJECTS Computer File Name: TEXAS AVE. OVERLAY Date: JAN. 2016

CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS

DEPARTMENT: ENGINEERING
BID NO.: CB-1718
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: JANUARY 3, 2017

ITEM	DESCRIPTION	QTY	UNIT	J.H. STRAIN & SONS, INC. TYE, TX		BONTKE BROTHERS CONSTRUCTION CO., INC. ABILENE, TX		NOBLES ROAD CONSTRUCTION INC. ABILENE, TX		CONTRACT PAVING CO. TYE, TX		ALAMO CITY CONSTRUCTORS, INC. SAN ANTONIO, TX			
				UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	TEXAS AVENUE OVERLAY PROJECT				*689,712.13		693,667.50		709,103.70		820,659.00		886,911.25		
BASE BID					*689,712.13		693,667.50		709,103.70		820,659.00		886,911.25		
DISCOUNT															
TOTAL BID					*689,712.13		693,667.50		709,103.70		820,659.00		886,911.25		

*NOTES: INDICATES RECOMMENDED AWARD

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made **January 12, 2017** is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and **J.H. Strain & Sons, Inc.** of the City of **Tye**, State of Texas. ("Contractor").

The City recognizes a need for high quality construction work; the Contractor agrees to complete the project in return for payment.

THE AGREEMENT

1. **Work and Consideration.**

The Contractor hereby agrees to commence and complete the construction of Work described as

TEXAS AVE. OVERLAY PROJECT

The Contractor must provide all Work required in the Contract Documents -- incorporated herein by reference -- labeled:

TEXAS AVE. OVERLAY PROJECT

All work to be performed will be completed in conformance with (1) Part I and II of the City of Abilene's Standard Specifications for Construction adopted September, 2006 with the attached amendments in these Contract Documents, and (2) the Plans attached to these Contract Documents. City of Abilene specifications control over Texas Department of Transportation specifications in the event of a conflict.

In consideration of this Work, the City will pay the Contractor the sum of **$689,712.13 (Six hundred eighty-nine thousand seven hundred twelve dollars and thirteen cents).**

2. **Timely Work**. The Contractor must begin and fully complete Work in the days stated in the Notice to Proceed. The time allows for normal delays associated with weather conditions, crew coordination, etc. Time is of the essence, and liquidated damages as set forth in the General Conditions (Paragraph 16) apply for late Work.

3. **Payment**. If Performance and Payment Bonds are required, the City will pay Contractor according to the General Conditions (Paragraph 20). If Performance and Payment Bonds are not required, the City will pay Contractor according to the Instructions to Bidders.

4. **No liens**. No mechanic, contractor, subcontractor, supplier, or other person can or will contract for, or in any other manner have or acquire any lien upon the work of this Contract, or the land upon which it is situated. The laws of the State of Texas govern this Contract.

5. **Venue**. Venue for any legal proceeding is Taylor County, Texas.

6. **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.

7. **Insurance.** The Special Conditions found the City of Abilene's Standard Specifications for Construction adopted September, 2006, Part I, Division I, Item 3, contain the insurance requirements of this Contract.

8. **Overcharges.** The Contractor assigns to City any claims for overcharges related to this Contract which arise under antitrust laws of the United States, 15 U.S.C.A. Sec. 1 et seq, as amended.

9. **Contract Interpretation.** Any dispute about the Contract's meaning or application will be interpreted fairly and reasonably, and neither more strongly for or against either party.

10. **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 or interest. Contractor is responsible for ensuring that no indebtedness exists.

Section 130 of the City Charter authorizes the City to counterclaim and offset 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 or interest.

11. **Contract Execution.** The Contractor must sign the Contract first, with any necessary attestation and seal. The City Attorney or designee must review the Contract, and approve or disapprove it. If approved, the City's authorized agent will then sign. The City Secretary must keep a signed original in the City Secretary's Office.

12. **Contract Copies.** Each of the two executed copies is an original.

IN WITNESS HERE OF, the parties hereto have executed this contract:

CONTRACTOR

Name of Contractor:
J.H. STRAIN & SONS, INC.

Business Address:
PO BOX 277
TYE, TX 79563

Signature

KENT STRAIN
Name - Typed or Printed

VICE PRESIDENT
Title - Typed or Printed

325 692-0067
Business Phone No.

75-1038129
Federal Tax I.D.#

ATTEST: (If Corporation)
Ernest Strain
Corporate Secretary's Signature

Corporate Seal
(if none, write "None")

CITY OF ABILENE

Authorized Signature

APPROVED:

City Attorney

Risk Manager

ATTEST:

City Secretary

Seal:

Texas Ave. Overlay Project

Resolution: Bid Award **#CB-1718** Texas Ave. Overlay Project.
(Rice)

CITY OF ABILENE TEXAS

Texas Ave. Overlay Project

- Construction Contract for the Overlay of Texas Ave. from Dub Wright Blvd. to US HWY 277.
- Project Advertised December 11th & December 18th, Bids Opened January 3rd.
- Five bids were received.
- Staff recommends award of contract to J.H. Stain & Sons Inc., in the amount of $689,712.13.

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 1/12/2017

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: Award Bid for Repair of Solid Waste Horizontal Grinder.** ***(Michael Rice)***

GENERAL INFORMATION

The City of Abilene's Morbark Horizontal Grinder cost $351,540 in 2009. The City of Abilene received a $75,000 reduction in the purchase price with the trade in of the previously owned machine, resulting in a net price of $281,813.10. This machine was recently evaluated by Doggett Heavy Machinery Services, Houston Texas. They specialize in repair of this type of equipment and they have concluded the machine is capable of providing a number of additional years of service provided these repairs are made.

The Solid Waste Services Division's vegetation waste grinder is currently inoperative due to failure of several critical parts that require replacement. The hydraulic PTO clutch, two associated pumps, a torsional coupling, and two elements must be replaced. Additionally, a transmitter for the remote operator's device needs to be replaced. The quote for these repairs is $52,468.24. The quoted price includes parts, labor, as well as transportation and lodging for two technicians.

SPECIAL CONSIDERATIONS

The Grinding machine is the only city owned piece of equipment that will enable the Solid Waste Services Division to mulch large quantities of tree limbs and thus support the most cost efficient transportation and re-use of the vegetation waste. The Division cannot store or efficiently transport the waste material without the grinding operation being performed. It is vital that the machine be repaired and returned to operation.

Texas Local Government Code, Sections 252.022(a)(2) and 252.022(a)(3) allow the City to forgo competitive bidding procedures in the circumstances of preserving or protecting the public health and safety of the City's residents, and because of unforeseen damage to public machinery, equipment, or other property.

FUNDING/FISCAL IMPACT

The repairs will charged to the Solid Waste Enterprise Fund, object number 62940.

STAFF RECOMMENDATION

Staff supports using Solid Waste funds to repair this machine as soon as possible.

BOARD OR COMMISSION RECOMMENDATION

None.

ATTACHMENTS:

Description	Type
Resolution	Resolution Letter
Parts and Repair Quote	Cover Memo
Grinder Price Sheet	Cover Memo
Presentation	Presentation

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID TO DOGGETT HEAVY MACHINERY SERVICES, ABILENE, TEXAS

WHEREAS, the City of Abilene is seeking repair of its Solid Waste Horizontal Grinder machinery; and

WHEREAS, the operation of the horizontal grinding machine is critical to the City's ability to efficiently transport and process the vegetation waste of its residents, and is therefore necessary to protect the health and safety of its resident; and

WHEREAS, the damage to the public machinery was unforeseen, and is not routine maintenance; and

WHEREAS, the City has previously utilized Doggett Heavy Machine Service for repair service to the machinery, and Doggett Heavy Machine Service has demonstrated the full capability to perform prior repairs and maintenance to this specialized piece of equipment; and

WHEREAS, Doggett Heavy Machine Service has presented a quote of $52,468.24 to make the needed repairs; and

WHEREAS, the Texas Local Government Code, Sections 252.022(a)(2) and 252.022(a)(3) allow the City to forego competitive bidding procedures in this circumstance.

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

PART 1: That the City Council approves this bid award in the amount of $52,468.24 to Doggett Heavy Machine Service for the repair of the City's Solid Waste Horizontal Grinder machinery.

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

ADOPTED this 12th day of January, 2017.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norm Archibald, Mayor

APPROVED:

_____

Stanley Smith, City Attorney

Doggett Heavy Machinery Services: **1-800-569-1626**

DOGGETT

Remit To:
10110 Daradale Ave
Baton Rouge, LA 70816
225-291-3750
www.doggett.com

Beaumont, TX 77705
409-842-1754

Houston, TX 77037
713-679-6700

Bryan, TX 77806
979-778-4825

Corpus Christi, TX 78405
361-289-0727

San Juan, TX 78589
956-787-0001

Victoria, TX 77905
361-570-6666

Ship to:
CITY OF ABILENE
2209 OAK ST
ABILENE, TX 79603

Invoice to:
CITY OF ABILENE
ATTN: ACCOUNTS PAYABLE
PO BOX 60
ABILENE TX 79604

Branch		
42 - HOUSTON TX		
Date	**Time**	**Page**
12/08/2016	15:10:35 (O)	1
Account No.	**Phone No.**	**Invoice No.**
ABILE001	3256766266	X00386 04
Ship Via	**Purchase Order**	
	GET	
Sales Tax Licence No.		
	Salesperson	
	280	

ESTIMATE EXPIRY DATE: 01/21/2017

DESCRIPTION

Estimate is valid for 30 days from the date of the original estimate.

" This quote/estimate does not include state or local taxes, battery fees/taxes, shop supply fees, environmental fees, wash fees, welding fees, machine shop or machining fees, extra time to remove broken bolts, trucking, delivery, freight, additional labor and/or parts.
In the event that additional labor or parts are required, then Doggett Heavy Machinery Services will issue a revised or new quote/estimate to the customer for approval."

********* Segment 01 *********

Stock #: ? MISCELLANEOUS EQUIPMENT MS #: 189-1095
Make: MB Model: 3800
Is to have the following work done

SERVICE CALL OUT TO MACHINE
ADDITIONAL DESCRIPTION:
SERVICE CALL OUT TO MACHINE $140 PER HOUR AND 10% FUEL SURCHARGE 13 HOURS ROUND TRIP AT $1820. PLUS A $182.00 FUEL SURCHARGE 2 NIGHT HOTEL STAY AT $150/NIGHT
MACHINE LOCATION 2209 OAK ST. ABILENE, TEXAS
CONTACT IS GEORGE LANE 325-260-8531

MISCELLANEOUS CHARGES:

Description	Price	Amount
FUEL SURCHARGE	182.50	182.50
MISC	300.00	300.00

Labor:	1820.00
Miscellaneous:	482.50
Subtotal:	2302.50

Authorization: _____

Received By_____

TERMS: Due and payable on receipt of invoice. All unpaid invoices greater than 30 days from the invoice date are subject to a late fee and finance charge on the unpaid balance. Buyer will pay all costs of collection of delinquent accounts including reasonable attorney fees.

Doggett Heavy Machinery Services: **1-800-569-1626**

DOGGETT

Remit To:
10110 Daradale Ave
Baton Rouge, LA 70816
225-291-3750
www.doggett.com

Beaumont, TX 77705
409-842-1754

Houston, TX 77037
713-679-6700

Bryan, TX 77806
979-778-4825

Corpus Christi, TX 78405
361-289-0727

San Juan, TX 78589
956-787-0001

Victoria, TX 77905
361-570-6666

Ship to:
CITY OF ABILENE
2209 OAK ST
ABILENE, TX 79603

Invoice to:
CITY OF ABILENE
ATTN: ACCOUNTS PAYABLE
PO BOX 60
ABILENE TX 79604

Branch		
42 - HOUSTON TX		
Date	**Time**	**Page**
12/08/2016	15:10:35 (O)	2
Account No.	**Phone No.**	**Invoice No.**
ABILE001	3256766266	X00386 04
Ship Via	**Purchase Order**	
	GET	
Sales Tax Licence No.		
	Salesperson	
	280	

ESTIMATE EXPIRY DATE: 01/21/2017

DESCRIPTION

********* Segment 02 *********

PT CLUTCH
ADDITIONAL DESCRIPTION:
REMOVE AND REPLACE PT CLUTCH ASSEMBLY, COUPLERS AND BOTH HYDRAULIC PUMPS

Part#	Description	Qty	Price	Amount
26747-303	PUMP,105CC,CW,S	1	5789.06	5789.06
26746-605	PUMP 53CC,CW,24	1	5789.43	5789.43
24509-110	HYDRAULIC PTO A	1	26881.14	26881.14
AR69444	5 GAL HYD OIL	2	66.17	132.34
26838-195	ELEMENT	2	75.14	150.28
24509-526	TORSIONAL COUPL	1	4592.52	4592.52

MISCELLANEOUS CHARGES:	Description	Price	Amount
	SHOP SUPPLIES	150.00	150.00
	ENVIRON. CHARGE	75.00	75.00

Parts:	43334.77
Labor:	4320.00
Miscellaneous:	225.00
Subtotal:	47879.77

Authorization: _____

********* Segment 03 *********

REMOTE CONTROL

Part#	Description	Qty	Price	Amount
39252-158	TRANSMITTER-900	1	2285.97	2285.97

Parts:	2285.97

Received By_____

TERMS: Due and payable on receipt of invoice. All unpaid invoices greater than 30 days from the invoice date are subject to a late fee and finance charge on the unpaid balance. Buyer will pay all costs of collection of delinquent accounts including reasonable attorney fees.

DOGGETT

Remit To:
10110 Daradale Ave
Baton Rouge, LA 70816
225-291-3750
www.doggett.com

Doggett Heavy Machinery Services: **1-800-569-1626**

Beaumont, TX 77705
409-842-1754

Houston, TX 77037
713-679-6700

Bryan, TX 77806
979-778-4825

Corpus Christi, TX 78405
361-289-0727

San Juan, TX 78589
956-787-0001

Victoria, TX 77905
361-570-6666

Ship to:
CITY OF ABILENE
2209 OAK ST
ABILENE, TX 79603

Invoice to:
CITY OF ABILENE
ATTN: ACCOUNTS PAYABLE
PO BOX 60
ABILENE TX 79604

Branch		
42 - HOUSTON TX		
Date	**Time**	**Page**
12/08/2016	15:10:35 (O)	3
Account No.	**Phone No.**	**Invoice No.**
ABILE001	3256766266	04 X00386
Ship Via	**Purchase Order**	
	GET	
Sales Tax Licence No.		
	Salesperson	
	280	

ESTIMATE EXPIRY DATE: 01/21/2017

DESCRIPTION

Authorization: _____

Subtotal:	2285.97
Parts:	45620.74
Labor:	6140.00
Miscellaneous:	707.50
TOTAL:	52468.24

Received By_____

TERMS: Due and payable on receipt of invoice. All unpaid invoices greater than 30 days from the invoice date are subject to a late fee and finance charge on the unpaid balance. Buyer will pay all costs of collection of delinquent accounts including reasonable attorney fees.

CONTRACT PRICING WORKSHEET

for All Products EXCEPT Motor Vehicles In The State Of Texas

This Form must be prepared by Contractor, and provided to End User to attach to Purchase Order, with copy to H-GAC.
The H-GAC fee shall be calculated and shown as a separate line item.

Buying Agency:	City of Abilene	**Contractor:**	Morbark, Inc.
Contact Person:	Leonard Neith	**Prepared By:**	Greg Millis
Phone:		**Phone:**	800-831-0042 ext. 425
Location City, State:	Abilene, TX 79602	**Contract No.:**	GR01-04
Date:	8/26/2009	**Product Code:**	
Product Description:	**Morbark Model 3800 Horizontal Grinder**		

A. Item Base Unit Price Per H-GAC Contract: **A:** $ 205,000.00

B. Published Options (Itemize below and attach additional sheet(s) if necessary)

Code	Description	Cost	Code	Description	Cost
CAT-C15	Caterpillar C15, 540-HP	88,100.00	SAYLOR	Air Compressor	5,950.00
PTTECH	PT Tech hydraulic clutch	27,000.00			
BRUN	Brunel Torque Limiter	15,400.00			
Mag	Megnetized End Pulley	8,000.00			
				Subtotal From Additional Sheet(s):	
				Subtotal B:	$144,450.00

Note: Published Options are options submitted with the contractor's bid.

C. Unpublished Options (Itemize below and attach additional sheet(s) if necessary)

Code	Description	Cost	Code	Description	Cost
CATUP	Upgrade to Caterpillar, 700-HP	28,650.00			
FIRESUPP	Fire Suppression System	12,500.00			
				Subtotal From Additional Sheet(s):	
				Subtotal C:	41,150

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction, the percentage is: 12%

D. Other Price Adjustments (E.G. Installation, Freight, Delivery, Etc.)

10% HGAC Discount	-39060
N/A	
Subtotal D:	(39,060.00)

E. Unit Cost of Item Before Fee & Non-Equipment Charges (A+B+C+D)		351,540.00
Quantity Ordered	X	1
	Subtotal E:	351,540.00
F. H-GAC Fee Calculation (From Current Fee Tables)	**Subtotal F:**	5273.10

G. Non-Equipment Charges (Trade-In, Extended Warranty, etc.)

Trade-in of Morbark 3600	-75000
Subtotal G:	(75,000)

H. **Total Purchase Price (E+F+G):** $281,813.10

(Please Type, or Print Legibly) **Estimated Delivery Date:** 60 Days

Resolution: Emergency Repair of Solid Waste Horizontal Grinder *(Rice)*

CITY OF ABILENE TEXAS

Resolution: Emergency Repair of Solid Waste Horizontal Grinder

- The Solid Waste Horizontal Grinder was originally purchased in 2009
- The Horizontal Grinder is a critical piece of equipment for the brush management program
- The Grinder is currently in need of repairs, including a new hydraulic PTO clutch.
- Staff recommends repairs in the amount of $52,468.24 be awarded to Doggett Heavy Machinery Services

CITY OF ABILENE TEXAS

CITY OF ABILENE

City Council
Agenda Memo

City Council Meeting Date: 1/12/2017

TO: **Robert Hanna, City Manager**

FROM: **Larry Bell, Fire Chief**

SUBJECT: **Ordinance:** ***(First Reading)*** **Amending the Fire Code Pamphlet, which amends The International Fire Code, 2009 Edition, adopted by City of Abilene Ordinance, Section 10-47; and setting a public hearing for January 26, 2017** ***(Larry Bell)***

GENERAL INFORMATION

Abilene Fire Department is currently responsible for tracking the inspection, testing, and maintenance of fire and life safety systems within the City of Abilene. Occupancies that have fire and life safety systems installed are required by the Abilene Fire Code to have the systems inspected and tested on a regular basis. Contractors are not required to notify the Fire Department of the completed inspections unless the systems do not pass inspection creating inaccurate data in Abilene Fire Department's reporting software.

An internet-based tool used to document all inspections would improve code compliance, reduce false alarm activity and provide a safer community.

SPECIAL CONSIDERATIONS

The ordinance would require contractors to report inspection, testing, and maintenance of fire and life safety systems so that the Abilene Fire Department would have access to complete and up-to date information. The web-based system utilized would be the one chosen by the City and formalized by agreement between the system and the City. Life safety systems requiring record of inspection will include fire alarm systems, sprinkler systems, standpipes, commercial kitchen hood suppression systems, special suppression systems, private hydrants, fire pumps, and spray booths.

FUNDING/FISCAL IMPACT

There is no cost to the City or business occupant. Nominal fee for administration is the responsibility of the contractors performing the inspection, testing and maintenance. Most systems are only inspected once per year.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

Description	Type
Ordinance	Ordinance
Exhibit	Backup Material
Fire Code	Backup Material
Presentation	Presentation

ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AMENDING THE FIRE CODE PAMPHLET, WHICH AMENDS THE INTERNATIONAL FIRE CODE, 2009 EDITION, ADOPTED BY CITY OF ABILENE ORDINANCE SECTION 10-47; CALLING A PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Abilene Fire Department is currently responsible for tracking the inspection, testing, and maintenance of fire and life safety systems within the City of Abilene. Fire and life safety systems are required by the Abilene Fire Code to be inspected and tested on a regular basis. Currently, contractors are not required to notify the Fire Department of the completed inspections unless the systems do not pass inspection; and,

WHEREAS, requiring contractors to use a city-approved internet based system will enable the Abilene Fire Department to track each inspection, drive code compliance, reduce false alarm activity and protect the health, safety, and welfare of the Citizens;

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

PART 1: That the fire code pamphlet amending and supplementing the International Fire Code, 2009 Edition, as adopted by City of Abilene Ordinance 10-47, is hereby amended as set out in Exhibit A.

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

PART 5: Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective thirty (30) 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 12th day of January, 2017.

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 8th day of January, 2017, 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 26th day of January, 2017 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 26th day of January, 2017.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norm Archibald, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

Exhibit A

107.2.1 Test and inspection records. *Insert the following at the end of paragraph:*

The above requirement for record inspection and availability of records shall be met by the submission of records to the internet-based system under contract with the City. Contractors required to test fire and life safety systems shall be qualified and registered with the internet-based system under contract with the City at the time the inspection in made. Record of inspection, testing and maintenance of fire and life safety systems shall be entered on the internet-based system under contract with the City at the time the inspection, testing or maintenance is performed. Fees associated with the internet-based system shall be paid by the contractor directly to the internet-based system company.

ARTICLE III. FIRE PREVENTION CODE

DIVISION 1. GENERALLY

Sec. 10-46. Adopted.

(a) The International Fire Code, 2009 Edition, published by the International Code Council, Inc., together with a fire code pamphlet amending and supplementing that code, are hereby enacted and adopted by reference, as the fire code for the City of Abilene, and is here by incorporated herein. The fire code pamphlet, along with the International Fire Code, are on file in the fire marshal's and city secretary's offices.

(b) Any cross-reference to other codes contained herein shall be construed to mean those codes as adopted by the City of Abilene and amended by local ordinance.

(c) Any cross-reference to specific state agencies tasked with duties or oversight under the International Fire Code shall be construed to mean the agency in the State of Texas then tasked with the duties or oversight referenced, even if such agency might change from time to time.

Sec. 10-47. Amendments.

The fire code adopted by the provisions of this article has been amended by the city, such amendments and deletions as set out in Attachment "A" are hereby adopted, being on file with the code in the office of the city secretary.

ABILENE FIRE CODE

CITY OF ABILENE

To BE USED IN CONJUNCTION WITH THE
2009 INTERNATIONAL FIRE CODE

Adopted May 24, 2011

This booklet is to be used in conjunction with the *2009 International Fire Code*, published by the International Code Council, Inc. This pamphlet and the *2009 International Fire Code* comprise the Fire Code for the City of Abilene, Texas.

TELEPHONE

Fire Prevention ……676-6434

FIRE PREVENTION

250 Grape Street
Abilene, Texas 79601

The following Chapters of the ***2009 International Fire Code*** are adopted in their entirety:

Chapters 2, 4, 7, 8, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47

Appendices B, C, D, E, F, G, H, I, J

Chapters 1, 3, 5, 6, 9, 10, 12, 14 of the ***2009 International Fire Code*** are adopted with the following amendments.

Appendix A is deleted in its entirety.

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CHAPTER 20	MANUFACTURE OF ORGANIC COATINGS	No Amendments
CHAPTER 21	INDUSTRIAL OVENS	No Amendments
CHAPTER 22	SERVICE STATIONS AND REPAIR GARAGES	No Amendments
CHAPTER 23	HIGH-PILED COMBUSTIBLE STORAGE	No Amendments
CHAPTER 24	TENTS AND OTHER MEMBRANE STRUCTURES	No Amendments
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CHAPTER 26	WELDING AND OTHER HOT WORK	No Amendments
CHAPTER 27	HAZARDOUS MATERIALS-GENERAL PROVISIONS	No Amendments
CHAPTER 28	AEROSOLS	No Amendments
CHAPTER 29	COMBUSTIBLE FIBERS	No Amendments
CHAPTER 30	COMPRESSED GASES	No Amendments
CHAPTER 31	CORROSIVE MATERIALS	No Amendments
CHAPTER 32	CRYOGENIC FLUIDS	No Amendments
CHAPTER 33	EXPLOSIVES AND FIREWORKS	No Amendments
CHAPTER 34	FLAMMABLE AND COMBUSTIBLE LIQUIDS	No Amendments
CHAPTER 35	FLAMMABLE GASES	No Amendments
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CHAPTER 37	HIGHLY TOXIC AND TOXIC MATERIALS	No Amendments
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CHAPTER 39 ORGANIC PEROXIDES…….....No Amendments
CHAPTER 40 OXIDIZERS……...No Amendments
CHAPTER 41 PYROPHORIC MATERIALS……..No Amendments
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APPENDIX B FIRE-FLOW REQUIREMENTS FOR BUILDINGS…….....No Amendments
APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION……No Amendments
APPENDIX D FIRE APPARATUS ACCESS ROADS…….No Amendments
APPENDIX E HAZARD CATEGORIES……No Amendments
APPENDIX F HAZARD RANKING……No Amendments
APPENDIX G CRYOGENIC FLUIDS-WEIGHTS AND VOLUME EQUIVALENTTS……..No Amendments
APPENDIX H HAZARDOUS MATERIALS MANAGEMENT PLAN (HMMP) AND HAZARDOUS MATERIALS INVENTORY STATEMENT (HMIS) INSTRUCTIONS …….No Amendments
APPENDIX I FIRE PROTECTION SYSTEMS – NON COMPLIANT CONDITIONS…….....No amendments
APPENDIX J EMERGENCY RESPONDER RADIO COVERAGE ……..No Amendments

ABILENE FIRE CODE

Chapter 1
ADMINISTRATION

SECTION 101
GENERAL

101.1 Title. ***{Amend to read as follows.}*** These regulations shall be known as the *Fire Code* of the City of Abilene, hereinafter referred to as "this code."

{Amend Section 103 heading as follows.}
SECTION 103
DIVISION OF FIRE PREVENTION

103.1 General. {***Amend to read as follows.}*** The division of fire prevention is established within the fire department under the direction of the fire code official. The function of the division shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. ***{Amend to read as follows and add sentence at the end.}*** The fire code official shall be appointed by the fire chief. The fire code official shall also be known as fire marshal.

103.3 Deputies. ***{Amend to read as follows.}*** In accordance with the prescribed procedures of the fire department and with the concurrence of the fire chief, the fire code official shall have the authority to appoint an assistant fire marshal, other related technical officers, inspectors and other employees.

SECTION 105
PERMITS

105.1.1 Permits required. ***{Delete the second sentence.}*** Permits required by this code shall be obtained from the fire code official. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

{Amend *Section 108* heading as follows}
SECTION 108
APPEALS

108.1 {*Delete in its entirety and add the following.}* Appeals. The Board of Building Standards as established in Chapter 8, Sec. 8-361, et. seq. of the City Code of the City of Abilene, Texas is charged with hearing appeals arising from any decision of the fire code official concerning this code, determining the suitability of alternate materials and methods of construction and providing reasonable interpretation of this code.

Any reference to the board of appeals in this code shall be construed to mean and does mean the Board of Building Standards as established in Chapter 8, Sec. 8-361, et. seq. of the City Code of the City of Abilene, Texas. In the event the board should be of the opinion that any provisions of this code need to be amended, it shall make such recommendation to the City Council for consideration.

SECTION 109
VIOLATIONS

109.3 Violation penalties. ***{Amend to read as follows.}*** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C Misdemeanor, punishable by a fine of not more than five hundred dollars ($500).

SECTION 111
STOP WORK ORDER

111.4 Failure to comply. ***{Amend to read as follows.}*** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than five hundred dollars ($500).

Chapter 3
GENERAL PRECAUTIONS AGAINST FIRE

SECTION 303
ASPHALT KETTLES

303.4 Attendant. ***{Add the following exception.}***

Exception: Thermostatically controlled kettles.

SECTION 308
OPEN FLAMES

308.1.4 Open-flame cooking devices. ***{Amend to read as follows.}*** Charcoal burners and other open-flame cooking devices shall not be operated or located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Chapter 5
FIRE SERVICE FEATURES

SECTION 503
FIRE APPARATUS ACCESS ROADS

503.2.1 Dimensions. {Amend to read as follows}. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 14 feet.

503.2.2 Authority. {Amend to read as follows}. The fire code official shall have the authority to require an increase in the minimum access widths and vertical heights where they are inadequate for fire or rescue operations.

503.2.3 Surface. An engineered road constructed of asphalt, concrete, processed road base material or other approved driving surface capable of supporting the imposed loads of a fire apparatus. The road shall be properly graded to drain so as to prevent the road from failing to support the fire apparatus imposed load during a rainfall event.

503.3 ***{Amend to read as follows.}*** **Identification.** Where required by the fire code official, approved markings and/or signs shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Markings and signs shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

{Add **Subsection 503.3.1** ***}***

503.3.1 Markings. Markings shall consist of a red stripe not less than six inches wide along both borders of a fire apparatus access road. The words "FIRE LANE NO PARKING" shall be marked on the stripes in white letters not less than four inches high at intervals of not more than 25 feet. The stripe and words shall consist of traffic paint. The markings shall be applied to the vertical face of curbs if adjacent to the fire apparatus access road. If curbs are not present, then the markings shall be applied to the pavement.

{Add **Subsection 503.3.2** ***}***

503.3.2 Signs. Signs shall be not less than 12 inches wide and 18 inches high. Signs shall consist of a white background bordered by a red stripe not less than 3/8 inch wide with the words "FIRE LANE NO PARKING" in red letters not less than two inches high. The sign face shall be retro-reflective. Signs shall be permanently affixed to stationary posts or, where approved by the fire code official, buildings or walls. The bottom of signs shall be not less than seven feet above grade. Signs shall be placed at intervals of not more than 50 feet.

SECTION 507
FIRE PROTECTION WATER SUPPLIES

507.5.4 Obstruction. {Amend to read as follows}. Unobstructed access to fire hydrants, fire department inlet connections, or fire protection system control values shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

SECTION 508
FIRE COMMAND CENTER

508.1.1 Location and access. ***{Amend to read as follows.}*** The location and accessibility of the fire command center shall be approved by the fire code official.

Chapter 6
BUILDING SERVICES AND SYSTEMS

SECTION 603
FUEL-FIRED APPLIANCES

603.4 Portable unvented heaters. {Amend to read as follows} *Portable unvented fuel-fired heating equipment shall be prohibited in occupancies in Groups A, E, I, R-1, R-2, R-3 and R-4.* Rooms or areas where listed and approved portable unvented fuel-fired heating equipment is operated shall be provided with a means of ventilation capable of supplying required combustion air and preventing the accumulation of toxic products of combustion. **Exceptions:** ***{Delete exception 1}***

Chapter 9
FIRE PROTECTION SYSTEMS

SECTION 903
AUTOMATIC SPRINKLER SYSTEMS

903.2.8 Group R {add following}
Exception: *1 and 2 Family Dwellings.*

903.3.1.1.1 Exempt locations. ***{Amend to read as follows.}*** Where approved by the fire code official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

3. ***{Amend to read as follows.}*** Generator and transformer rooms under the direct control of a public utility and separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.

4. ***{Delete*** **number 4** ***in its entirety.}***

903.6 Existing buildings. ***{Delete in its entirety.}***

SECTION 907
FIRE ALARM AND DETECTION SYSTEMS

907.3 Where required in existing buildings and structures. {Delete in its entirety.}

912.2; 912.2.1; 912.3; & 912.3.2 – {replace fire chief with fire code official.}

Chapter 10
Means of Egress

1008.1.7 Thresholds: Exception: {Amend the first sentence to read as follows.} The threshold height shall be limited to 7-7/8 inches (200 mm) where the occupancy is Group R-2 or R-3

1008.1.9.3 Lock and latches.
3. {Add the following sentence to end of this paragraph.} This provision is not applicable when 2.2 of this section is applied, provided the manually operated flush bolts are operable or released without the use of a key or tool. A sign as stated in 2.2 shall be placed on both active and inactive doors.

1008.1.9.4 Bolt locks: {Exceptions: {Add Exception 6 as follows}:
6. In occupancy Group A having an occupant load of 300 or less, Groups B, F, M, and S and in churches, where egress doors are used in pairs and the active door leaf(s) that is keyed or has panic hardware, exceeds the requirements stated in the code for required exit width and/or number of required exits for that building, then manually operated edge or surface-mounted bolts are permitted on the inactive leaf.

1018.1 Construction. {Add Exception 5.}
5. In Group B Office building, corridor walls and ceilings need not be of fire-resistive construction within office spaces of a single tenant when the space is equipped with an approved automatic smoke-detection system within the corridor. The actuation of any detector shall activate alarms audible in all areas served by the corridor. The smoke=detection system shall be connected to the building's fire alarm system where such a system is provided.

Chapter 12
DRY CLEANING

SECTION 1208
FIRE PROTECTION

1208.2 Automatic sprinkler system. ***{Add the following exception.}***

> **Exception:** Dry cleaning plants in which the quantity of combustible liquids in storage and/or use does not exceed the maximum allowable quantity per control area found in Table 2703.1.1(1).

Chapter 14
FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

SECTION 1410
ACCESS FOR FIRE FIGHTING

1410.1 Required access. {*Amend to read as follows.}* *Approved v*ehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 150 feet (45 720 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

Third–Party Reporting/Tracking for Life and Fire Safety Systems

January 26, 2017

CITY OF ABILENE TEXAS

Benefits

- Increased safety for citizens, businesses, and first responders
- Reduced false alarms
- Improved tracking and reporting of life and fire safety systems
- Confirm compliance of inspection, testing, and maintenance of life and fire safety systems

Responsibilities

- Internet-Based System – Send out notifications, manage the web-based portal, assist as needed
- Contractors – Register with Internet-based system under contract with the City, submit Inspection, Testing, and Maintenance (ITM) reports along with fee, enter new occupancies
- Fire Prevention – Manage data, ensure occupancy compliance, update and enter new data from the current Record Management System (RMS)

Process

- Nominal administrative fee - based upon system and Inspection, Test, and Maintenance (ITM) procedure frequency
- Most systems are inspected annually
- Most occupancies consist of one to three life and fire safety systems

City Council
Agenda Memo

City Council Meeting Date: 1/12/2017

TO: **Mr. Robert Hanna, City Manager**

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

SUBJECT: **Ordinance & Public Hearing: (*Final Reading) Z-2016-42. A request from International Medical Christian Ministries Inc., agent Richard Humphries, to rezone property from AO (Agricultural Open-Space) and PD-37 (Planned Development) to GR (General Retail) and NR (Neighborhood Retail), located in the 7300-7400 Blocks (east side) of Buffalo Gap Rd. (*Dana Schoening*)**

GENERAL INFORMATION

The subject property totals approximately 12 acres, all of which is vacant. Single- and Multi-family (MF) Residential Districts lie directly to the south and east of the subject 12 acres. These zoning districts are occupied by a combination of single-family, townhouse and duplex residences. The same Planned Development District which encompasses the greater part of the subject 12 acres (i.e., PD-37) also extends further north and east. PD-37 reserves this adjacent and still-vacant acreage for uses allowed in Medium-Density Residential zoning districts. An Agricultural Open Space (AO) District is located to the west, across the 120-foot width of right-of-way for Buffalo Gap Road.

That portion of these subject properties zoned AO has had such zoning since this vicinity was annexed during 1980. The remaining portions were included within PD 37 in 1986, along with the Mesa Springs properties to the north. The Mesa Springs development is a retirement and nursing care community with facilities located approximately 630 feet north from the subject 7.02 acres.

Currently, the subject properties total approximately 12 acres and are zoned AO and PD 37. All are currently vacant. The AO-zoned property is 2.36 acres. The remaining properties totaling 9.44 acres are included within Planned Development District Number 37. The approved Preliminary Plat (of this acreage) and Abilene's Master Thoroughfare Plan show Wagon Wheel Avenue extended across Buffalo Gap Road and through these properties. The applicant is requesting to rezone 7.02 acres to GR. The PD currently allows for NR (Neighborhood Retail) uses on a small portion of the southwestern corner of PD 37 and MD (Medium-Density) Residential for the remaining acreage. The applicant is wanting to rezone these in order to make this property more marketable to potential buyers.

The Future Land Use section of the Comprehensive Plan designates this property as 'low density residential'. AO zoning typically functions as a "holding zone" until an applicant desires to rezone to a zoning classification compatible with planned use of nearby property. However, at the time when Wagon Wheel (designated "collector" street) is extended, the properties adjacent to its future intersection with Buffalo Gap Road (designated an "arterial" street) will be located at a node well-suited for some degree of commercial development.

SPECIAL CONSIDERATIONS

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

Regarding this particular rezoning item, three property owners have opposed the rezoning. Together these property owners constitute 25.1% of the land area within the radius area. The 200' radius area is the legally defined public notification area as provided for in Land Development Code and Texas State Statutes for rezoning applications. Therefore, because opposition is from 20% or more of land area in the public notification area, a super-majority vote of the City Council is required to approve an ordinance for this rezoning item.
For explanation of the 200' radius area constituting the public notification area, the radius begins at the property line of the property proposed for rezoning. The actual property area proposed for rezoning is not included as part of the public notification area. Only the 200' radius area constitutes the public notification area, therefore the portion of the three properties located within the 200' radius area constitutes over 20% of the total land area that defines the 200' radius area.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

City staff recommends rezoning only the southernmost approximately 2.36 acres (all in M. Talbot Survey No. 103) to a General Retail (GR) classification. These southernmost 2.36 acres may be viewed as the extreme northern limit to a significant "node" of intensive commercial activity clustered around the intersection of Buffalo Gap Road and Beltway South. Both these streets are considered major arterials in Abilene's network of thoroughfares, around which intensive commercial zoning is appropriate, allowing both the exposure and multi-directional street capacity necessary for intensive commercial use.

City staff also recommends rezoning the remaining approximately 4.66 acres (all in M. Talbot Survey No. 102) to a Neighborhood Retail (NR) classification. These 4.66 acres are almost ½ mile north from Buffalo Gap Road's intersection with Beltway South and can hardly be considered part of the same commercial "node" anticipated there. These 4.66 acres are nonetheless at the intersection of a planned collector street (Wagon Wheel Avenue) with Buffalo Gap Road. Neighborhood Retail zoning is generally appropriate at such intersections, with retail trade and services directed toward residential neighborhoods organized around those collector streets. Neighborhood Retail zoning at this particular location may also have the effect of "signaling" the northern limit of land considered suitable for commercial zoning along this segment of Buffalo Gap Road. Neighborhood Retail (NR) zoning here may thus help prevent unsightly and inefficient "strip" commercial zoning along the entire length of Buffalo Gap Road in Abilene.

The portion of property currently zoned as Medium Density MD residential, approximately 4.98 acres, would remain Medium Density MD residential zoning.

BOARD OR COMMISSION RECOMMENDATION

The Planning & Zoning Commission considered and recommended approval of rezoning from AO and PD37 to GR and NR zoning districts, as per staff recommendation, by a vote of five (Smith, Bixby, Famble, Calk, and McClarty) in favor with none in opposition.

On December 15, 2016, City Council approved this item on first reading to move to a public hearing scheduled for January 12, 2017.

ATTACHMENTS:

Description	Type
Ordinance Cover	Ordinance
Ordinance Exhibit	Exhibit
Responses	Backup Material
Staff Report	Backup Material
Additional Opposition Responses Received	Exhibit
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 15th day of December, 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 23rd day of December, 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 12th day of January, 2017 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 12th day of January, A.D. 2017.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

ORDINANCE NO. _______________

EXHIBIT "A"

Rezone property from AO/COR (Agricultural Open Space/Corridor Overlay) and PD 37/COR (Planned Development/ Corridor Overlay) to GR/COR (General Retail/ Corridor Overlay) and NR/COR (Neighborhood Retail/ Corridor Overlay).

Legal Description:

The legal description for the property rezone to GR/COR (General Retail/ Corridor Overlay) is set out in Exhibit "B", attached hereto.

The legal description for the property rezone to NR/COR (Neighborhood Retail/ Corridor Overlay) is set out in Exhibit "C", attached hereto.

Location:
The 7300-7400 Blocks (east side) of Buffalo Gap Rd, south of Mesa Springs Retirement, and north of Mesquite Forest Subdivision

-END-

EXHIBIT "B"

Z-2016-42: GR

FIELD NOTES
FOR
A 2.520-ACRE TRACT
OUT OF
M. TALBOT SURVEY NO. 103
TAYLOR COUNTY, TEXAS

BEING a 2.520-acre tract out of the M. Talbot Survey No. 103, Taylor County, Texas. The said 2.520-acre tract being more particularly described as follows:

BEGINNING at a point of intersection of the east right of way of Buffalo Gap Road and the north line of the said M. Talbot Survey No. 103 for the northwest corner of this tract;

THENCE South 89 degrees 03 minutes 25 seconds East, along the north line of the said M. Talbot Survey No. 103, for a distance of 337.61 feet to a point for the northwest corner of Lot 6, Block "A", Continuation No. 2, Mesquite Forest Estate, Abilene, Taylor County, Texas, recorded in Cabinet 1, Slide 327, Plat Records, Taylor County, Texas;

THENCE South 00 degrees 57 minutes 00 seconds West for a distance of 275.79 feet to a point for the southwest corner of Lot 9, said Block "A", Continuation No. 2, Mesquite Forest Estate;

THENCE North 89 degrees 01 minutes 46 seconds West for a distance of 457.38 feet to a point on the east right of way of Buffalo Gap Road for the southwest corner of this tract, same being the northwest corner of Lot 18, said Block "A", Continuation No. 2, Mesquite Forest Estate;

THENCE along the east right of way of Buffalo Gap Road, being along a curve to the right having a radius of 11399.16 feet, and an arc length of 277.10 feet, being subtended by a chord of North 24 degrees 23 minutes 13 seconds East for a distance of 277.10 feet to a point of tangency;

THENCE North 25 degrees 05 minutes 00 seconds East, along the east right of way of Buffalo Gap Road, for a distance of 23.40 feet to the Point of Beginning, containing 2.520 acres or 109785 square feet.

The above legal description is for zoning purposes only and does not represent a survey on the ground.

EXHIBIT "C"

Z-2016-42: NR

FIELD NOTES
FOR
A 4.718-ACRE TRACT
OUT OF
M. TALBOT SURVEY NO. 102
TAYLOR COUNTY, TEXAS

BEING a 4.718-acre tract out of the M. Talbot Survey No. 102, Taylor County, Texas. The said 4.718-acre tract being more particularly described as follows:

BEGINNING at a point of intersection of the east right of way of Buffalo Gap Road and the south line of the said M. Talbot Survey No. 102 for the southwest corner of this tract;

THENCE North 25 degrees 05 minutes 00 seconds East, along the east right of way of Buffalo Gap Road, for a distance of 518.62 feet to a a point for the westernmost southwest corner of Lot 1, Block "A", Kingdom Park Subdivision, Abilene, Taylor County, Texas, recorded in Cabinet 4, Slide 79, Plat Records, Taylor County, Texas;

THENCE South 64 degrees 55 minutes 00 seconds East for a distance of 403.87 feet to an angle point in the south line of the said Lot 1, Block "A", Kingdom Park Subdivision;

THENCE South 00 degrees 56 minutes 35 seconds West for a distance of 119.09 feet to an angle point in the south line of the said Lot 1, Block "A", Kingdom Park Subdivision;

THENCE South 89 degrees 03 minutes 25 seconds East for a distance of 60.00 feet to an angle point in the south line of the said Lot 1, Block "A", Kingdom Park Subdivision;

THENCE South 00 degrees 56 minutes 35 seconds West for a distance of 189.00 feet to a point on the south line of the said M. Talbot Survey No. 102, same being the north line of Block "A", Continuation No. 2, Mesquite Forest Estate, Abilene, Taylor County, Texas, recorded in Cabinet 1, Slide 327, Plat Records, Taylor County, Texas;

THENCE North 89 degrees 03 minutes 25 seconds West for a distance of 640.65 feet to the Point of Beginning, containing 4.718 acres or 205516 square feet.

The above legal description is for zoning purposes only and does not represent a survey on the ground.

RECEIVED
OCT 21 2016
PLANNING

CITY OF
ABILENE

CANADY JAMES E & ROSE A
789 SUNNY HILLS CT

RAMONA, CA 92065-1886

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

The Planning and Zoning Commission will hold a public hearing on **Monday, October 3, 2016,** at **1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request International Medical Christian Ministries INC., agent Richard Humphries, to rezone property from AO (Agricultural Open Space) and PD 37 (Planned Development) to GR (General Retail) and NR (Neighborhood Retail), located in the 7300-7400 Blocks (east side) of Buffalo Gap Rd, south of Mesa Springs Retirement, and north of Mesquite Forest Subdivision.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email or fax as listed below. All responses must be signed.

The attached map shows the area of the request. Only that area which is bounded by the cross-hatched line on the map is being considered for rezoning. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **November 3, 2016,** at 8:30 a.m. in Council Chambers on the second floor of City Hall, 555 Walnut Street.

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

CASE #: Z-2016-42
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: CANADY JAMES E & ROSE A
Address: 4450 COLE 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 ☐

For the PLANNING & ZONING COMMISSION

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

SEP 28 AM 8:59

CASE #: Z-2016-42

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: CALDWELL CHARLES & MARY
Address: 4418 COLE DR
ABILENE, TX 79606

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 ☒

I'd moved to this location to get out of the retail traffic. Please reconsider your position & deny this change. Thank you. Charles Caldwell 25 Sep 2016

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2016-42

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Name: RAY JOSHUA DAVID & RAFAELA
Address: 4666 MARLBORO 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 ☐

OCT 3 AM 9:53

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2016-42

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Name: RAY JOSHUA DAVID & RAFAELA
Address: 4658 MARLBORO DR

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

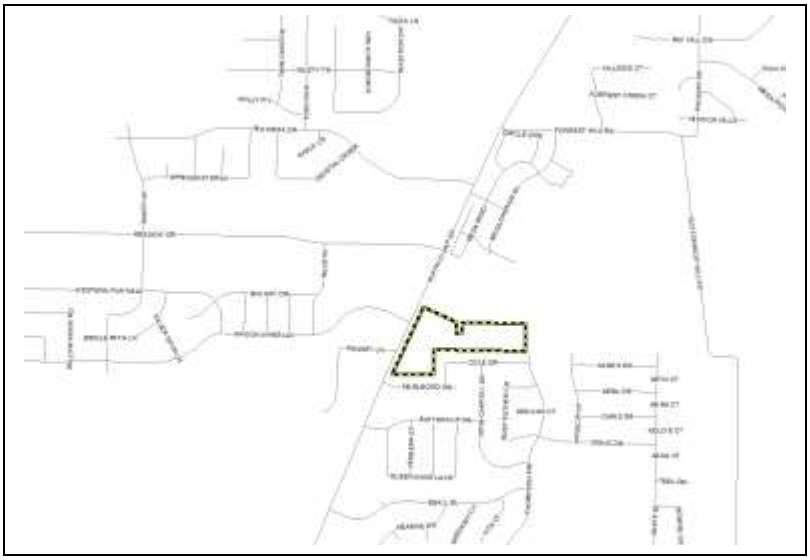
Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☑ I am opposed ☐

OCT 3 AM 9:52

ZONING CASE Z-2016-42
STAFF REPORT

APPLICANT INFORMATION:
International Medical Christian Ministries INC.
Agent: Richard Humphries, IMCM Board Member



HEARING DATES:
P & Z Commission: October 3, 2016 **(Tabled)**
P & Z Commission: November 7, 2016
(Tabled by Applicant)
P & Z Commission: December 5, 2016
City Council 1st Reading: December 15, 2016
City Council 2nd Reading: January 12, 2017

LOCATION:
the 7300-7400 Blocks (east side) of Buffalo Gap Rd, south of Mesa Springs Retirement, and north of Mesquite Forest Subdivision.

REQUESTED ACTION:
Rezone property from a combination of AO (Agricultural Open Space) and PD (Planned Development) Districts, to General Retail (GR) District and Neighborhood Retail (NR) Districts.

SITE CHARACTERISTICS:
The subject property now totals approximately 12 acres, all of which is vacant. Single- and Multi-Family (MF) Residential Districts lie directly to the south and east of the subject 12 acres. These zoning districts are occupied by a combination of single-family, townhouse and duplex residences. The same Planned Development District which encompasses the greater part of the subject 12 acres (i.e., PD 37) also extends further north and east. PD 37 reserves this adjacent and still-vacant acreage for uses allowed in Medium-Density Residential zoning districts. An Agricultural Open Space (AO) District is located to the west, across the 120-foot width of right-of-way for Buffalo Gap Road.

ZONING HISTORY:
That portion of these subject properties zoned AO has had such zoning since this vicinity was annexed during 1980. The remaining portions were included within PD 37 in 1986, along with the Mesa Springs properties to the north. The Mesa Springs development is a retirement and nursing care community with facilities located approximately 630 feet north from the subject 7.02 acres.

ANALYSIS:
- Current Planning Analysis
  Currently, the subject properties total approximately 12 acres and are zoned AO and PD 37. All are currently vacant. The AO-zoned property is 2.36 acres. The remaining properties totaling 9.44 acres are included within Planned Development District Number37. The approved Preliminary Plat (of this acreage) and Abilene's Master Thoroughfare Plan show Wagon Wheel Avenue extended across Buffalo Gap Road and through these properties. The applicant is requesting to rezone 7.02 acres to GR. The PD currently allows for NR

(Neighborhood Retail) uses on a small portion of the southwestern corner of PD 37 and MD (Medium-Density) Residential for the remaining acreage. The applicant is wanting to rezone these in order to make this property more marketable to potential buyers.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this property as 'low density residential'. AO zoning typically functions as a "holding zone" until an applicant desires to rezone to a zoning classification compatible with planned use of nearby property. However, at the time when Wagon Wheel (designated "collector" street) is extended, the properties adjacent to its future intersection with Buffalo Gap Road (designated an "arterial" street) will be located at a node well-suited for some degree of commercial development.

PLANNING STAFF RECOMMENDATION:

City staff recommends rezoning only the southernmost approximately 2.36 acres (all in M. Talbot Survey No. 103) to a General Retail (GR) classification. These southernmost 2.36 acres may be viewed as the extreme northern limit to a significant "node" of intensive commercial activity clustered around the intersection of Buffalo Gap Road and Beltway South. Both these streets are considered major arterials in Abilene's network of thoroughfares, around which intensive commercial zoning is appropriate, allowing both the exposure and multidirectional street capacity necessary for intensive commercial use.

City staff also recommends rezoning the remaining approximately 4.66 acres (all in M. Talbot Survey No. 102) to a Neighborhood Retail (NR) classification. These 4.66 acres are almost ½ mile north from Buffalo Gap Road's intersection with Beltway South and can hardly be considered part of the same commercial "node" anticipated there. These 4.66 acres are nonetheless at the intersection of a planned collector street (Wagon Wheel Avenue) with Buffalo Gap Road. Neighborhood Retail zoning is generally appropriate at such intersections, with retail trade and services directed toward residential neighborhoods organized around those collector streets. Neighborhood Retail zoning at this particular location may also have the effect of "signaling" the northern limit of land considered suitable for commercial zoning along this segment of Buffalo Gap Road. Neighborhood Retail (NR) zoning here may thus help prevent unsightly and inefficient "strip" commercial zoning along the entire length of Buffalo Gap Road in Abilene.

The portion of property currently zoned as Medium Density MD residential, approximately 4.98 acres, would remain Medium Density MD residential zoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission considered and recommended approval of rezoning from AO and PD37 to GR and NR zoning districts, as per staff recommendation, by a vote of five (Smith, Bixby, Famble, Calk, and McClarty) in favor with none in opposition.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
BERRY KENNY RAY &	7501 THOMPSON PW	
BOWERS JOSHUA M	4542 COLE DR	Opposed
BROWN KARLA	4434 COLE DR	Opposed
CALDWELL CHARLES & MARY	4418 COLE DR	Opposed

CANADY JAMES E & ROSE A	4450 COLE DR	In Favor
CAPGROW HOLDINGS JV SUB I LLC	4458 COLE DR	
CHOLEWINSKI KRISTIE	4534 COLE DR	Opposed
CLAUDE PARKER LLC	4710 MARLBORO DR	
CLEARVIEW FAMILY LIMITED PART	4525 COLE DR	Opposed
GALLAGHER ANNA	4425 COLE DR	
GIANNOPOULOS NICKOLAOS & ERZSEBET	4409 COLE DR	Opposed
GRIFFIN JAMES B &	4402 COLE DR	Opposed
HARRIS JUDY	4626 MARLBORO DR	
HARRIS JUDY	4634 MARLBORO DR	
HARRIS JUDY L	4682 MARLBORO DR	
HARRIS JUDY L	4674 MARLBORO DR	
HARRIS JUDY L	4506 COLE DR	
HARRIS JUDY L	4508 COLE DR	
HARRIS JUDY L	4510 COLE DR	
HARRIS JUDY L	4518 COLE DR	
INTERNATIONAL MEDICAL		
INTERNATIONAL MEDICAL	7449 BUFFALO GAP RD	
INTERNATIONAL MEDICAL		
JOHNSON JUSTIN	7509 THOMPSON PW	
LAMB STEVEN H & HAZEL D	7518 JOHN CARROLL DR	Opposed
LONESTAR ACRES LLC	4433 COLE DR	
MARTIN CARL RICHARD	4449 COLE DR	Opposed
MARTINEZ ROBERT & REBECCA		
MATHIS TAMMIE MACHELLE	4517 COLE DR	Opposed
MC BRIDE CAROL LOUISE KECK	7502 BUFFALO GAP RD	Opposed
MK POWELL PROPERTIES LLC	4550 COLE DR	Opposed
MK PRICE HOLDINGS LLC	7542 BUFFALO GAP RD	
MORRIS & MORRIS LLC	4709 MARLBORO DR	
NIBLETT JOHN ROBERT	4426 COLE DR	Opposed
OSBORNE MARJORIE	4534 MARLBORO DR	Opposed
PINEDA REO LLC	7474 BUFFALO GAP RD	
PINEDA REO LLC		
RAY JOSHUA DAVID & RAFAELA	4666 MARLBORO DR	In Favor
RAY JOSHUA DAVID & RAFAELA	4658 MARLBORO DR	In Favor
RICHARDSON SHANNON	4501 COLE DR	
ROAD		
ROTH STEVEN M	4642 MARLBORO DR	
ROTH STEVEN M	4650 MARLBORO DR	
SCIOTO PROPERTIES SP 16 LLC	4417 COLE DR	
SCIOTO PROPERTY SP 16 LLC	4466 COLE DR	
SIITERI JORDAN	4526 COLE DR	
SIITERI JORDAN	4528 COLE DR	Opposed
SMITH CAROLYN RENIA	4509 COLE DR	Opposed

SMITH ROBERT	4641 MARLBORO DR	
SMITH ROBERT	4617 MARLBORO DR	
SMITH ROBERT	4633 MARLBORO DR	
SMITH ROBERT	4549 MARLBORO DR	
SMITH ROBERT	4657 MARLBORO DR	
SMITH ROBERT	4625 MARLBORO DR	
SMITH ROBERT	4681 MARLBORO DR	
SMITH ROBERT	4609 MARLBORO DR	
SMITH ROBERT	4697 MARLBORO DR	
SMITH ROBERT	4649 MARLBORO DR	
SMITH ROBERT	4601 MARLBORO DR	
SMITH ROBERT	4689 MARLBORO DR	
SMITH ROBERT	4673 MARLBORO DR	
SMITH ROBERT	4665 MARLBORO DR	
TAYLOR HOWARD A III &	4602 MARLBORO DR	Opposed
TAYLOR HOWARD A III & HOLLIE J	4610 MARLBORO DR	Opposed
TAYLOR WILLIAM F	4442 COLE DR	Opposed
TURNER LARRY W & BETTY J	4558 COLE DR	Opposed
WHEELER CHARLES	4618 MARLBORO DR	Opposed
WYLIE UNITED METHODIST CHURCH		

Public Notification Area Responses

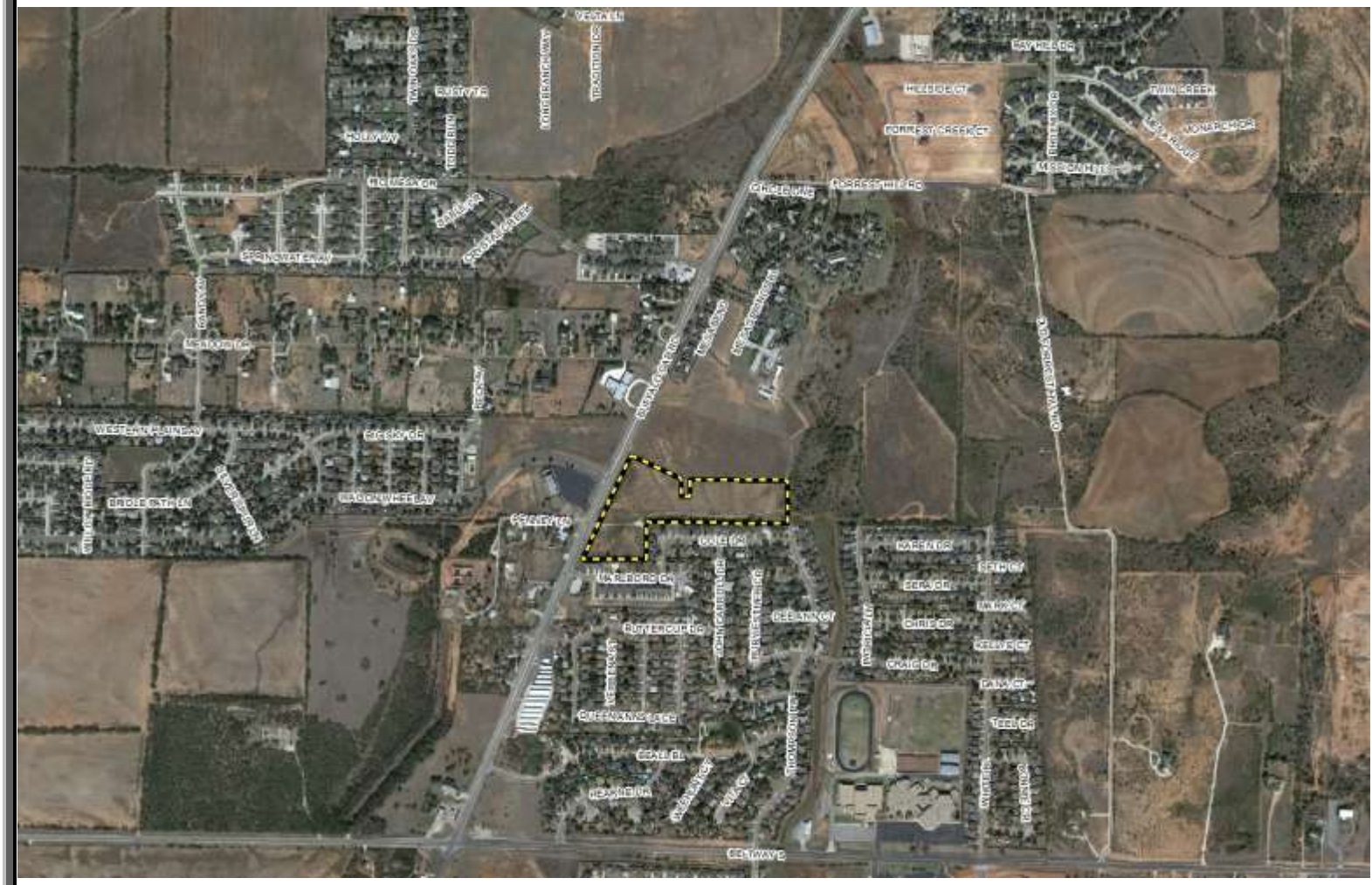
3 in Favor- **Y**

22 Opposed- **N**

- 25.1% opposition

RS-8
RS-6
AO
PD
GC
MF
O
BUFFALO GAP RD
FORREST HILL RD
OLD FORREST HILL RD
BIG SKY DR
WAGON WHEEL AV
MEADOW DR
SPRINGWATER AV
RIO MESA DR
EAGLE CR
CRYSTAL CREEK
WESTERN PRAIRIE AV
RANDY AV
BECK AV
PENNEY LN
COLE DR
KAREN DR
SETH CT
SERA DR
MARK CT
CHRIS DR
KELLY E CT
CRAIG DR
DANA CT
TEEL DR
BONNIE CR
BUTTERCUP DR
DEE ANN CT
RUBY ESTHER CR
PATRICIA LN
THOMPSON DR
BEALL BL
WHITE BL
MESA VERDE DR
MESA SPRINGS DR
DEER RIDGE
CONCETTA MS
MISS ION HILLS
PHOENIX DR

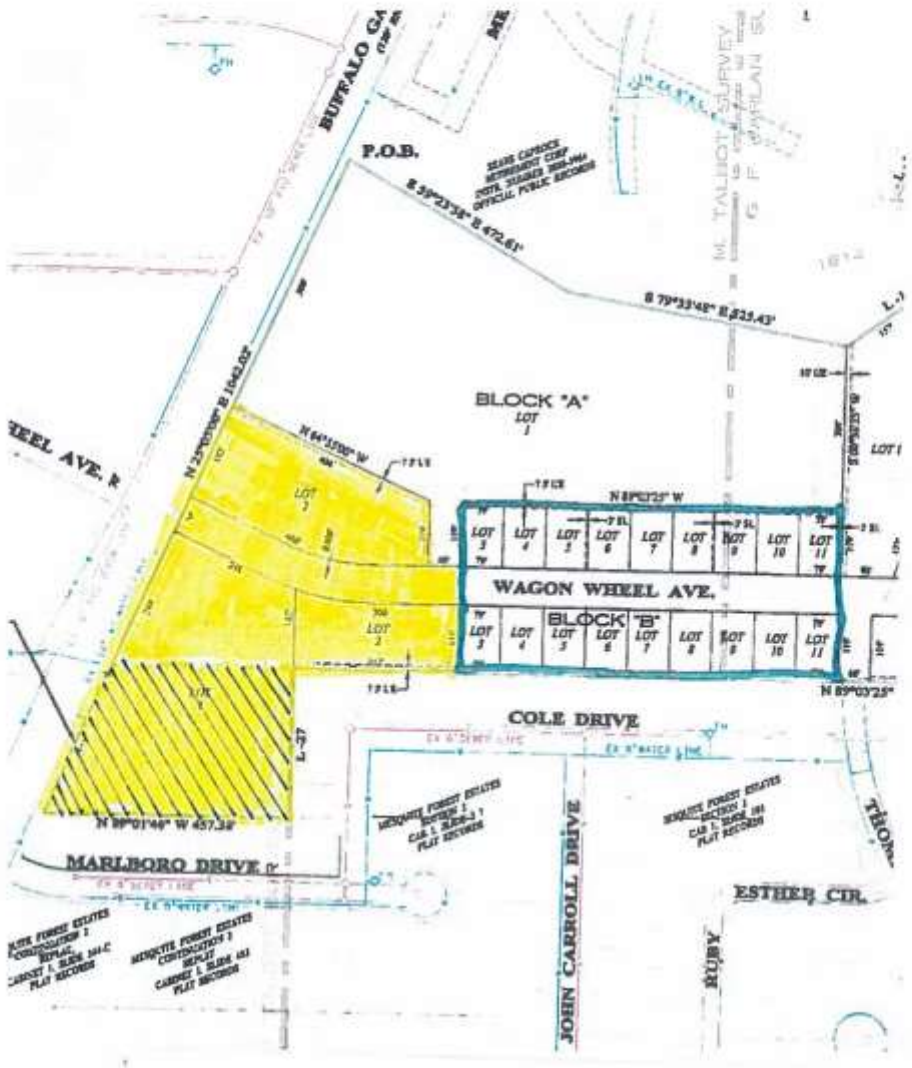
Aerial View


VESTAL LN
RUSTY TR
HOLLY WY
RIO MESA DR
SPRINGWATER AV
MEADOW DR
WESTERN PLAINS AV
RIO SKY DR
BRIDLE PATH LN
MADONNA HEIGHTS AV
PENNEY DR
RAY HILL DR
HILLSIDE CT
FORREST CREEK CT
TWIN CREEK
MONARCH DR
MISSION HILLS
CIRCLE LING
FORREST HILL RD
COLE DR
KAREN DR
SETH CT
SARA DR
CHRIS DR
CRAIG DR
DANA CT
TEEL DR
BUTTERCUP DR
DEE ANN CT
QUEENANNS LACE
HEATHER DR
BELTWAY 8

Aerial View

Thoroughfare Plan

Staff Recommendation



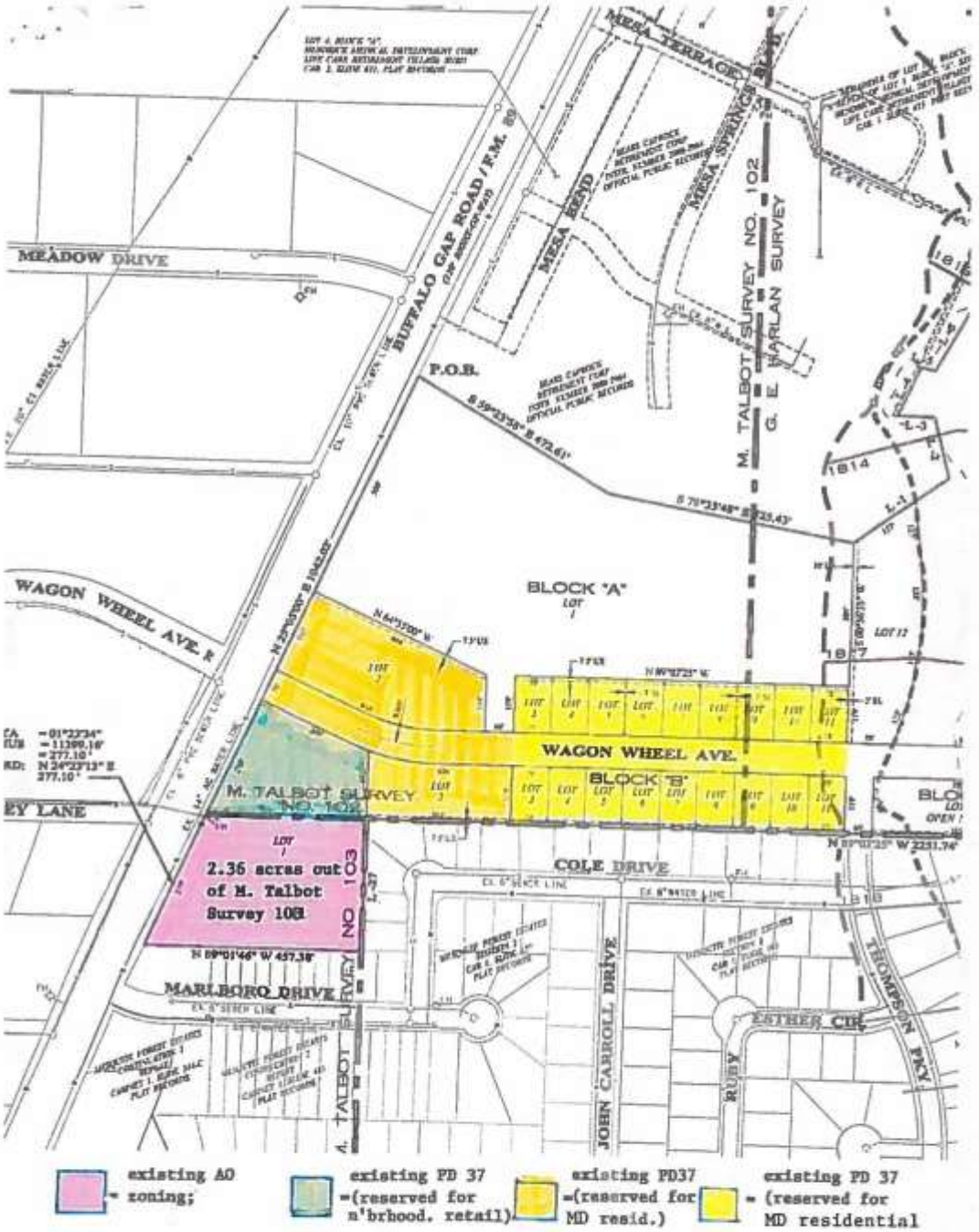
= NR Neighborhood Retail (*4.66 acres)

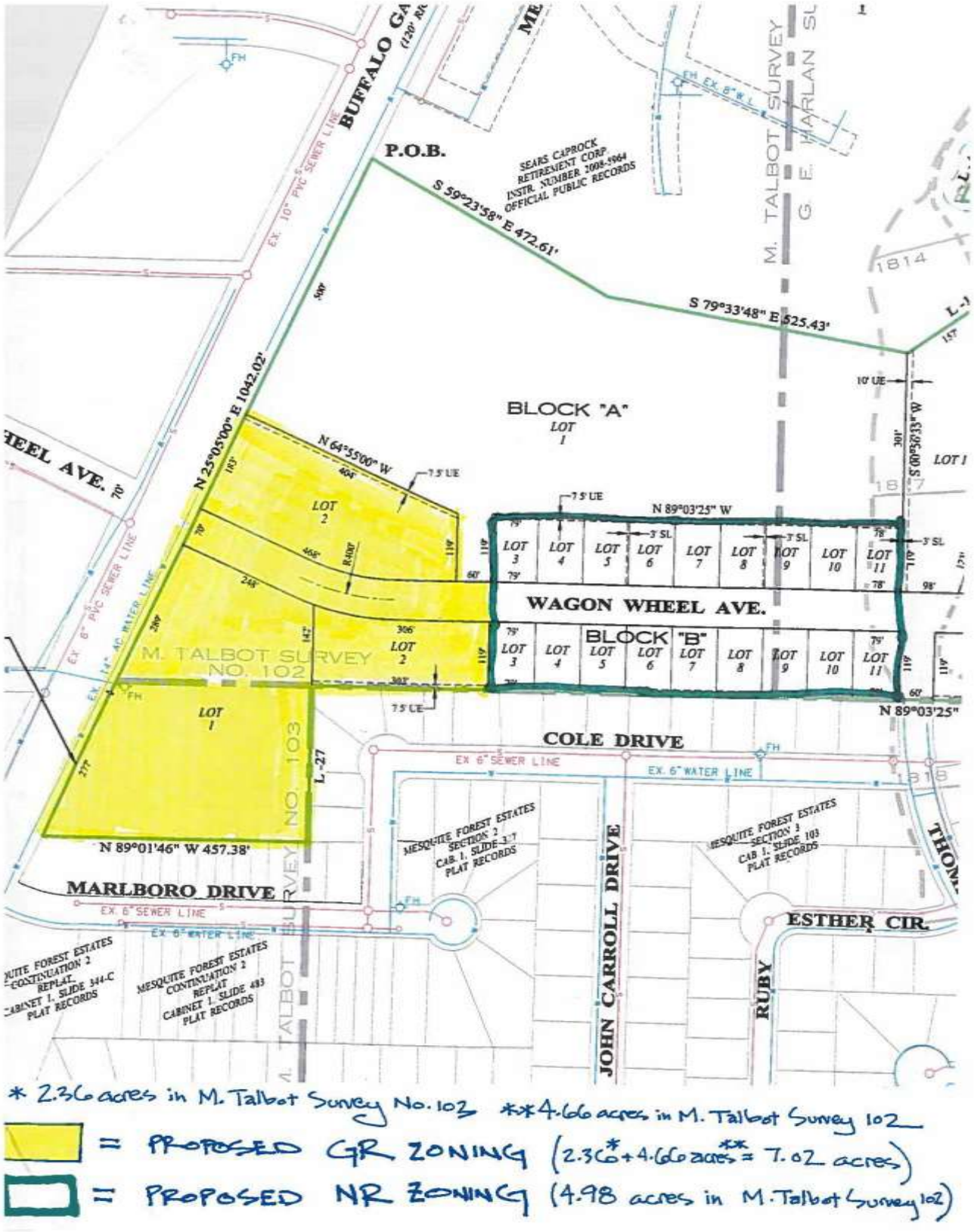
= MD Medium Density Residential (current zoning - *4.98 acres)

= GR General Retail (*2.36 acres)

* Approximate acreages

Current Zoning





* 2.36 acres in M. Talbot Survey No. 103 ** 4.66 acres in M. Talbot Survey 102

= PROPOSED GR ZONING (2.36* + 4.66 acres** = 7.02 acres)

= PROPOSED NR ZONING (4.98 acres in M. Talbot Survey 102)

Date: 12-22-16

Letters of Opposition to Planning and Zoning Z-2016-42

I am submitting the attached signed letters of opposition on the behalf from 22 home owners, and a second petition of nine residences all within the designated area provided by the Planning and Zoning Department for Case#: Z-2016-42.

Please provide these letters and petition for consideration of the Abilene City Council, meeting scheduled for on Jan 12, 2016.

Larry W. Turner
4558 Cole Dr.
325-669-3628

Abilene City Secretary
DEC 22 2016
Filed for Record

CITY OF
ABILENE

WHEELER CHARLES
4618 MARLBORO DR

ABILENE, TX 79606-5402

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

The Planning and Zoning Commission will hold a public hearing on **Monday, October 3, 2016**, at **1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request International Medical Christian Ministries INC., agent Richard Humphries, to rezone property from AO (Agricultural Open Space) and PD 37 (Planned Development) to GR (General Retail) and NR (Neighborhood Retail), located in the 7300-7400 Blocks (east side) of Buffalo Gap Rd, south of Mesa Springs Retirement, and north of Mesquite Forest Subdivision.

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The attached map shows the area of the request. Only that area which is bounded by the cross-hatched line on the map is being considered for rezoning. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **November 3, 2016**, at 8:30 a.m. in Council Chambers on the second floor of City Hall, 555 Walnut Street.

For the PLANNING & ZONING COMMISSION
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CASE #: Z–2016-42
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: WHEELER CHARLES
Address: 4618 MARLBORO 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 ☒

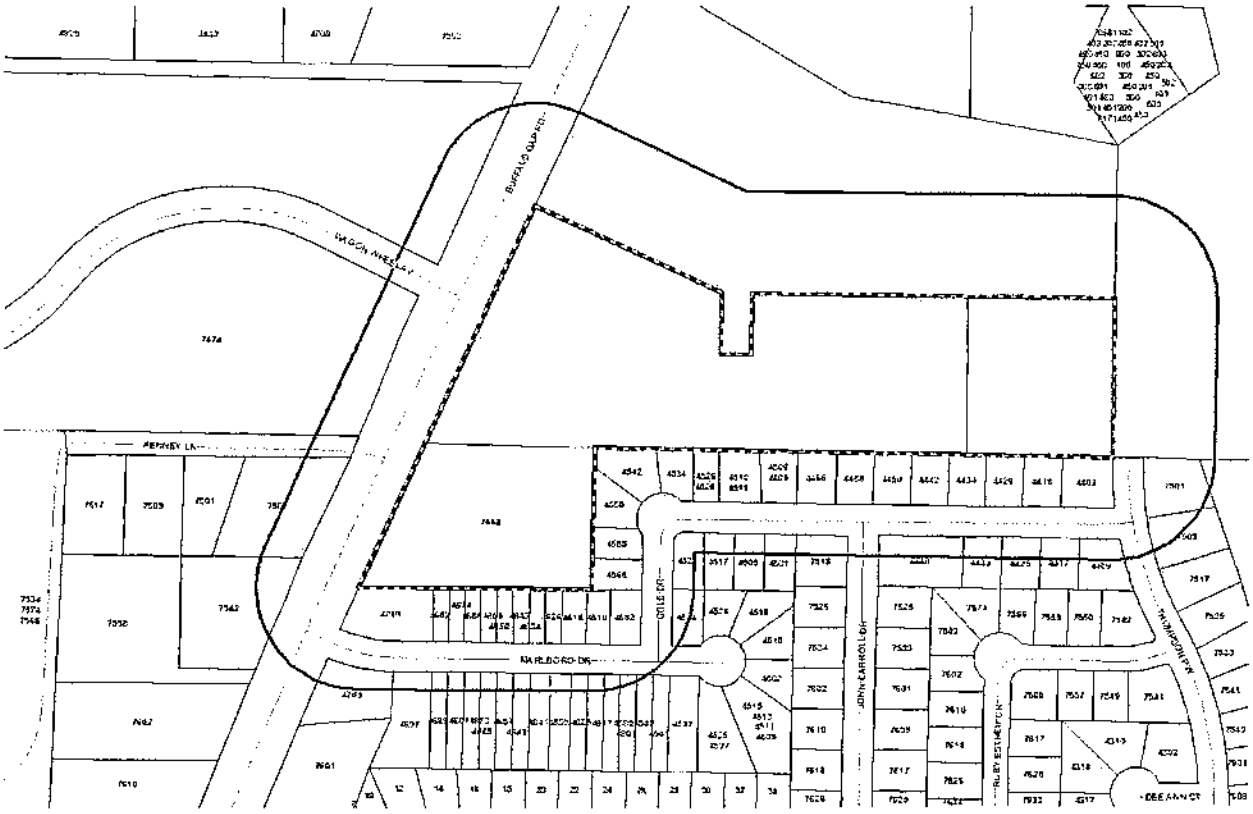
charles w. Wheeler

Signature: Charles W Wheeler

12-15-16
OWNER

Additional Comments:

4618 MARLBORO
692 9942



CITY OF
ABILENE

TAYLOR HOWARD A III &
4602 MARLBORO DR

ABILENE, TX 79606-5402

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RE: Rezoning Application Number Z-2016-42 9/22/2016

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Name: TAYLOR HOWARD A III &
Address: 4602 MARLBORO DR

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

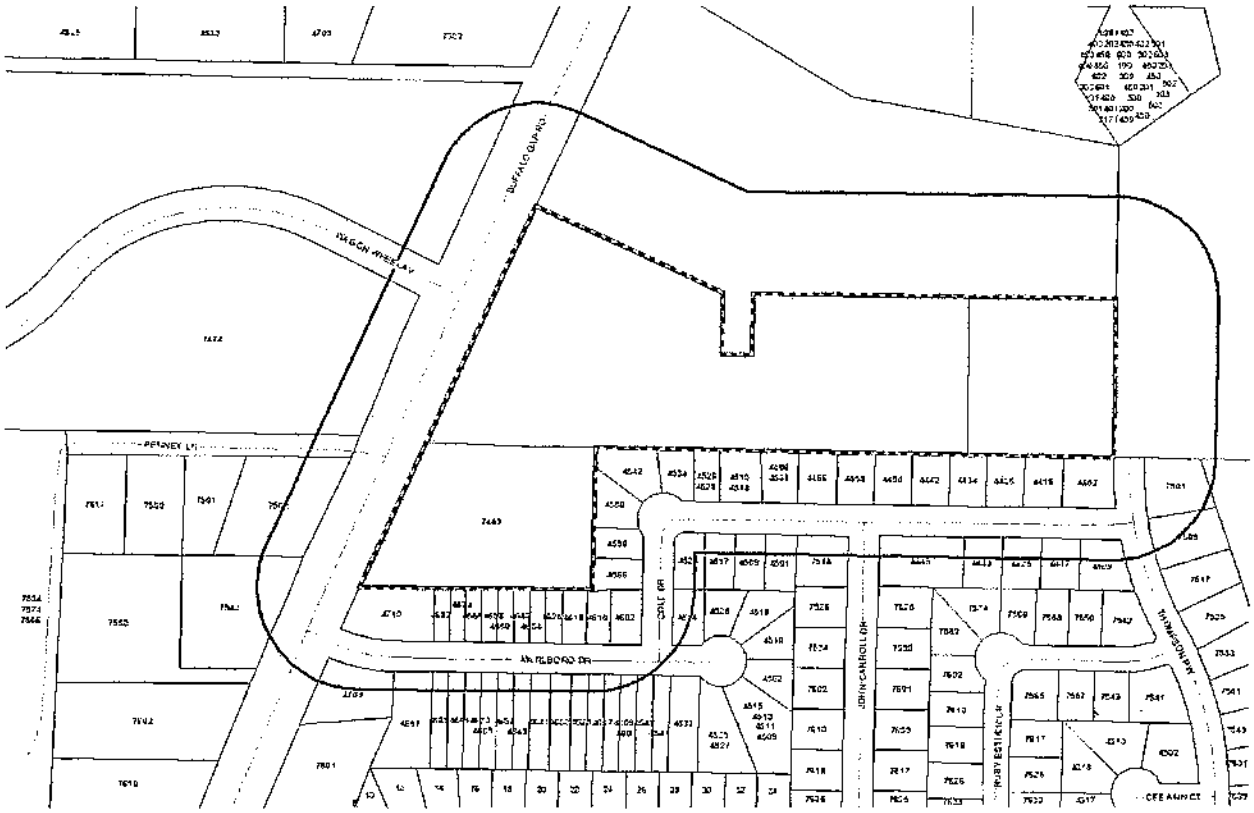
Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐ I am opposed ☑

Hollie Taylor

Signature: Hollie Taylor OWNER

Additional Comments:



This is the second of two lots that we own.

HT 4610 Marlboro DR.

CITY OF ABILENE

TAYLOR HOWARD A III & HOLLIE J
4602 MARLBORO DR

ABILENE, TX 79606-5402

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

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

CASE #: Z–2016-42
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Name: TAYLOR HOWARD A III & HOLLIE J
Address: 4610 MARLBORO DR

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

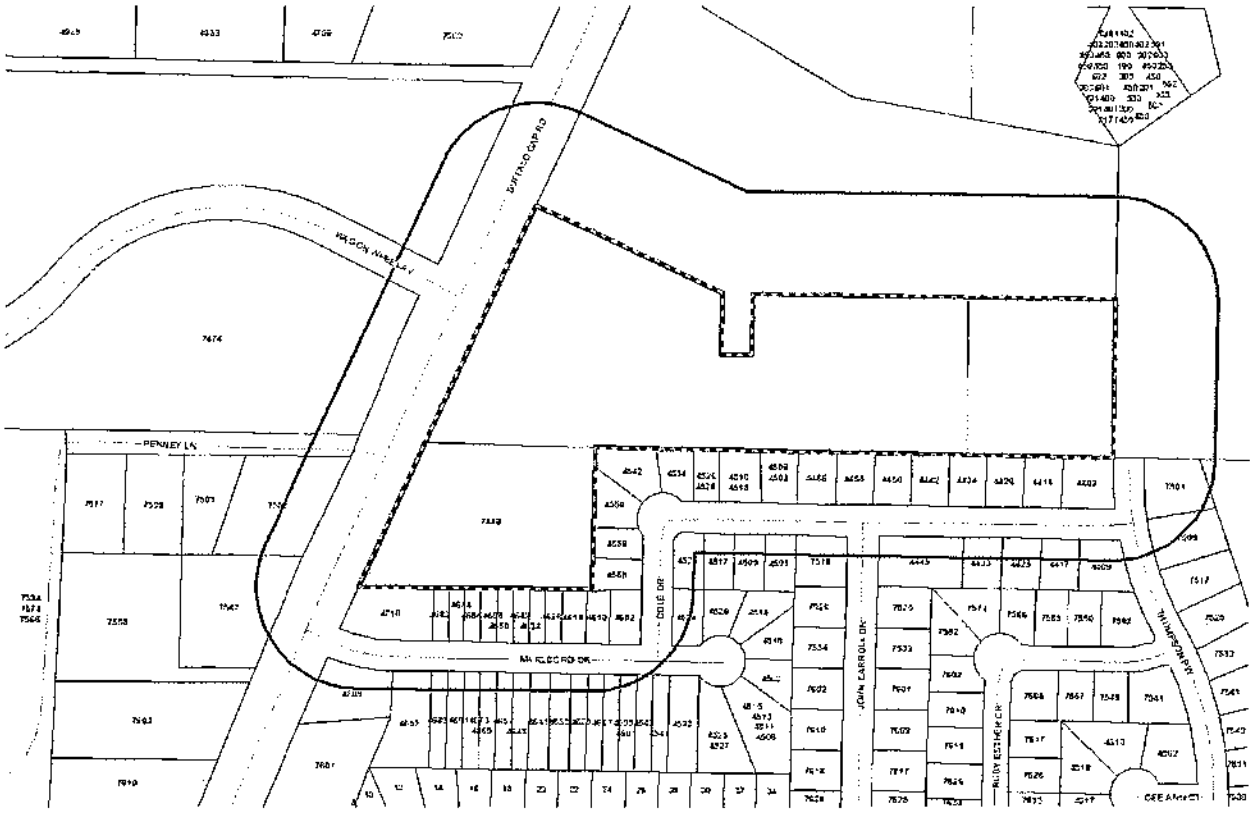
Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐ I am opposed ☒

Hollie Taylor

Signature: Hollie Taylor OWNER

Additional Comments:



CITY OF
ABILENE

OSBORNE MARJORIE
4534 MARLBORO DR

ABILENE, TX 79606-5473

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

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CASE #: Z–2016-42
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Name: OSBORNE MARJORIE
Address: 4534 MARLBORO DR

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

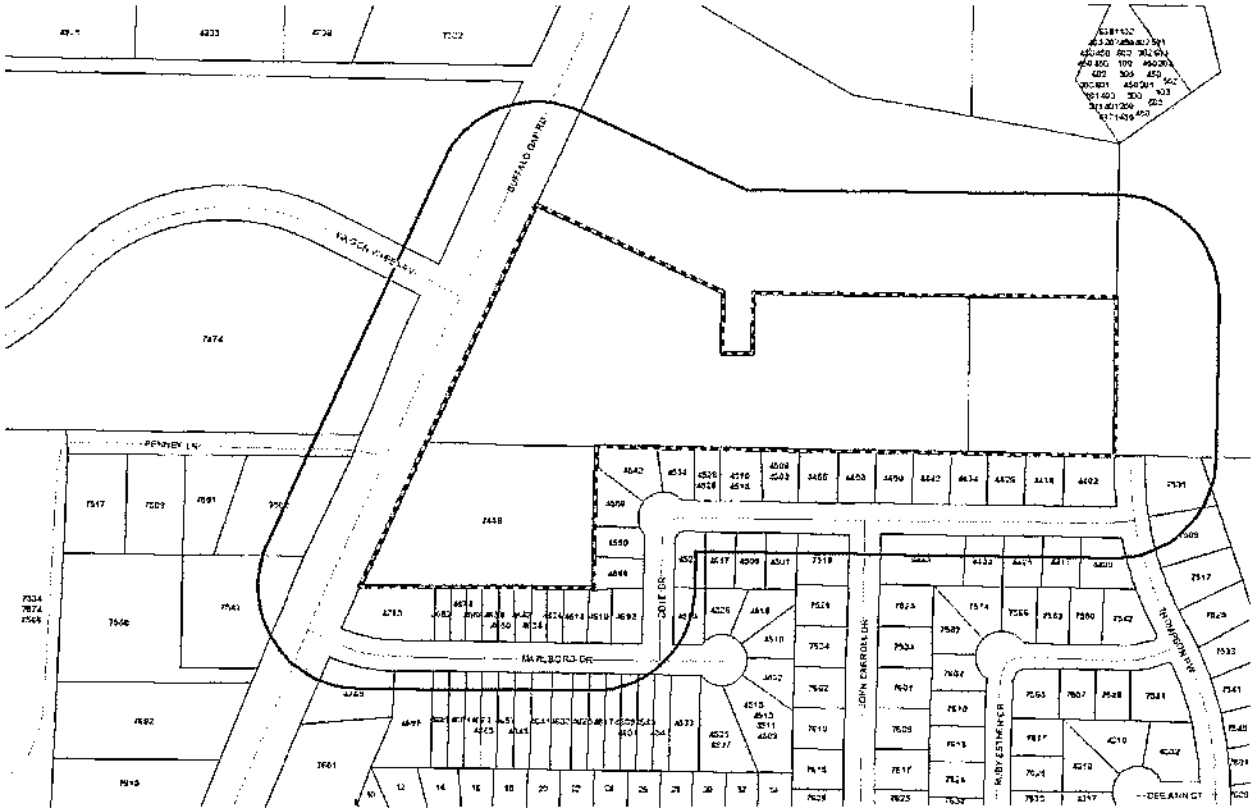
Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐ I am opposed ☒

Signature: Marjorie Osborne owner 12/15/2016

Marjorie Osborne

Additional Comments:



CITY OF
ABILENE

Zeiger, Nathaniel G.
4566 Cole Drive

ABILENE, TX 79606-5428

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

The Planning and Zoning Commission will hold a public hearing on **Monday, October 3, 2016,** at **1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request International Medical Christian Ministries INC., agent Richard Humphries, to rezone property from AO (Agricultural Open Space) and PD 37 (Planned Development) to GR (General Retail) and NR (Neighborhood Retail), located in the 7300-7400 Blocks (east side) of Buffalo Gap Rd, south of Mesa Springs Retirement, and north of Mesquite Forest Subdivision.

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CASE #: Z-2016-42
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Name: Zeiger, Nathaniel G.
Address: 4566 Cole Dr.

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

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

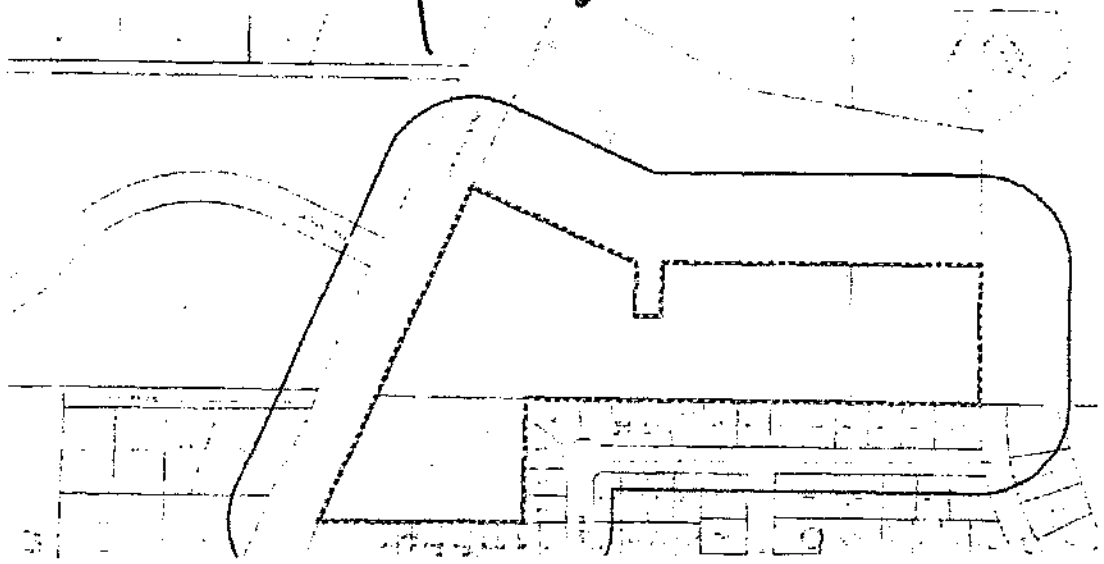
I am in favor ☐ I am opposed ☑

Next Meeting
01-12-17
@ 8:30 AM

Additional Comments:

Signature: [signature] date: 12/22/2016

Zeiger, Nathaniel G (owner)



CITY OF
ABILENE

TURNER LARRY W & BETTY J
4558 COLE DR

ABILENE, TX 79606-5474

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

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CASE #: Z–2016-42
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Name: TURNER LARRY W & BETTY J
Address: 4558 COLE DR

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

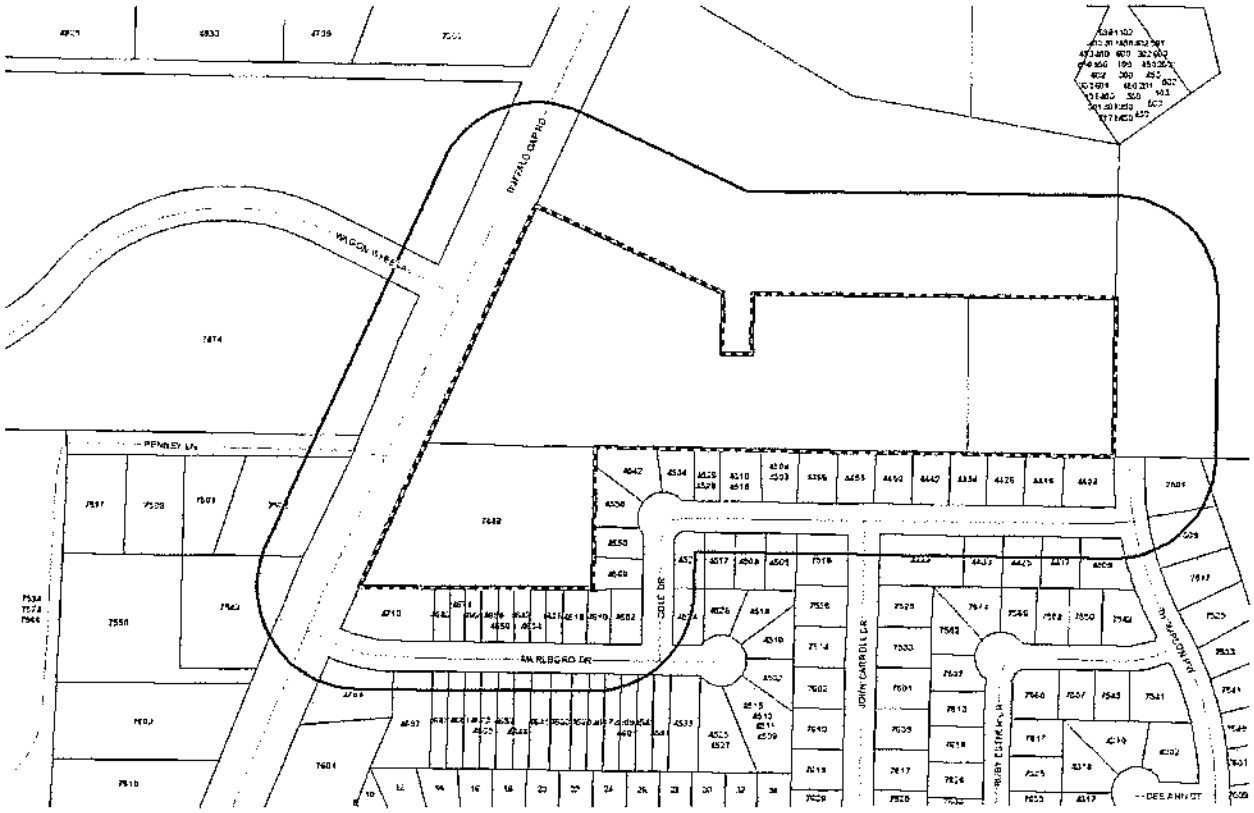
Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐ I am opposed ☒

Betty J. Turner 12-15-16

Signature: Larry W Turner OWNER 12-15-16
LARRY W. TURNER

Additional Comments:



4550 Cole DR

CITY OF
ABILENE

MK POWELL PROPERTIES LLC
2810 S 27TH ST
4550 Cole Dr. - owned property
ABILENE, TX 79605-6328

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

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Name: MK POWELL PROPERTIES LLC
Address: 4550 COLE DR

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

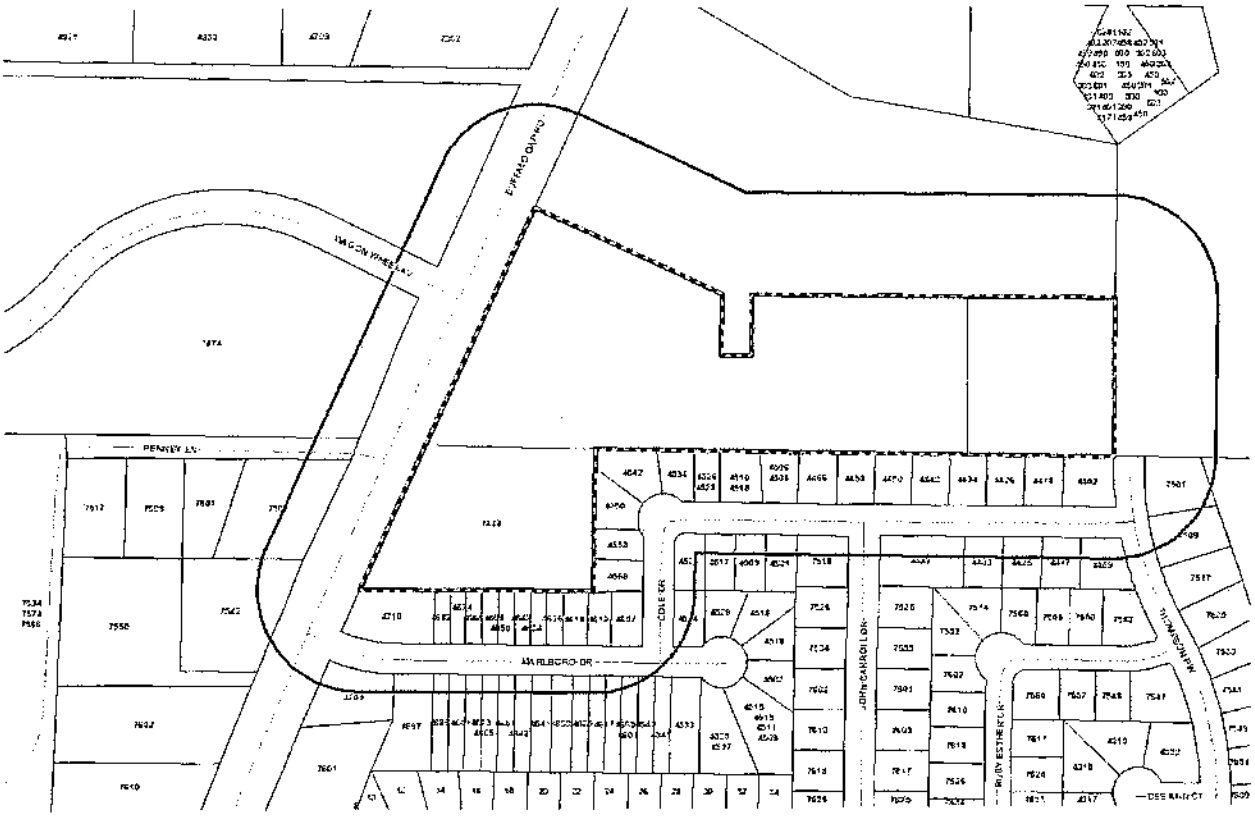
Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐ I am opposed ☒

Signature: Mike Powell, member

Additional Comments:

MIKE POWELL, MEMBER 12-15-16
OWNER



CITY OF
ABILENE

BOWERS JOSHUA M
4542 COLE DR

ABILENE, TX 79606

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

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Name: BOWERS JOSHUA M
Address: 4542 COLE 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 ☑

12/15/2016

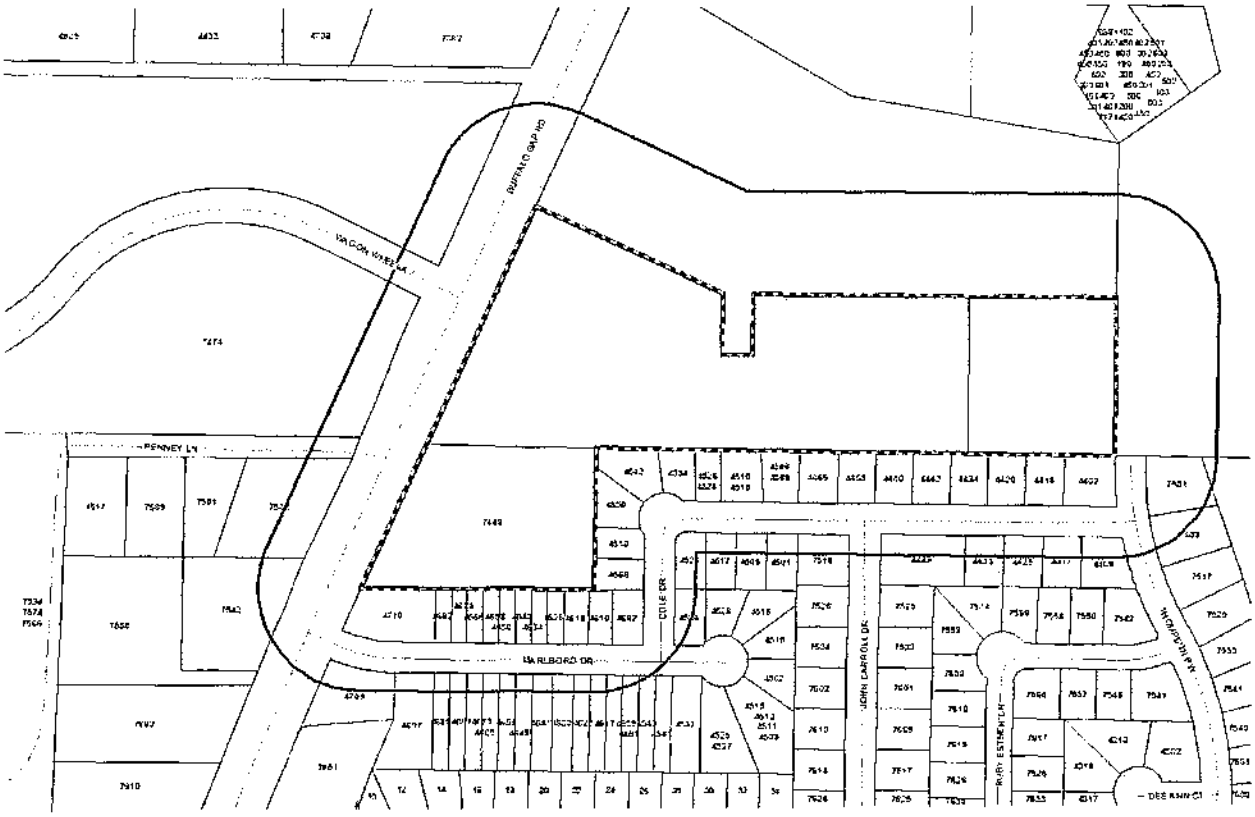
Joshua Bowers

Signature:

OWNER

Additional Comments:

Josh Bowers 12/15/2016



CITY OF
ABILENE

CHOLEWINSKI KRISTIE
4534 COLE DR

ABILENE, TX 79606-5474

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

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Name: CHOLEWINSKI KRISTIE
Address: 4534 COLE DR

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

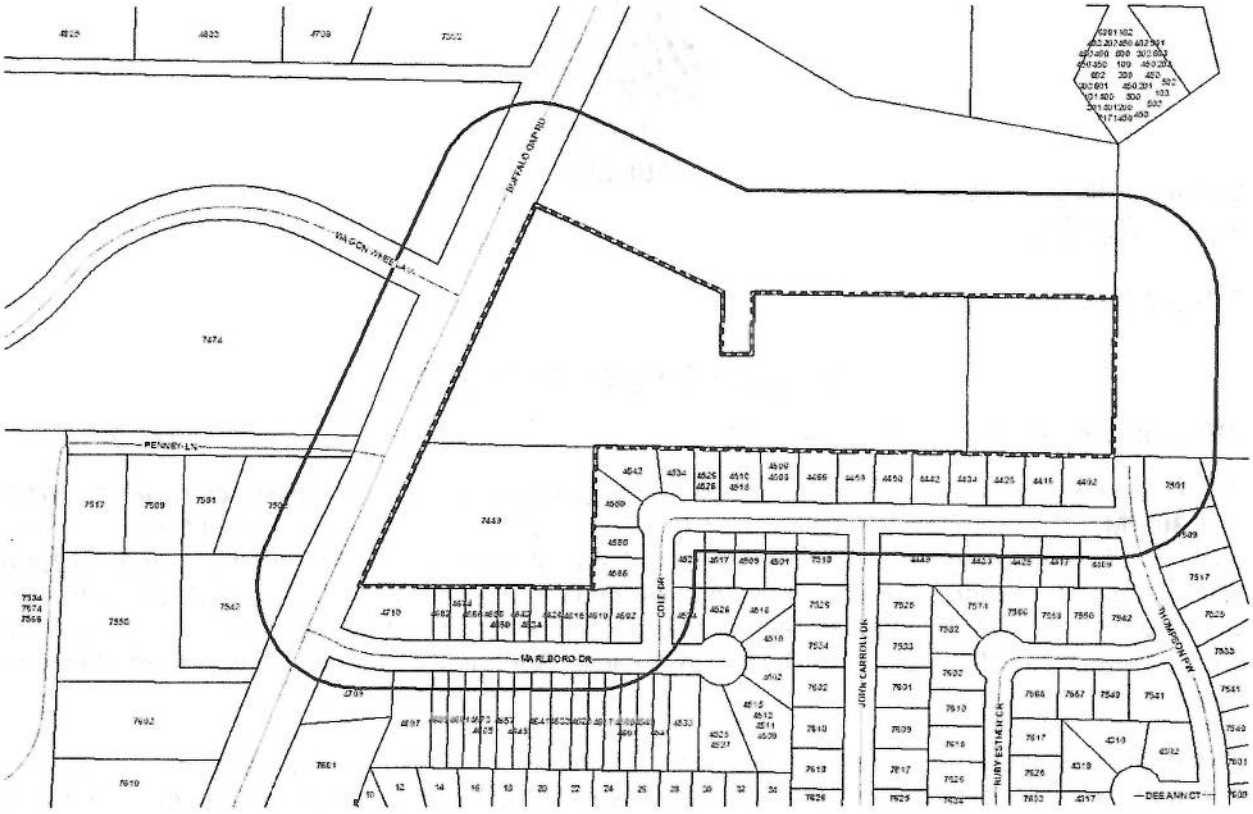
Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐ I am opposed ☑

Additional Comments:

Signature: K Cholewinski Date 12/19/2016

Print Kristie Cholewinski



DocuSign Envelope ID: 481C92B9-3182-499B-B969-FC32370B862A

CITY OF
ABILENE

SIITERI JORDAN
16506 LOOKOUT HOLLOW CIR

SELMA, TX 78154-3527

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

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Name: SIITERI JORDAN
Address: 4528 COLE DR

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

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

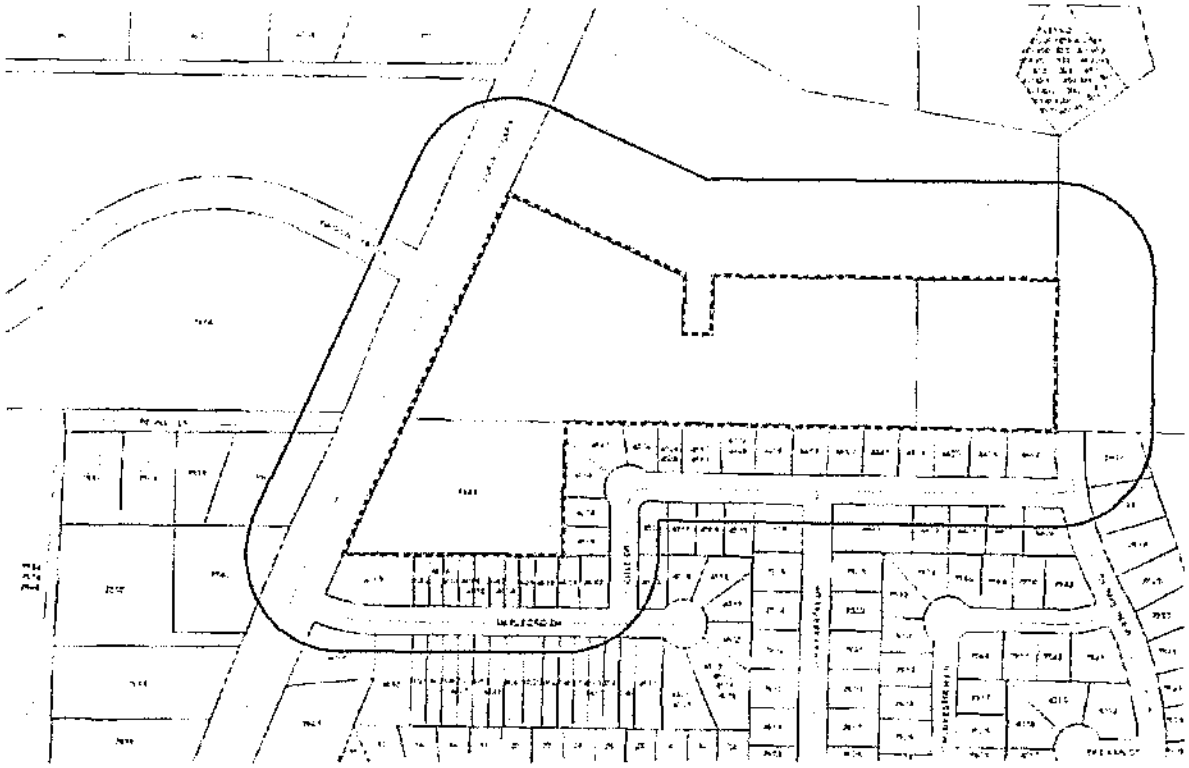
I am in favor ☐ I am opposed ☒

DocuSign Envelope ID: 481C92B9-3182-499B-B969-FC32370B862A

Signature: DocuSigned by: Jordan Sitteri, Owner 9C5Z3C0B2BE5457...

12/15/2016

Additional Comments:



CITY OF
ABILENE

TAYLOR WILLIAM F
4442 COLE DR

ABILENE, TX 79606-5404

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

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Name: TAYLOR WILLIAM F
Address: 4442 COLE 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 ☒

WILLIAM F. TAYLOR, OWNER
Dec 17, 2016
OWNER

Signature: ______________________

Additional Comments:

Turners
669-3628

CITY OF
ABILENE

BROWN KARLA
4434 COLE DR

ABILENE, TX 79606-5404

NOTICE OF PUBLIC HEARING

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Name: BROWN KARLA
Address: 4434 COLE DR

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

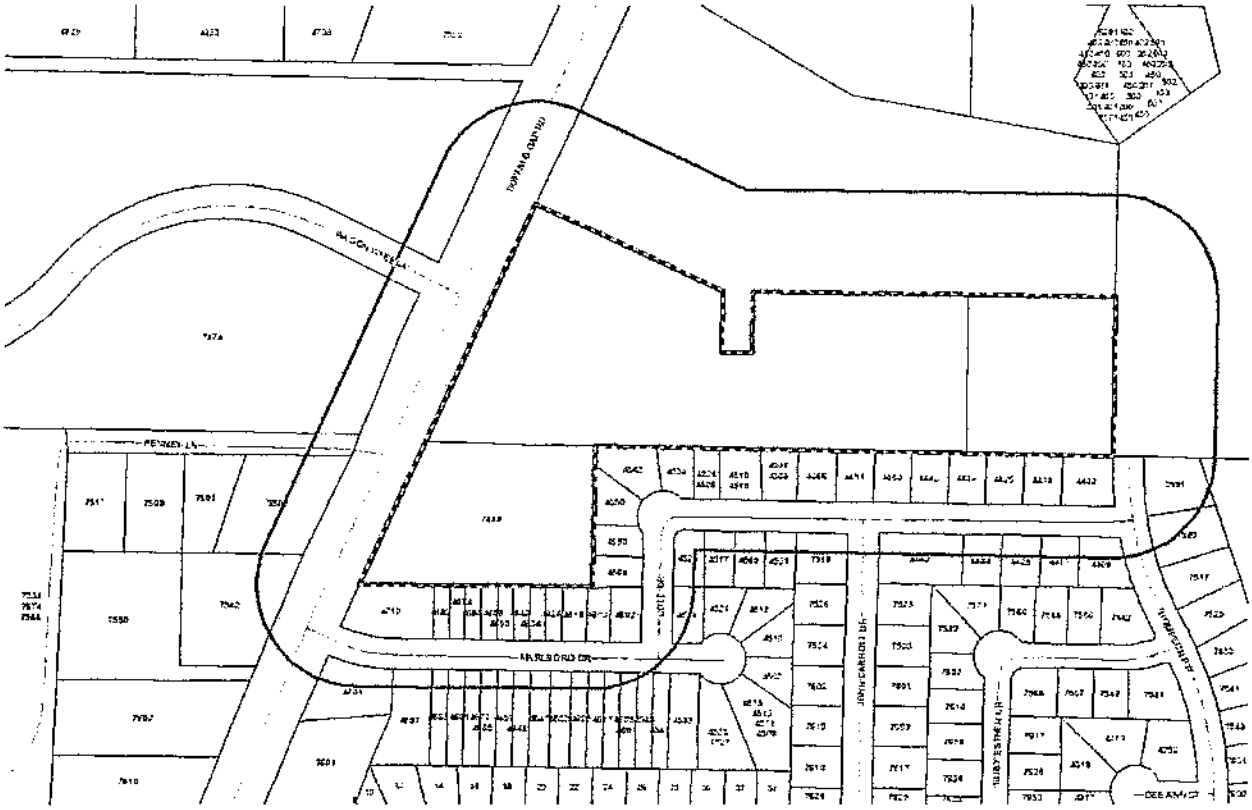
Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐ I am opposed ☑

Additional Comments:

Signature: Karla Brown date: 12/21/16

print name: Karla Brown owner



CITY OF
ABILENE

NIBLETT JOHN ROBERT
4426 COLE DR

ABILENE, TX 79606-5404

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

The Planning and Zoning Commission will hold a public hearing on **Monday, October 3, 2016**, at **1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request International Medical Christian Ministries INC., agent Richard Humphries, to rezone property from AO (Agricultural Open Space) and PD 37 (Planned Development) to GR (General Retail) and NR (Neighborhood Retail), located in the 7300-7400 Blocks (east side) of Buffalo Gap Rd, south of Mesa Springs Retirement, and north of Mesquite Forest Subdivision.

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

CASE #: Z--2016-42
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: NIBLETT JOHN ROBERT
Address: 4426 COLE DR

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

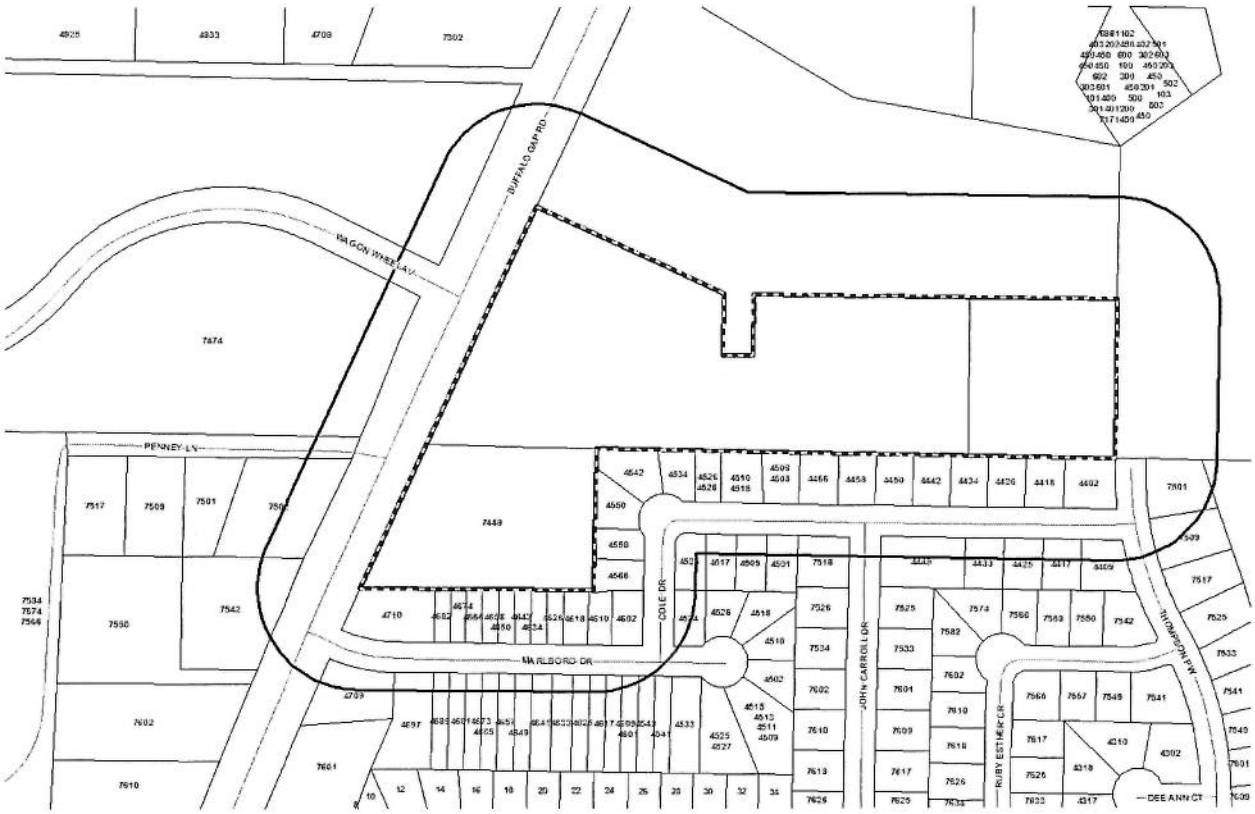
Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐ I am opposed ☑

Additional Comments:

Signature: John R. Niblett
John R. Niblett

12-19-16
Owner



CITY OF
ABILENE

CALDWELL CHARLES & MARY
4418 COLE DR

ABILENE, TX 79606-5404

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

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Name: CALDWELL CHARLES & MARY
Address: 4418 COLE DR

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

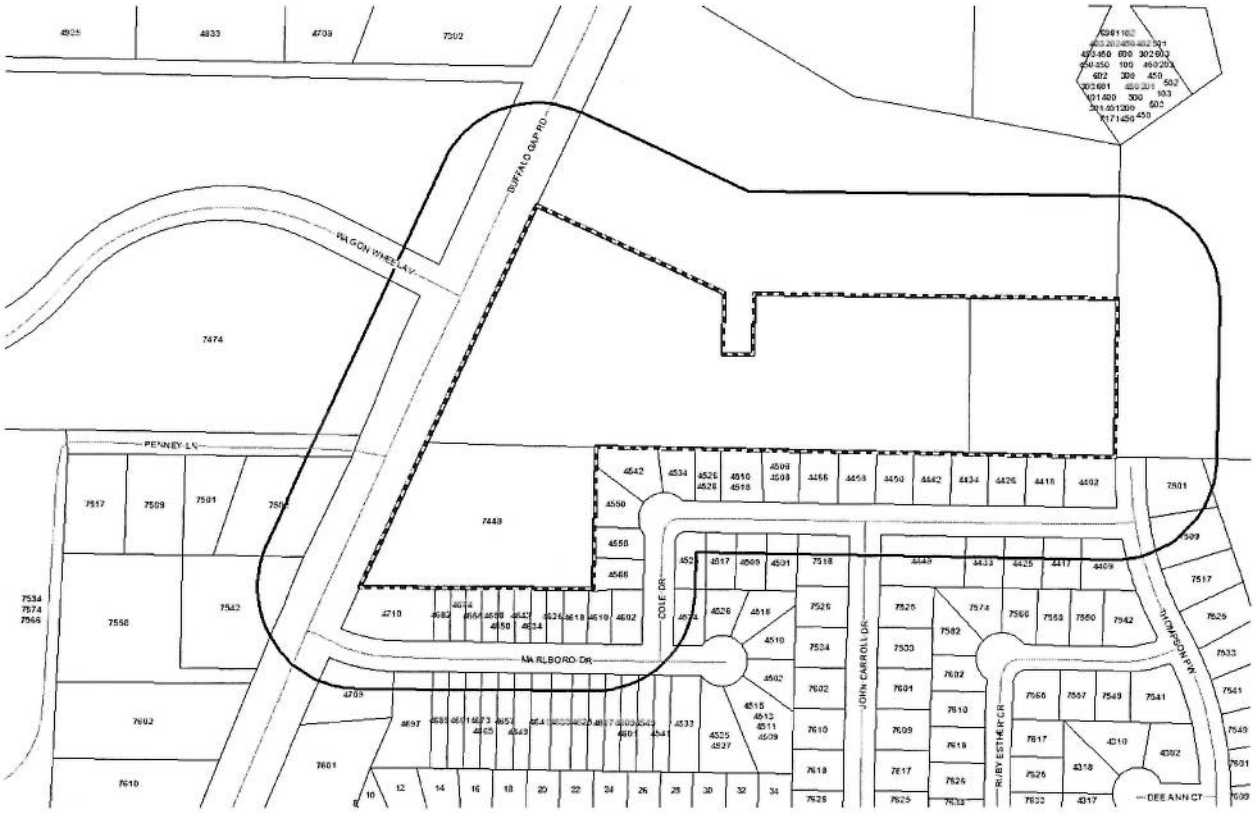
Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐ I am opposed ☐

Additional Comments:

Signature: Charles C Caldwell Date 19 Dec 2016

printed name CHARLES C. CALDWELL OWNER



Ramona Reading

CITY OF
ABILENE

GRIFFIN JAMES B &
4402 COLE DR

ABILENE, TX 79606-5404

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

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Name: GRIFFIN JAMES B &
Address: 4402 COLE 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 ☑

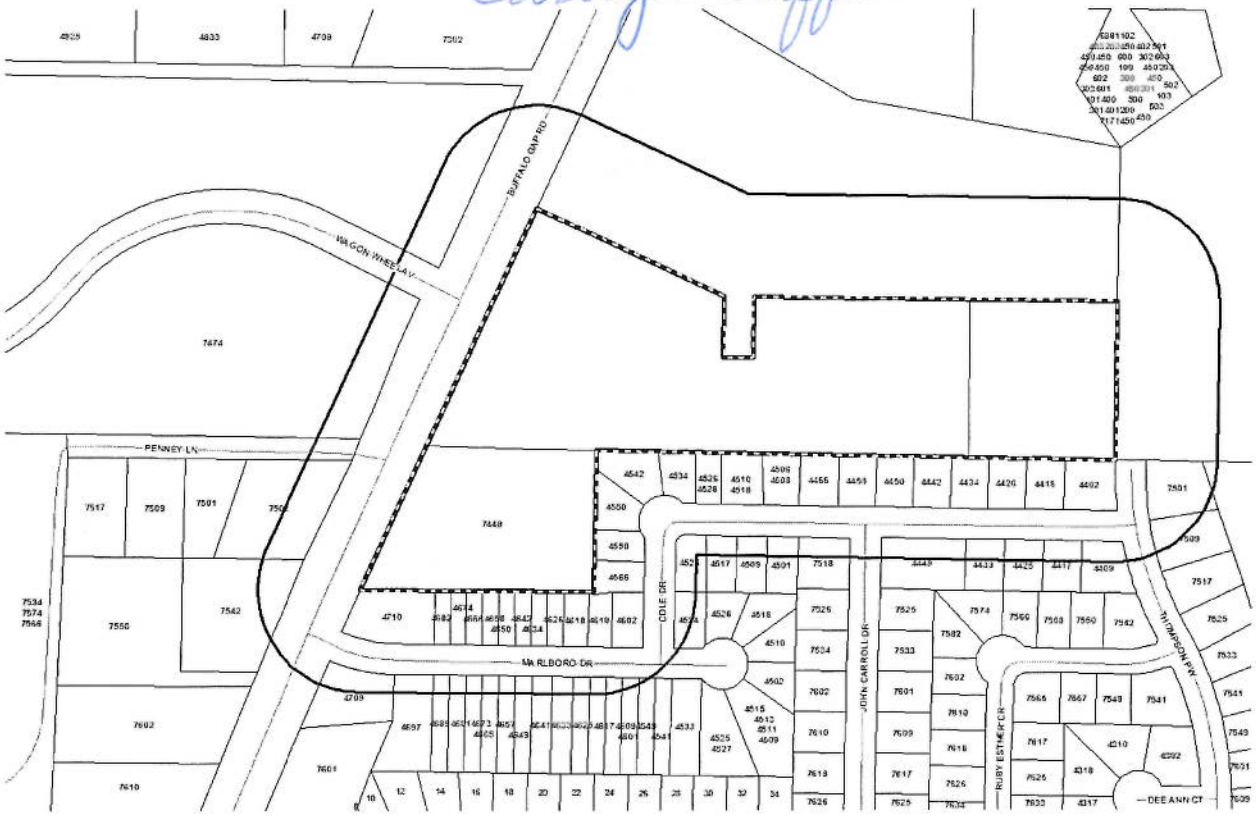
Additional Comments:

Signature: James Griffin
J & B GRIFFIN

Date 12-17-15

printed name Carolyn Griffin
Carolyn Griffin

OWNER



DocuSign Envelope ID: A3EAFD9B-B631-4B24-A1AE-14D368B5A4DD

CITY OF ABILENE

CLEARVIEW FAMILY LIMITED PAR.,
545 S US HIGHWAY 83
4525 Cole DR
ABILENE, TX 79602-5484

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

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Name: CLEARVIEW FAMILY LIMITED PART
Address: 4525 COLE DR

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

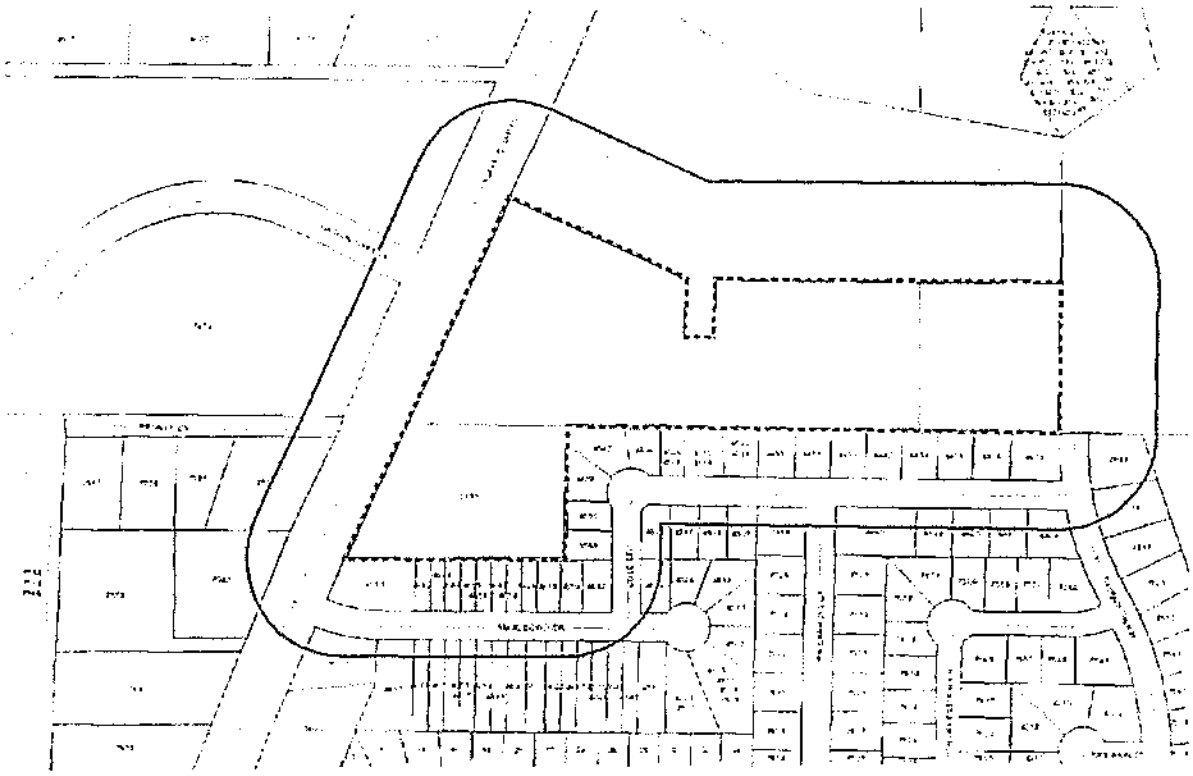
Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐ I am opposed ☒

DocuSign Envelope ID: A3EAFD9B-B631-4B24-A1AE-14D368B5A4DD

Signature: DocuSigned by: Hari Kalla, Owner B6E034220766488 12/15/2016

Additional Comments:



CITY OF
ABILENE

Tammie MATHis
4517 Cole DR
ABILENE, TX 79606-5428

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-42 9/22/2016

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Name: MATHis, Tammie MAchelle
Address: 4517 Cole DR.

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

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

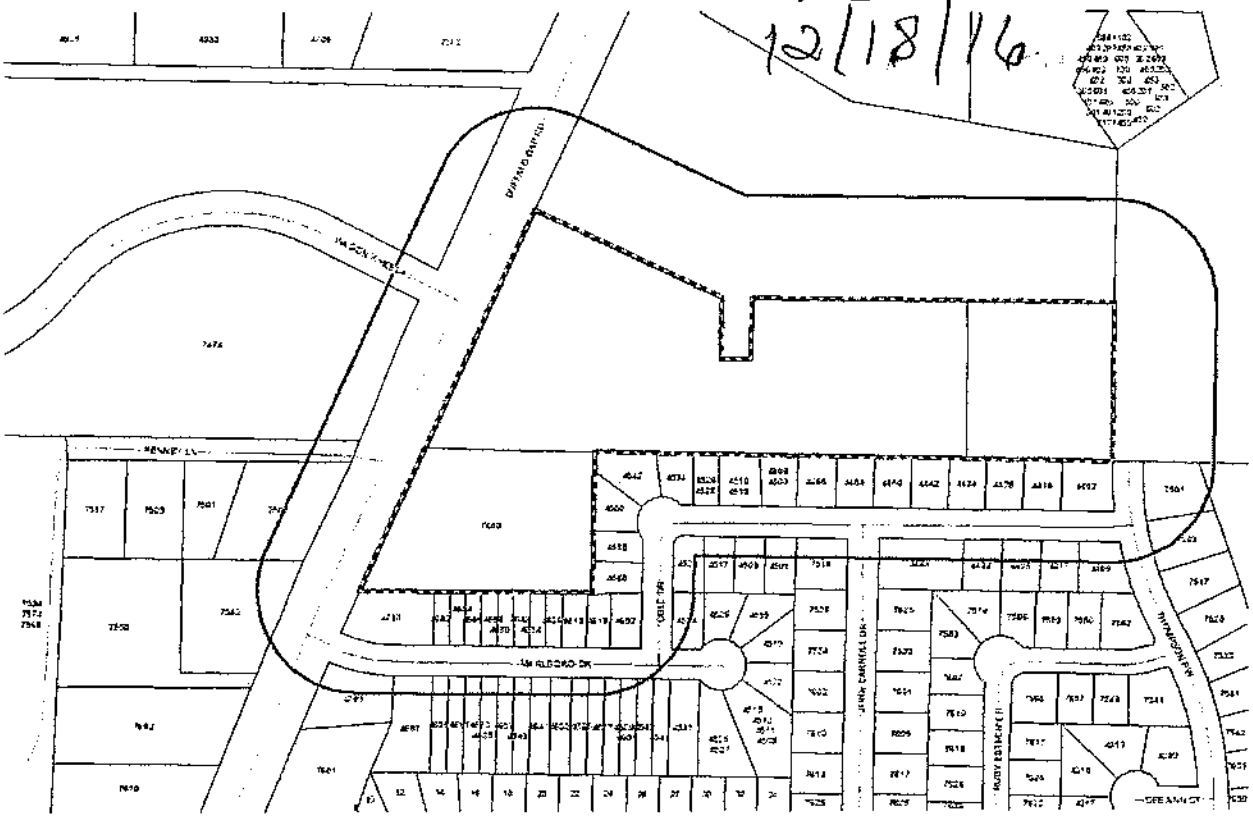
I am in favor ☐ I am opposed ☒

Additional Comments:

Signature: [signature] (previous owner)

Tammie Nickell 26 yrs.

12/18/16



CITY OF
ABILENE

SMITH CAROLYN RENIA
4509 COLE DR

ABILENE, TX 79606-5403

NOTICE OF PUBLIC HEARING

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Name: SMITH CAROLYN RENIA
Address: 4509 COLE DR

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

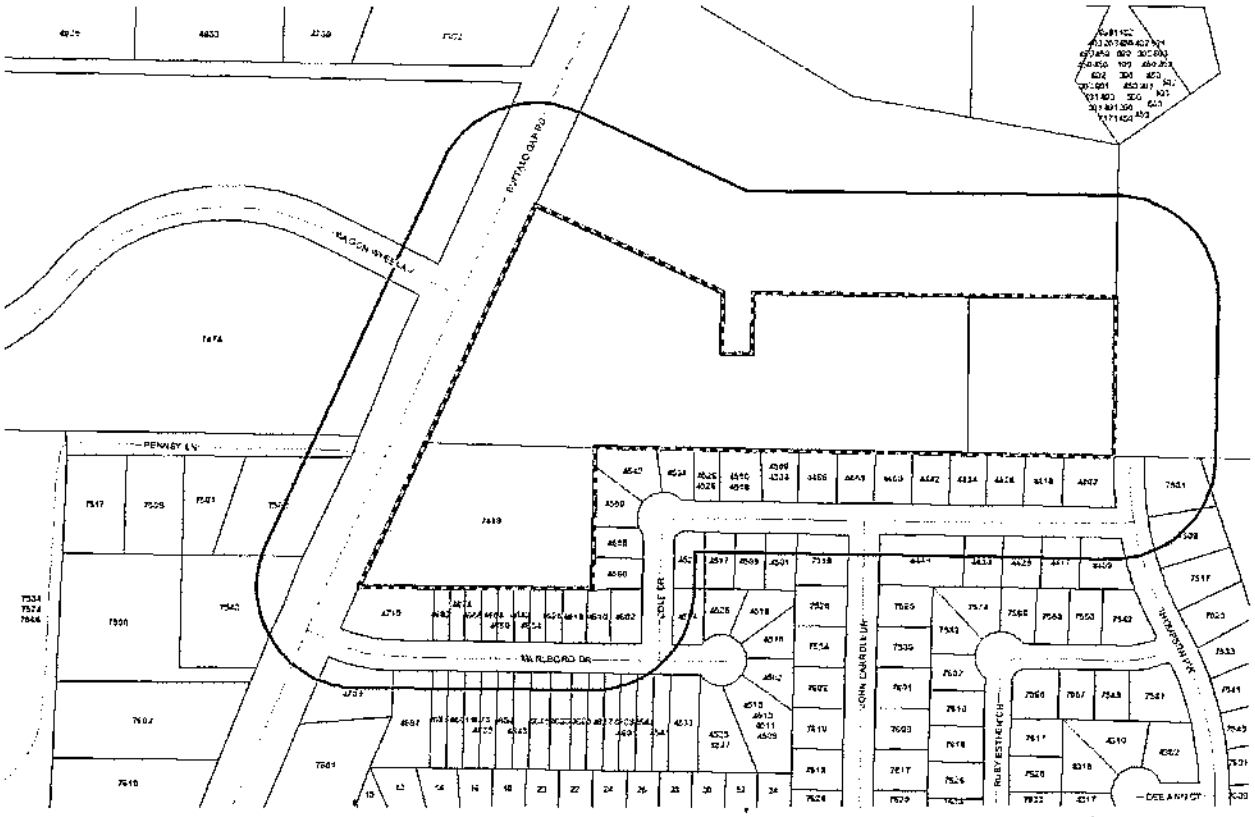
Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐ I am opposed ☒

Signature: Renia Smith

Additional Comments:

RENIA SMITH 12-15-16 OWNER



I am one of the orgenal people that didn't get a letter.

CITY OF
ABILENE

LAMB STEVEN H & HAZEL D
7518 JOHN CARROLL DR

ABILENE, TX 79606-5406

NOTICE OF PUBLIC HEARING

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Name: LAMB STEVEN H & HAZEL D
Address: 7518 JOHN CARROLL 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 ☒

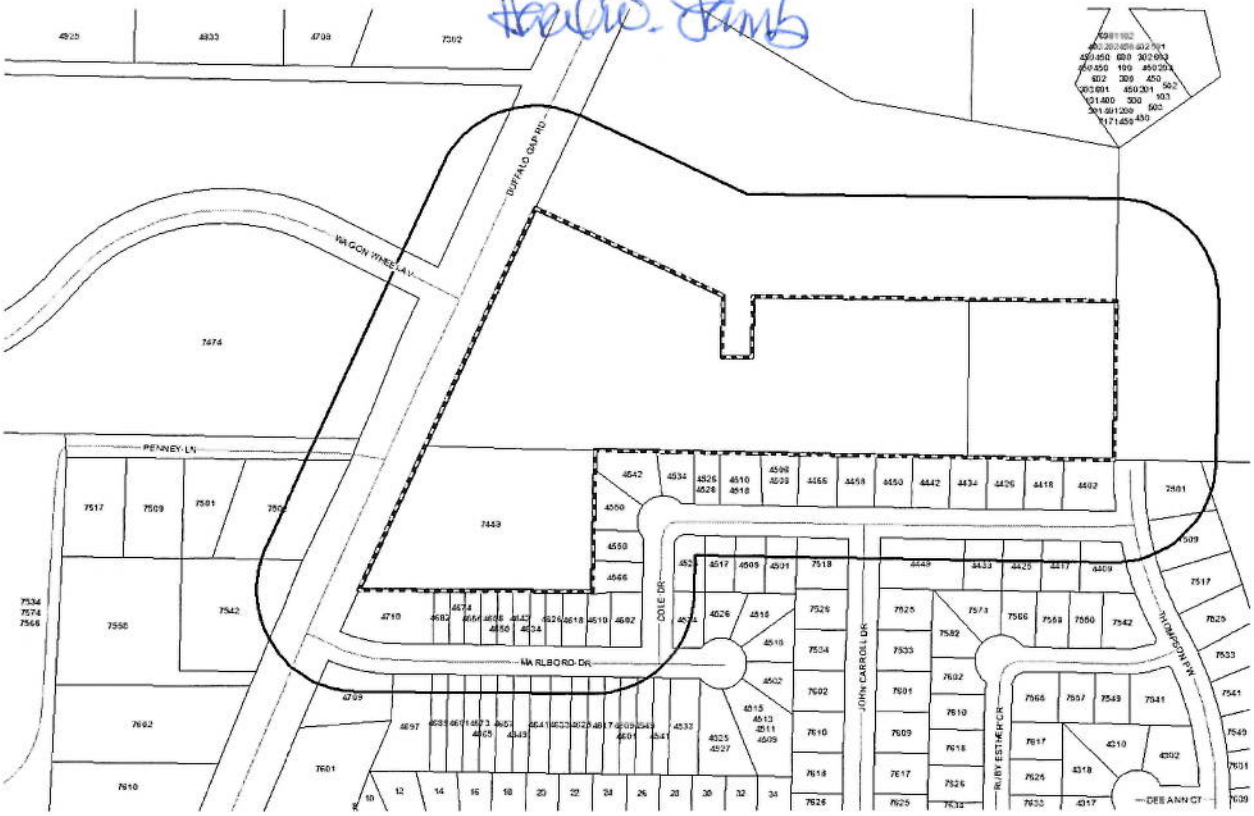
Additional Comments:

Signature: _____ Date Dec 17, 2016

Printed name Steven H. Lamb OWNER

Hazel Lamb

Harold D. Lamb



CITY OF
ABILENE

MARTIN CARL RICHARD
4449 COLE DR

ABILENE, TX 79606-5405

NOTICE OF PUBLIC HEARING

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Name: MARTIN CARL RICHARD
Address: 4449 COLE DR

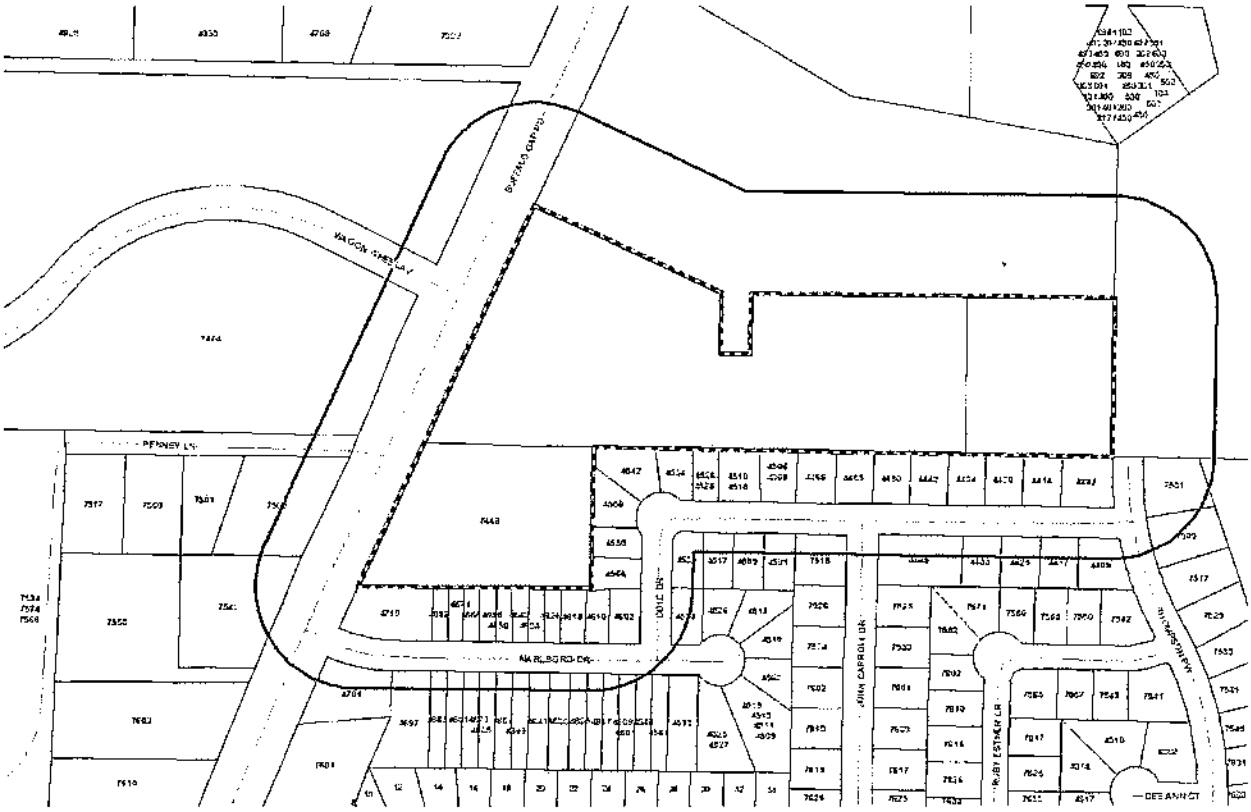
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

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

I am in favor ☐ I am opposed ☒

Additional Comments:

Signature: Carl Martin 12/15/2016
CARL MARTIN OWNER



CITY OF
ABILENE

Erzsebet Giannopoulos
4409 Cole Drive 79606

ABILENE, TX 79606-5428

NOTICE OF PUBLIC HEARING

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Name: GIANNOPOULOS NICKOLAOS, ERZSBET
Address: 4409 Cole 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 ☒

Nickolaos Giannopoulos
12/17/2016

Signature: _____ Erzsebet Giannopoulos
12/17/2016
OWNER

Additional Comments:

CITY OF
ABILENE

MC BRIDE CAROL LOUISE KECK
7502 BUFFALO GAP RD

ABILENE, TX 79606-5457

NOTICE OF PUBLIC HEARING

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Name: MC BRIDE CAROL LOUISE KECK
Address: 7502 BUFFALO GAP RD

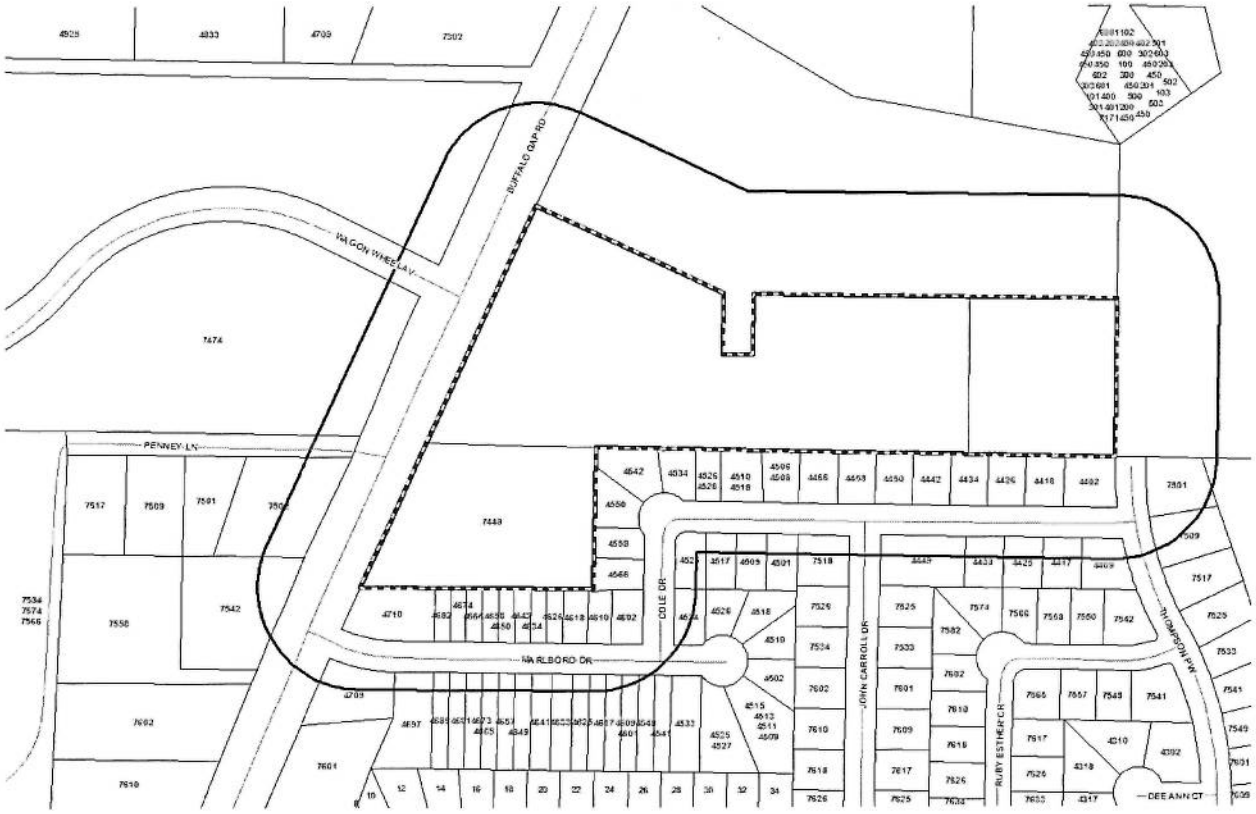
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

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

I am in favor ☐ I am opposed ☒

Additional Comments:

Signature: Carol McBride 12-19-16
Carol McBride owner



SECOND PETITION

PETITION December 15, 2016

CITY OF ABILENE TEXAS ZONING
CITY COUNSEL MEETING

CASE NUMBER Z 2014-42

We the undersigned oppose Neighborhood Retail and General Retail Zoning bordering existing residential homes on Marlboro Drive and Cole Drive.

We are convinced that property values will decline as a result. We are convinced that our neighbors whose properties will be on the same boundary line of the purposed Retail Zoning with only a 30 foot set back will take a great loss not only in property value but enjoyment of their homes.

The backs of retail property are unsightly and attract crime, lighting disrupts sleep, trash dumpsters smell and attract rats and delivery trucks give off diesel fumes to which one neighbor is highly allergic. Increased cut through traffic on our narrow residential street is a hazard to children and also further depreciates the value of our homes.

It seems reasonable to us for the proposed development of retail property to be placed where there are no existing residential homes subject to loss of value.

Please sign & then Print your name below your signature

(HO) (T)

HOME OWNER / TENANT	ADDRESS	DATE
T Barbara Aycock BARBARA Aycock	4629 MARLBORO DR	12-15-16
T Shana Goriola Shana Goriola	4641 Marlboro Dr.	12/15/16
T Matthew T. Chueca MATTHEW T. Chueca	4702 Marlboro DR.	12/15/16
T Savannah Nicol Savannah Nicol	4682 Marlboro Dr	12/15/16
T Mike Svagera Mike Svagera	4658 Marlboro Dr.	12/15/16

T. Nancye Currie - 4650 MARLBORO - 12-15-16
NANCYE CURRIE

T Hans C DeJong 4665 Marlboro 12-15-16
Hans C DeJong

T marshall carter 4674 marlboro 12-15-16
Marshall Carter

T Sydney V 4626 marlboro 12-15-16
Sydney Vanderbilt

Nick 12-18-16
Tammie Nickell

Z-2016-42

Request: Rezone from AO and PD 37 to GR and NR zoning

Location: 7300-7400 Blocks (east side) of Buffalo Gap Rd, south of Mesa Springs Retirement, and north of Mesquite Forest Subdivision

***Notification:** 3 in favor; 22 opposed

Staff Recommendation: Approval of AO to GR (app. 2.36 acres), PD37 to NR (app. 4.66 acres)

P & Z Recommendation: Approval of AO to GR (app. 2.36 acres), PD37 to NR (app. 4.66 acres)

* Super majority vote required: 25.1% opposed in public notification area

Z-2016-42

RS-8
RS-6
AO
PD
MF
O
GC
RIO MESA DR
SABLE CR
CRYSTAL CREEK
SPRINGWATER AV
RANDY AV
MEADOW DR
BECK AV
WESTERN PLAINS AV
BIG SKY DR
SILVER SPUR LN
WAGON WHEEL AV
PENNEY LN
BUFFALO GAP RD
CIRCLE ONE
FORREST HILL RD
MESA TE
MESA BEND
MESA SPRINGS BL
OLD FORREST HILL RD
PHOENIX DR
MISSION HILLS
COLE DR
KAREN DR
SETH CT
SERA DR
MARK CT
CHRIS DR
KELLYE CT
CRAIG DR
DANA CT
DEE ANN CT
RUBY ESTHER CR
PATRICIA LN
BUTTERCUP DR
BEALL BL
THOMPSON PW
WHITE BL
TEEL DR
BONNIE CR

View looking north across subject property

View looking northeast toward northern portion of subject property

View looking east toward subject property on Buffalo Gap Rd.

View looking east toward southern portion of subject property

View looking southeast toward southern portion of subject property

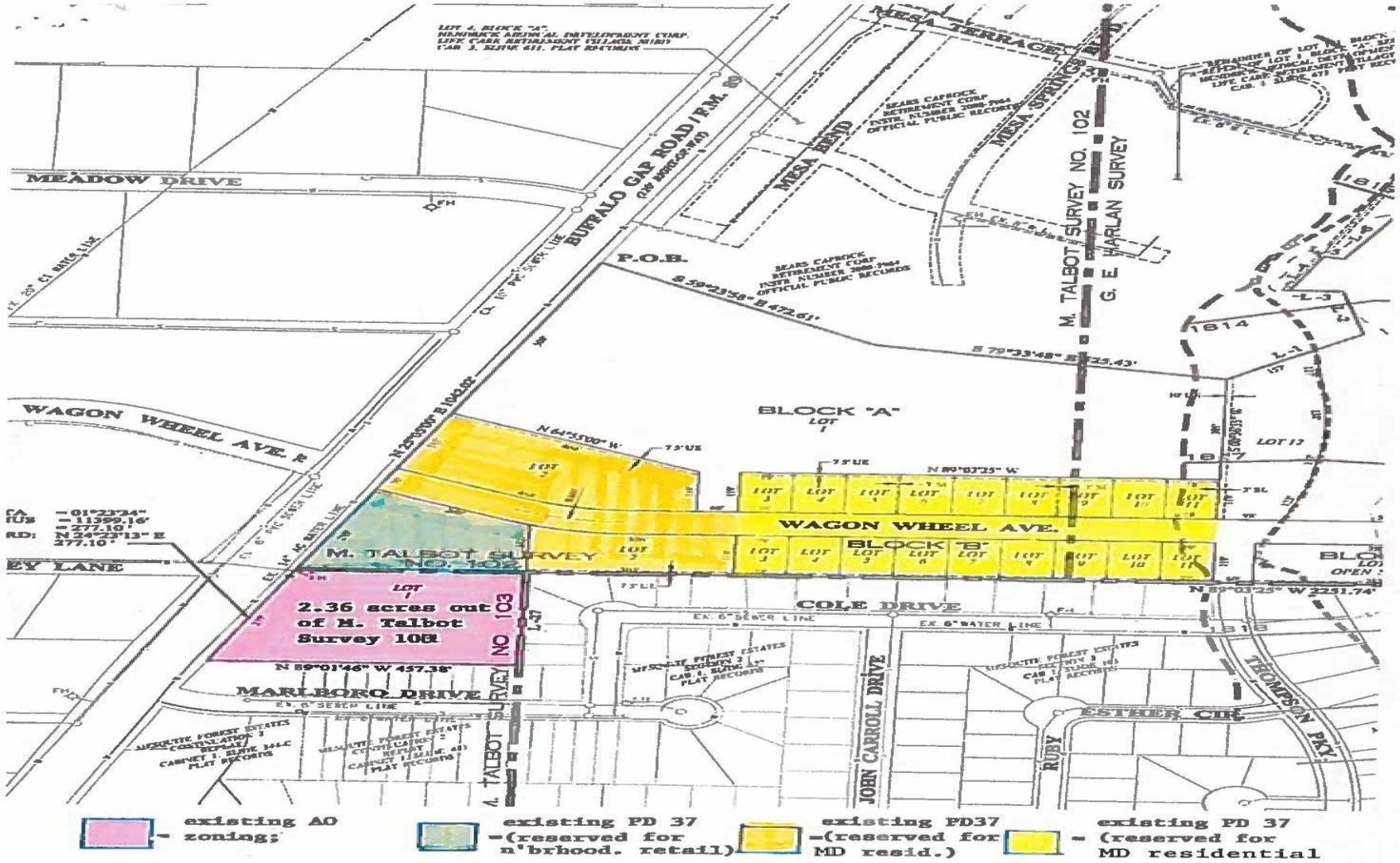
View looking south toward west portion of subject property

View looking west across from subject property on Buffalo Gap Rd.

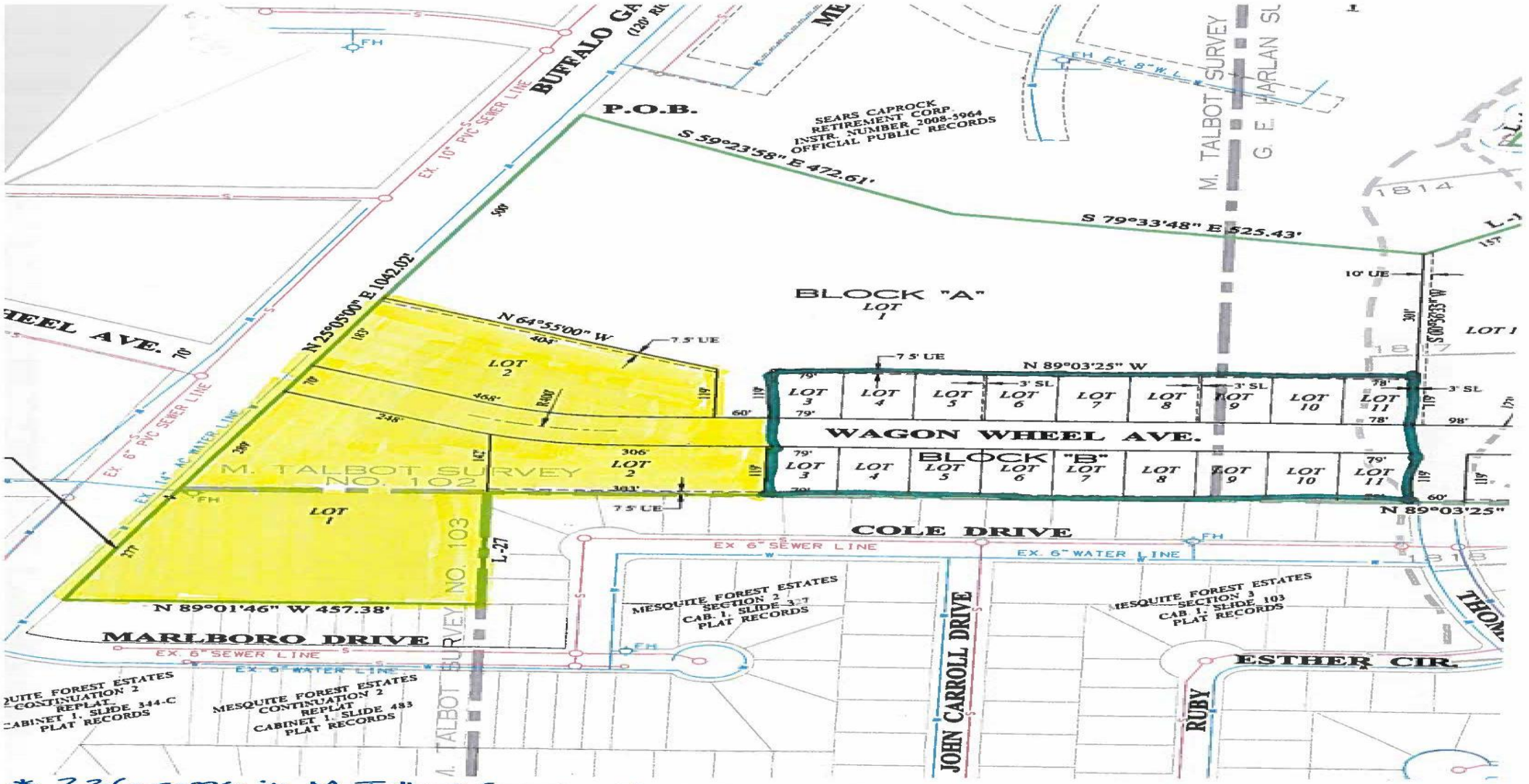
View looking north along Buffalo Gap Rd.

View of homes directly south of subject property

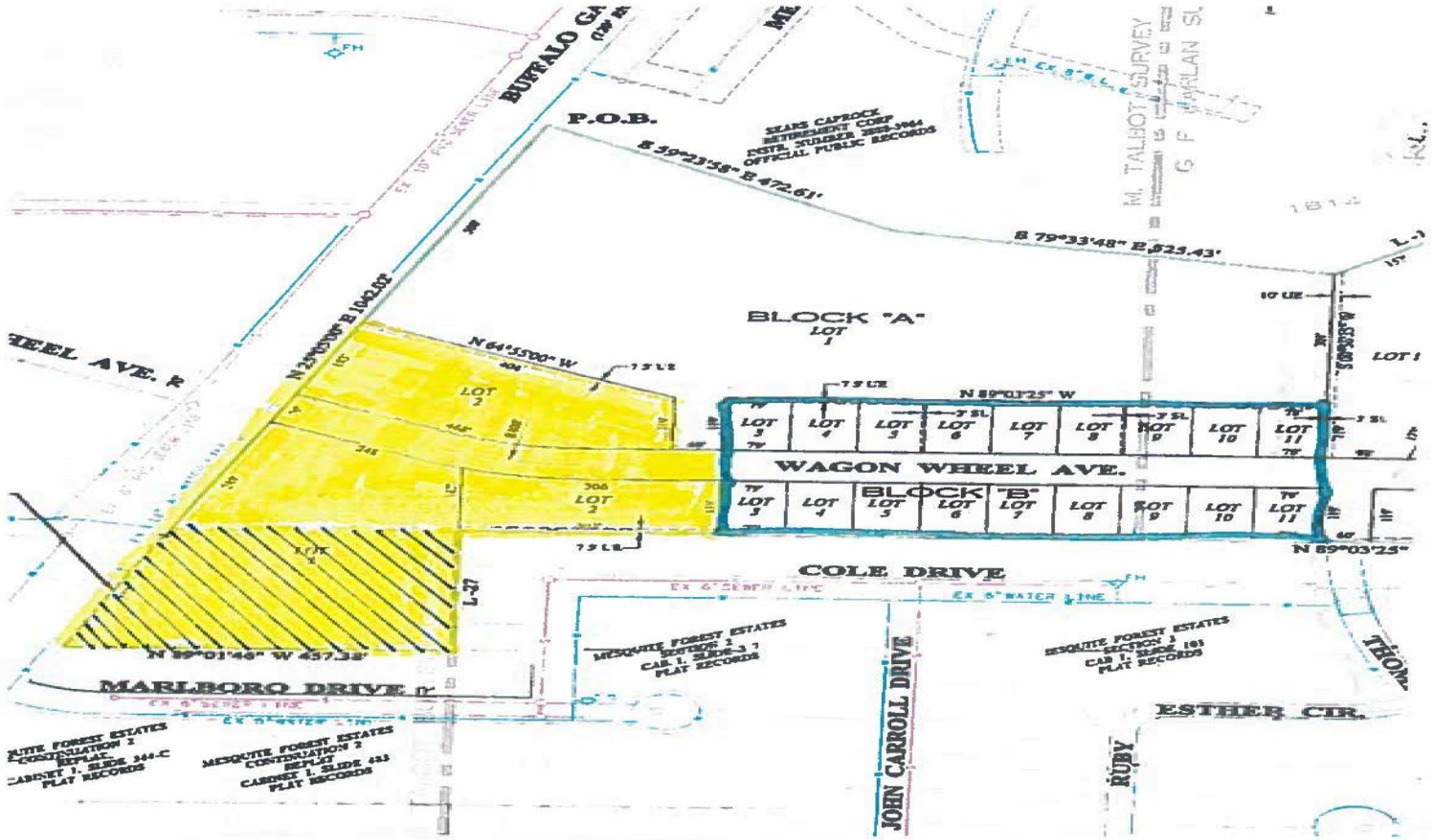
Current Zoning



Requested Rezoning



Staff Recommendation



= NR Neighborhood Retail (*4.66 acres)

= MD Medium Density Residential (current zoning - *4.99 acres)

= GR General Retail (*2.36 acres)

* Approximate acreages

Permitted Uses in AO Zoning

RESIDENTAL 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

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

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 NR Zoning

RESIDENTAL USES:

P	Bed & Breakfast
P	Dwelling - Duplex
P	Dwelling – Industrialized Housing Unit
P	Dwelling – Institutional
P	Dwelling – Multiple-Family
P	Dwelling – Single Family Detached
C	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 Sales
P	Home Occupation
C	Mobile Home (temporary security residence)
P	Recreation Building, Multipurpose
P	Recreation Equipment, Mobile (storage and parking)
C	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
C	Cultural Facilities
P	Recreation – Outdoors (passive)
C	Recreation and Commercial Entertainment - Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

P	Fire/Police Station
C	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	School: Public/Private

SERVICE

C	Automobile Wash
P	Laundry/Dry Cleaning Services & Facilities
P	Office (general, professional, financial)
P	Personal Services
C	Printing, Copying, Reproduction, Publishing
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
C	Fuel Sales
P	Liquor Store (Off Premises Consumption) *(Defined under Liquor Store)*
C	Restaurant, Fast Food
P	Restaurant, Standard
P	Retail Sales/Rental (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

C	Broadcast Studio
P	Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well

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

RESIDENTAL 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	**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**

Z-2016-42

3 in Favor-

22 Opposed-

CITY OF ABILENE

City Council
Agenda Memo

City Council Meeting Date: 1/12/2017

TO: **Mr. Robert Hanna, City Manager**

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

SUBJECT: **Ordinance & Public Hearing: (*Final Reading*) Z-2016-46 A request from Griffith Lake Estates, LLC, agent Tal Fillingim to rezone property from AO (Agricultural Open Space) to PH (Patio Home) zoning, located 1701 Griffith Road. *(Dana Schoening)***

GENERAL INFORMATION

The subject parcel totals approximately 49.54 acres and is currently zoned AO. The adjacent properties are zoned RS-8 (Single-Family Residential) to the west, AO to the north and east, AO & RS-6 (Single-Family Residential) to the south. There is some PH (Single-Family Residential Patio Home) zoning to the south along Griffith Road and EN 10th Street as well.

Currently the property is undeveloped. The surrounding area is developed with primarily single-family homes to the west and south. There are some patio homes on the east side of Griffith road and north of E.N. 10th Street. The property has street frontage only along Griffith Road and is proposing two entrances into the subdivision, both onto Griffith Road. Patio homes are a type of single-family residential development.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. Griffith Road is designated as a 'collector' street. The desired minimum right-of way width for a "collector" road is 70' with an improved street width of 40'. In this case Griffith Road is approximately a 20' wide paved street with no curb and gutter as would typically be required for new developments. Improvement of Griffith Road will be required adjacent to the proposed subdivision. Additionally, the Master Thoroughfare Plan shows a future collector roadway entering into the proposed subdivision and turning to the south. Due to the proposed design and the substandard nature of Griffith Road and the other subdivision streets, there may be concern with this rezoning. Staff feels that the proposed number of lots may place an overwhelming burden on the present infrastructure in the surrounding area upon full development. These issues should be addressed at the preliminary plat stage.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of PH (Patio Home) zoning.

BOARD OR COMMISSION RECOMMENDATION

On December 5, 2016, the Planning and Zoning Commission considered and recommended this request by a vote of five (5) in favor (Bixby, Calk, Famble, Smith and McClarty), and none (0) opposed.

On December 15, 2016, City Council approved this item on first reading to move to a public hearing scheduled for January 12, 2017.

ATTACHMENTS:

Description	Type
Ordinance Cover	Ordinance
Ordinance Exhibit	Ordinance
Staff Report With Maps	Exhibit
Flood Viewer Map Exhibit	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 15th day of December, 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 23rd day of December, 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 12th day of January, 2017 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 12th day of January, A.D. 2017.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

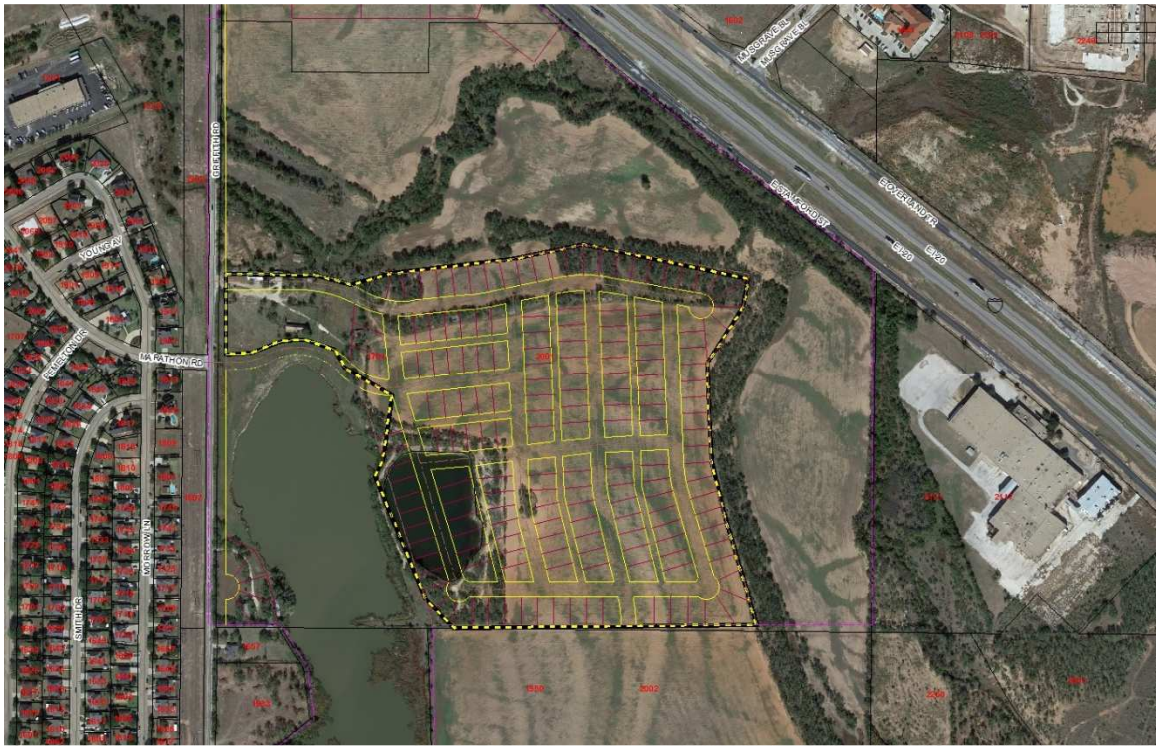
ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to PH (Patio Home) zoning.

Legal Description:

49.54 Acres out of a 129.17 tract described as A1412 SUR 33 B A L NE/4

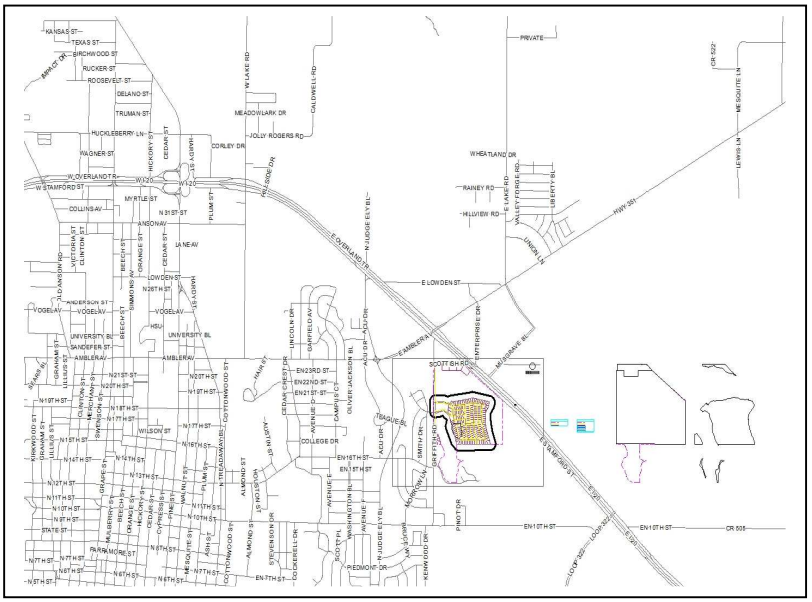


Location:
1701 Griffith Road

-END-

ZONING CASE Z-2016-46
STAFF REPORT

APPLICANT INFORMATION:
Griffith Lake Estates
Agent: Tal Fillingim, Jacob & Martin



HEARING DATES:
P & Z Commission: December 5, 2016
City Council 1st Reading: December 15, 2016
City Council 2nd Reading: January 12, 2017

LOCATION:
1701 Griffith Rd. Legal Description being 49.54 Acres out of a 129.17 tract described as A1412 SUR 33 B A L NE/4.

REQUESTED ACTION:
Rezone property from AO (Agricultural Open Space) to PH (Single-Family Residential Patio Home) zoning. Including approximately 184 new patio home lots.

SITE CHARACTERISTICS:
The subject parcel totals approximately 49.54 acres and is currently zoned AO. The adjacent properties are zoned RS-8 (Single-Family Residential) to the west, AO to the north and east, AO & RS-6 (Single-Family Residential) to the south. There is some PH (Single-Family Residential Patio Home) zoning to the south along Griffith Road and EN 10th Street as well.

ZONING HISTORY:
The property was annexed in 1964 and zoned AO at that time.

ANALYSIS:
- Current Planning Analysis
  Currently the property is undeveloped. The surrounding area is developed with primarily single-family homes to the west and south. There are some patio homes on the east side of Griffith road and north of E.N. 10th Street. The property has street frontage only along Griffith Road and is proposing two entrances into the subdivision, both onto Griffith Road. Patio homes are a type of single-family residential development.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. Griffith Road is designated as a 'collector' street. The desired minimum right-of way width for a "collector" road is 70' with an improved street width of 40'. In this case Griffith Road is approximately a 20' wide paved street with no curb and gutter as would typically be required for new developments. Improvement of Griffith Road will be required adjacent to the proposed subdivision. Additionally, the Master Thoroughfare Plan shows a future collector roadway entering into the proposed subdivision and turning to the south. Due

to the proposed design and the substandard nature of Griffith Road and the other subdivision streets, there may be concern with this rezoning. Staff feels that the proposed number of lots may place an overwhelming burden on the present infrastructure in the surrounding area upon full development. These issues should be addressed at the preliminary plat stage.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of PH (Single-Family Residential Patio Home) zoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On December 5, 2016, the Planning and Zoning Commission considered and recommended this request by a vote of five (5) in favor (Bixby, Calk, Famble, Smith and McClarty), and none (0) opposed.

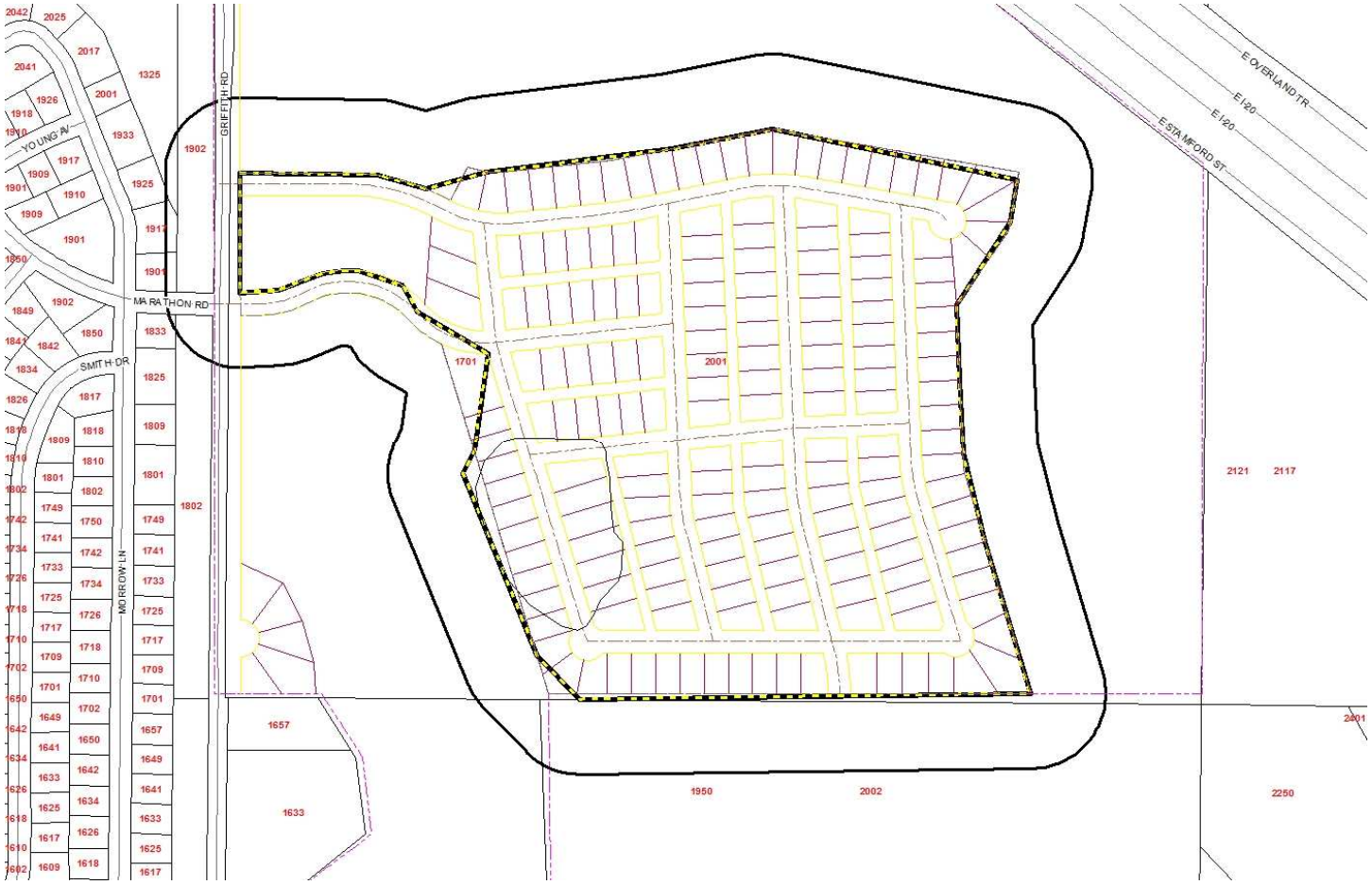
NOTIFICATION:

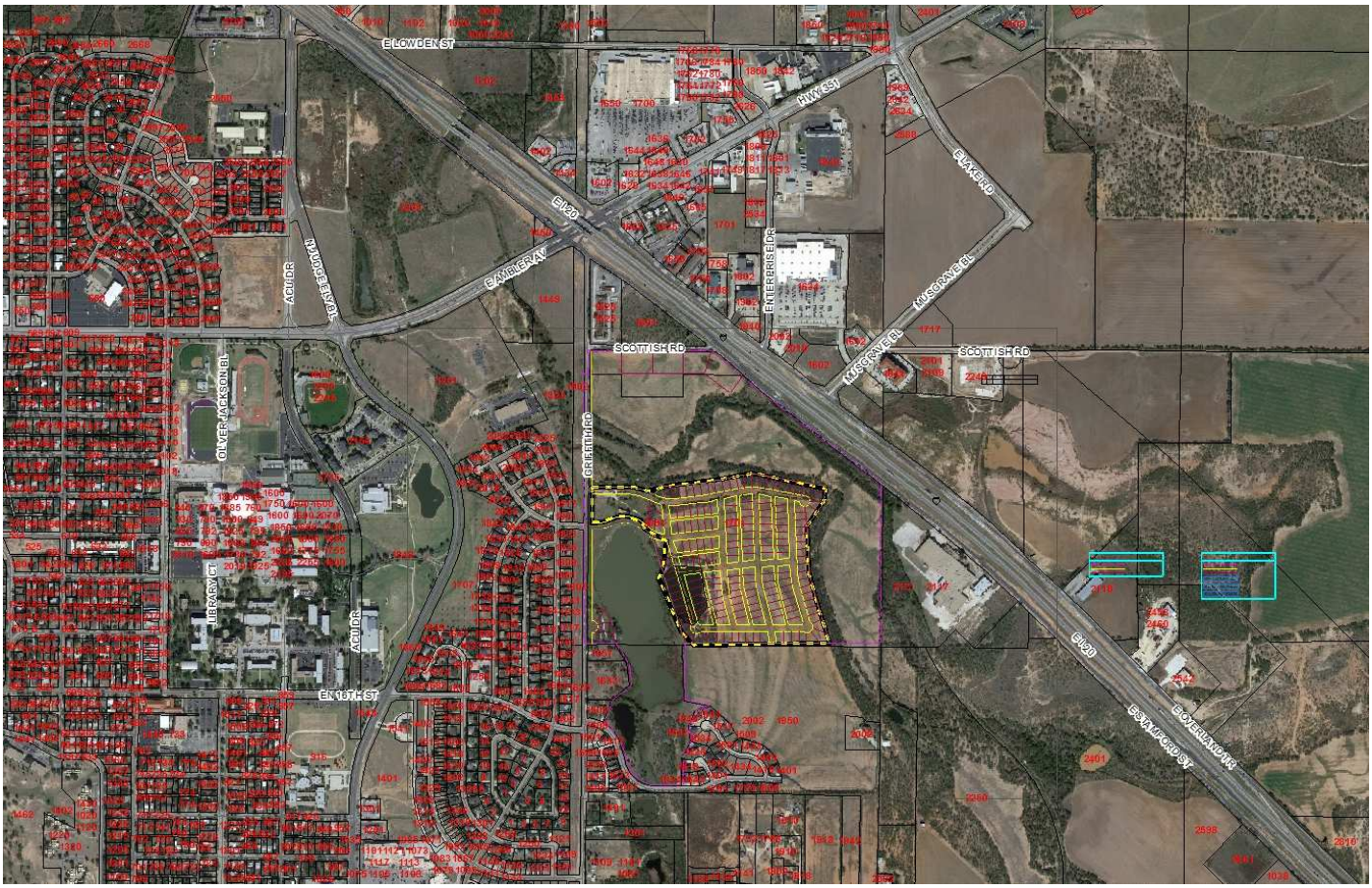
Property owners within a 200-foot radius were notified of the request.

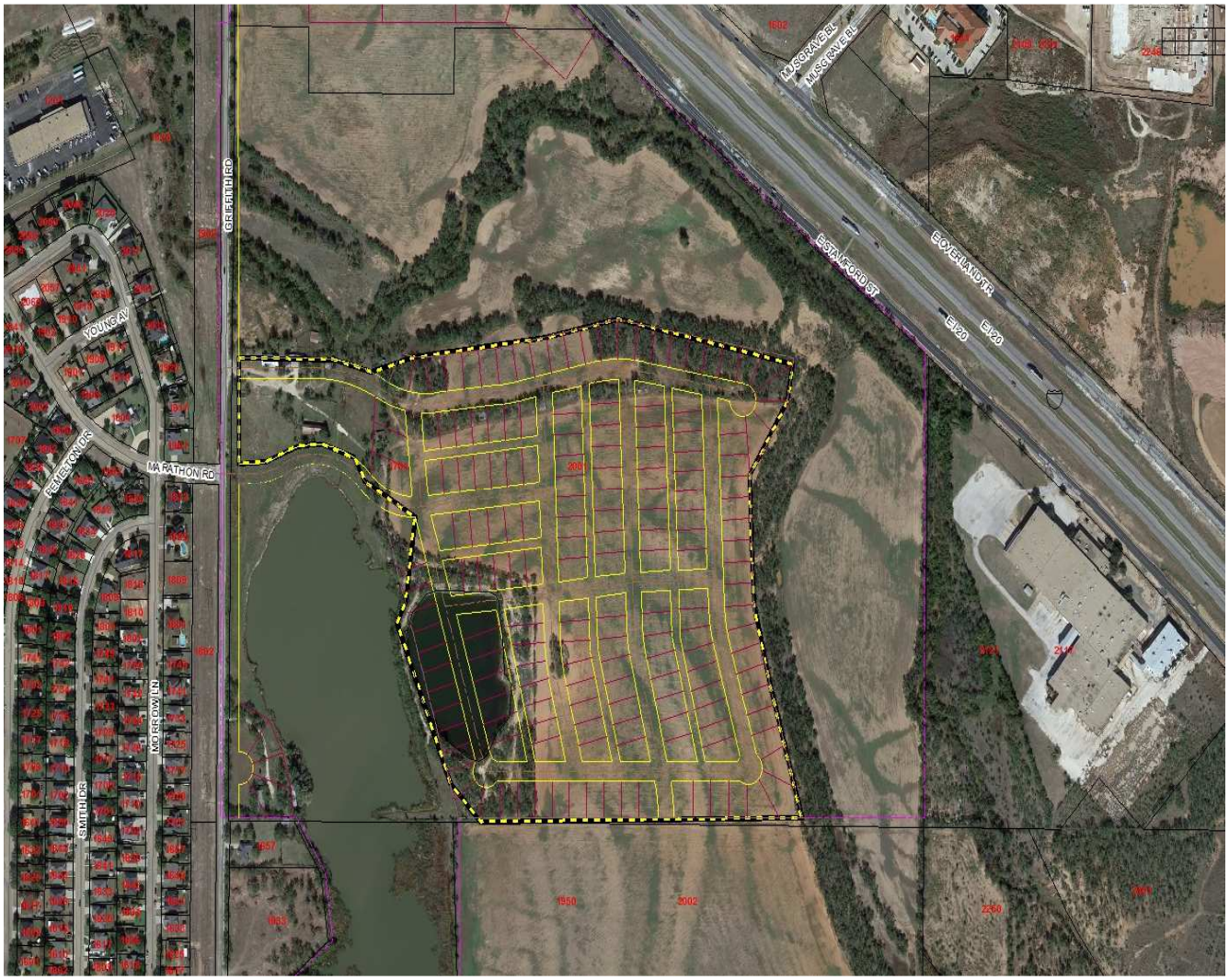
OWNER	SITUS	RESPONSE
ABILENE CHRISTIAN UNIV	1325 E AMBLER AV	
DAVIS C BRUCE & CHARLOTTE J	2002 WILDLIFE TRAILS PW	
DAVIS C BRUCE & CHARLOTTE J	1950 EN 10TH ST	
HANCOCK JAMES ROBERT &	1917 MORROW LN	
HENDRICK MEDICAL CENTER		
HENDRICK MEDICAL CENTER	2001 GRIFFITH RD	
HENDRICK MEDICAL CENTER	1701 GRIFFITH RD	
PETERSON HUPERT & LENORA R	1925 MORROW LN	
REESE JEANENE SPA	1901 MORROW LN	
SKAGGS DONALD E & DAWN	1833 MORROW LN	
VELASCO RUBEN O JR &	1825 MORROW LN	
WEST TEXAS UTILITIES CO	1902 GRIFFITH RD	
WEST TEXAS UTILITIES CO	1802 GRIFFITH RD	

0 in Favor- **Y**

0 Opposed- **N**




E LOWDEN ST
HWY 351
E LAKE RD
E I-20
E AMBLER AV
ENTERPRISE DR
MUSGRAVE EL
SCOTTISH RD
GRIFFITH RD
OLIVER JACKSON BL
LIBRARY CT
ACU DR
EN 10TH ST
E STAMFORD ST
E OVERLAND TR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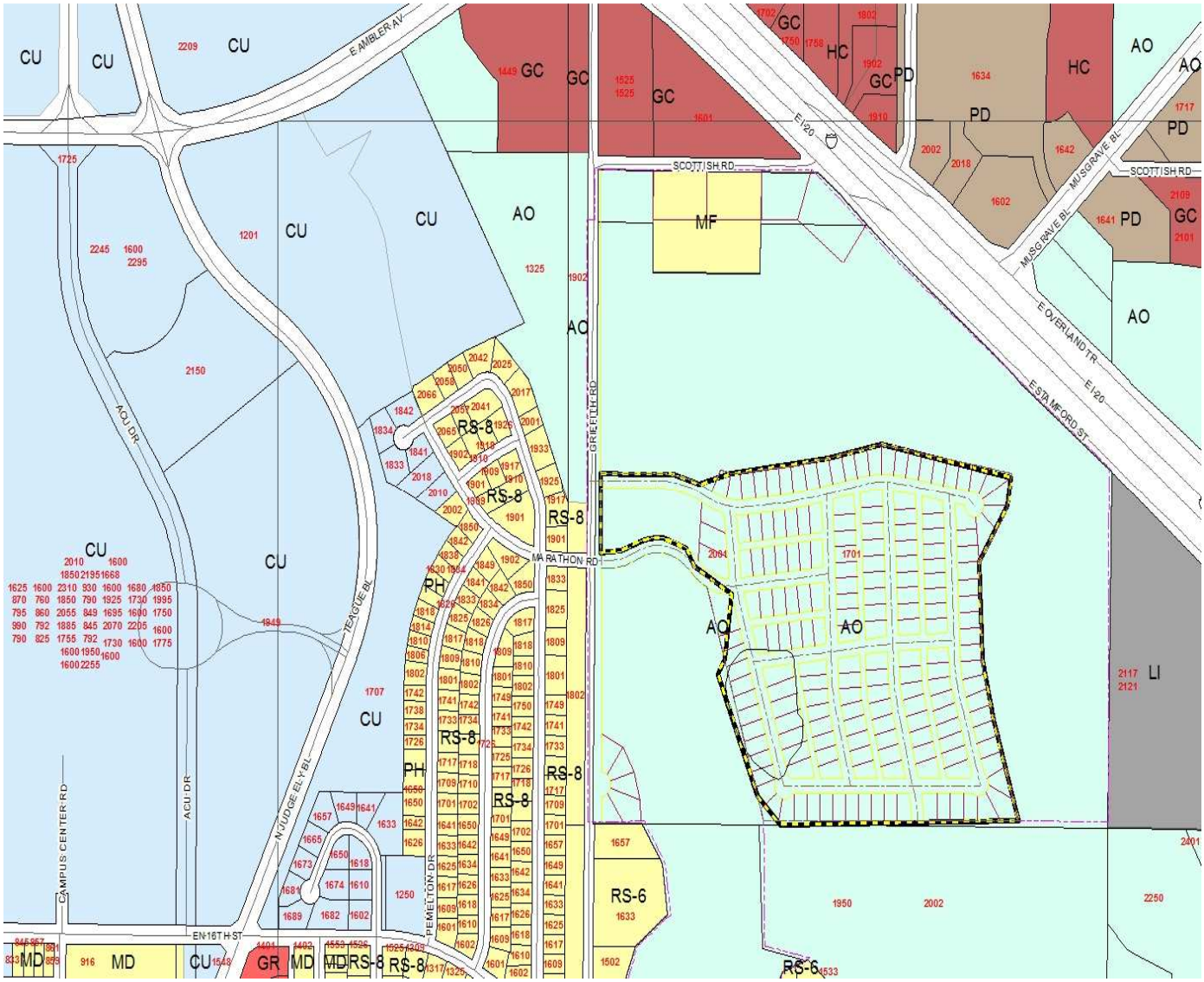
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SCOTTISH RD
MUSGRAVE BL
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ESTAMFORD ST
GRIFFITH RD
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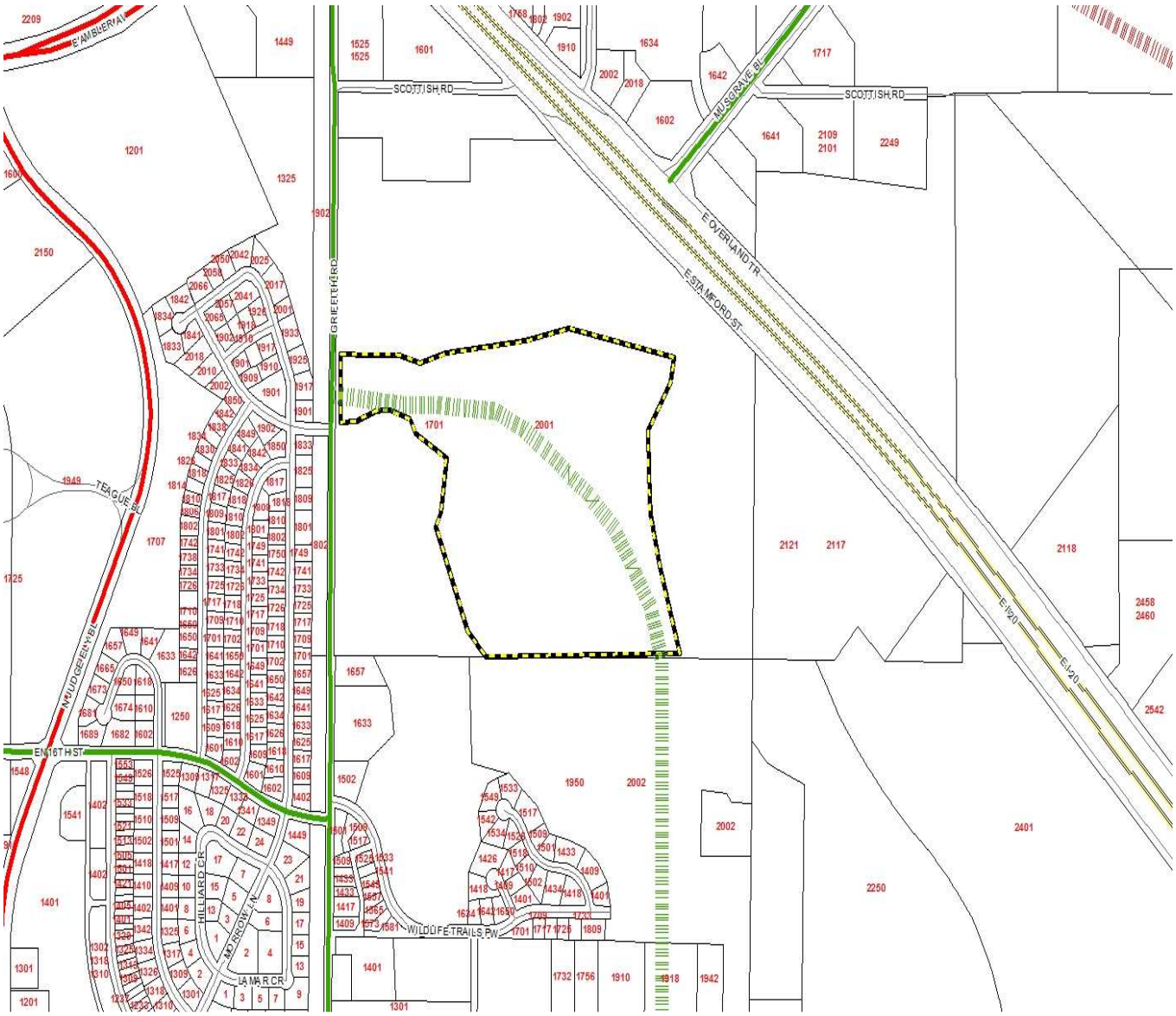
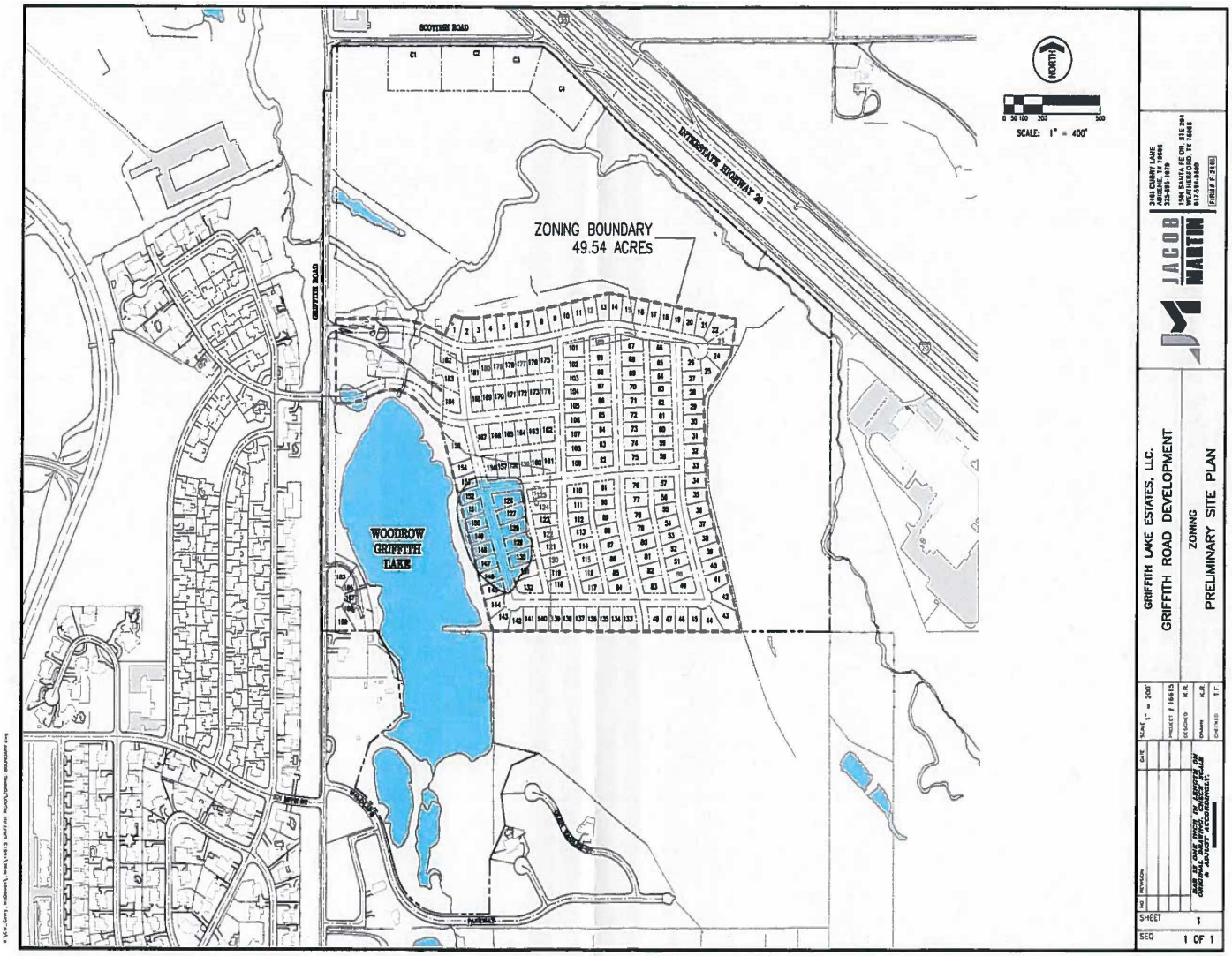
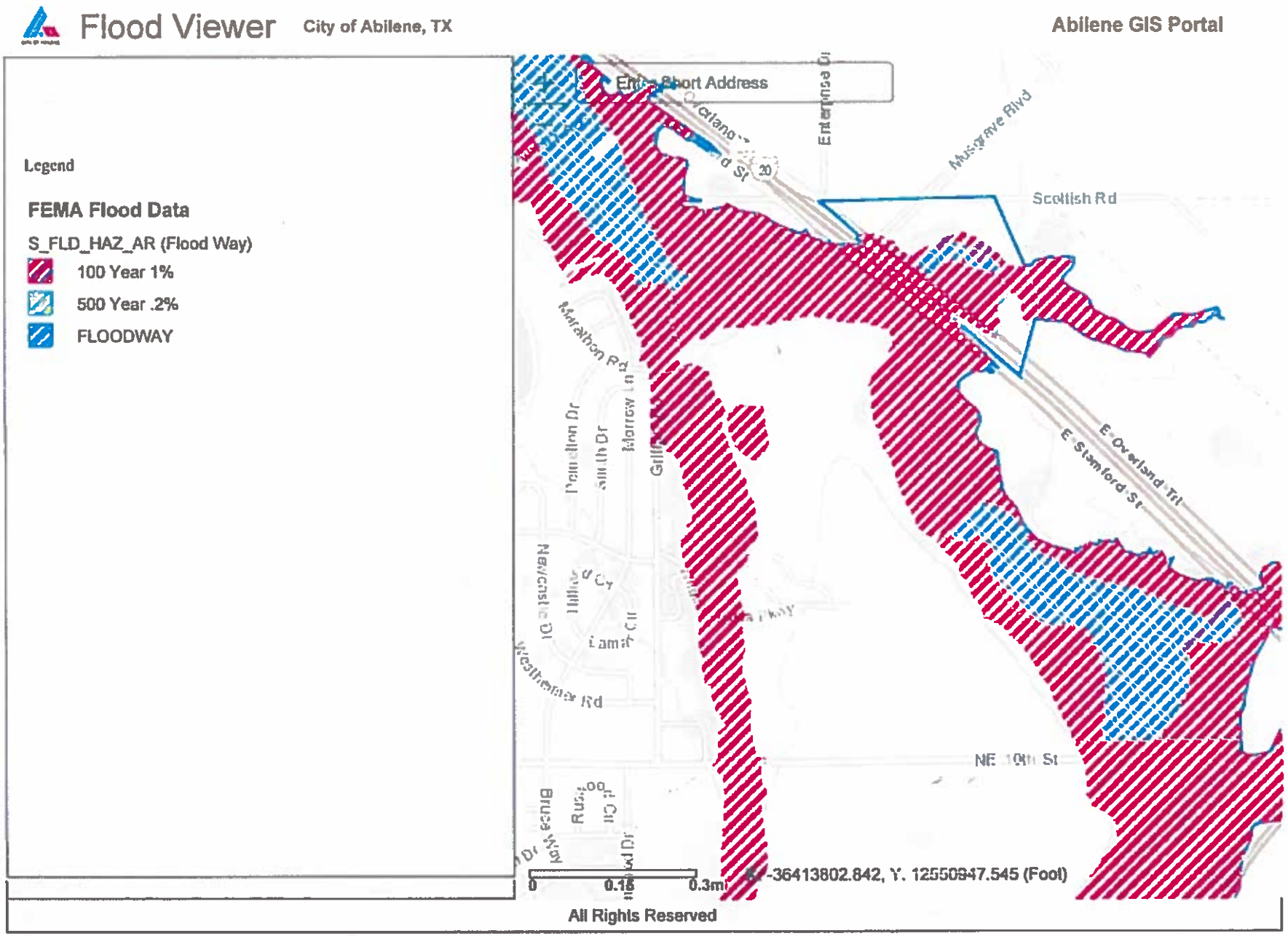
ACU DR
TEAGUE BL
N JUDGE ELY BL
CAMPUS CENTER RD
EN 16TH ST
PEMELTON DR

Thoroughfare Plan



Floodplain Map


SCOTTSDE ROAD
INTERSTATE HIGHWAY 20
ZONING BOUNDARY
49.54 ACRES
WOODBOW
GRIFFITH
LAKE
GRIFFITH ROAD
NORTH
SCALE: 1" = 400'
JACOB MARTIN
GRIFFITH LAKE ESTATES, LLC.
GRIFFITH ROAD DEVELOPMENT
ZONING
PRELIMINARY SITE PLAN
SHEET 1
SEQ 1 OF 1


Flood Viewer
City of Abilene, TX
Abilene GIS Portal
Enter Short Address
Legend
FEMA Flood Data
S_FLD_HAZ_AR (Flood Way)
100 Year 1%
500 Year .2%
FLOODWAY
Enterprise Dr
Musgrave Blvd
Scottish Rd
Marathon Rd
E Overland Trl
E Stamford St
Newcastle Dr
Lamar Cir
Westminster Rd
NE 10th St
0
0.15
0.3mi
X: -36413802.842, Y: 12550847.545 (Foot)
All Rights Reserved

Z-2016-46

Request: Rezone from AO to PH zoning

Location: 1701 Griffith Rd.

Notification: 0 in favor; 0 opposed

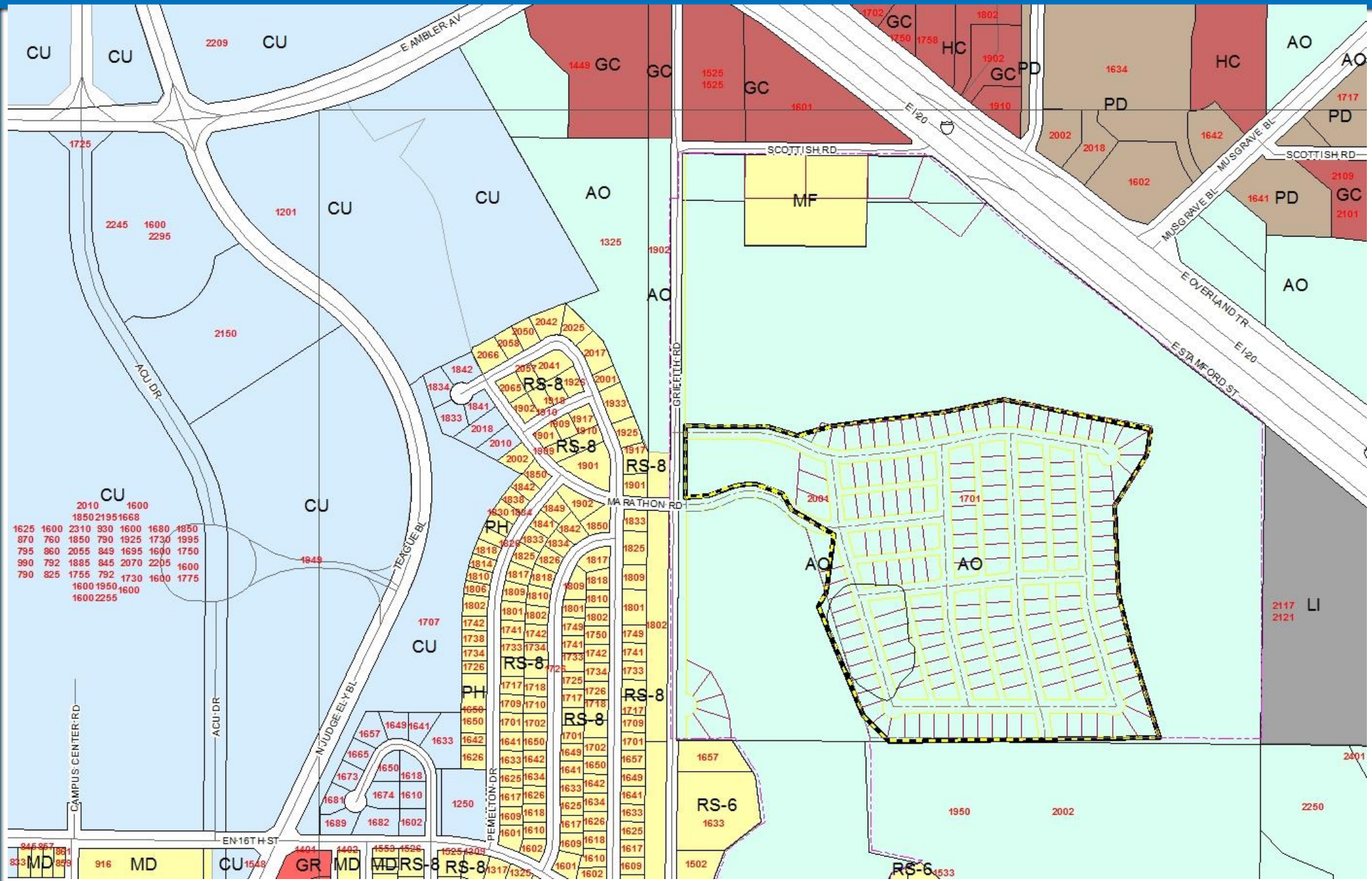
Staff Recommendation: Approval

P & Z Recommendation: Approval

Land development issues that should be addressed at the platting stages of development

- 1. Dedication of adequate street right-of-way along Griffith Road and Scottish Road.
- 2. Development may be potentially phased to accommodate development.
- 3. Street improvements may be identified to address potential impact of development on street infrastructure.
- 4. Extent of street and other infrastructure improvements identified.
- 5. Infrastructure improvements may be identified as potential development agreements.

Z-2016-46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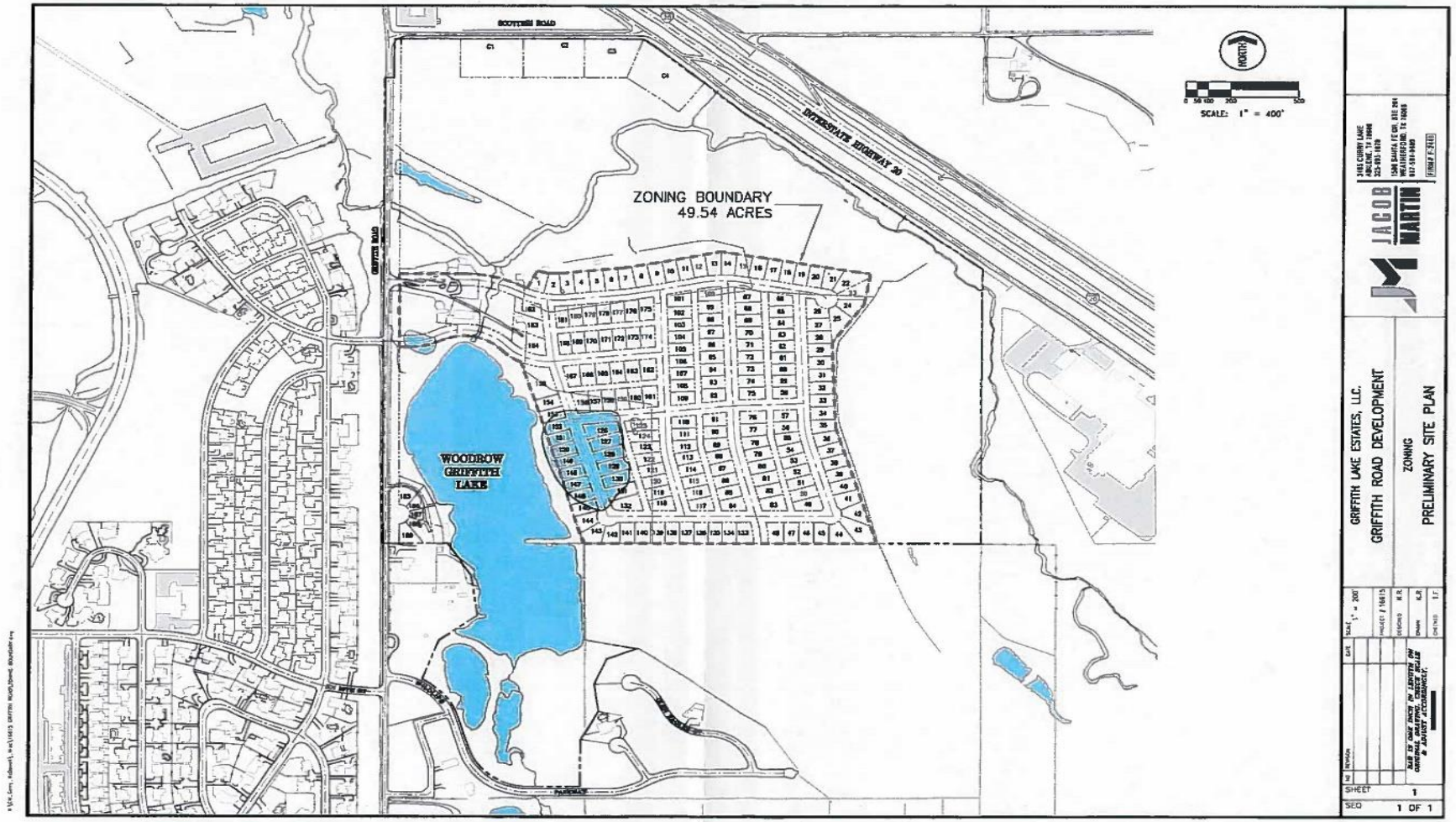
SCOTTISH RD
MUSGRAVE BL
E OVERLAND TR
E STAMFORD ST
I-20
GRIFFITH RD
MARATHON RD
TEAGUE BL
ACU DR
CAMPUS CENTER RD
N JUDGE ELY BL
PEMELTON DR
EN 16TH ST
CU
AO
MF
PD
HC
GC
RS-8
RS-6
PH
MD
GR
LI

Site Exhibit



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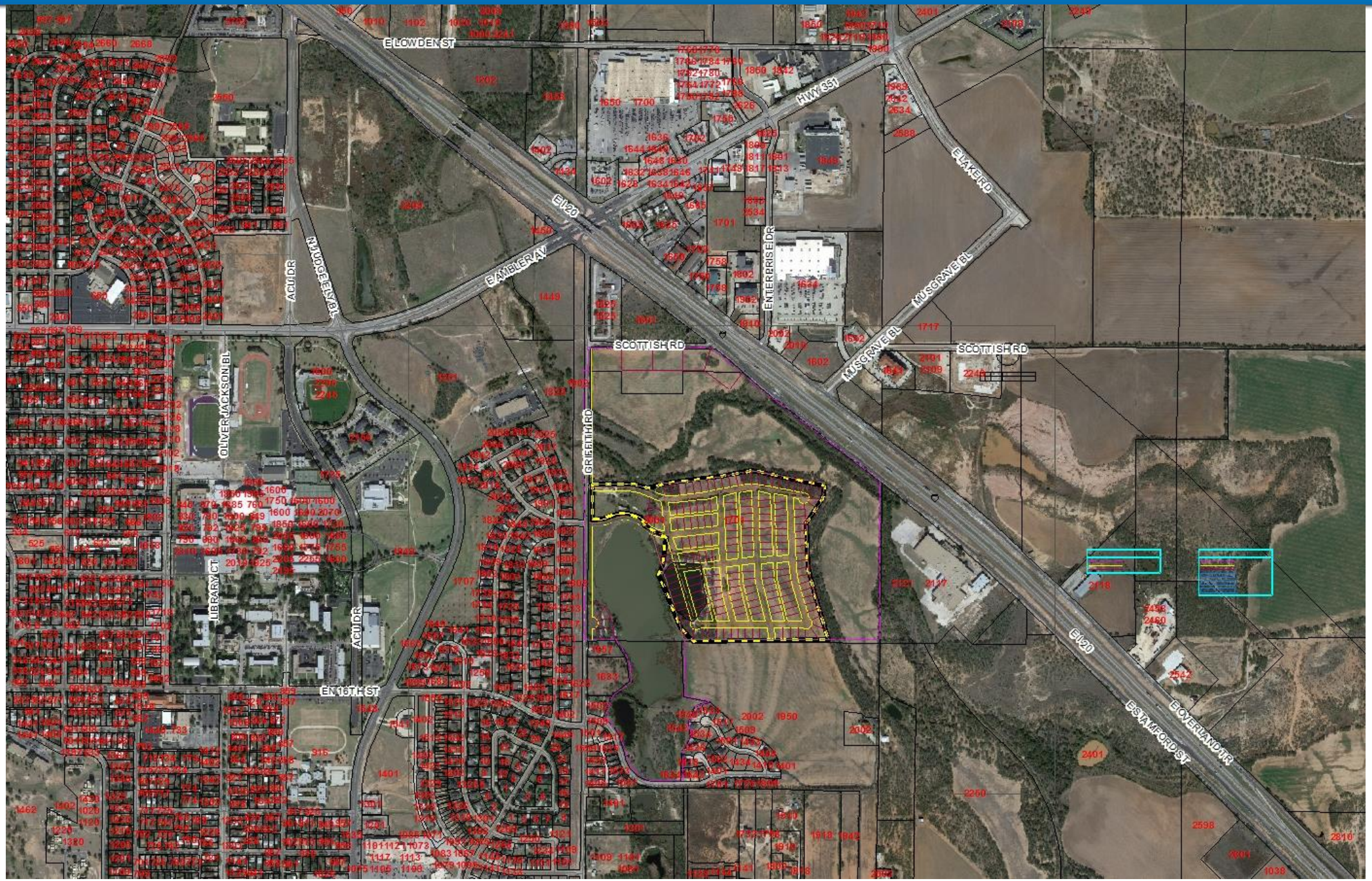


E LOWDEN ST
HWY 351
E LAKE RD
E I-20
E AMBLER AV
ENTERPRISE DR
MUSGRAVE BL
SCOTTISH RD
ACU DR
N MUDGEELY BL
OLIVER JACKSON BL
GRIFFITH RD
LIBRARY CT
EN 16TH ST
E STAMFORD ST
E OVERLAND TR

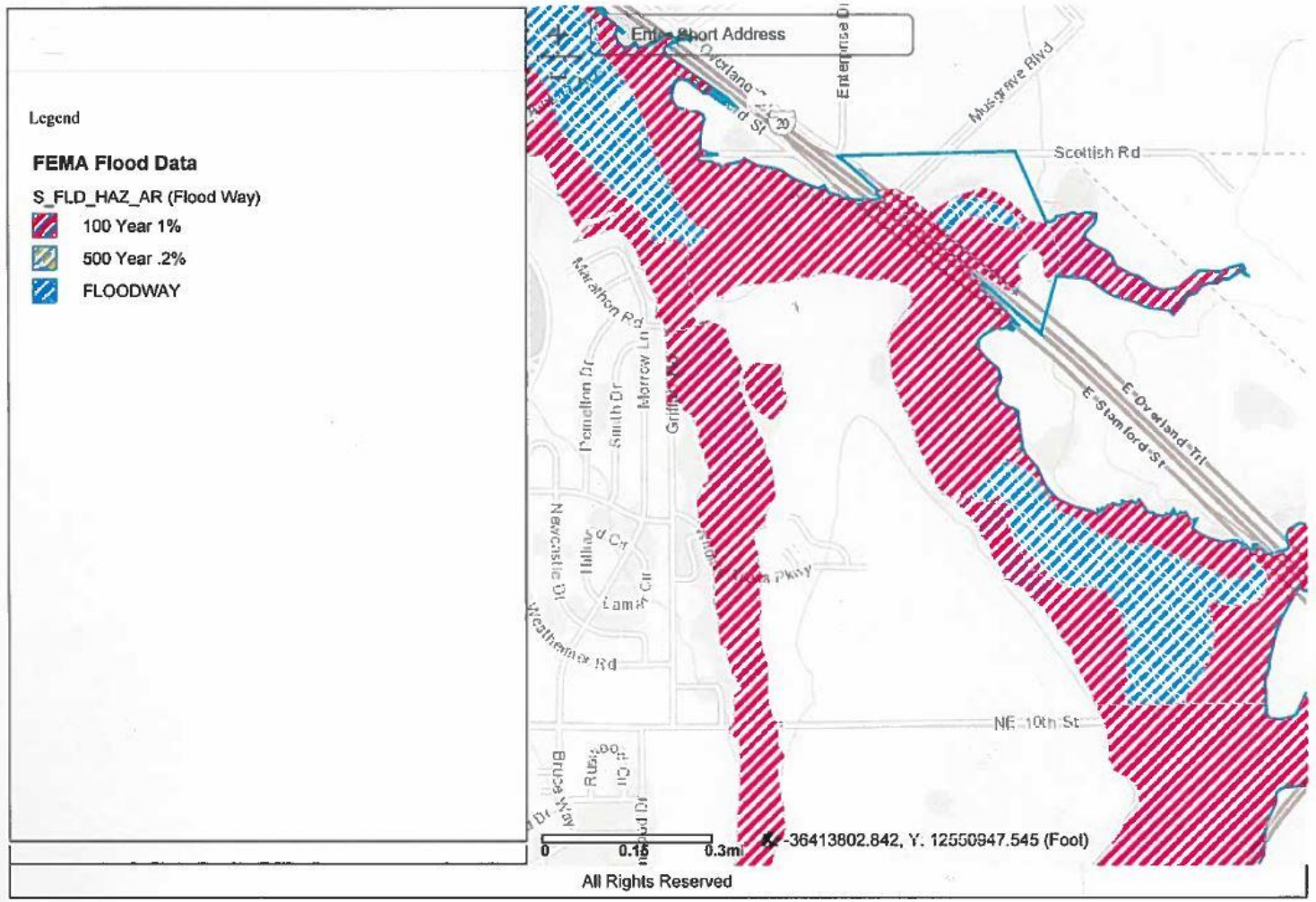
Z-2016-46

GRIFFITH RD
MUSGRAVE BL
MUSGRAVE BL
E STAMFORD ST
E OVERLAND TR
I-20
I-20
YOUNG AV
PEMELTON DR
MARATHON RD
MORROW LN
SMITH DR

Floodplain Map

Flood Viewer City of Abilene, TX

Abilene GIS Portal



Thoroughfare Plan

View looking east at subject property

View looking south along Griffith Rd.

View looking west across Griffith Rd.

View looking northeast along Griffith Road

View looking north along Griffith Road

View looking south along Griffith Rd.

Existing Uses in AO Zoning

RESIDENTAL 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

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

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**

Proposed Uses in PH Zoning

RESIDENTAL USES:

C	Bed & Breakfast
P	Dwelling – Industrialized Housing Unit
P	Dwelling – Patio Home
P	Dwelling – Single-Family Detached

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

C	Recreation – Outdoors (active)
P	Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

P	Community Home
P	Fire/Police Station

EDUCATIONAL AND RELIGIOUS USES:

P	Church or Place of Worship
P	School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

P	Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well
P	Urban Garden

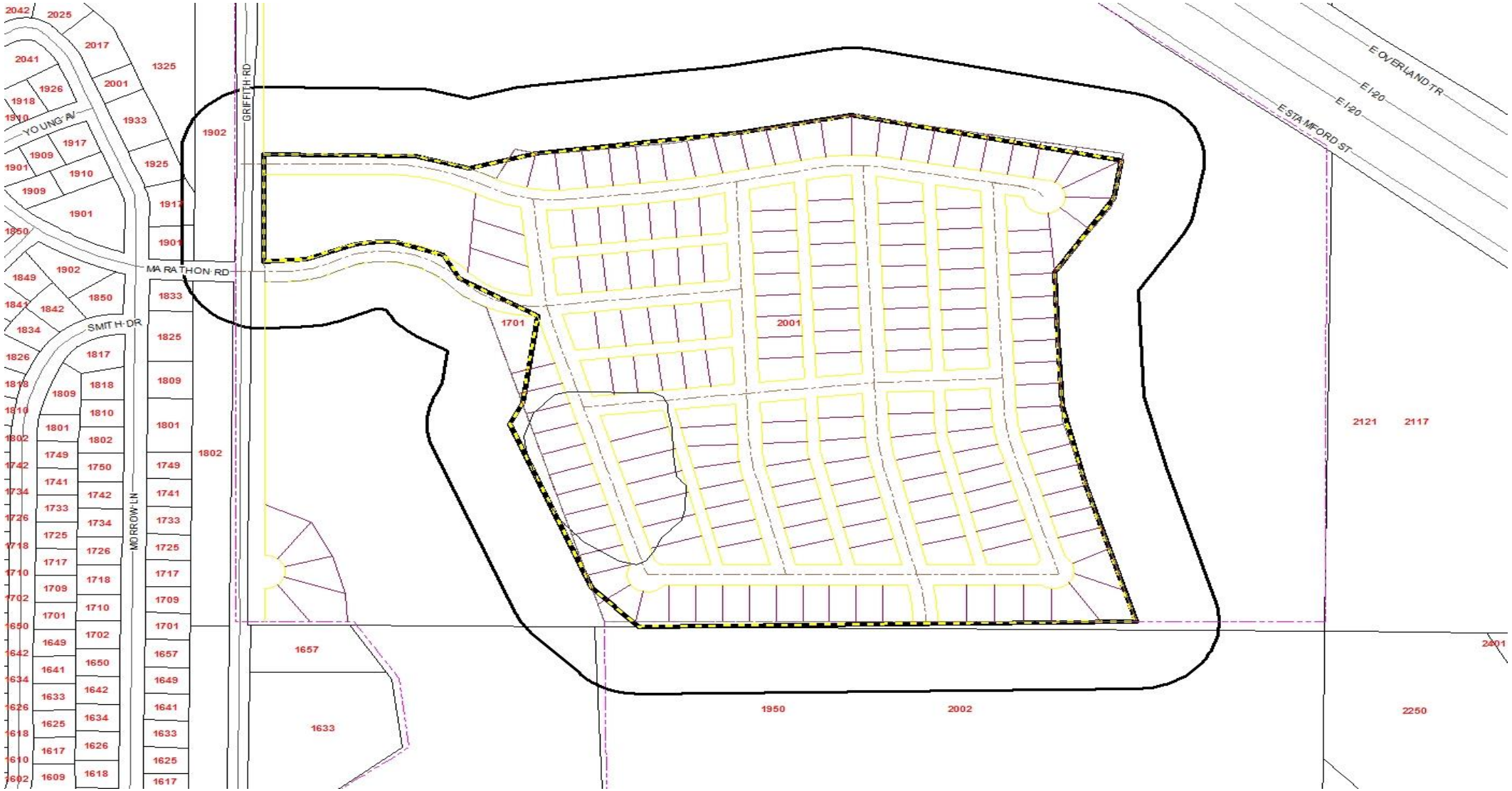
LEGEND

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

Z-2016-46

0 in Favor-

0 Opposed-



City Council
Agenda Memo

City Council Meeting Date: 1/12/2017

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: REMOVE FROM THE TABLE: Authorizing The Official Name Change of the Civic Center of Abilene, Texas to Abilene Convention Center.** ***(Mindy Patterson)***

GENERAL INFORMATION

The original Civic Center facility was completed in November 1970, with major renovations in October 1990, and August 2016. The Abilene Civic Center serves groups all over the United States, providing a facility where many activities, including meetings and conventions, trade shows, banquets, dances, concerts, road shows, and a variety of other events that truly enhance the cultural, educational, professional and recreational well-being of our citizens and community.

In FY 15/16, the Abilene Civic Center hosted over 400 events, with 100% weekend and 90% weekday usage, and over 500,000 event attendees, with an economic impact of $5.0 million dollars in convention spending.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The cost to change the internal and external signage is $11,902.

STAFF RECOMMENDATION

Staff recommends the approval of the name change to Abilene Convention Center.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution Abilene Convention Center	Cover Memo
PowerPoint Convention Center	Cover Memo

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE OFFICIAL NAME CHANGE OF THE CIVIC CENTER OF ABILENE, TEXAS TO ABILENE CONVENTION CENTER.

WHEREAS, the original Abilene Civic Center was completed in November 1970 with funding from a 1967 General Obligation Bond; and

WHEREAS, the conference center addition was completed in October 1990 with funding from Tax Increment Financing; and

WHEREAS, the exhibit hall and auditorium improvements were completed in August 2016 with funding from a 2015 General Obligation Bond; and

WHEREAS, The Abilene Civic Center serves groups all over the United States, providing a facility where many activities, including meetings and conventions, trade shows, banquets, dances, concerts, road shows, and a variety of other events that truly enhance the cultural, educational, professional and recreational well-being of our citizens and community;

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

PART 1. That the Civic Center of Abilene, Texas shall now be Abilene Convention Center.

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

PASSED this 12th day of January, 2017.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

Abilene Convention Center

- The Civic Center opened in November of 1970.
- Major renovations were done in October 1990 and August 2016.
- In FY 2016 over 400 events with 100% weekend and 90% weekday usage.
- Staff recommends changing the name to:

ABILENE CONVENTION CENTER

City Council
Agenda Memo

City Council Meeting Date: 1/12/2017

TO: **Mayor & City Council**

FROM: **Danette Dunlap, City Secretary**

SUBJECT:

Resolution: **Appointing members to various boards and commissions per the City Charter.** ***(Dunlap)***

- ***9-1-1 Emergency Communications District Board***
- ***Abilene Health Facilities Development Corp.***
- ***Abilene Housing Authority***
- ***Abilene Taylor County Events Venue District***
- ***Abilene Taylor County Child Advocacy Board***
- ***Abilene Taylor County Public Health Board***
- ***Airport Development Board***
- ***Animal Services***
- ***Board of Adjustment***
- ***Board of Building Standards***
- ***CityLink ADA Advisory Board***
- ***Civil Service***
- ***Development Corporation of Abilene (DCOA)***
- ***Friends of Safety City Board***
- ***Frontier Texas Board***
- ***Keep Abilene Beautiful***
- ***Landmarks Commission***
- ***Library Board***
- ***Office of Neighborhood Services Advisory Council***
- ***Planning and Zoning Commission***
- ***Tax Increment Reinvestment Zone (TIRZ)***

GENERAL INFORMATION

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

	Description	Type
🗋	Resolution	Resolution Letter

RESOLUTION NO._____-2017

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

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

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

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

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

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

PASSED this 12th day of January, A.D. 2017.

ATTEST:

_____
Danette Dunlap, TRMC
City Secretary

_____
Norm Archibald
Mayor

APPROVED:

_____
Stanley Smith
City Attorney