City of Abilene
City Council Agenda

Shane Price, Mayor Pro-tem Bruce Kreitler, Council Member Kyle McAlister, Council Member Robert Hanna, City Manager	Anthony Williams, Mayor	Donna Albus, Council Member Weldon Hurt, Council Member Steve Savage, Council Member Stanley Smith, City Attorney Tiffni Hererra, Assistant City Secretary

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on Thursday, November 16, 2017 at 8:30 AM at 555 Walnut Street, 2nd Floor Council Chambers, Abilene, TX, 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 Bruce Kreitler

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

4. PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

1. **Proclamation**
   Wylie High School -Tennis State Champions

2. **Employee Service Award:**
   30 Years
   Harvey Heath Supervisor III Public Works

5. MINUTES

1. Approval of the minutes from the Regular Meeting held on October 26th, 2017 and the Regular Meeting held on November 2, 2017

6. CONSENT AGENDA

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

1. **Ordinance:** *(First Reading)* Adopting the 2018 Standards of Care; and setting a public hearing for December 7th, 2017 ***(Lesli Andrews)***

2. **Resolution:** Authorizing the City Manager to hire a Zoo Veterinary Technician and upgrade a part time Zoo Keeper to a full time Zoo Keeper position. ***(Lesli Andrews)***
3. **Resolution:** Approving Purchase of four Solid Waste Roll Off Trucks ***(Chris Taylor)***
4. **Resolution:** Authorizing the City Manager to execute a Construction Contract for Demolition Activities with Geneco Technologies, LLC in support of the Kmart Remodel/LEC project. ***(Wayne Lisenbee)***

7. REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

1. **Resolution:** Awarding bid to Nova Painting LLC for the Grimes Water Treatment Plant 5.0 MG Clearwell Rehabilitation Project ***(Rodney Taylor)***
2. **Ordinance:**
   Consider adoption of an ordinance authorizing the issuance of City of Abilene, Texas, General Obligation Refunding Bonds for refinancing outstanding debt; establishing procedures and delegating authority for the sale and delivery of the bonds; approving and authorizing an official statement and certain documents relating to said bonds; providing an effective date; and enacting other provisions relating to the subject. ***(Mike Rains)***
3. **Ordinance & Public Hearing:** *(Final Reading)* **Z-2017-18** A request from HIT Ventures LLC, represented by Harley Burnett, Agent CJ Chaney, to rezone two (2) lots from AO (Agricultural Open Space) to GC (General Commercial) located at the northwest corner of Maple St. and S. 27th St ***(Taurus Freeman)***
4. **Ordinance & Public Hearing:** *(Final Reading)* **Z-2017-19** A request from Charles Coody, agent eHT, to enlarge the boundary of Planned Development District located at 1510 E. Industrial Boulevard, and amending Planned Development District Number 70), to allow PH (Patio Homes), and to amend other specific regulations. Located at 1510 E. Industrial Boulevard and the 1500 Block of the north side of E. Industrial Boulevard ***(Taurus Freeman)***
5. **Ordinance & Public Hearing:** *(Final Reading)* **OAM-2017-04** Amendment to the Land Development Code (LDC) regarding Section 2.4.3.3 'All Other Uses Without Specific Requirements' pertaining to changing (33) LIQUOR STORE, On-Premise Consumption; subpart a. Distances Required ***(Taurus Freeman)***

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) Rules of Procedures - Code of Ethics

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 350thJudicial District Court, Taylor County, Texas, filed June 17, 2014
3. 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, 2016
4. Abilene Matera LLC v. Board of Building Standards for the City of Abilene and City of Abilene, Cause No. 10696-D. March 17, 2016.
5. 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
6. 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
7. 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
8. City of Abilene and Development Corporation of Abilene v. Texas Municipal League Governmental Risk Pool, Cause No. 11018-D In the 350th Judicial District Court, Taylor County, Texas, filed January 9, 2017
9. Iris Guerrero, et al. v. Taylor County, Texas, et al., Civil Action No. 1:17-cv-00050-BL, In the U.S. District Court, Northern District of Texas, Abilene Division, filed April 6, 2017
10. Cause No. 11088-D, Ex Parte: Luke Matthew Sweetser, In the 350th Judicial District Court, Taylor County, Texas, filed April 6, 2017
11. Fred Hunter v. City of Abilene Water Department; Cause Number SC17-22643J12; In the Small Claims Court, Precinct 1, Place 2, Taylor County, Texas, filed September 5, 2017

2. 551.072 (Deliberations about Real Property)
A) Winn-Dixie/Kmart Building

3. 551.073 (Deliberations about Gifts and Donations)

4. 551.074 (Personnel Matters)
A) Appointment to City Secretary's Position

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 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
Frontier Texas! Board of Directors
Abilene Housing Authority
Landmarks Commission
Library Board
Mechanical/Plumbing/Electrical & Swimming Pool Board of Appeals
Mental Health-Mental Retardation Board of Trustees
9-1-1 Emergency Communications District Board of Managers
Parks & Recreation Board
Planning and Zoning Commission
Taylor County Appraisal District
West Central Texas Municipal Water District
Tax Increment Reinvestment Zone Board

5. 551.087 (Business Prospect/Economic Development)
A) Hotel Proposals

6. 551.076 (Deliberations about Security Devices)

9. RECONVENE

1. Action if needed from Executive Session

10. REGULAR AGENDA

1. **Resolution:** Voting for an individual on the Board of Directors of the Jones County Appraisal District. ***(Tiffni Hererra)***

2. **Resolution:** Voting for an individual(s) on the Board of Directors of the Central Appraisal District of Taylor County ***(Tiffni Hererra)***
3. **Resolution:** Appointing Members to various Boards and Commissions per the City Charter - Civil Service Commission ***(Tiffni Hererra)***
4. **Oral Resolution:** Discussion and possible action for appointment to the City Secretary position

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 Tiffni Hererra, Assistant City Secretary, at 325-676-6208.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the _____ day of November, 2017, at _____.

_____
Tiffni Hererra, TRMC
Interim City Secretary

CITY COUNCIL MEETING
October 26th, 2017 at 8:30 a.m.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
COUNCIL CHAMBERS, CITY HALL

The City Council of the City of Abilene, Texas met in Regular Session on October 26, 2017, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Councilmen Shane Price, Bruce Kreitler, Weldon Hurt, Kyle McAlister, Steve Savage and Councilwoman Donna Albus. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, Interim City Secretary Tiffni Hererra, and various members of the City staff.

Councilman Kyle McAlister gave the invocation.

Emily Swangin, 4th grader, from Bowie Elementary, Aleazzia Aguila, 3rd grader from Taylor Elementary, and Novileh Louis, 4th grader from Wylie Elementary, Rheauna De La Garza 4th grader from Bonham Elementary, and Mia Grant 4th grader from Bowie Elementary led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATION

Mayor Williams presented the following proclamation:

White Cane Day, accepted by Mary Hendrick and Mike Vandervoort

EMPLOYEE SERVICE AWARDS

City Manager Robert Hanna assisted Mayor Williams in recognizing the following City Employees for their years of service to the City of Abilene:

Jason Aulerich	Police Officer	20 years
Gary Bone	Police Lieutenant	20 years
Gary Castillo	Police Officer	20 years

DISPOSITION OF MINUTES

5.0 Mayor Williams stated Council has been given the minutes from the Regular Called Meeting held on October 12, 2017, with there being no deletions, no additions, or corrections, Councilman Savage made a motion to approve the minutes as presented. Councilman Kreitler seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus, and Mayor Williams
NAYS: None

CONSENT AGENDA

Councilman Savage pulled item 6.1 and Councilman Kreitler pulled items 6.3 from the Consent Agenda. Councilman Hurt made the motion to approve the consent agenda items 6.2 and 6.4 as presented by staff. Councilman Savage seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus, and Mayor Williams
NAYS: None

6.1 **Ordinance:** *(First Reading)* **Z-2017-18** a request from HIT Ventures LLC, represented by Harley Burnett, Agent CJ Chaney, to rezone two (2) lots from AO (Agricultural Open Space) to GC (General Commercial) located at the northwest corner of Maple St. and S. 27th Street; and setting a public hearing for November 16, 2017
Councilman Savage pulled this item from consent.

6.2 **Ordinance:** *(First Reading)* **Z-2017-19** A request from Charles Coody, agent eHT, to enlarge the boundary of Planned Development District located at 1510 E. Industrial Boulevard, and amending Planned Development District Number 70), to allow PH (Patio Homes), and to amend other specific regulations. Located at 1510 E. Industrial Boulevard and the 1500 Block of the north side of E. Industrial Boulevard

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

6.3 **Ordinance:** *(First Reading)* **OAM-2017-04** Amendment to the Land Development Code (LDC) regarding Section 2.4.3.3 'All Other Uses Without Specific Requirements' pertaining to changing (33) LIQUOR STORE, On-Premise Consumption; subpart a. Distances Required
Councilman Kreitler pulled this item from consent

6.4 **Resolution:** Authorize the Purchase of Four Solid Waste Front loader Trucks through BuyBoard Cooperative in the amount of $1,193,852.00

Resolution: **#131-2017**

A RESOLUTION OF THE CITY OF ABILENE, TEXAS PURCHASING FOUR SOLID WASTE 2018 AUTOCAR ACX64 CHASSIS WITH A HEIL 40 CUBIC YARD FRONT LOADER PURCHASED FROM CHASTANG'S BAYOU CITY AUTOCAR THROUGH BUYBOARD COOPERATIVE PURCHASING

ITEMS PULLED FROM CONSENT

6.1 **Ordinance:** *(First Reading)* **Z-2017-18** a request from HIT Ventures LLC, represented by Harley Burnett, Agent CJ Chaney, to rezone two (2) lots from AO (Agricultural Open Space) to GC (General Commercial) located at the northwest corner of Maple St. and S. 27th Street
Councilman Savage pulled this item from consent

Council and Staff discussion included: 1) the city will not utilize eminent domain to acquire 10-30 feet of any citizen's property regarding this zoning request

Councilman Savage made the motion to approve the ordinance on first reading, a request from HIT Ventures LLC, represented by Harley Burnett, Agent CJ Chaney, to rezone two (2) lots from AO (Agricultural Open Space) to GC (General Commercial) located at the northwest corner of Maple St. and S. 27th Street. Councilman Kreitler seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Williams
NAYS: None

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

6.3 **Ordinance:** *(First Reading)* **OAM-2017-04** Amendment to the Land Development Code (LDC) regarding Section 2.4.3.3 'All Other Uses Without Specific Requirements' pertaining to changing (33) LIQUOR STORE, On-Premise Consumption; subpart a. Distances Required
Councilman Kreitler pulled this item from consent

Council and Staff discussion included: 1) what brought about the need for this change; the city's regulations for measurement are stricter than the State of Texas 2) any business that has been denied will be able to reapply 3) explore ways to make the ordinance and process easier to understand

Councilman Savage made the motion to approve this ordinance on first reading, an amendment to the Land Development Code (LDC) regarding Section 2.4.3.3 'All Other Uses Without Specific Requirements' pertaining to changing (33) LIQUOR STORE, On-Premise Consumption; subpart a. Distances Required; Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Williams
NAYS: None

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING CITY OF ABILENE LAND DEVELOPMENT CODE, CHAPTER 2, "ZONING REGULATIONS," ARTICLE 4, "USE REGULATIONS," DIVISION 3, "REQUIREMENTS APPLICABLE TO SPECIFIC LAND USES," SECTION 2.4.3.3, "ALL OTHER USES WITH SPECIFIC REQUIREMENTS," SUBSECTION (a)(33), "LIQUOR STORE (ON PREMISE CONSUMPTION)," BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW

REGULAR AGENDA

7.1 Robert Hanna, City Manager, presented this item. Mayor Williams requested that an item be placed on the agenda allowing the creation of a citizen's advisory board for people with disabilities. The purpose of the board is to serve as a point of contact and a voice for the residents of the City of Abilene to the City Council concerning matters of accessibility, use, and benefit to persons with disabilities. It would also review and discuss matters referred to the Board by the City Council and the City Manager, and provide recommendations to the City Council.

Council and Staff discussion included: 1) there are approximately 15,071 citizen's in Abilene who are classified as disabled, which is 14% of the population; 2) this board would allow individuals with disabilities the opportunity to review and provide recommendations to the City Council that would help guide and shape public policy 3) January 2018 is the target date for Council approved appointments to the 7-member board 4) classes for learning to use sign-language is offered at Disability in Action and Abilene Independent School District 5) the Governors' office provides many great resources

Mayor Williams opened a public hearing and the Council heard from the following citizens:

- Tim Evans, Disabilities in Action representative, is in favor
- Mike Vandevoort is supportive and pleased with this resolution

- Katherine Ballard, thanked the Council and is supportive of this resolution (Patrice Arrington interpreted)
- Cheryl Archer, need more resources for people with hearing impairments in Abilene
- Joann Fluke, Disability in Action, offered suggestions and is happy and supportive of this board creation

Councilman Savage made the motion to approve the resolution creating a citizen's advisory board for people with disabilities, Councilman Hurt seconded the motion, motion carried.

AYES: Councilmen Price, Hurt, Kreitler, McAlister, Savage, Councilwoman Albus and Mayor Williams
NAYS: None

Resolution: **# 132-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ESTABLISHING THE CITIZEN'S ADVISORY BOARD FOR PEOPLE WITH DISABILITIES

7.2 Kent Sharp, Director of Economic Development, presented this item to the Council, which consists of the Development Corporation of Abilene, Inc.'s Project with Hardin-Simmons University (HSU) sale of the AbLabs Facility. The Development Corporation of Abilene, Inc. (DCOA) is authorized by the Development Corporation Act of 1979, as revised, to provide financial assistance to public entities in order to facilitate new and additional job training opportunities, which will help provide employment for Abilene area residents and provide a labor pool for local businesses and industry. Assistance shall thereby contribute to the economic development of Abilene.

Hardin-Simmons University's Department of Physical Therapy, founded in 1995, was the first private school in Texas to offer the entry-level physical therapy degree, the first to offer the Doctor of Physical Therapy degree (DPT) and the first to offer the post-professional transitional DPT (t-DPT) degree. HSU PT accepts 28 students/year ensuring personal attention in a caring community.

DCOA and HSU wish to enter into an agreement whereby the DCOA will sell land and a building located at 1325 Pine and 1342 Walnut ("Facility") plus all equipment located thereon to HSU for the purpose of HSU using this property as the primary facility to house their physical therapy school and scientific research related activities. HSU expects to increase the number of students enrolled in the physical therapy program and will relocate some HSU employees to this same location.

DCOA estimates the value of land and building located at 1325 Pine and 1342 Walnut to be $2,250,000. HSU has officially offered $1,500,000 for this real estate and equipment located thereon in a cash sale transaction. The difference between the estimated value and the offered price is $750,000, which will be considered an incentive value for this economic development project.

DCOA board approved on October 17, 2017, setting a value on the building and land at $2,250,000. Also approved was an Agreement for Financial Assistance with HSU, which will include the sale to HSU of the land, building and all equipment, located thereon for $1,500,000 in cash. In exchange, HSU will execute a Promissory Note for $750,000 at 0% interest. Annual principal reductions shall be earned by HSU over a three-year period, as long as HSU provides certification that the facility is the primary location for its physical therapy program. In addition, HSU must fulfill the performance terms of the Agreement for Financial Assistance in reference to the number of employment positions and students enrolled in the physical therapy program. Closing of this transaction will take place on or around November 17, 2017

Council and Staff discussion included: 1) this is the best-case scenario for this facility 2) question regarding the promissory note; $750,000 is an incentive 3) there would not be a deed restriction

Councilman Price made the motion to approve the resolution approving the DCOA agreement with Hardin-Simmons University for the sale of land and AbLabs building located at 1325 Pine Street and 1342 Walnut Street for the price of $1,500,000. Councilman Kreitler seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Williams
NAYS: None

Resolution: **#133-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE DEVELOPMENT CORPORATION OF ABILENE, INC. ("DCOA") AGREEMENT WITH HARDIN-SIMMONS UNIVERSITY ("HSU") TO INCLUDE DCOA SELLING TO HSU THE LAND AND A BUILDING LOCATED AT 1325 PINE ST. AND 1342 WALNUT ST. AND ALL EQUIPMENT LOCATED THEREON

7.3 Michael Rice, Director of Public Works, presented this item, an oral resolution for an application and/or permit to drill and/or operate an oil and gas well from Teal Exploration, LLC.

Because all prerequisites and requirements of Chapter 21, Oil and Gas; have been met, including no anticipated adverse effect on the health, safety and welfare of the public, staff recommends that the City Council vote to approve the application for this drilling permit and authorize the Mayor to execute permit # 827705 for Teal Exploration, LLC.

Council and Staff discussion included: 1) location is in the flood plain, but it has been reviewed and is in compliance 2) Councilman Kreitler requested to be in attendance during the blow out preventer test.

Mayor Williams opened a public hearing and the Council heard from the following citizens:

- Koby Killion, agent with Teal Exploration, stated he would be glad to accommodate Councilman Kreitler on his request

Councilman Kreitler made the motion to approve this oral resolution authorizing Permit No. 827705, for Teal Exploration LLC, located at 3350 N. Clack Street. Councilman Savage seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Williams
NAYS: None

Council recessed for a five-minute break

Council reconvened into Regular Session

7.4 Rodney Taylor, Director of Water Utilities, presented this item to the Council, an ordinance on first reading amending Chapter 32 "Utilities" by inserting new Article IX: Hauled Liquid Waste, and setting a public hearing for November 2, 2017.

On February 23, 2017, staff presented the results of a Hauled Liquid Waste Program analysis in order to help determine if the City of Abilene could safely accept Hauled Liquid Waste (HLW). It was evident from that discussion that the City Council generally supported such a program.

Staff explored the creation of a hauled liquid waste collection station at Buck Creek and initially thought it might prove the most cost effective location for a HLW program. Staff has since moved away from this concept. After further analysis, it is clear that the Hamby will provide the most cost effective location for HLW program.

History and Current Practices of HLW in Abilene

- Until 1992 Abilene accepted domestic septage and portable toilet HLW.
- HLW Program discontinued in 1992
  - Received HLW resulted in regular problems with screening equipment
  - Staffing of Buck Creek Pump Station reduced
- Exception made to continue accepting certain low-risk liquid wastes.
  - Two local portable toilet companies (permits still active).
  - One local landfill disposing of condensate/leachate (permit cancelled).

CITY OF ABILENE TEXAS

Article IX: Hauled Liquid Waste

- Implementation of a Hauled Liquid Waste (HLW) Program at the Hamby WRF.
- Accept only hauled Domestic Septage and Portable Toilet Wastes.
- Normal hours of operation M-F from 8:00 am to 4:00 pm.
- Initial Rate of $0.08 per gallon of waste discharged.

CITY OF ABILENE TEXAS

Survey of Plants Having Similar Technology and Capacities

Wastewater Treatment Plants Similar to the Hamby WRF			
Plant Name	Location	MGD	Accepts HLW
Ballenger-Mckinney WWTP	Frederick, MA	8	Y
Spokane County Regional WRF	Spokane, WA	8	Y*
Redlands WTP	Redlands, CA	7	Y
City of North Las Vegas WRF	North Las Vegas, NV	25	N
Yellow River WRF	Gwinnett County, GA	22	N
Brightwater WRF	Woodinville, WA	25	N
Jordan Basin WRF	Riverton, UT	8	N
Johns Creek Environmental Campus	Alpharetta, GA	11	N
Irvine Ranch Water District	Irvine, CA	10	N
Butler Drive WRF	Peoria, AZ	10	N
Henderson South WWRF	Henderson, NV	8	N
Traverse City WWTP	Traverse City, MI	7	N

* The Spokane County RWRF occassionally accepts a load of HLW, but the greater amount is directed to another facility.

CITY OF ABILENE TEXAS

Staff Evaluation for Implementing a HLW Program

ITEM	NOTES	ANNUAL COSTS
HLW Facility	Initial Capital $0.520M, 20yr debt	$39,000
Labor	~~new operator position X 1.4~~	$0
Lab Work	Sample Analysis	$15,000
Administrative	Printing, billing, software, misc.	$1,500
O&M	Haul solids, O&M of facility	$2,000
Loading	Added Cost of Treatment (Surcharge)	$12,200
	COSTS / YEAR	**$69,700**

ITEMS	ANNUAL REVENUE
Gallons / Year	768,000
Gallons / Month	64,000
Loads / Month	70
Price / gallon	**$0.10**
Revenue / Month	$6,400
Revenue / Year	**$76,800.00**

1. Abilene would construct a new receiving facility at the Buck Creek Pump Station.
2. No new personnel added initially, and re-evaluate after implementation.
3. Assumes Abilene would capture the local market resulting in the lowest pricing rate per gallon.

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Staff believes that the best way to ensure the longevity and performance of the MBR system is to limit exposure to undesirable waste streams. However, staff has found no evidence of HLW causing damage to membrane fibers in other wastewater treatment plants of similar size and treatment technologies. The recommended path forward is to implement a HLW program that minimizes capital investment, is staffing neutral, and that is fully funded from a competitive discharge fee per gallon.

Council and Staff discussion included: 1) timing aspect of accepting waste 2) Hamby WWTP versus Buck Creek advantages and disadvantages regarding dilution 3) staff availability at the location 4) change of language regarding the termination of the permit 5) refusing a load because of plant operations interruptions and timing 6) question about load sizes and haulers with larger volume trucks 7) the city does not want to compete with private businesses in Abilene 8) does the benefits outweigh the risks 9) existing drop points are currently allowed and are permitted 10) funding will be in the form of 20 year debt

Mayor Williams made the motion to approve an ordinance on first reading, amending Chapter 32 "Utilities" by inserting new Article IX, Hauled Liquid, Councilman McAlister seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Councilwoman Albus and Mayor Williams
NAYS: None
ABSTAINED: Councilman Savage declared a conflict and left the meeting during this item

AN ORDINANCE AMENDING CHAPTER 32, "UTILITIES" OF THE ABILENE MUNICIPAL CODE BY INSERTING A NEW ARTICLE IX, "HAULED LIQUID WASTE", THAT PROVIDES FOR THE IMPLEMENTATION OF A HAULED LIQUID WASTE PROGRAM FOR THE CITY OF ABILENE, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

EXECUTIVE SESSION

Mayor Williams recessed the Council into Executive Session at 10:33 a.m. pursuant to the Open Meetings Act.

The Council reconvened in Open Session at 11:22 a.m. and reported no votes or action were taken in Executive Session.

10.1 Robert Hanna, City Manager presented this item, a resolution on the adoption of wholesale water contract with the City of Ballinger, Texas.

Brian Grimes, City Manager from the City of Ballinger, spoke to thank the City of Abilene staff, in addition, stated how this agreement solves a long-term water issue for this generation of their citizens.

Councilman Price made the motion to approve the Resolution, with some typographical corrections, to enter into this wholesale water services contract with the City of Ballinger. Councilman Savage seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Williams
NAYS: None

Resolution: **#134-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO PROVIDE WATER TO THE CITY OF BALLINGER.TEXAS

10.2 Robert Hanna, City Manager briefed the council on this item, a resolution to approved the adoption of a water infrastructure agreement with the City of Ballinger, Texas. The City of Abilene and the City of Ballinger,

Texas, have been discussing a wholesale regional water supply contract for several months. A component of the discussion has been the construction of a pipeline connecting the Hargesheimer Water Treatment Plant and the Grimes Water Treatment Plant.

The term is an evergreen term, meaning it is effective until Ballinger performs and the pipeline is completed. The contract is not effective until Ballinger secures funding for the planning, acquisition of right of way, and design (PAD) of the LFPH infrastructure, CRMWD consent to sell of Lake Ivie water. Ballinger is responsible for the PAD of the pipeline connecting Hargesheimer to Grimes, which should flow 18MGD (Abilene + Ballinger's needs). In short, Ballinger completes the PAD associated with Abilene and Ballinger needs for the pipeline. Ballinger shall pay for its portion of pipeline construction. Abilene will pay for its portion of pipeline construction. Abilene owns the pipeline, and Ballinger owns 3 MGD of dedicated capacity, which Abilene can use if Ballinger is not.

Councilman Savage made the motion to approve the Resolution on the adoption of a water infrastructure agreement with the city of Ballinger, Texas. Councilwoman Albus seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Williams
NAYS: None

Resolution: **#135-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CITY OF BALLINGER FOR WATER SUPPLY INFRASTRUCTURE AND IMPROVEMENTS

10.3 **Resolution**: Nominations for person(s) on the Board of Directors of the Central Appraisal District of Taylor County for 2017-2018.

Mayor Williams made the motion to nominate Paul Falade. Councilman Savage seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Williams
NAYS: None

Resolution: **#136-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CITY OF BALLINGER FOR WATER SUPPLY INFRASTRUCTURE AND IMPROVEMENTS

Mayor Williams recessed the Council into Executive Session at 11:30 a.m.

The Council reconvened in Open Session at 12:55 pm. and reported no votes or action were taken in Executive Session.

There being no further business the meeting adjourned at 12:56 p.m.

_____ _____

Tiffni Hererra, TRMC
Interim City Secretary

Anthony Williams
Mayor

CITY COUNCIL MEETING
November 2, 2017 at 4:00 PM

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
COUNCIL CHAMBERS, CITY HALL

The City Council of the City of Abilene, Texas met in Regular Session on November 2, 2017, at 4:00 p.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Councilmen Shane Price, Bruce Kreitler, Weldon Hurt, Kyle McAlister, Steve Savage and Councilwoman Albus. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, Interim City Secretary Tiffni Hererra, and various members of the City staff.

EXECUTIVE SESSION

Mayor Williams recessed the Council into Executive Session at 4:00 p.m. pursuant to the Open Meetings Act.

The Council reconvened in Open Session at 5:30 p.m. and reported no votes or action was taken in Executive Session. Councilman Hurt left the meeting during Executive Session.

Councilman Steve Savage gave the invocation.

Mayor Williams introduced Avery Clark of Madison Middle School who led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATION

Mayor Williams presented the following proclamation:

National Juvenile Diabetes Awareness Month accepted by Avery Clark.

CONSENT AGENDA

Councilman Savage made the motion to approve the consent agenda items 6.1 and 6.2 as presented by staff. Councilwoman Albus seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, McAlister, Savage, Councilwoman Albus and Mayor Williams
NAYS: None

6.1 **Resolution**: Authorizing task order 10 with Garver to provide Construction Management Services for the taxiway seal coat rehabilitation project at the Abilene Regional Airport for $84,926.00.

Resolution: **#137-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE TASK ORDER 10 WITH GARVER FOR CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH TAXIWAYS SEAL COAT REHABILITATION.

6.2 **Resolution:** Awarding a contract to Maxwell Asphalt for taxiway seal coat rehabilitation at the Abilene Regional Airport for $698,434.85.

Resolution: **#138-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT WITH MAXWELL ASPHALT FOR TAXIWAY SEAL COAT REHABILITATION.

DISPOSITION OF MINUTES

5.0 Mayor Williams stated Council has been given the minutes from the Special Meeting held on October 24, 2017, there being no deletions, no additions, and no corrections. Councilman Price made a motion to approve the minutes with correction. Councilman Kreitler seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, McAlister, Savage, Councilwoman Albus and Mayor Williams
NAYS: None

REGULAR AGENDA

7.1 Rodney Taylor, Director of Water Utilities, presented this item to the Council, an ordinance on final reading amending Chapter 32 “Utilities” by inserting new Article IX: Hauled Liquid Waste. City staff recommends amending City Code Chapter 32 "Utilities" with the insertion of a new Article IX "Hauled Liquid Waste" as set out in Exhibit "A" for the implementation of a Hauled Liquid Waste Program for the City of Abilene.

Council and Staff discussion included: 1) .08 per gallon fee 2) desire to avoid direct competition with private industry and the impact 3) the benefit of this program has not been realized or understood by staff 4) the city is already accepting hauled waste from two companies 5) all entities should participate in the program, if approved 6) staff recommends removing the 30-day termination from the language of the ordinance 7) 60-90 to bring an ordinance back to Council with the changes

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

Councilman Price made the motion to table this ordinance amending Chapter 32 “Utilities” by inserting new Article IX: Hauled Liquid Waste until the first Regular Meeting of the City Council in January 2018. Councilman Kreitler seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Councilwoman Albus and Mayor Williams
NAYS: Councilman McAlister
ABSTAINED: Councilman Savage declared a conflict and left the meeting during this item.

AN ORDINANCE AMENDING CHAPTER 32, “UTILITIES” OF THE ABILENE MUNICIPAL CODE BY INSERTING A NEW ARTICLE IX, “HAULED LIQUID WASTE”, THAT PROVIDES FOR THE IMPLEMENTATION OF A HAULED LIQUID WASTE PROGRAM FOR THE CITY OF ABILENE, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

7.2 Rodney Taylor, Director of Water Utilities, presented a resolution authorizing the second amendment to the Interlocal Agreement between Brazos River Authority, West Central Texas Municipal Water District, and the City of Abilene.

The resolution authorizing the second amendment to the Interlocal Agreement between Brazos River Authority. The West Central Texas Municipal Water District and City of Abilene reduces the quantity of BRA's system water that is made available to the City and/or District. The reduction in available water is a direct response to the BRA offering to the City and/or District 7,200 acre-feet of water by way of a Surface Water Availability Agreement (SWAA). There is a pending SWAA for the sale of 7,200 acre-feet of raw water to the City of Abilene.

This resolution does not obligate the City of Abilene to enter into the above-mentioned SWAA with the Brazos River Authority. The 20,000 acre-feet quantity of the original agreement and amendment is being reduced to 12,800 acre-feet.

Council and Staff discussion included: 1) cleared up purpose for executing the amendment to the agreement 2) a draft agreement will be forth coming to the Council in the future 3) the benefit of the agreement relieves the Brazos River Authority with providing the city 20,000 acre feet plus 7,200 acre feet with pending contract; 7,200 acre feet will happen now instead of in the future

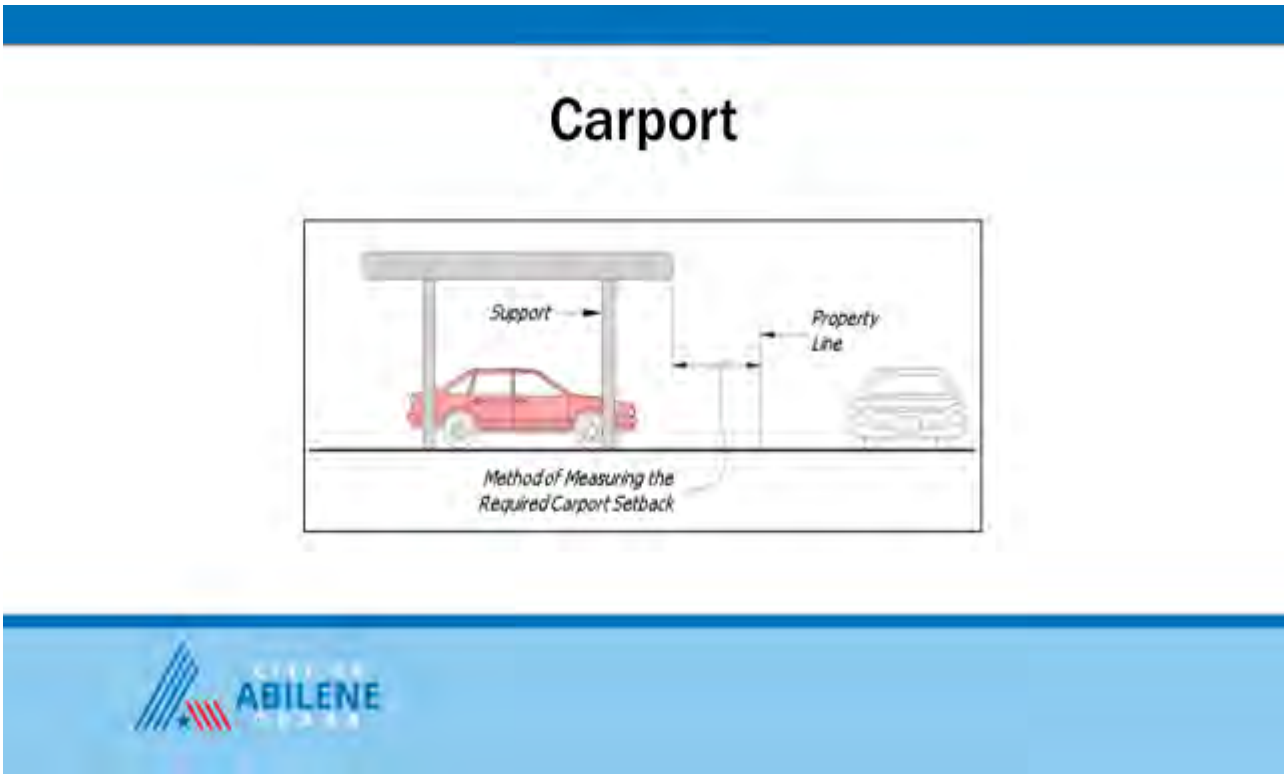
Councilman Price made the motion to approve the resolution authorizing the second amendment to the Interlocal Agreement between Brazos River Authority, West Central Texas Municipal Water Authority. Councilman McAlister seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, McAlister, Savage, Councilwoman Albus and Mayor Williams
NAYS: None

Resolution: **#139-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE SECOND AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE BRAZOS RIVER AUTHORITY, THE WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT, AND THE CITY OF ABILENE.

7.3 Taurus Freeman, Interim Director of Planning and Development Services presented an item for discussion regarding the Abilene Land Development Code. This communication serves as an analysis to potential amendments to the City of Abilene Land Development Code and other inquires. Staff will address carports, townhomes in the Central Business District, and ability to reduce civil penalties for the Board of Building Standards.



Stanley Smith, City Attorney, address the civil penalty process. Pursuant to State law, the City has adopted an ordinance allowing BOBS to assess a civil penalty against a property owner for failure to comply with a BOBS order to repair or demolish a substandard building. City staff may bring before the BOBS Board, a request for the assessment of a civil penalty against a property owner, to be considered at a public meeting.

If the Board of Building Standards orders the assessment of a civil penalty, the City is required by State law to file in the County deed records a civil penalty assessment lien against the property. The Owner has 30 days from the date of the Order in which to appeal the decision of BOBS. If no appeal taken timely, the civil penalty Order becomes "final and binding" according to State law. If the civil penalty Order becomes "final and binding," BOBS has no further authority to reduce or release the civil penalty, or to release the lien. At that point, the civil penalty Order becomes "final and binding", the collection of the civil penalty becomes the purview of the City.

Local Government Code 214.0015(b) (2) provides, in part, that the City control the "means of recovering" the assessment of the civil penalty. In other instances, the City has agreed to release property liens (i.e. securements, mowing, demolitions) for less than the full amount of the lien. Because the City typically does not receive payment on a lien until such time that the property is sold, which may not occur, the policy of accepting payment of less than the full amount of the lien has been utilized to help not only the property owner, but primarily the City to recover its expenses and costs.

Smith stated he is not aware of any state law that would prevent the City from settling and/or releasing civil penalty liens. This is a City Administration decision. To his knowledge, there is no state law that would prevent the City from amending its ordinance to provide a mechanism for BOBS to reconsider a civil penalty they previously ordered, although this additional step is not required under state or local law.

Council and Staff discussion included: 1) Board of Building Standards denials 2) definition of public right-of-way; parkway 3) similar material requirement 4) developing minimum standards that are acceptable to the citizen's 5) 26 out of 48 cases heard by the Board of Adjustment were related to carport permit requests 6) indicate to the Planning & Zoning Commission that the Council would like an ordinance that grants the boards more flexibility 7) modifying the Land Development Code by adding Townhomes and Patios Homes as allowed uses in the Central Business District zoning; direction to staff to bring this modification to the Planning & Zoning Commission for consideration and possible recommendation to the Council8) having a distance measurement in neighborhoods where carports, etc. are already acceptable 9) the orders of civil penalty language could follow a policy

Mayor Williams opened a public hearing and heard from the following citizens:

- Lenora Gongora – expressed frustration with the difficulty of the permitting process
- Leon Petty – asked question about whether he needed a permit for a carport in the rear of his residence

This item was for presentation, discussion and direction to staff, no action was taken.

There being no further business the meeting was adjourned at 7:05 p.m.

_____ _____

Tiffni Hererra, TRMC
Interim City Secretary

Anthony Williams
Mayor

City Council
Agenda Memo

City Council Meeting Date: 11/16/2017

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Ordinance:** ***(First Reading)*** **Adopting the 2018 Standards of Care; and setting a public hearing for December 7th, 2017** ***(Lesli Andrews)***

GENERAL INFORMATION

In August of 1997 the 74th Legislature enacted Section 42.041(14) of the Texas Human Resources Code, which exempts youth programs operated by a municipality from state child-care licensing requirements. The Texas Human Resources Code provides that in order for a municipality to be exempt from the state's licensing requirements, the governing body of the municipality must annually adopt standards of care by ordinance after a public hearing. The major difference in the City's standards is that we have established standards for 6-13 years of age, whereas the state's standard is for 0-6 years of age, a population we do not serve.

SPECIAL CONSIDERATIONS

The Standards of Care require three inspections/review levels be performed each year to insure compliance. The first level is performed by the Recreation Coordinator to confirm adherence to the Standards themselves. The second is a visual inspection of the facilities to be conducted by the program Administrator with the assistance of a Parks and Recreation Professional not associated with the City of Abilene. That visual inspection was conducted on October 13, 2017. The Parks and Recreation Professional who assisted was Colette Hall, Recreation Services Manager from City of Plano, Texas. The third level is an annual inspection by both the Fire Department and Environmental Health. All of these inspections and reviews were satisfactorily completed and the program is in compliance. A copy of the Standards of Care will be online for additional access.

There have been no changes from the 2017 Standards of Care.

FUNDING/FISCAL IMPACT

No funding or fiscal impact

STAFF RECOMMENDATION

Staff is recommending adopting the 2018 Standards of Care.

BOARD OR COMMISSION RECOMMENDATION

The 2018 Standards of Care was approved at the November 7, 2017 Parks and Recreation board meeting.

ATTACHMENTS:

Description	Type
Ordinance	Ordinance
SOCLetter	Backup Material
Standards of Care	Backup Material
Presentation	Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND CALLING A PUBLIC HEARING.

WHEREAS, the City of Abilene, through the Division of Recreation, provides youth programs that contribute to the overall wellbeing of youth and families of the City of Abilene; and

WHEREAS, these youth programs are presently held at the Recreation Centers and designated school sites; and

WHEREAS, the 74th Legislature enacted Section 42.041(b)(14) of the Texas Human Resources Code, which would exempt youth programs operated by a municipality from child-care state licensing requirements provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing; and

WHEREAS, The City of Abilene has had Standards of Care in place for seventeen years which have functioned well; and

WHEREAS, Abilene Parks and Recreation Board the Administrator of Recreation for the City of Abilene recommends that the Standards of Care as set forth in Exhibit "A" be adopted by the City of Abilene:

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

Section 1. That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this ordinance.

Section 2. That the Youth Programs' Standards of Care for the City of Abilene, as detailed in Exhibit "A" attached hereto and incorporated herein for all purposes, are hereby approved and adopted.

Section 3. That all ordinances or parts of ordinances in conflict with the provisions of the ordinance are hereby repealed.

Section 4. That, if any provision of this ordinance will be held to be invalid or unconstitutional, the remainder of such ordinance will continue in full force and effect, the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 5. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

PASSED ON FIRST READING this 16th day of November, 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 3rd day of December 2017, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON SECOND AND FINAL READING this 7th day of December 2017.

ATTEST:

_____
Tiffni Herrera, Interim City Secretary

_____
Anthony Williams, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

Plano
City of Excellence

City of Plano
1520 K Avenue
Plano, TX 75074

P.O. Box 860358
Plano, TX 75086-0358
Tel: 972 941 7000
plano.gov

October 17, 2017

Jeff White
Recreation/Senior Services Manager
City of Abilene Parks and Recreation
2625 South 7th Street
Abilene, Texas 79605

Dear Mr. White,

This letter is confirmation that you and I toured the recreation and senior facilities on Friday, October 13, to conduct an annual review for the City of Abilene Parks and Recreation Department's standards of care. I was provided a check list and we discussed areas of programming and services provided to the citizens of Abilene.

Through my observation it was extremely apparent that you and the Recreation/Senior Division are providing numerous successful programs and services. Also, it was very evident that the division cares deeply about the community.

From the check list, all items passed. The only comment I have is to stock more Band-Aid type bandages in your first aid supply inventory.

Thanks for letting me help you and Abilene Parks and Recreation.

Sincerely,

Colette Hall

Colette Hall, CPRP
Recreation Services Manager
City of Plano Parks and Recreation Department

Harry LaRosiliere, Mayor | Rick Grady, Mayor Pro Tem | Ron Kelley, Deputy Mayor Pro Tem | Angela Miner, Place 1 | Anthony Ricciardelli, Place 2 | Kayci Prince, Place 4 | Tom Harrison, Place 7 | Rick Smith, Place 8 | Bruce D. Glasscock, City Manager

Standards of Care Review

Recreation Center: G. V. Daniels Recreation Center

Date: 10-13-17 Inspector: Colette Hall

SAFETY	Yes	No
First Aid kit stocked with Band-Aids and other essential items	✓	
First Aid kit readily assessable in designated area	✓	
Center Coordinators: CPR/First Aid Certified	✓	

Comments:

FIRE	Yes	No
At least one fire extinguisher	✓	
Fire Extinguishers were current	✓	
Fire Extinguishers locations were labeled	✓	
Emergency Exit may posted	✓	

Comments:

COMMUNICATION	Yes	No
Emergency Contact Numbers Posted	✓	
EMS or Ambulance contact information posted	✓	
Police Department contact information posted	✓	
Fire Department contact information posted	✓	
Poison Control contact information posted	✓	
Recreation Center contact information posted	✓	

Comments:

Standards of Care Review

Recreation Center: Rose Park Recreation Center

Date: 10-13-17 Inspector: Colette Hall

SAFETY	Yes	No
First Aid kit stocked with Band-Aids and other essential items	✓	
First Aid kit readily assessable in designated area	✓	
Center Coordinators: CPR/First Aid Certified	✓	

Comments:

FIRE	Yes	No
At least one fire extinguisher	✓	
Fire Extinguishers were current	✓	
Fire Extinguishers locations were labeled	✓	
Emergency Exit may posted	✓	

Comments:

COMMUNICATION	Yes	No
Emergency Contact Numbers Posted	✓	
EMS or Ambulance contact information posted	✓	
Police Department contact information posted	✓	
Fire Department contact information posted	✓	
Poison Control contact information posted	✓	
Recreation Center contact information posted	✓	

Comments:

Standards of Care Review

Recreation Center: Cobb Recreation Center

Date: 10-13-17 Inspector: Colette Hall

SAFETY	Yes	No
First Aid kit stocked with Band-Aids and other essential items	✓	
First Aid kit readily assessable in designated area	✓	
Center Coordinators: CPR/First Aid Certified	✓	

Comments:

FIRE	Yes	No
At least one fire extinguisher	✓	
Fire Extinguishers were current	✓	
Fire Extinguishers locations were labeled	✓	
Emergency Exit may posted	✓	

Comments:

COMMUNICATION	Yes	No
Emergency Contact Numbers Posted	✓	
EMS or Ambulance contact information posted	✓	
Police Department contact information posted	✓	
Fire Department contact information posted	✓	
Poison Control contact information posted	✓	
Recreation Center contact information posted	✓	

Comments:

Standards of Care Review

Recreation Center: Sears Recreation Center

Date: 10-13-17 Inspector: Colette Hall

SAFETY	Yes	No
First Aid kit stocked with Band-Aids and other essential items	✓	✗
First Aid kit readily assessable in designated area	✓	
Center Coordinators: CPR/First Aid Certified	✓	

Comments:

~~Please add more Band-Aids to the gym first aid kit.~~ Done 10-13-17

FIRE	Yes	No
At least one fire extinguisher	✓	
Fire Extinguishers were current	✓	
Fire Extinguishers locations were labeled	✓	
Emergency Exit may posted	✓	

Comments:

COMMUNICATION	Yes	No
Emergency Contact Numbers Posted	✓	
EMS or Ambulance contact information posted	✓	
Police Department contact information posted	✓	
Fire Department contact information posted	✓	
Poison Control contact information posted	✓	
Recreation Center contact information posted	✓	

Comments:

MY PARKS & RECREATION

2018

CITY OF ABILENE

STANDARDS OF CARE

FOR YOUTH PROGRAMMING

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General Administration

Organization

A. The governing body of the City of Abilene Youth Programs is the Abilene City Council.

B. Implementation of the Youth Program's Standards of Care is the responsibility of the Recreation Administrator and departmental employees.

C. Youth Programs ("Program") to which these Standards apply are the programs held at the City Recreation Centers and designated school sites currently operated by the City of Abilene. Other programs may be subsequently designated by the City of Abilene.

D. Each of the City of Abilene Youth Program sites will have a current copy of the Standards of Care available for public and staff review.

E. Parents of participants will be provided a current copy of the Standards of Care during the registration process or the Standards of Care can be accessed on the City of Abilene website at www.abilenetx.com/parksandrec. Parents of participants will be informed that the City of Abilene Youth Programs is not licensed by the State.

F. Criminal background checks will be conducted on prospective Youth Program employees. If results of the criminal checks indicate that an applicant has been arrested for any of the following offenses, he or she may not be considered for employment:

(1) A felony or a misdemeanor classified as an offense against a person;

(2) A felony or misdemeanor classified as public indecency;

(3) A felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance or any violation of the City Policy;

(4) Any offense involving moral turpitude;

(5) Any offense that would potentially put the City of Abilene or participants of the Program at risk.

General Administration

Definition

A. City: City of Abilene.

B. City Council: City Council of the City of Abilene.

C. Department: Community Services Department of the City of Abilene.

D. Director: City of Abilene Director of Community Services Department or designee.

E. Division: Recreation Services Division of the City of Abilene.

F. Employee: Someone who has been employed by the City of Abilene and has been assigned responsibility for managing, administering, or implementing some portion of the City of Abilene Youth Programs.

G. Parent(s): A parent or guardian who has legal custody and authority to enroll a child in the City of Abilene Youth Programs.

H. Participant: A youth whose parent has completed all required registration procedures and who has been determined to be eligible for the City of Abilene Youth Programs.

I. Program Manual: A notebook of policies, procedures, required forms, and organizational and programming information relevant to City of Abilene's Youth Programs.

J. Program Site: Any area or facility where the City of Abilene Youth Programs is held.

K. Recreation Coordinator: City of Abilene Recreation Division full-time Programmer who has been assigned administrative responsibility for the City of Abilene Youth Programs.

L. Recreation Specialist or Recreation Leader: Any City of Abilene Recreation Division employee (full-time or part-time) who has been assigned responsibility to implement the City of Abilene Youth Programs.

M. Playground Supervisor or Playground Aide: Any City of Abilene Recreation Division temporary employee who has been assigned responsibility to implement the City of Abilene Youth Programs.

N. Administrator: City of Abilene Administrator of Recreation Services or his or her designee.

O. Youth Program(s) or Program: City of Abilene Youth Programs held at the City's Recreation Centers and designated school sites currently operated by the City of Abilene. Other programs may be subsequently designated by the City of Abilene. These programs are not child-care facilities.

General Administration

Object of Youth Programs

A. To provide Youth with the opportunity of recreational activities which may include sports, games, arts and crafts, education, dance, drama, special events, field trips, etc...

B. To provide an encouraging atmosphere by emphasizing the positive development of physical skills, emotional development, and growth of self-confidence.

C. To provide a safe environment by promoting good health and welfare for all participants.

D. To teach Youth how to spend leisure time wisely in an effort to meet the emotional, physical, and social needs of Youth.

Inspections/Monitoring/Enforcement

A. An annual facility inspection report will be initiated by the Recreation Coordinator of each Program to confirm adherence to the Standards of Care. This report will be submitted in March.
   (1) Inspection reports will be sent to the Administrator for review and kept on record for at least two years.
   (2) The Administrator will review the report and establish deadlines and criteria for compliance with the Standards of Care.

B. The Administrator will make visual inspections of the facilities, based on the following schedule. A Parks and Recreation Professional that is not associated with the City of Abilene will assist on one of the following inspections.
   (1) A pre-summer check in April of each year; and
   (2) A fall check in October of each year.

C. Complaints regarding enforcement of the Standards of Care will be directed to the Recreation Coordinator. The Recreation Coordinator will be responsible for taking the necessary steps to resolve the problems. Complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Recreation Coordinator and forwarded to the Administrator, the complaint and the resolution will be noted.

D. The Administrator will provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

Enrollment

A. Before a child may be enrolled, a parent/guardian must sign registration forms that contain:
   (1) Name, address, and telephone number of the child;
   (2) Name and address of parents/guardian and telephone numbers during program hours;
   (3) The names and telephone numbers of people to whom the child may be released;
   (4) A statement of the child's special needs;
   (5) Proof of residency, when appropriate; and
   (6) A liability waiver which also includes permission for field trips and emergency medical authorization.

General Administration

Suspected Abuse

Program employees will report suspected abuse in accordance with the Texas Family Code. In a situation where an Employee is involved in an incident with a child that could be considered child abuse, the incident shall immediately be reported to the Recreation Supervisor. The Recreation Supervisor will immediately notify the Police Department and any other agency, as may be appropriate

Staffing - Responsibilities and Training

Recreation Center Coordinators

Qualifications

1. Recreation Coordinators will be full-time, professional employees of the City of Abilene Recreation Division

2. Recreation Coordinators must meet the minimum education/experience requirements for employment with the City of Abilene to plan and implement recreation activities.

3. Recreation Coordinators must be able to pass a background investigation, including testing for illegal substances.

4. Recreation Coordinators have successfully completed a course in First-Aid and Cardiopulmonary Resuscitation (CPR) offered by American Red Cross and/or American Heart Association.

5. Recreation Coordinators must communicate effectively with the public.

6. Recreation Coordinators must complete City of Abilene mandatory training.

Job Functions

1. Recreation Coordinators are responsible for administering the Youth Programs daily operations in compliance with the Adopted Standards of Care.

2. Recreation Coordinators are responsible for hiring, supervising, and evaluating Recreation Specialist/Leaders.

3. Recreation Coordinators are responsible for planning, implementing, and evaluating programs.

4. Recreation Coordinators maintain supplies, equipment and all necessary documentation for the operation of the Youth Programs.

5. Recreation Coordinators must communicate with Parent(s) as necessary.

6. Recreation Coordinators provide reports to Recreation Supervisor on a weekly basis regarding Youth Program activities.

7. Recreation Coordinators know and follow all City of Abilene, Division, and Program Manual standards, policies and procedures that apply to Youth Programs.

8. Recreation Coordinators ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

Staffing - Responsibilities and Training

Recreation Center Specialists, / or Recreation Leaders

Qualifications

1. Recreation Specialist/Leaders may be full-time, part-time, or temporary employees of the City of Abilene Recreation Division.

2. Recreation Specialist/Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.

3. Recreation Specialist/Leaders must relate to children with courtesy, respect, tolerance, and patience.

4. Recreation Specialist/Leaders must have successfully completed a course in First-Aid and Cardiopulmonary Resuscitation (CPR) offered by American Red Cross and/or American Heart Association.

5. Recreation Specialist/Leaders must pass a background investigation, including testing for illegal substances.

6. Recreation Specialist/Leaders will be responsible for understanding and following all City of Abilene, Departmental, Division, and Program standards, policies, and procedures that apply to the City of Abilene Youth Programs.

Job Functions

1. Recreation Specialist/Leaders will be responsible for providing participants with an environment in which they can feel safe, enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.

2. Recreation Specialist/Leaders will directly lead activities using a method that will provide opportunities for involvement of all participants on an equal basis.

3. Recreation Specialist/Leaders must exhibit enthusiasm for the activity to impart a feeling of excitement in the participants.

4. Recreation Specialist/Leaders will promote a non-competitive, positive, image-enhancing environment for each participant through the direction of fun, varied, and well-organized activities.

5. Recreation Specialist/Leader must be with participants at all times while they are participating in the Program.

6. Recreation Specialist/Leaders ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

Staffing - Responsibilities and Training

Playground Supervisor and/or Playground Aide

Qualifications

1. Playground Supervisor/Aides may be full-time, part-time, or temporary employees of the City of Abilene Recreation Division.

2. Playground Supervisor/Aides should be able to consistently exhibit competency, good judgment, and self-control when working with children.

3. Playground Supervisor/Aides must relate to children with courtesy, respect, tolerance, and patience.

4. Playground Supervisor/Aides must pass a background investigation, including testing for illegal substances.

5. Playground Supervisor/Aides will be responsible for understanding and following all City of Abilene, Departmental, Division, and Program standards, policies, and procedures that apply to the City of Abilene Youth Programs.

Job Functions

1. Playground Supervisor/Aides will assist in leading activities using a method that will provide opportunities for involvement of all participants on an equal basis.

2. Playground Supervisor/Aides must exhibit enthusiasm for the activity to impart a feeling of excitement in the participants.

3. Playground Supervisor/Aides will promote a non-competitive, positive, image-enhancing environment for each participant through the direction of fun, varied, and well-organized activities.

4. Playground Supervisor/Aides will be responsible for picking-up the areas used by their group area each activity.

5. Playground Supervisor/Aides must be with participants at all times while they are participating in the Program.

6. Playground Supervisor/Aides ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

Training/Orientation

A. The Division is responsible for providing training and orientation to Program employees in working with children and for specific job responsibilities. Recreation Coordinators will provide each Recreation Specialist/Leaders and Playground Supervisor/Aides with a Program manual specific to each Youth Program.

B. Program employees must be competent with the Standards of Care for Youth Program operation as adopted.

Training/Orientation

C. Program employees must be competent with the Program's policies, including discipline, guidance, and release of participants as outlined in the Summer Playground Manual.

D. Program employees will be trained in appropriate procedures to handle emergencies.

E. Program employees will be trained in areas including City, Departmental, Division and Program policies and procedures; provision of recreation activities; safety issues; and organization.

Operations

Staff- Participant Ratio

A. The City of Abilene Youth Programs, the minimum employee to participant ratio will be 1 to 20 for participants from ages 6-13.

B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special needs as identified by the participant's parent during the registration process.

Notification

A. Parents must be notified immediately when Program employees are aware of the following:
   (1) Participant is injured; or
   (2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, and/or illness).

B. All parents must be notified if there is an outbreak of any communicable disease. The disease will be reported to the Abilene Taylor County Public Health District.

Discipline

A. Program employees will implement discipline and guidance in a consistent manner, based on the best interests of Program participants.

B. There will be no cruel or harsh punishment or treatment.

C. Program employees may use brief, supervised separation from the activity if necessary.

D. As necessary, Program employees will initiate discipline reports to the parents of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident. Copies of these reports will be kept on file with the Administrator.

Operations

Discipline

E. A sufficient number and/or severe nature of discipline reports as detailed in the Program manual may result in a participant being suspended and/or expelled from the Program.

F. In instances where there is a danger to other participants or staff, offending participants will be removed from the Program site as soon as possible.

G. Any person(s) creating a nuisance, causing a disturbance, or creating an unsafe environment at any Program Site will be subject to ejection from the site and possible arrest and legal action.

Programming

A. Program employees will provide activities for each group according to the participants' ages, interests, and abilities. The activities will be appropriate to participants' health, safety, and well-being. The activities also will be flexible and designed to promote the participants' emotional, social, and mental growth.

B. Program employees will provide indoor and outdoor time periods to include:
   (1) Alternating active and passive activities;
   (2) Opportunity for individual and group activities; and
   (3) Outdoor time each day that weather permits.

C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program. Participants must be counted before leaving the Program Site and before boarding the transportation to return to the Program Site.
   (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.

   (2) Program employees will have transportation cards of the participants in the group and must check the roll frequently.

   (3) Program employees should have First-Aid supplies and a guide to First-Aid and emergency care available on field trips.

   (4) Notice of any field trips will be displayed at a prominent location at each Program site.

Operations

Communication

A. Each Program site will have access to a telephone for use in contacting the Recreation Center or making emergency calls.

B. The Recreation Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:
   (1) Ambulance or emergency medical services.
   (2) City of Abilene Police Department.
   (3) City of Abilene Fire Department.
   (4) Poison control.
   (5) The telephone number for the site itself.
   (6) Numbers at which parents/guardian may be reached.

Transportation

A. First- Aid supplies and a First-Aid emergency care guide will be available in all Program vehicles that transport children.

B. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher located in the passenger compartment of the vehicle which will be accessible to the adult occupants.

C. Transportation cards with the names and telephone numbers of participants' parents and physicians will be available in all Program vehicles that transport participants.

Facility Standards

Safety

A. Program employees will inspect Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants. A monthly inspection report will be completed by the Program staff and kept on file at the center.

B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.

C. Program equipment and supplies should be safe for the participants use.

D. Program employees should have First-Aid supplies available at each site, during transportation and for the duration of any off-site activity.

E. Program employees should have first-aid supplies readily available to staff in a designated location. Program employees should have an immediately accessible guide to First-Aid and emergency care.

F. Program air conditioners, electric fans, and heaters should be mounted out of participants reach or have safeguards that keep participants from being injured.

Facility Standards

Fire

A. In case of fire, danger of fire, explosion, or other emergency, Program employee's first priority is to evacuate the participants to a designated safe area.

B. The Program site will have an annual fire inspection by the City of Abilene Fire Department, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Administrator who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the City Council.

C. Each Program site must have at least one (1) fire extinguisher approved by the Fire Marshall readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Recreation Center Coordinator, and a monthly report will be kept at the center, who will keep the report on file for a minimum of two years. All of the City of Abilene Youth Program employees will be trained in the proper use of fire extinguishers.

Health

A. Illness or Injury

(1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the Program.

(2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees. Paramedics will be notified in the event of an injury that cannot be remedied through basic first aid. An accident report shall be completed and forwarded to the Recreation Supervisor.

(3) An ill Youth will not be allowed to attend or participate if the Youth is suspected of having a temperature and/or accompanied by behavior changes or other signs or symptoms until a medical evaluation indicating that the Youth can return to the Youth Program.

(4) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual.

(5) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

Facility Standards

Health

B. Program employees will administer medication only if:

(1) A parent/guardian completes and signs a medication form that provides authorization for staff to dispense medication with details as to time and dosages. The form will include a "hold harmless" clause to protect the City.

(2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program employees will administer the medication only as stated on the label. Program employees will not administer medication after the expiration date.

(3) Non-prescription medications are labeled with the child's name and the date the medication was brought to the Program. Nonprescription medication must be in the original container. The Program staff will administer it only according to label directions.

(4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.

(5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

Toilet Facilities

(1) The Program site will have inside toilets located and equipped so children can use them independently and Program employees can supervise as needed.

(2) There must be at least one flush toilet for every thirty (30) children. Urinals may be counted in the ratio of toilets to children but must not exceed fifty percent (50%) of the total number of toilets.

(3) An appropriate and adequate number of lavatories will be provided.

Sanitation

(1) The Program site must have adequate light, ventilation, and heat.

(2) The Program must have an adequate supply of water, meeting the standards of the Texas Department of Health for drinking water, and ensure that it will be supplied to the participants in a safe and sanitary manner.

(3) Program employees must see that garbage is removed from Program sites daily.

(4). The Program site will have an annual health inspection by the City of Abilene Health Department, and the resulting report will detail any health concerns observed. The report will be kept on file at the center. Information from this report will be included in the Director's annual report to the City Council.

Facility Standards

Participants

A. All participants must wear tennis shoes daily. Sandals or flip flops are not permitted.

B. Shoes must be worn at all times, unless the Youth is in the swimming pool or participating in an activity that requires no shoes to be worn.

C. Youth must respect the Employees, Program Site, and each other.

2018 Standards of Care

December 7, 2017

CITY OF ABILENE TEXAS

Standards of Care

- The City of Abilene Standards of Care is for ages 6-13.
- The Standards of Care are for the Afterschool program and the Summer Playground program offered by the Recreation Division.
- The City maintains a 20 to 1 ratio of child to employee.

Requirements

- Three annual inspections
  - Recreation Coordinator to confirms adherence to the Standards themselves.
  - Visual inspection of the facility conducted by a parks and Recreation Professional not associated with the City of Abilene.
  - Annual inspection by both the Fire Department and Environmental Health.
- City Council must annually adopt the Standards of Care by ordinance.
- Abilene Parks Board approved the Standards of Care on November 7, 2017.

Questions

I AM AN UMBRELLA
I AM A PIANO
I AM A LAMP
FOLLOW
DREAMS,
THEY KNOW
THE
WAY
ZEBRA
IS MY
FAVORITE
COLOR

City Council
Agenda Memo

City Council Meeting Date: 11/16/2017

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: Authorizing the City Manager to hire a Zoo Veterinary Technician and upgrade a part time Zoo Keeper to a full time Zoo Keeper position.** ***(Lesli Andrews)***

GENERAL INFORMATION

The Abilene Zoo is requesting to increase the personnel schedule by two full time positions. The Abilene Zoological Society, Inc. has requested that a full time Zoo Veterinary Technician position be added and to upgrade a part time Zoo Keeper to a full time Zoo Keeper.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

All employee costs associated with the two positions would be fully reimbursed to the City of Abilene by the Abilene Zoological Society, Inc. in accordance with the Zoo Operating Agreement. Taxpayer funds will be not be used for this increased employee expense.

STAFF RECOMMENDATION

Staff recommends approval of the two positions.

BOARD OR COMMISSION RECOMMENDATION

Abilene Zoological Society, Inc. approved funding for the two positions at its September 7, 2017 board meeting.

ATTACHMENTS:

Description	Type
Resolution	Resolution Letter
Presentation	Presentation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO HIRE A ZOO VETERINARIAN TECHNICIAN AND UPGRADE A PART TIME ZOO KEEPER TO A FULL TIME ZOO KEEPER.

WHEREAS, the City of Abilene and the Abilene Zoological Society, Inc. have a Zoo Operating Agreement, whereby the Abilene Zoological Society, Inc. has agreed to reimburse the City for all salary-related expenses for certain Zoo employees; and

WHEREAS, the Abilene Zoological Society, Inc. has agreed to reimburse the City for all salary-related expenses for a Zoo Veterinarian Technician and an additional full-time Zoo Keeper; and

WHEREAS, the salaries and related employment expenses of the Zoo Veterinarian Technician and the Zoo Keeper will be fully reimbursed to the City by the Abilene Zoological Society, Inc.; and

WHEREAS, the Total Authorized Full-Time Personnel in the adopted FY 2018 Budget document does not contemplate the addition of these two additional full-time employees, and but for exceeding the authorized strength adopted by the budget, the City Manager would otherwise have the authority to create two full-time positions.

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

Part 1: That the City Manager is hereby authorized to hire the Zoo Veterinarian Technician and full-time Zoo Keeper.

Part 2: That the salary and related employment expenses of the Zoo Veterinarian Technician and full-time Zoo Keeper will be fully reimbursed to the City by the Abilene Zoological Society, Inc.

Part 3: That the Total Authorized Full-Time Personnel schedule shall be amended through the revised budget adoption process at the appropriate time.

Part 4: That this Resolution takes effect immediately upon its adoption.

ADOPTED this 16th day of November, 2017.

ATTEST:

_____
Tiffni Hererra, Interim City Secretary

_____
Anthony Williams, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

Abilene Zoo Veterinary Technician and Zoo Keeper

November 16, 2017

CITY OF ABILENE TEXAS

Abilene Zoo Veterinary Technician and Zoo Keeper

- The Abilene Zoological Society would like the Abilene Zoo to have a second fulltime Veterinary Technician and upgrade a part time Zoo Keeper to a fulltime Zoo Keeper.
- Both positions will be responsible for helping to take care of the growing number of animals at the zoo.
- The two positions would be a City employee fully reimbursed by the Abilene Zoological Society.
- The Abilene Zoological Society approved the funding of the position at the September 7, 2017 board meeting.

Questions?

City Council
Agenda Memo

City Council Meeting Date: 11/16/2017

TO: **Robert Hanna, City Manager**

FROM: **Chris Taylor, Assistant Director of Transportation Services**

SUBJECT: **Resolution: Approving Purchase of four Solid Waste Roll Off Trucks *(Chris Taylor)***

GENERAL INFORMATION

Three Roll Off Trucks in use with Solid Waste meet or exceed the requirements of the Fleet Replacement Policy. A newly budgeted Roll Off Truck is required to support the sludge waste haul program expansion in the Solid Waste Division.

The trucks are to be purchased through the BuyBoard Cooperative. Texas law allows a municipality to make such purchases through an Interlocal Cooperative without the need of competitive bidding.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Funds for the purchase are to be provided by the Fleet Replacement Fund and were included in the FY18 budget.

STAFF RECOMMENDATION

It is recommended that these four trucks be purchased through BuyBoard in the total amount of $721,928.00.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Rol Off Trucks Purchase Resolution	Resolution Letter
Roll Off Purchase Pricing Sheet	Cover Memo
Roll Off Budgeted vs Actual	Cover Memo
Roll Off Trucks Maintenance History	Backup Material

RESOLUTION NO _____

A RESOLUTION OF THE CITY OF ABILENE, TEXAS PURCHASING FOUR SOLID WASTE 2018 PETERBILT SBFA ROLL OFF TRUCKS PURCHASED FROM RUSH TRUCK CENTER THROUGH BUYBOARD COOPERATIVE PURCHASING

WHEREAS, the City of Abilene has the need to replace three Solid Waste Roll Off Trucks; and

WHEREAS, the City has a need to add one Solid Waste Roll Off Truck for sludge waste hauling program use; and

WHEREAS, the 2018 Peterbilt SBFA Roll Off Truck is determined suitable equipment; and

WHEREAS, the total purchase is from Rush Truck Center through BuyBoard Cooperative Purchasing in the amount of $721,928.00; and

WHEREAS, the three replaced units will be sold at auction upon being replaced; and

WHEREAS, Staff recommends this purchase.

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

PART 1: That the city Council approves the purchase of four (4) 2018 Peterbilt SBFA Roll Off Trucks.

PART 2: The purchase is from Rush Truck Center in the amount of Seven Hundred Twenty One Thousand Nine Hundred Twenty Eight Dollars and no/100's ($721,928.00) through BuyBoard Cooperative.

PART 3: That this resolution shall takes effect immediately from and after passage.

ADOPTED this 16th day of November, 2017

ATTEST:

_____
Tiffni Herrera, Interim City Secretary

_____
Anthony Williams, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE
BUYBOARD

Vendor	*RUSH TRUCK CENTER*	Date Prepared	*10/6/2017*
Contact for Vendor:	*COLTON KRUSE*	Phone	(830) 302-5219
End User:	*City of Abilene*		
End User Contact:	***Cheri Carter***	Phone/Fax	*(325) 676-6200*
Product Description:	***2018 Peterbilt 567 SBFA Roll Off***		

A: Base Price in Bid/Proposal Number:	*521-16*	Series: **567**	$98,800.00

B: Published Options(*Itemize Below*)

	DESCRIPTION	AMOUNT
Peterbilt	Full Steel Inner Liner	$ 1,364.00
Peterbilt	Meritor MFS20 20,000 lb 3.5" Drop	$ 1,311.00
Peterbilt	Meritor RT46-160 46,000 lb	$ 2,148.00
Peterbilt	Diff Lock Both Axles	$ 1,821.00
Peterbilt	Peterbilt Air Trac 46,000 lbs	$ 1,699.00
Peterbilt	ISX12 425V 425@1800 GOV@2100	$ 2,928.00
Subtotal Column 1:	$ 11,271.00	

OPT #	DESCRIPTION	AMOUNT
Peterbilt	Allison 4500 RDS-P	$ 23,585.00
RTC-0125	Refuse Dump Body Package	$ 3,421.00
RTC-0018	70K	$ 35,708.00
RTC-0051	Rush Care Package	$ 1,236.00
RTC-1060	Dealership Floorplan	$ 1,581.00
RTC-1059	Dealer Lot Insurance	$ 1,599.00
Subtotal Column 2:	$ 67,130.00	

Published Options added to Base Price(*Subtotal of "Col 1" & "Col 2"*)	$ 78,401.00
C: Subtotal of A + B	$177,201.00

D: Non Published Options

G& H 75K Outside Rail Roll Off Hoist with Options	$2,531.00				
Subtotal Column 1:	$2,531.00		Subtotal Column 2:	$ -	

Unpublished Options added to Base price (*Subtotal "Col 1 + Col 2"*)	$2,531.00
E: Contract Price Adjustment (*If any, explain here*)	
F: Total of C + D +/- E	$179,732.00
G: Quantity ordere(Units: 4.00 x F	$ 718,928.00
H: BUYBOARD Administrative Fee %	$ 400.00

I: Non-Equipment Charges & Credits (*I.e.: Ext. Warranty, Trade-In, Delivery, etc.*)

Freight	$ 2,600.00					
						$ 2,600.00
J: TOTAL PURCHASE PRICE INCLUDING (G+H+I)						$721,928.00

BUDGET vs ACTUAL COSTS
ROLL OFF

Repl For Unit #	Using Division	Type Equip Purchased	Budgeted Repl Cost	Actual Repl Cost	Budgeted vs Actual Variance	
New Budget Item	4060	Roll Off Truck	$182,000.00	$179,732.00	$2,268.00	
New Budget Item	4060	Roll Off Truck	$182,000.00	$179,732.00	$2,268.00	
New Budget Item	4060	Roll Off Truck	$182,000.00	$179,732.00	$2,268.00	
New Budget Item	4060	Roll Off Truck	$182,000.00	$179,732.00	$2,268.00	
					$9,072.00	**Under Budget**

ADDITIONAL INFORMATION FOR COUNCIL MEETING ITEM
ROLL OFF

Unit #	Assignment	Year	Make	Model	Mileage	Hours	Miscellaneous Repair Costs	PM Costs	Tire Costs	Total Maintenance Costs	Disposal Method	Replacement Reasoning
3759	Solid Waste	07	Sterling	LT9500	239,356	14,637	$92,604.13	$24,189.22	$43,726.35	$160,519.70	Auction	Exceeds mileage criteria but does not have the age as of yet.
3762	Solid Waste	07	Sterling	LT9500	211,301	12,120	$64,223.83	$23,186.00	$31,274.05	$118,683.88	Auction	Exceeds mileage criteria but does not have the age as of yet.
3763	Solid Waste	07	Sterling	LT9500	257,422	14,603	$72,046.91	$26,850.44	$41,781.68	$140,679.03	Auction	Exceeds mileage criteria but does not have the age as of yet.

CO-OP Purchase For Four Roll Off Trucks Assigned to Solid Waste

November 16, 2017

CITY OF ABILENE TEXAS

Roll Off Trucks For Solid Waste

- Three Roll Off Trucks in use with Solid Waste meet or exceed the requirements of the Fleet Replacement Policy.
- A newly budgeted Roll Off Truck is required to support the sludge hauling program in the Solid Waste Division.
- The trucks are to be purchased through the BuyBoard Cooperative.
- Funds for the purchase are to be provided by the Fleet Replacement Fund and were included in the FY18 budget.
- Total cost for al four Roll Off Trucks is $721,928.00.

City Council
Agenda Memo

City Council Meeting Date: 11/16/2017

TO: **Robert Hanna, City Manager**

FROM: **Howdy Wayne Lisenbee, Director of Facilities & Capital Improvements**

SUBJECT: **Resolution: Authorizing the City Manager to execute a Construction Contract for Demolition Activities with Geneco Technologies, LLC in support of the Kmart Remodel/LEC project.** ***(Wayne Lisenbee)***

GENERAL INFORMATION

The City of Abilene recently acquired the Caddlerocks/Westgate Mall property that previously held the Winn Dixie, Mattress World, and Kmart retail locations. The intent is to remodel the property to house the following Municipal Services: Abilene Police Department, 9-1-1 Dispatch, Child Advocacy Center, Abilene Municipal Court, and the Abilene Municipal Services Center (Water Billing Office).

As the design team completes the Schematic Design phase of the project, we are looking to conduct all of the necessary demolition to support the remodel. By performing the necessary demolition at this stage of design, it will allow the Design Team to see all of the structural members and issues they need to see in the next phase of design AND the City will get better quality bids from General Contractors and a faster construction schedule. This should result in lower costs for the project.

SPECIAL CONSIDERATIONS

The City opened bids on Tuesday, November 7th and received bids from seven (7) firms. The lowest bid was received from Geneco Technologies, LLC.

FUNDING/FISCAL IMPACT

The Project Budget for this demolition work was $300,000 and the low bid was in the amount of $160,909 from Geneco Technologies, LLC.

STAFF RECOMMENDATION

Staff recommends authorizing the City Manager to execute a Construction Contract with Geneco Technologies, LLC. in the amount of $160,909 for Demolition Services.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution	Exhibit
Bid Tabs	Exhibit
Presentation	Cover Memo

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH GENECO TECHNOLOGIES, LLC FOR DEMOLITION SERVICES.

WHEREAS, the City purchased a portion of the Caddlerocks/Westgate Mall retail center for the purpose of remodel and relocation of the Abilene Police Department, the 9-1-1 Dispatch, the Child Advocacy Center, the Abilene Municipal Court, and the Abilene Municipal Services Center; and

WHEREAS, the City is under contract with the Architectural Firm of Tim Rice McClarty for the design of the remodeled spaces; and

WHEREAS, the City received bids for Demolition Services in support of the design and remodel of the spaces; and

WHEREAS, the low bid for Demolition Services was received from Geneco Technologies, LLC in the amount of $160,909.

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

Part 1: The City Council authorizes the City Manager to execute a Construction Services Contract with Geneco Technologies, LLC in the amount of $160,909 for Demolition Services in support of the Kmart Remodel Project..

Part 2. That this Resolution takes effect immediately upon its adoption.

ADOPTED this _____ day of November, 2017.

ATTEST:

_____
Tiffni Herrera, Interim City Secretary

_____
Anthony Williams, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS

DEPARTMENT: FACILITIES & CAPITAL IMPROVEMENT
BID NO.: CB-1803
TIME OF OPENING: 2:00 P.M.
DATE OF OPENING: NOVEMBER 7, 2017

ITEM	DESCRIPTION	QTY	UNIT	GENECO TECHNOLOGIES, LLC TYE, TX		LLOYD D. NABORS DEMOLITION, LLC HUTCHINS, TX		THE CROWE GROUP INC. ABILENE, TX		ROBLES1 DEMOLITION CONTRACTORS CIBOLO, TX		JUSTICE CONSTRUCTION, INC. ABILENE, TX		W.B. KIBLER CONSTRUCTION CO., LTD.	
				UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	DEMOLITION PLAN FOR FORMER KMART-NEW LEC				*98,749.00		133,700.00		163,600.00		168,075.00		207,800.00		216,400.00
	ALT #1 – WINN-DIXIE FLOOR OBSTRUCTION DEMOLITION				37,878.00		23,780.00		11,000.00		38,000.00		29,400.00		63,000.00
	ALT #2 – WINN-DIXIE WALL & PLUMBING DEMOLITION				32,500.00		72,465.00				113,300.00				29,000.00
	ALT #3 – KMART FLOORING DEMOLIITON				*62,160.00		41,000.00		67,000.00		47,000.00		77,400.00		80,600.00
BASE BID															
DISCOUNT															
TOTAL BID															

*NOTES: INDICATES RECOMMENDED AWARD

CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS

DEPARTMENT: FACILITIES & CAPITAL IMPROVEMENT
BID NO.: CB-1803
TIME OF OPENING: 2:00 P.M.
DATE OF OPENING: NOVEMBER 7, 2017

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	HUNTER DEMOLITION & WRECKING CORP. UNIT PRICE	EXTENSION
1.	DEMOLITION PLAN FOR FORMER KMART-NEW LEC				950,660.00		
	ALT #1 – WINN-DIXIE FLOOR OBSTRUCTION DEMOLITION				65,500.00		
	ALT #2 – WINN-DIXIE WALL & PLUMBING DEMOLITION				366,560.00		
	ALT #3 – KMART FLOORING DEMOLIITON						
BASE BID							
DISCOUNT							
TOTAL BID							

*NOTES: INDICATES RECOMMENDED AWARD

Bid Award:
Demolition Services
Kmart Remodel

November 16, 2017

CITY OF ABILENE TEXAS

The City recently acquired a portion of the Caddlerocks/Westgate Shopping Center that housed the Kmart, Mattress World, and Winn Dixie retail spaces. The City is currently under design of the renovation and repurpose of those spaces.

As we move from the Schematic Design phase into the Design Development phase, the Project Team is looking to perform all of the necessary demolition required to support the Project. This will accomplish two primary objectives:

1. Allow the Design Team to see all critical structural members and issues needed to move into the next phase of design; and
2. Provide fewer unknowns to the General Contractors that will be bidding the construction work next summer.
    - Fewer unknowns should result in lower construction bids and a shorter construction schedule.

The following bids were received:

• Geneco Technologies, LLC	$160,909
• Lloyd Nabors Demolition, LLC	$174,700
• Robles Demolition Contractors	$215,075
• The Crowe Group Inc.	$230,600
• Justice Construction	$285,200
• WB Kibler Construction	$297,000
• Hunter Demolition	$1,317,220

Staff recommends award to Geneco Technolgies, LLC.

CITY OF ABILENE TEXAS

Questions?

City Council
Agenda Memo

City Council Meeting Date: 11/16/2017

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Resolution: Awarding bid to Nova Painting LLC for the Grimes Water Treatment Plant 5.0 MG Clearwell Rehabilitation Project *(Rodney Taylor)***

GENERAL INFORMATION

Staff is recommending that the Abilene City Council award a bid to Nova Painting, LLC (Nova) in the amount of $1,150,700.00 for the Grimes WTP 5.0 MG Clearwell Rehabilitation Project. Bids were advertised in the Abilene Reporter News on October 1st and 8th, 2017. Bids were opened on October 26, 2017. A total of twelve bids were received. The Project Engineer has evaluated the low bid for conformity with the advertisement for bids and checked the references of the apparent low bidder and does recommend awarding the bid to Nova.

SPECIAL CONSIDERATIONS

The City of Abilene (City) owns and operates a public water supply system that includes an inventory of twenty-two active water storage tanks. Thirteen of those are ground storage tanks. Water storage tanks holding freshly treated water before distribution to customers are commonly referred to as clearwells.

All water storage tanks require occasional maintenance. Well maintained water storage tanks are expected to last 50 years or more. Tanks constructed of painted steel are more susceptible to corrosion over time and therefore require a higher level of maintenance that includes making structural repairs, and sandblasting and recoating of painted steel surfaces.

The Grimes Water Treatment Plant 5.0 million gallon painted steel clearwell was installed around 1955. There has been no major maintenance performed on this clearwell in several years. It is in need of structural steel repairs due to corrosion, and sandblasting and recoating of all interior and exterior surfaces.

The City contracted with Jacob and Martin Engineering, LLC (JM) for the preparation of plans and contract documents, bidding assistance, project supervision (not RPR), and project administration for the Grimes WTP 5.0 MG Clearwell Rehabilitation Project. City staff and J M recommend awarding the bid to Nova Painting LLC in the amount of $1,150,700.00.

FUNDING/FISCAL IMPACT

Funding for this project will utilize proceeds from the 2017 Certificates of Obligations issued for Water and Sewer System Capital Improvement Projects.

STAFF RECOMMENDATION

Staff recommends awarding the bid to Nova Painting, LLC in the amount of $1,150,700.00 for Grimes WTP 5.0 MG Clearwell Rehabilitation Project as describe above.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

Description	Type
Resolution awarding bid to Nova Painting	Cover Memo
Letter of Recommendation-Bid Tab-Nova Painting	Cover Memo
Presentation Award Bid to Nova Painting	Cover Memo

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING A BID TO NOVA PAINTING, LLC FOR THE GRIMES WTP 5.0 MG CLEARWELL REHABILITATION PROJECT.

WHEREAS, the City of Abilene (City) owns and operates a public water supply system that includes several water storage tanks; and

WHEREAS, water storage tanks require occasional maintenance including the structural repair, sandblasting, and recoating of painted steel surfaces; and

WHEREAS, the Grimes Water Treatment Plant facilities includes a 5.0 million gallon painted steel water storage tank (clearwell) that is in need of minor structural steel repairs due to corrosion, and sandblasting and recoating of interior and exterior surfaces; and

WHEREAS, the City contracted with Jacob and Martin Engineering, LLC (JM) for the preparation of plans and contract documents, bidding assistance, project supervision (not RPR), and project administration for the Grimes WTP 5.0 MG Clearwell Rehabilitation Project; and

WHEREAS, Nova Painting, LLC (Nova) submitted the lowest qualifying bid totaling $1,150,700.00 for the Grimes WTP 5.0 MG Clearwell Rehabilitation Project, and JM has evaluated the low bid for conformity with the advertisement for bids and checked the references of the apparent low bidder and does recommend awarding the bid to Nova; and

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

That the City Manager is authorized to execute a construction contract with Nova Painting, LLC for the Grimes WTP 5.0 MG Clearwell Rehabilitation Project in the amount of $1,150,700.00.

ADOPTED this 16th day of November, 2017.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Anthony Williams, Mayor

APPROVED:

_____
Stanley E. Smith, City Attorney

JACOB MARTIN

INTEGRITY
EXCELLENCE
TRUST

November 1, 2017

Mr. Rodney Taylor
Director of Water Utilities
City of Abilene
P.O. Box 60
Abilene, Texas 79604

Re: Grimes WTP 5.0 MG Clearwell Rehabilitation
Letter of Recommendation for Award

Sent: Via Email

Dear Mr. Taylor:

On October 26, 2017 the City of Abilene received bids for the Grimes WTP 5.0 MG Clearwell Rehabilitation Project. Twelve bids were received for this project. A bid tabulation sheet summarizing the bids is included as an attachment to this letter. The low base bid was $1,150,700.00 submitted by Nova Painting of Humble, Texas. Jacob and Martin has evaluated the low bid for conformity with the advertisement for bids and checked the references of the apparent low bidder. Based on our evaluation of the bids, it is recommended that the contract be awarded to Nova Painting for the base bid total contract amount of $1,150,700.00. If the Water Department agrees with the recommendation for award, Jacob and Martin will prepare contract documents for execution by the Contractor and the City. Feel free to contact me if you have any questions.

Sincerely,
Kirt Harle, P.E.

JACOB | MARTIN

325.695.1070
817.594.9880
info@jacobmartin.com
www.jacobmartin.com
3465 Curry Lane
Abilene, TX 76906
1508 Santa Fe, Suite 203
Weatherford, TX 76086
TBPE Firm #: 2448 | TBAE Firm #: BR 2261 | TBPLS Firm #: 10024300 – Abilene | TBPLS Firm #: 10193992 - Weatherford

BID TABULATION SUMMARY
CITY OF ABILENE - GRIMES WTP 5.0 MG CLEARWELL REHABILITATION
Engineer: Jacob & Martin, LLC
Abilene, Texas

Bid Date: October 26, 2017

Bid		Est.		Nova Painting, LLC 4830 Wilson Rd Ste 300 PMB115 Humble, TX 77396		Utility Service Co., Inc. Box 1350 Perry, GA 31069		Corrosion Eliminators, LLC 1002 HWY 337 Mineral Wells, TX 76067		Classic Protective Coatings, Inc. N7670 State Hwy 25 Menomonie, WI 54751	
Item	Description	Qty.	Unit	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
	Base Bid										
1	Mobilization, Bonds, and Insurance	1	Lump Sum	$23,000.00	$23,000.00	$30,000.00	$30,000.00	$48,526.00	$48,526.00	$40,000.00	$40,000.00
2	Sandblast and Recoat Interior of Tank	1	Lump Sum	$611,000.00	$611,000.00	$645,000.00	$645,000.00	$510,391.00	$510,391.00	$604,250.00	$604,250.00
3	Sandblast and Recoat Exterior of Tank	1	Lump Sum	$296,700.00	$ 296,700.00	$265,000.00	$ 265,000.00	$415,141.00	$ 415,141.00	$354,700.00	$ 354,700.00
4	Structural Repairs and Modifications - Per Specification section 13 007 02 1.5.A	1	Lump Sum	$ 70,000.00	$ 70,000.00	$ 61,700.00	$ 61,700.00	$ 44,990.00	$ 44,990.00	$ 50,000.00	$50,000.00
A1	Additional Work - Allowance for work directed and in writing by the City for legitimate Project related issues	1	Lump Sum	$150,000.00	$150,000.00	$150,000.00	$150,000.00	$150,000.00	$150,000.00	$150,000.00	$150,000.00
	Total Bid (1-4, A1)				$1,150,700.00		$1,151,700.00		$1,169,048.00 *		$1,198,950.00
A2	Per Hour			HR	$150.00	HR	$250.00	HR	$65.00	HR	**
A3	Per Pound			LB	$10.00	LB	$10.00	LB	$1.09	LB	**

* Extension Error/Summation Error

** No Information Submitted

BID TABULATION SUMMARY
CITY OF ABILENE - GRIMES WTP 5.0 MG CLEARWELL REHABILITATION
Engineer: Jacob & Martin, LLC
Abilene, Texas

Bid Date: October 26, 2017

Bid		Est.		Spec Pro Environmental Services, 10815 Gulfdale Street San Antonio, TX 78216			Luckinbill, Inc. Mechanical P.O. Box 186 Enid, Oklahoma 73702		N.G. Painting, L.P. 1225 Bandera Hwy Ste A-2 Kerville, TX 78028		A&M Construction and Utilities, Inc. 4950 Grisham Dr. Rowlett, TX 75088	
Item	Description	Qty.	Unit	Unit Price	Extended Amount		Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
	Base Bid											
1	Mobilization, Bonds, and Insurance	1	Lump Sum	$31,695.60	$31,695.60		$19,800.00	$19,800.00	$1,000.00	$1,000.00	$50,000.00	$50,000.00
2	Sandblast and Recoat Interior of Tank	1	Lump Sum	$641,743.87	$641,743.87		$464,912.50	$464,912.50	$760,000.00	$760,000.00	$750,000.00	$750,000.00
3	Sandblast and Recoat Exterior of Tank	1	Lump Sum	$304,926.33	$ 304,926.33		$464,912.50	$ 464,912.50	$350,000.00	$ 350,000.00	$344,000.00	$344,000.00
4	Structural Repairs and Modifications - Per Specification section 13 007 02 1.5.A	1	Lump Sum	$ 73,119.51	$ 73,119.51		$ 106,195.00	$ 106,195.00	$ 90,000.00	$ 90,000.00	$75,000.00	$75,000.00
A1	Additional Work - Allowance for work directed and in writing by the City for legitimate Project related issues	1	Lump Sum	$150,000.00	$150,000.00		$150,000.00	$150,000.00	$150,000.00	$150,000.00	$150,000.00	$150,000.00
	Total Bid (1-4, A1)				$1,201,485.31	*		$1,205,820.00		$1,351,000.00		$1,369,000.00
A2	Per Hour			HR	$162.95		HR	$135.00	HR	$200.00	HR	$145.00
A3	Per Pound			LB	$9.45		LB	$9.25	LB	$15.00	LB	$8.00

* Extension Error/Summation Error

** No Information Submitted

BID TABULATION SUMMARY
CITY OF ABILENE - GRIMES WTP 5.0 MG CLEARWELL REHABILITATION
Engineer: Jacob & Martin, LLC
Abilene, Texas

Bid Date: October 26, 2017

Bid Item	Description	Est. Qty.	Unit	Riley Industrial Services, Inc. 2615 San Juan Blvd Farmington, NM 87499-2014 Unit Price	Riley Extended Amount	JETCO, LTD PO Box 908 Lake Zurich, IL 60047 Unit Price	JETCO Extended Amount	Tank Pro, Inc. 5500 Watermelon Rd Northport, AL 35473 Unit Price	Tank Pro Extended Amount	TMI Coatings 3291 Terminal Drive St. Paul, MN 55121 Unit Price	TMI Extended Amount
	Base Bid										
1	Mobilization, Bonds, and Insurance	1	Lump Sum	$34,756.00	$34,756.00	$62,250.00	$62,250.00	$70,000.00	$70,000.00	$65,000.00	$65,000.00
2	Sandblast and Recoat Interior of Tank	1	Lump Sum	$768,746.00	$768,746.00	$860,800.00	$860,800.00	$896,500.00	$896,500.00	$901,700.00	$901,700.00
3	Sandblast and Recoat Exterior of Tank	1	Lump Sum	$376,310.00	$ 376,310.00	$301,640.00	$301,640.00	$366,440.00	$ 366,440.00	$383,000.00	$ 383,000.00
4	Structural Repairs and Modifications - Per Specification section 13 007 02 1.5.A	1	Lump Sum	$ 120,630.00	$ 120,630.00	$ 93,000.00	$93,000.00	$ 98,922.00	$ 98,922.00	$ 88,000.00	$ 88,000.00
A1	Additional Work - Allowance for work directed and in writing by the City for legitimate Project related issues	1	Lump Sum	$150,000.00	$150,000.00	$150.000.00	$150,000.00	$150,000.00	$150,000.00	$150,000.00	$150,000.00
	Total Bid (1-4, A1)				$1,450,442.00		$1,467,690.00		$1,581,862.00		$1,587,700.00
A2	Per Hour			HR	$210.00	HR	$300.00	HR	$250.00	HR	$150.00
A3	Per Pound			LB	$1.10	LB	$25.00	LB	$15.00	LB	$50.00

* Extension Error/Summation Error

** No Information Submitted

Award Bid to Nova Painting LLC for the Grimes WTP 5.0 MG Clearwell Rehabilitation Project.

November 16, 2017

CITY OF ABILENE TEXAS

Grimes WTP 5.0 MG Clearwell Rehabilitation Project

- Received 12 Bids.
- Low Bidder was Nova Painting LLC.
- Low bid of $1,150,700.00
- Repair or replacement of corroded structural steel.
- Sandblast and recoat all interior and exterior surfaces.

CITY OF ABILENE TEXAS

Overhead View of Grimes Water Treatment Plant

Corrosion of Spoke Roof Girders Located Beneath Roof Vent Opening

Questions?

City Council
Agenda Memo

City Council Meeting Date: 11/16/2017

TO: **Robert Hanna, City Manager**

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

SUBJECT: **Ordinance:**
Consider adoption of an ordinance authorizing the issuance of City of Abilene, Texas, General Obligation Refunding Bonds for refinancing outstanding debt; establishing procedures and delegating authority for the sale and delivery of the bonds; approving and authorizing an official statement and certain documents relating to said bonds; providing an effective date; and enacting other provisions relating to the subject. ***(Mike Rains)***

GENERAL INFORMATION

Staff is recommending the City consider adoption of an ordinance authorizing the issuance of General Obligation Refunding Bonds to refinance certain bonds currently outstanding. The refunding will include portions of the remaining maturities of the 2011 Certificates of Obligation, 2011 General Obligation Refunding Bonds and certain callable maturities of the 2013 Certificates of Obligation for a total of $31.805 million.

SPECIAL CONSIDERATIONS

The current proposed GOP House tax reform legislation would prohibit this type of refinancing (advance refundings with tax exempt obligations) after December 31, 2017.

FUNDING/FISCAL IMPACT

The projected annual savings would average $115,000 in debt service for fiscal years 2019-2035 for a total of approximately $1.96 million over the life of the bonds.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

	Description	Type
🗋	Ordinance - Authorizing Issuance of General Obligation Refunding Bonds	Ordinance
🗋	Bond Refunding Analysis	Backup Material
🗋	Powerpoint - Ordinance Authorizing Issuance of General Obligation Bonds	Presentation

ORDINANCE NO._____

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS; DELEGATING THE AUTHORITY TO CERTAIN CITY OFFICIALS TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; APPROVING AND AUTHORIZING AN OFFICIAL STATEMENT AND INSTRUMENTS AND PROCEDURES RELATING TO SAID BONDS; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

THE STATE OF TEXAS §
COUNTIES OF TAYLOR AND JONES §
CITY OF ABILENE §

WHEREAS, there are presently the outstanding obligations of the Issuer described in Schedule I attached hereto, collectively, the "Eligible Refunded Obligations";

WHEREAS, the Issuer now desires to refund all or part of the Eligible Refunded Obligations, and those Eligible Refunded Obligations designated by the Pricing Officer in the Pricing Certificate, each as defined below, to be refunded are herein referred to as the "Refunded Obligations";

WHEREAS, Chapter 1207, Texas Government Code, authorizes the Issuer to issue refunding bonds and to deposit the proceeds from the sale thereof, together with any other available funds or resources, directly with a paying agent for the Refunded Obligations or a trust company or commercial bank that does not act as a depository for the Issuer and is named in these proceedings, and such deposit, if made before the payment dates of the Refunded Obligations, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations;

WHEREAS, Chapter 1207, Texas Government Code, further authorizes the Issuer to enter into an escrow agreement with such paying agent for the Refunded Obligations or trust company or commercial bank with respect to the safekeeping, investment, reinvestment, administration and disposition of any such deposit, upon such terms and conditions as the Issuer and such paying agent or trust company or commercial bank may agree;

WHEREAS, this City Council hereby finds and determines that it is a public purpose and in the best interests of the Issuer to refund the Refunded Obligations in order to restructure debt service payments and to achieve a present value debt service savings of at least 3.50%, with such savings, among other information and terms, to be included in a pricing certificate (a "Pricing Certificate") to be executed by the Pricing Officer (hereinafter designated), all in accordance with the provisions of Chapter 1207, Texas Government Code;

WHEREAS, this City Council hereby further finds and determines that the manner in which the refunding is being executed, in that the pricing and terms of the bonds hereinafter authorized are to be determined at a future date pursuant to the provisions of this Ordinance, does not make it practicable to determine the amount of debt service loss or debt service savings that will result from the refunding of the Refunded Obligations;

WHEREAS, all the Refunded Obligations mature or are subject to redemption prior to maturity within 20 years of the date of the bonds hereinafter authorized;

WHEREAS, the Bonds hereinafter authorized to be issued are to be issued, sold and delivered pursuant to the general laws of the State of Texas, including Tex. Gov't Code Ann. Chapter 1207, as amended; and

WHEREAS, it is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Ordinance, was given, all as required by the applicable provisions of Tex. Gov't Code Ann. ch. 551; Now, Therefore

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

Section 1. RECITALS, AMOUNT, PURPOSE AND DESIGNATION OF THE BONDS.

(a) The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section.

(b) The bonds of the City of Abilene, Texas (the "Issuer") are hereby authorized to be issued and delivered in the aggregate principal amount not to exceed $40,000,000, in one or more series, for refunding certain outstanding obligations of the Issuer and paying costs of issuance of the Bonds.

(c) Each bond issued pursuant to this Ordinance shall be designated: "CITY OF ABILENE, TEXAS, GENERAL OBLIGATION REFUNDING BOND, SERIES 2017," and initially there shall be issued, sold, and delivered hereunder fully registered Bonds, without interest coupons, payable to the respective registered owners thereof (with the initial bonds being made payable to the initial purchaser as described in Section 10 hereof), or to the registered assignee or assignees of said bonds or any portion or portions thereof (in each case, the "Registered Owner"). The Bonds shall be in the respective denominations and principal amounts, shall be numbered, shall mature and be payable on the date or dates in each of the years and in the principal amounts, and shall bear interest to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in the Pricing Certificate for such series of Bonds.

Section 2. DELEGATION TO PRICING OFFICER.

(a) As authorized by Chapters 1207, Texas Government Code, as amended, the City Manager, the Assistant City Manager and the Finance Director of the Issuer (each, a "Pricing Officer") are each hereby authorized to act on behalf of the Issuer in selling and delivering the Bonds, determining which of the Eligible Refunded Obligations shall be refunded and carrying out the other procedures specified in this Ordinance, the date of sale and delivery of each such series, determining the date of the Bonds, any additional or different designation or title by which the Bonds shall be known, the price at which the Bonds will be sold and whether the Bonds shall be sold and delivered in one or more series, the years in which the Bonds will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the interest payment and record dates, the price and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the Issuer, as well as any mandatory sinking fund redemption provisions, conforming the Issuer's continuing disclosure agreement to comply with the requirements of SEC Rule 15c2-12and all other matters relating to the issuance, sale, and delivery of the Bonds and the refunding of the Refunded Obligations, including without limitation establishing the redemption date for and effecting the redemption of the Refunded Obligations and obtaining municipal bond insurance for all or any portion of the Bonds and providing for the terms and provisions thereof applicable to the Bonds (including the execution of any commitment agreements, membership agreements in mutual insurance companies, and other similar agreements), all of which shall be specified in the Pricing Certificate; provided that:

(i) the aggregate principal amount of the Bonds issued to refund the Refunded Obligations shall not exceed $40,000,000;

(ii) the refunding of the Refunded Obligations must produce a present value savings of not less than 3.50%, net of any issuer contribution;

(iii) the true interest cost of the Bonds shall not exceed 4.25% per annum; provided that the net effective interest rate on the Bonds shall not exceed the maximum rate set forth in Chapter 1204, Texas Government Code, as amended;

(iv) the final maturity of the Bonds shall not be later than February 15, 2035;

(v) the delegation made hereby shall expire if not exercised by the Pricing Officer on or prior to May 16, 2018.

(b) In establishing the aggregate principal amount of the Bonds, the Pricing Officer shall establish an amount not exceeding the amount authorized in Subsection (a) hereof, which shall be sufficient in amount to provide for the purposes for which the Bonds are authorized and to pay costs of issuing the Bonds. The Bonds shall be sold with and subject to such terms as set forth in the Pricing Certificate.

(c) The Pricing Officer shall determine whether the Bonds will be sold by private placement or negotiated or competitive sale. The term "Bonds" as used in this Order shall mean and include collectively the bond initially issued and delivered pursuant to this Order and all definitive or substitute bonds exchanged therefor, as well as all other substitute bonds and replacement bonds issued pursuant hereto, and the term "Bond" shall mean any of the Bonds, unless the context clearly indicates otherwise.

Section 3. CHARACTERISTICS OF THE BONDS.

(a) Appointment of Paying Agent/Registrar. The selection and appointment of the paying agent/registrar for the Bonds (the "Paying Agent/Registrar") shall be as provided in the Pricing Certificate. The Mayor or City Manager is authorized and directed to execute and deliver in the name and on behalf of the Issuer a Paying Agent/Registrar Agreement with the Paying Agent/Registrar for the Bonds in substantially the form presented at this meeting.

(b) Registration, Transfer, Conversion and Exchange. The Issuer shall keep or cause to be kept at the corporate trust office of the Paying Agent/Registrar books or records for the registration of the transfer, conversion and exchange of the Bonds (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the Issuer and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each registered owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Issuer shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Bond or Bonds. Registration of assignments, transfers,

conversions and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

(c) Authentication. Except as provided in Subsection (n) of this section, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign said Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying Agent/Registrar promptly shall cancel all paid Bonds and Bonds surrendered for conversion and exchange. No additional ordinances, orders or resolutions need be passed or adopted by the governing body of the Issuer or any other body or person so as to accomplish the foregoing conversion and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution and delivery of the substitute Bonds in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, the duty of conversion and exchange of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Bond, the converted and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(d) Payment of Principal and Interest. The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Bonds, and of all conversions and exchanges of Bonds, and all replacements of Bonds, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each registered owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(e) Payment to Registered Owner. Notwithstanding any other provision of this Ordinance to the contrary, the Issuer and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the registered owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to payment of principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner, as shown in the Registration Books, shall receive a Bond certificate evidencing the obligation of the Issuer to make payments of principal and interest pursuant to this Ordinance.

(f) Paying Agent/Registrar. The Issuer covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(g) Substitute Paying Agent/Registrar. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 120 days written notice to the Paying Agent/Registrar, to be effective not later than 60 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar.

(h) Book-Entry Only System. Upon initial issuance, the ownership of the Bonds may, if so designated by the Pricing Officer, be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), pursuant to the Book-Entry Only System hereinafter described and the provisions of Subsections (i), (j), (k) and (m) of this Section shall apply to the Bonds, and except as provided in Subsections (k) and (n) of this Section, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(i) Blanket Letter of Representations. The previous execution and delivery of the Blanket Letter of Representations with respect to obligations of the Issuer is hereby ratified and confirmed; and the provisions thereof shall be fully applicable to the Bonds. Notwithstanding anything to the contrary contained herein, while the Bonds are subject to DTC's Book-Entry Only System and to the extent permitted by law, the Letter of Representations is hereby incorporated herein and its provisions shall prevail over any other provisions of this Ordinance in the event of conflict.

(j) Bonds Registered in the Name of Cede & Co. With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created ("DTC Participant") to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a registered owner of Bonds, as shown on the Registration Books, of any notice with respect to the Bonds, or (iii) the payment to any DTC Participant or any other person, other than a registered owner of Bonds, as shown in the Registration Books of any amount with respect to principal of or interest on the Bonds. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record date, the words "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(k) Successor Securities Depository; Transfers Outside Book-Entry Only System. In the event that the Issuer determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of the Issuer to DTC or that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the Issuer shall (i) appoint a successor securities depository, qualified to act as such under Section 17A of the Securities and Exchange Act of 1934, as amended, notify

DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names registered owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

(l) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the representation letter of the Issuer to DTC.

(m) General Characteristics of the Bonds. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owners thereof, (ii) may and shall be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be converted and exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Bonds shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in this Ordinance and in the Pricing Certificate. The Bond initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in conversion of and exchange for any Bond or Bonds issued under this Ordinance the Paying Agent/Registrar shall execute the Paying Agent/registrar's Authentication Bond, in the FORM OF BOND set forth in this Ordinance.

(n) Delivery of Initial Bond. On the closing date, one initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the order of the initial purchaser of the Bonds or its designee, executed by manual or facsimile signature of the Chairman and Secretary of the Board, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to such purchaser or its designee. Upon payment for the initial Bond, the Paying Agent/Registrar shall (i) if the Bonds are sold by private placement, insert the delivery date on the initial Bond and deliver the initial Bond to the Purchaser, with any Bonds transferred, exchanged or substituted therefor to be registered in the name of the Registered Owner thereof, or (ii) if the Bonds are sold by negotiated or competitive sale, the Paying Agent/Registrar shall cancel the initial Bond and insert the delivery date on Bond No. T-1, cancel the initial Bond and deliver to The Depository Trust Company ("DTC") on behalf of such purchaser one registered definitive Bond for each year of maturity of the Bonds, in the aggregate principal amount of all of the Bonds for such maturity, registered in the name of Cede & Co., as nominee of DTC. To the extent that the Paying Agent/Registrar is eligible to participate in DTC's FAST System, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC deliver to The Depository Trust Company on behalf of such purchaser one registered definitive Bond for each year of maturity of the Bonds, in the aggregate principal amount of all of the Bonds for such maturity.

Section 4. FORM OF BONDS. The form of the Bonds, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Bonds initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

(a) Form of Bond.

NO. R-

UNITED STATES OF AMERICA
STATE OF TEXAS

PRINCIPAL AMOUNT
$_____

CITY OF ABILENE, TEXAS
GENERAL OBLIGATION REFUNDING BOND
SERIES 2017

INTEREST RATE	DATED DATE / DELIVERY DATE	MATURITY DATE	CUSIP NO.
_____	_____	_____	_____

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

ON THE MATURITY DATE specified above, the City of Abilene, in Taylor and Jones Counties, Texas, (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on the Maturity Date specified above, the Principal Amount specified above. The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from _____, _____ at the Interest Rate per annum specified above. Interest is payable on _____, ____ and semiannually on each _____ and _____ thereafter to the Maturity Date specified above, or the date of redemption prior to maturity; except, if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the principal corporate trust office of _____, _____, _____, which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the ordinance authorizing the issuance of this Bond (the "Bond Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the registered owner hereof, at its address as it appeared on the _____ day of the month preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for

such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Bond appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

ANY ACCRUED INTEREST due at maturity or upon the redemption of this Bond prior to maturity as provided herein shall be paid to the registered owner upon presentation and surrender of this Bond for payment or redemption at the principal corporate trust office of the Paying Agent/Registrar. The Issuer covenants with the registered owner of this Bond that on or before each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Bond Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due.

IF THE DATE for any payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day that is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is one of a series of Bonds dated _____, _____, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of $_____ for the public purposes of providing funds for refunding certain outstanding obligations of the Issuer, and to pay the costs incurred in connection with the issuance of the Bonds.

ON _____, or on any date thereafter, the Bonds of this series may be redeemed prior to their scheduled maturities, at the option of the Issuer, with funds derived from any available and lawful source, as a whole, or in part, and, if in part, the particular Bonds, or portions thereof, to be redeemed shall be selected and designated by the Issuer (provided that a portion of a Bond may be redeemed only in an integral multiple of $5,000), at a redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption.

THE BONDS scheduled to mature on _____ in the years ____ and ____ (the "Term Bonds") are subject to scheduled mandatory redemption by the Paying Agent/Registrar by lot, or by any other customary method that results in a random selection, at a price equal to the principal amount thereof, plus accrued interest to the redemption date, out of moneys available for such purpose in the interest and sinking fund for the Bonds, on the dates and in the respective principal amounts, set forth in the following schedule:

Term Bond Maturity: _____, ____	
Mandatory Redemption Date	Principal Amount
_____, ____	$_____
_____, ____	_____
_____, ____	_____
_____, ____(maturity)	_____

Term Bond Maturity: _____, ____	
Mandatory Redemption Date	Principal Amount
_____, ____	$_____
_____, ____	_____
_____, ____	_____
_____, ____ (maturity)	_____

The principal amount of Term Bonds of a stated maturity required to be redeemed on any mandatory redemption date pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the District, by the principal amount of any Term Bonds of the same maturity which, at least 50 days prior to a mandatory redemption date (1) shall have been acquired by the District at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the District at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory redemption requirement.

WITH RESPECT TO ANY OPTIONAL REDEMPTION OF THE BONDS, unless certain prerequisites to such redemption required by this Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the Issuer, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the Issuer shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

AT LEAST 30 days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, at least 30 days prior to the date fixed for any such redemption, to the registered owner of each Bond to be redeemed at its address as it appeared on the 45th day prior to such redemption date; provided, however, that the failure of the registered owner to receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof that are to be so redeemed. If such written notice of redemption is sent and if due provision for such payment is made, all as provided above, the Bonds or portions thereof that are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of $5,000, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Bond Ordinance.

ALL BONDS OF THIS SERIES are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of $5,000. As provided in the Bond Ordinance, this Bond may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate registered owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of $5,000 as requested in writing by the appropriate registered owner, assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Bond Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with

guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any integral multiple of $5,000 to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the registered owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Bond or portion thereof will be paid by the Issuer. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Bond Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the registered owners of the Bonds.

IT IS HEREBY certified, recited and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Bond, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said Issuer, and have been pledged for such payment, within the limit prescribed by law.

THE ISSUER HAS RESERVED THE RIGHT to amend the Bond Ordinance as provided therein, and under some (but not all) circumstances amendments thereto must be approved by the registered owners of a majority in aggregate principal amount of the outstanding Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Bond Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Bond Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer, and agrees that the terms and provisions of this Bond and the Bond Ordinance constitute a contract between each registered owner hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed with the manual or facsimile signature of the Mayor of the Issuer (or in his absence, the Mayor Pro Tem) and countersigned with the manual or facsimile signature of the City Secretary of said Issuer, and has caused the official seal of the Issuer to be duly impressed, or placed in facsimile, on this Bond.

(signature)	(signature)
City Secretary	Mayor

(SEAL)

(b) Form of Paying Agent/Registrar's Authentication Certificate.

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE
(To be executed if this Bond is not accompanied by an executed
Registration Certificate of the Comptroller of Public Accounts of the State of Texas)

It is hereby certified that this Bond has been issued under the provisions of the Bond Ordinance described in the text of this Bond; and that this Bond has been issued in conversion or replacement of, or in exchange for, a Bond, Bonds, or a portion of a Bond or Bonds of a series that originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated: _____.

_____
_____, _____
Paying Agent/Registrar

By: _____
Authorized Representative

(c) Form of Assignment.

ASSIGNMENT
(Please print or type clearly)

For value received, the undersigned hereby sells, assigns and transfers unto: _____

_____

Transferee's Social Security or Taxpayer Identification Number: _____

Transferee's name and address, including zip code: _____

_____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____.

Signature Guaranteed:

_____
NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

_____
NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

(d) Form of Registration Certificate of the Comptroller of Public Accounts.

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. _____

I hereby certify that there is on file and of record in my office a true and correct copy of the opinion of the Attorney General of the State of Texas approving this Bond and that this Bond has been registered this day by me.

Witness my signature and seal this _____.

_____
Comptroller of Public Accounts of the State of Texas

(COMPTROLLER'S SEAL)

(e) Initial Bond Insertions.

(i) The initial Bond shall be in the form set forth is paragraph (a) of this Section, except that:

A. immediately under the name of the Bond, the headings "Interest Rate" and "Maturity Date" shall both be completed with the words "As shown below" and "CUSIP No. _____" shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"THE CITY OF ABILENE, TEXAS, in Taylor and Jones Counties, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on _____ in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Years	Principal Installments	Interest Rates

(Information from Section 2 to be inserted)

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from _____ at the respective Interest Rate per annum specified above. Interest is payable on _____, and semiannually on each _____ and _____ thereafter to the date of payment of the principal installment specified above, or the date of redemption prior to maturity; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

C. The Initial Bond shall be numbered "T-1."

Section 5. INTEREST AND SINKING FUND.

(a) A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the Issuer as a separate fund or account for the payment of the Bonds. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said Issuer, and shall be used only for paying the interest on and principal of said Bonds. All amounts received from the sale of the Bonds as accrued interest shall be deposited upon receipt to the Interest and Sinking Fund, and all ad valorem taxes levied and collected for and on account of said Bonds shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Bonds are outstanding and unpaid, the governing body of said Issuer shall compute and ascertain a rate and amount of ad valorem tax that will be sufficient to raise and produce the money required to pay the interest on said Bonds as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Bonds as such principal matures (but never less than 2% of the original amount of said Bonds as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said Issuer, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said Issuer, for each year while any of said Bonds are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Bonds, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Notwithstanding the requirements of this Section, if lawfully available moneys of the Issuer are on deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes that otherwise would have been required to be levied pursuant to this Section may be reduced to the extent and by the amount of the lawfully available funds then on deposit in the Interest and Sinking Fund.

(b) Article 1208, Government Code, applies to the issuance of the Bonds and the pledge of the taxes granted by the Issuer under this Section, and is therefore valid, effective, and perfected. Should Texas law be amended at any time while the Bonds are outstanding and unpaid, the result of such amendment being that the pledge of the taxes granted by the Issuer under this Section is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, in order to preserve to the registered owners of the Bonds a security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing of a security interest in said pledge to occur.

Section 6. DEFEASANCE OF BONDS.

(a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in Subsection (d) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as

aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Defeased Bonds that is made in conjunction with the payment arrangements specified in Subsection (a)(i) or (ii) of this Section shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the Issuer expressly reserves the right to call the Defeased Bonds for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Bonds immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the Issuer be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the Issuer, or deposited as directed in writing by the Issuer. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Bonds may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in Subsection (a)(i) or (ii) of this Section. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Bonds, with respect to which such money has been so deposited, shall be remitted to the Issuer or deposited as directed in writing by the Issuer.

(c) The term "Defeasance Securities" means any securities and obligations now or hereafter authorized by State law that are eligible to discharges obligations such as the Bonds.

(d) Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(e) In the event that the Issuer elects to defease less than all of the principal amount of Bonds of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Bonds by such random method as it deems fair and appropriate.

Section 7. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.

(a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new Bond of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen or destroyed Bonds shall be made by the registered owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Bond, the registered owner applying for a replacement Bond shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Bond, the registered owner shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Bond, as the case may be. In every case

of damage or mutilation of a Bond, the registered owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this , in the event any such Bond shall have matured, and no default has occurred that is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the registered owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bonds. In accordance with Sec. 1206.022, Government Code, this Section of this Ordinance shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the governing body of the Issuer or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 3(b) of this Ordinance for Bonds issued in conversion and exchange for other Bonds.

Section 8. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED; ENGAGEMENT OF BOND COUNSEL.

(a) The Mayor of the Issuer and each of the Pricing Officers is hereby authorized to have control of the Bonds initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Bonds, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Bond. The approving legal opinion of the Issuer's Bond Counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on the Bonds issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the registered owners of the Bonds. In addition, if bond insurance is obtained, the Bonds may bear an appropriate legend as provided by the insurer.

(b) The obligation of the initial purchaser to accept delivery of each series of the Bonds is subject to the initial purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the Issuer, which opinion shall be dated as of and delivered on the date of initial delivery of the Bonds to the initial purchaser. The engagement of such firm as bond counsel to the Issuer in connection with issuance, sale and delivery of the Bonds is hereby approved and confirmed. The execution and delivery of an engagement letter between the Issuer and such firm, with respect to such services as bond counsel, is hereby authorized in such form as may be approved by the Mayor, and the Mayor is hereby authorized to execute such engagement letter.

Section 9. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE BONDS.

(a) Covenants. The Issuer covenants to take any action necessary to assure, or refrain from any action that would adversely affect, the treatment of the Bonds as obligations described in section 103 of the Internal Revenue Code of 1986 (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Bonds (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the Issuer, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in Subsection (1) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed or refinanced therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" that is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount that is greater than the lesser of $5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action that would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds that were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) that produces a materially higher yield over the term of the Bonds, other than investment property acquired with –

(A) proceeds of the Bonds invested for a reasonable temporary period of 3 years or less or, in the case of a current refunding bond for a period of 90 days or in the case of an advance refunding bod for a period of 30 days, or less until such proceeds are needed for the purpose for which the Bonds are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(7) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements

of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and

(8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (a)(8), a "Rebate Fund" is hereby established by the Issuer for the sole benefit of the United States of America, and such Fund shall not be subject to the claim of any other person, including without limitation the Bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Use of Proceeds. For purposes of the foregoing covenants (a)(1) and (a)(2), the Issuer understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the Refunded Obligations expended prior to the date of issuance of the Bonds. It is the understanding of the Issuer that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated that modify or expand provisions of the Code, as applicable to the Bonds, the Issuer will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated that impose additional requirements applicable to the Bonds, the Issuer agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of such intention, the Issuer hereby authorizes and directs the Mayor and each Pricing Officer, or any one of them, to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the Issuer, that may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds.

(d) Disposition of Projects. The Issuer covenants that the property constituting the projects financed or refinanced with the proceeds of the Bonds will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless any action taken in connection with such disposition will not adversely affect the tax-exempt status of the Bonds. For purpose of the foregoing, the Issuer may rely on an opinion of nationally-recognized bond counsel that the action taken in connection with such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 10. SALE OF BONDS AND APPROVAL OF OFFICIAL STATEMENT; FURTHER PROCEDURES.

(a) The Bonds shall be sold and delivered subject to the provisions of Section 1 and Section 2 and pursuant to the terms and provisions of a bond purchase agreement or letter (the "Purchase Agreement") which the Pricing Officer is hereby authorized to execute and deliver and in which the purchaser or

purchasers (the "Underwriters") of such Bonds shall be designated. The Bonds shall initially be registered in the name set forth in the Pricing Certificate.

(b) The Mayor and City Secretary are further authorized to execute and deliver for and on behalf of the Issuer copies of a Preliminary Official Statement and Official Statement, if prepared in connection with the offering of the Bonds by the Underwriters for such Bonds, in final form as may be required by the Underwriters, and such final Official Statement in the form and content as approved by the Pricing Officer or as manually executed by said officials shall be deemed to be approved by the City Council and constitute the Official Statement authorized for distribution and use by the Underwriters. The form and substance of the Preliminary Official Statement for each series of the Bonds and any addenda, supplement or amendment thereto, all as approved by the Pricing Officer, are hereby deemed to be approved in all respects by the City Council, and such Preliminary Official Statement is hereby deemed final as of its date (except for the omission of pricing and related information) within the meaning and for the purpose of paragraph (b)(1) of the Rule (hereinafter defined).

(c) The Pricing Officer is authorized, in connection with effecting the sale of each series of the Bonds, to obtain from a municipal bond insurance company so designated in the Pricing Certificate (the "Insurer") a municipal bond insurance policy (the "Insurance Policy") in support of such Bonds. To that end, should the Pricing Officer exercise such authority and commit the Issuer to obtain a municipal bond insurance policy, for so long as the Insurance Policy is in effect, the requirements of the Insurer relating to the issuance of the Insurance Policy as set forth in the Pricing Certificate are incorporated by reference into this Ordinance and made a part hereof for all purposes, notwithstanding any other provision of this Ordinance to the contrary. The Pricing Officer shall have the authority to execute any documents to effect the issuance of the Insurance Policy by the Insurer.

(d) The Mayor and Mayor Pro Tem, the City Secretary and the Pricing Officers of the Issuer, and each of them, shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name such documents, certificates and other instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Bonds, the sale of the Bonds and the Official Statement. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 11. COMPLIANCE WITH RULE 15c2-12.

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

"MSRB" means the Municipal Securities Rulemaking Board.
"Rule" means SEC Rule 15c2-12, as amended from time to time.
"SEC" means the United States Securities and Exchange Commission.

(b) Annual Reports.

(i) The Issuer shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, within six months after the end of each fiscal year ending in or after 2017, financial information and operating data with respect to the Issuer of the general type described in the Pricing Certificate. The Issuer will additionally provide audited financial statements when and if available, and in any event, within 12 months after the end of each fiscal year ending in or after 2017. If the

audit of such financial statements is not complete within 12 months after any such fiscal year end, then the Issuer will file unaudited financial statements within such 12 month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available. Any financial statements so to be provided shall be prepared in accordance with the accounting principles described in Appendix B to the Official Statement, or such other accounting principles as the Issuer may be required to employ from time to time pursuant to state law or regulation.

(ii) If the Issuer changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the Issuer otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB's internet website or filed with the SEC. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(c) Event Notices.

(i) The Issuer shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten business days after the occurrence of the event) of any of the following events with respect to the Bonds, if such event is material within the meaning of the federal securities laws:

1. Non-payment related defaults;
2. Modifications to rights of Bondholders;
3. Bond calls;
4. Release, substitution, or sale of property securing repayment of the Bonds;
5. The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms; and
6. Appointment of a successor or additional trustee or the change of name of a trustee.

(ii) The Issuer shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten business days after the occurrence of the event) of any of the following events with respect to the Bonds, without regard to whether such event is considered material within the meaning of the federal securities laws:

1. Principal and interest payment delinquencies;
2. Unscheduled draws on debt service reserves reflecting financial difficulties;
3. Unscheduled draws on credit enhancements reflecting financial difficulties;
4. Substitution of credit or liquidity providers, or their failure to perform;
5. Adverse tax opinions or the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701–TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
6. Tender offers;
7. Defeasances;

8. Rating changes; and
9. Bankruptcy, insolvency, receivership or similar event of an obligated person.

(iii) The Issuer shall notify the MSRB, in a timely manner, of any failure by the Issuer to provide financial information or operating data in accordance with Subsection (b) of this Section by the time required by such Subsection.

(d) Limitations, Disclaimers, and Amendments.

(i) The Issuer shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the Issuer remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the Issuer in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the registered owners and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Issuer undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the Issuer's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The Issuer does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE ISSUER BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE ISSUER, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the Issuer in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the Issuer under federal and state securities laws.

(v) Should the Rule be amended to obligate the Issuer to make filings with or provide notices to entities other than the MSRB, the Issuer hereby agrees to undertake such obligation with respect to the Bonds in accordance with the Rule as amended. The provisions of this Section may be amended by the Issuer from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Issuer, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the registered owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that

authorizes such an amendment) of the outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the Issuer (such as nationally recognized bond counsel) determined that such amendment will not materially impair the interest of the registered owners and beneficial owners of the Bonds. The Issuer may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds. If the Issuer so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with Subsection (b) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 12. METHOD OF AMENDMENT. The Issuer hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The Issuer may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (v) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (iv) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the Issuer's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the holders of Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Bonds that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the Issuer; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Bonds, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Bonds so as to:

(1) Make any change in the maturity of any of the outstanding Bonds;

(2) Reduce the rate of interest borne by any of the outstanding Bonds;

(3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Bonds;

(4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Bonds or any of them or impose any condition with respect to such payment; or

(5) Change the minimum percentage of the principal amount of any series of Bonds necessary for consent to such amendment.

(c) If at any time the Issuer shall desire to amend this Ordinance under this Section, the Issuer shall send by U.S. mail to each registered owner of the affected Bonds a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the Issuer for inspection by all holders of such Bonds.

(d) Whenever at any time within one year from the date of publication of such notice the Issuer shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Bonds then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the Issuer and all holders of such affected Bonds shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Bond pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Bond during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the Issuer, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Bonds then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

For the purposes of establishing ownership of the Bonds, the Issuer shall rely solely upon the registration of the ownership of such Bonds on the registration books kept by the Paying Agent/Registrar.

Section 13. DEFAULT AND REMEDIES.

(a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the registered owners of the Bonds, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Bonds then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 14. APPROVAL OF ESCROW AGREEMENT AND TRANSFER OF FUNDS. In furtherance of authority granted by Section 1207.007(b), Texas Government Code, the Mayor or either of the Pricing Officers are further authorized to enter into and execute on behalf of the Issuer, with the escrow agent designated in the Pricing Certificate, an escrow or similar agreement, in the form and substance as shall be approved by the Pricing Officer, which agreement will provide for the payment in full of the Refunded Obligations identified in such escrow agreement. In addition, the Mayor or the Pricing Officer is authorized to purchase such securities, to execute such subscriptions for the purchase of the Escrowed Securities (as defined in the agreement), if any, and to authorize such contributions for the escrow fund as provided in the agreement.

Section 15. REDEMPTION OF REFUNDED OBLIGATIONS.

(a) Subject to execution and delivery of the Purchase Agreement with the Purchaser, the Issuer hereby directs that the Refunded Obligations be called for redemption on the dates and at such prices as set forth in the Pricing Certificate. The Pricing Officer is hereby authorized and directed to issue or cause to be issued notice of redemption of the Refunded Obligations to the paying agent for the Refunded Obligations.

(b) In addition, the paying agent for the Refunded Obligations is hereby directed to provide the appropriate notices of redemption and defeasance as specified by the ordinances authorizing the issuance of Refunded Obligations and is hereby directed to make appropriate arrangements so that the Refunded Obligations may be redeemed on their redemption dates. The Refunded Obligations shall be presented for redemption at the paying agents therefor, and shall not bear interest after the date fixed for redemption.

(c) If the redemption of the Refunded Obligations results in the partial refunding of any maturity of the Refunded Obligations, the Pricing Officer shall direct the paying agent/registrar for the Refunded Obligations to designate at random and by lot which of the Refunded Obligations will be payable from and secured solely from ad valorem taxes of the Issuer pursuant to the ordinance of the Issuer authorizing the issuance of such Refunded Obligations (the "Refunded Bond Ordinance"). The paying agent/registrar shall notify by first-class mail all registered owners of all affected bonds of such maturities that: (i) a portion of

such bonds have been refunded and are secured until final maturity solely with cash and investments maintained by the Escrow Agent in the Escrow Fund, (ii) the principal amount of all affected bonds of such maturities registered in the name of such registered owner that have been refunded and are payable solely from cash and investments in the Escrow Fund and the remaining principal amount of all affected bonds of such maturities registered in the name of such registered owner, if any, have not been refunded and are payable and secured solely from ad valorem taxes of the Issuer described in the Refunded Obligation Ordinance, (iii) the registered owner is required to submit his or her Refunded Obligations to the paying agent/registrar, for the purposes of re-registering such registered owner's bonds and assigning new CUSIP numbers in order to distinguish the source of payment for the principal and interest on such bonds, and (iv) payment of principal of and interest on such bonds may, in some circumstances, be delayed until such bonds have been re-registered and new CUSIP numbers have been assigned as required by (iii) above.

(d) The source of funds for payment of the principal of and interest on the Refunded Obligations on their respective maturity or redemption dates shall be from the funds deposited with the Escrow Agent pursuant to the Escrow Agreement approved in Section 14 of this Ordinance.

Section 16. APPROPRIATION. To pay the debt service coming due on the Bonds, if any (as determined by the Pricing Certificate) prior to receipt of the taxes levied to pay such debt service, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount sufficient to pay such debt service, and such amount shall be used for no other purpose.

Section 17. SEVERABILITY. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, despite such invalidity, which remaining portions shall remain in full force and effect.

Section 18. EFFECTIVE DATE. In accordance with the provisions of V.T.C.A., Government Code, Section 1201.028, this Ordinance shall be effective immediately upon its adoption by the City Council.

(Execution Page Follows)

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS on this 16th day of November, 2017.

ATTEST:

_____
Mayor, City of Abilene, Texas

_____
City Secretary, City of Abilene, Texas

[CITY SEAL]

APPROVED AS TO FORM:

_____
City Attorney, City of Abilene, Texas

SCHEDULE I

SCHEDULE OF ELIGIBLE REFUNDED OBLIGATIONS

City of Abilene, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2011

City of Abilene, Texas General Obligation Refunding Bonds, Series 2011

City of Abilene, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2013

REFUNDING ANALYSIS

City of Abilene, Texas

Refund Series 2011 CO, 2011 GO, & 2013 CO

Preliminary October 6, 2017

Year	Refunded Debt Service	New Refunding Debt Service	**Savings**
2018	$ 6,430,125	$ 6,427,282	**$ 2,843**
2019	6,327,600	6,213,575	**114,025**
2020	6,228,175	6,110,650	**117,525**
2021	6,130,875	5,998,650	**132,225**
2022	4,498,059	4,362,775	**135,284**
2023	4,315,806	4,197,100	**118,706**
2024	4,302,409	4,183,600	**118,809**
2025	4,294,125	4,176,900	**117,225**
2026	4,292,650	4,177,300	**115,350**
2027	4,211,000	4,101,500	**109,500**
2028	4,209,900	4,098,100	**111,800**
2029	4,210,775	4,100,000	**110,775**
2030	4,210,275	4,102,600	**107,675**
2031	4,208,150	4,095,900	**112,250**
2032	4,209,025	4,099,700	**109,325**
2033	4,212,400	4,103,600	**108,800**
2034	4,212,900	4,102,500	**110,400**
2035	4,210,275	4,101,300	**108,975**
2036	4,210,650	4,210,650	-
2037	4,212,188	4,212,188	-
2038	4,208,938	4,208,938	-
2039	4,212,700	4,212,700	-
	$ 101,559,000	$ 99,597,507	**$ 1,961,493**

Refunded Principal:

Series 2011 CO	2/15/2020	Mat. 2021-2026	$ 535,000
Series 2011 GO	2/15/2020	Mat. 2021-2022	1,920,000
Series 2013 CO	2/15/2022	Mat. 2023-2025 & 2028-2035	29,350,000
			$ 31,805,000

Average Coupon of Refunded Bonds	4.98%
True Interest Cost (TIC) on Refunding Bonds	3.17%
Negative Arbitrage	$ 1,271,164
Net Present Value Savings	$ 1,474,789

Percentage Savings of Refunded Bonds = 4.637%

FirstSouthwest
A Division of Hilltop Securities.

SCHEDULE OF CALLABLE MATURITIES
City of Abilene, Texas
Refund Series 2011 CO, 2011 GO, & 2013 CO
Preliminary October 6, 2017

	Series 2011 CO		Series 2011 GO		Series 2013 CO	
Maturity Date	Interest Rate	Principal Amount	Interest Rate	Principal Amount	Interest Rate	Principal Amount
2/15/2021	4.000%	$ 100,000	5.000%	$ 1,755,000		
2/15/2022	4.125%	100,000	5.000%	165,000		
2/15/2023	4.250%	90,000			5.000%	$ 1,945,000
2/15/2024	4.375%	85,000			5.000%	2,040,000
2/15/2025	4.500%	80,000			5.000%	2,145,000
2/15/2026	4.625%	80,000			3.500%	2,240,000
2/15/2027					3.500%	2,320,000
2/15/2028					5.000%	2,420,000
2/15/2029					5.000%	2,545,000
2/15/2030					5.000%	2,675,000
2/15/2031					5.000%	2,810,000
2/15/2032					5.000%	2,955,000
2/15/2033					5.000%	3,110,000
2/15/2034					5.000%	3,270,000
2/15/2035					5.000%	3,435,000
2/15/2036					5.000%	3,600,000
2/15/2037					5.000%	3,765,000
2/15/2038					5.000%	3,935,000
2/15/2039					5.000%	4,120,000
		$ 535,000		$ 1,920,000		$ 49,330,000
Call Date:		**2/15/2020**		**2/15/2020**		**2/15/2022**

SUMMARY OF BONDS REFUNDED

City of Abilene, Texas

Refund Series 2011 CO, 2011 GO, & 2013 CO

Preliminary October 6, 2017

Maturity Date	Series 2011 CO Eligible Amount Callable	Series 2011 GO Eligible Amount Callable	Series 2013 CO Eligible Amount Callable	Proposed Amount Refunded
2/15/2018	$ -	$ -	$ -	$ -
2/15/2019	-	-	-	-
2/15/2020	-	-	-	-
2/15/2021	100,000	1,755,000	-	1,855,000
2/15/2022	100,000	165,000	-	265,000
2/15/2023	90,000		1,945,000	2,035,000
2/15/2024	85,000		2,040,000	2,125,000
2/15/2025	80,000		2,145,000	2,225,000
2/15/2026	80,000		2,240,000	80,000
2/15/2027			2,320,000	-
2/15/2028			2,420,000	2,420,000
2/15/2029			2,545,000	2,545,000
2/15/2030			2,675,000	2,675,000
2/15/2031			2,810,000	2,810,000
2/15/2032			2,955,000	2,955,000
2/15/2033			3,110,000	3,110,000
2/15/2034			3,270,000	3,270,000
2/15/2035			3,435,000	3,435,000
2/15/2036			3,600,000	
2/15/2037			3,765,000	
2/15/2038			3,935,000	
2/15/2039			4,120,000	
	$ 535,000	$ 1,920,000	$ 49,330,000	$ 31,805,000

Includes:

Series 2011 CO (All Callable)
Series 2011 GO (All Callable)
Series 2013 CO (2023-2025 Mat.)
Series 2013 CO (2028-2035 Mat.)

Consider Adoption of an Ordinance Authorizing Issuance of General Obligation Refunding Bonds

November 16, 2017

CITY OF ABILENE TEXAS

Ordinance – Authorizing Issuance of General Obligation Refunding Bonds

- Staff is recommending the issuance of General Obligation Refunding Bonds for the purpose of refinancing portions of the 2011 Certificates of Obligation, 2011 General Obligation Refunding Bonds and portions of the 2013 Certificates of Obligation. The total amounts refunded would be $31,805,000.

- The projected annual debt service savings for fiscal years 2019-2035 would be $115,000 for a total of approximately $1.9 million over the life of the bonds.

- The current GOP House tax reform legislation would prohibit advance refundings with tax exempt obligations after December 31, 2017.

City Council
Agenda Memo

City Council Meeting Date: 11/16/2017

TO: **Robert Hanna, City Manager**

FROM: **Taurus Freeman, Interim Director of Planning & Development Services**

SUBJECT: **Ordinance & Public Hearing: *(Final Reading)* Z-2017-18 A request from HIT Ventures LLC, represented by Harley Burnett, Agent CJ Chaney, to rezone two (2) lots from AO (Agricultural Open Space) to GC (General Commercial) located at the northwest corner of Maple St. and S. 27th St *(Taurus Freeman)***

GENERAL INFORMATION

The Applicant is requesting to a rezoning from AO (Agriculture Open Space) to GC (General Commercial) to develop the property with commercial uses.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission at its October 3, 2017 meeting recommended approval of this item by five (5) with none in opposition.

ATTACHMENTS:

Description	Type
Ordinance Cover	Cover Memo
Ordinance Exhibit	Ordinance
Staff Report	Backup Material
Power Point 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 26th day of October, A.D. 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 31st day of October, 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 16th day of November, 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 16th day of November, A.D. 2017.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

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

Legal Description: Tract one (1) A0790 SUR 63 B A L NE/4, TRACT S55 N948.7 W120 E150, and Tract two (2) A0790 SUR 63 B A L NE/4, TRACT S50 N893.7 W120 E150.

Location: Located at the northwest corner of Maple St and S 27th St. 2698 Maple Street and 0 Maple Street

-END-

ZONING CASE Z-2017-18
STAFF REPORT

REQUEST: Rezoning

APPLICANT:
Owner: Hit Ventures LLC
Agent: CJ Chaney, Coldwell Banker

HEARING DATES:
P & Z Commission: October 3, 2017
City Council 1st Reading: October 26, 2017
City Council 2nd Reading: Reading: November 16, 2017

LOCATION:
The subject properties are located at 2698 Maple Street and 0 Maple Street, north of ES 27th Street and west of Maple Street, and is .30 acres +/-

PROPOSAL AND REQUESTED ACTION:
The applicant's request is to develop the property with commercial uses. They are requesting the rezoning from AO (Agriculture Open Space) to GC (General Commercial) as the zoning, in order to build and plat a new commercial property.

DEVELOPMENT STANDARDS:

The following sections of the City of Abilene Land Development Code apply to the rezoning request:

- Chapter 4. Article 2. Division 1: Development Standards

APPLICATION REVIEW:

According to Section 1.4.1.4, Criteria for Approval, in the City of Abilene Land Development Code, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

(1) Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended;

The Future Land Use section of the Comprehensive Plan designates this general area as 'Local Community Center.' The (Agriculture Open Space) AO zoning is typically designated as a "holding zoning," until an applicant desires to rezone to a compatible zoning classification with the adjacent zoning districts.

Many of the properties had single-family homes constructed prior to being annexed into the City Limits in 1963. The intersection of Maple Street (designated "arterial" road) with ES 27th Street (designated "arterial" road) on the Master Thoroughfare Plan, and is generally a node that would be suited for commercial type development.

There have been multiple General Commercial and Heavy Commercial rezonings approved in the immediate vicinity since 2000, and many of the properties have been developed with commercial uses.

Furthermore, the Master Thoroughfare Plan designates the intersection of ES 27th Street and Maple Street as a 'Local Community Center' and is considered a node for commercial/retail development.

(2) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;

	Zoning	Existing Land Use
North	AO	Single-Family Residences
South	AO/GC	Vacant/Commercial Businesses
East	GC	Self-Storage Facility
West	AO	Single Family Residences

The general commercial uses permitted by the proposed change would be appropriate in the immediate area of the land to be reclassified due to surrounding land uses and the previously approved rezonings in the area.

The property was annexed in 1963 and has remained vacant since. Most of the surrounding area is developed with a mix of single-family, agricultural open space, and commercial uses to the east and south.

(3) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area; and

In Staff's opinion, the proposed General Commercial development would be in accordance with the Future Land Use Plan of the City of Abilene. Additionally, Staff feels that the proposed General Commercial use of the property would not have any negative impacts on the surrounding public schools, streets, water supply, sanitary sewers, and other public services and utilities.

(4) Any other factors which will substantially affect the public health, safety, morals, or general welfare.

Upon review, the proposed rezoning and the proposed development would not negatively affect the public health, safety, morals, or general welfare of the surrounding residents based on the surrounding commercial uses, the 'commercial node' created by the intersection of 2, designated 'arterial' streets , and the City's Future Land Use Plan.

STAFF COMMENTS:

The applicant's request is to rezone property from AO (Agricultural Open Space) to GC (General Commercial), in order to provide more commercial land uses along ES 27th Street.

Currently the property is undeveloped. The adjacent properties have AO zonings to the west and north, with GC, HC and AO to the southeast and east.

Additionally, the properties requesting rezoning as well as many of the adjacent properties zoned AO (Agricultural Open Space), are considered 'substandard in size' for the AO zoning classification. The minimum lot size in AO is 5 acres. Most of the surrounding AO zoned properties are less than one (1) acre in size a rezoning would be necessary for any type of redevelopment.

Staff feels that the rezoning request is in line with previously approved rezoning requests, the Future Land Use section of the Comprehensive Plan, and the Master Thoroughfare Plan.

STAFF RECOMMENDATION:

Staff recommends approval of the request.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval of this request by a vote of five (5) with none in opposition at their October 3, 2017 meeting.

NOTIFICATION:

The Planning Services Division sent, with certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

OWNER	SITUS	RESPONSE
CANO RICHARD	2691 MAPLE ST	
CASEY DONNY RAY	225 HAMILTON ST	Opposed
CORNWELL PRISCILLA	2691 CHINA ST	
DICK L D	2697 CHINA ST	
GONZALES RUBEN IND EX ET AL	2682 MAPLE ST	
HIT VENTURES LLC	2698 MAPLE ST	
HIT VENTURES LLC		
KSJR TRUST	2683 MAPLE ST	
KSJR TRUST		
NICHOLS KENNETH R	225 ES 27TH ST	
POLASEK HOUSTON G	3210 MAPLE ST	
PRYOR JOY ANGELINE LF EST	400 S 27TH ST	
STEWART CARL HENRY	2690 MAPLE ST	
TORREZ CASIMIRO JR	2686 MAPLE ST	
WILLIS MICHAEL S	2679 CHINA ST	

ATTACHMENTS:

- Application
- Zoning Map
- Aerial Map
- Thoroughfare Map
- Notification Map
- Parcel Photographs

Z-2017-17

Development Application

CITY OF ABILENE

Planning

- ☐ Conditional Use
- ☐ Special Exceptions
- ■ Rezoning
- ☐ Variance
- ☐ PDD Amendment
- ☐ Street Name Change
- ☐ Thoroughfare Abandonment
- ☐ Easement Release
- ☐ Historic Certification of Appropriateness
- ☐ Historic Project Tax Reduction

Relief Procedures

- ☐ Petition for Relief
- ☐ Proportionality Appeal
- ☐ Vested Rights Petition
- ☐ Appeal

Other: _____

Project Name: 2698 Maple Zoning Change

Address: 2698 Maple No. of lots: 2 Acreage: _____

Legal Description: A0790 SUR 63 B A L NE/4, TRACT S50 N893.7 W120 E 150; A0790 SUR 63 B A L NE/4, TRACT S55 N 948.7 W120 E150

Subdivision Name: _____ Block: _____ Lot: _____

Current Zoning: AO Proposed Zoning (if applicable): GC

OWNER AND AUTHORIZATION

Owner Name: HIT VENTURES LLC

Address: PO Box 6006

City, State, Zip: Abilene, TX 79608 Fax: _____

Phone: 325-829-5160 Email: harleyburnett@gmail.com

Agent Name: CJ Chaney, Coldwell Banker Commercial - Panian & Mash, REALTORS

Address: 2500 S Willis St., Ste. 300

City, State, Zip: Abilene, TX 79605 Fax: 325-691-3087

Phone: 325-725-6641 Email: cj.chaney@coldwellbanker.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: Harley Burnett Date: 8-7-17

FOR OFFICE USE ONLY

Received: JP	Fee: $ 1,500.00	Receipt No.: 2028345
Case No.: Z-2017-17		Reviewed By: ZR

Development Application

CITY OF ABILENE

ZONING IMPACT ANALYSIS

Please answer these questions in order to assist Staff with the processing of your Zoning request.

1. If the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended, please explain, if yes.

Yes, At the center of an area Marked as "Local Community Center"

2. Is the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified? If so, please explain.

Yes. There are residential tracts that are zoned AO nearby. However, there is an Alley to the West and ample space to the North to provide a buffer. Across Maple to the East the property (Residential Home & storage units is zoned GC) within 1 mile there is another GC zoning and a HC zoning. (South East)

3. Is the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area? If yes, please explain.

4. Are there other factors which will substantially affect the public health, safety, morals, or general welfare? If no, please explain.

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of $120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: Harley Barnett DATE: 8-15-17

(Revised: 06.01.10)
(Fees: 10.01.08)

THE STATE OF TEXAS)
)
COUNTY OF TAYLOR)

Know all men by these presents that the undersigned owner of the real property described on the reverse side hereof, has made, constituted and appointed, and by these presents does make, constitute and appoint , my true and lawful attorney, for me in my name, place and stead, to (1) file an application for a zone change, plat, street closure, alley closure, (appeal to the Board of Adjustment)* concerning such property and (2) appear on my behalf at all necessary meetings of the appropriate board or commission or City Council, as the case may be; and the undersigned further agrees that this power of attorney may be voluntarily revoked only by written revocation filed with the Planning & Development Services Division for the City of Abilene, Texas.

Witness my hand this 15th day of August, 2017

NOTARY PUBLIC STATE OF TEXAS
MERLE VANDIVER
Notary Public, State of Texas
NOTARY ID # 131058629
My Commission Exp 03-24-21

Merle Vandiver
Notary Public

*(cross out the inapplicable phrase)

Zoning Map

Legend

Case

Z-2017-17

Zoning Districts

- AO - Agricultural Open Space
- RS-6: Residential Single-Family
- GC: General Commercial

Parcels

- Parcels

CITY OF ABILENE

Planning & Development SERVICES

Aerial Map

N
W E
S

Legend

Case

Z-2017-17

CITY OF ABILENE

Planning & Development SERVICES

Aerial Map

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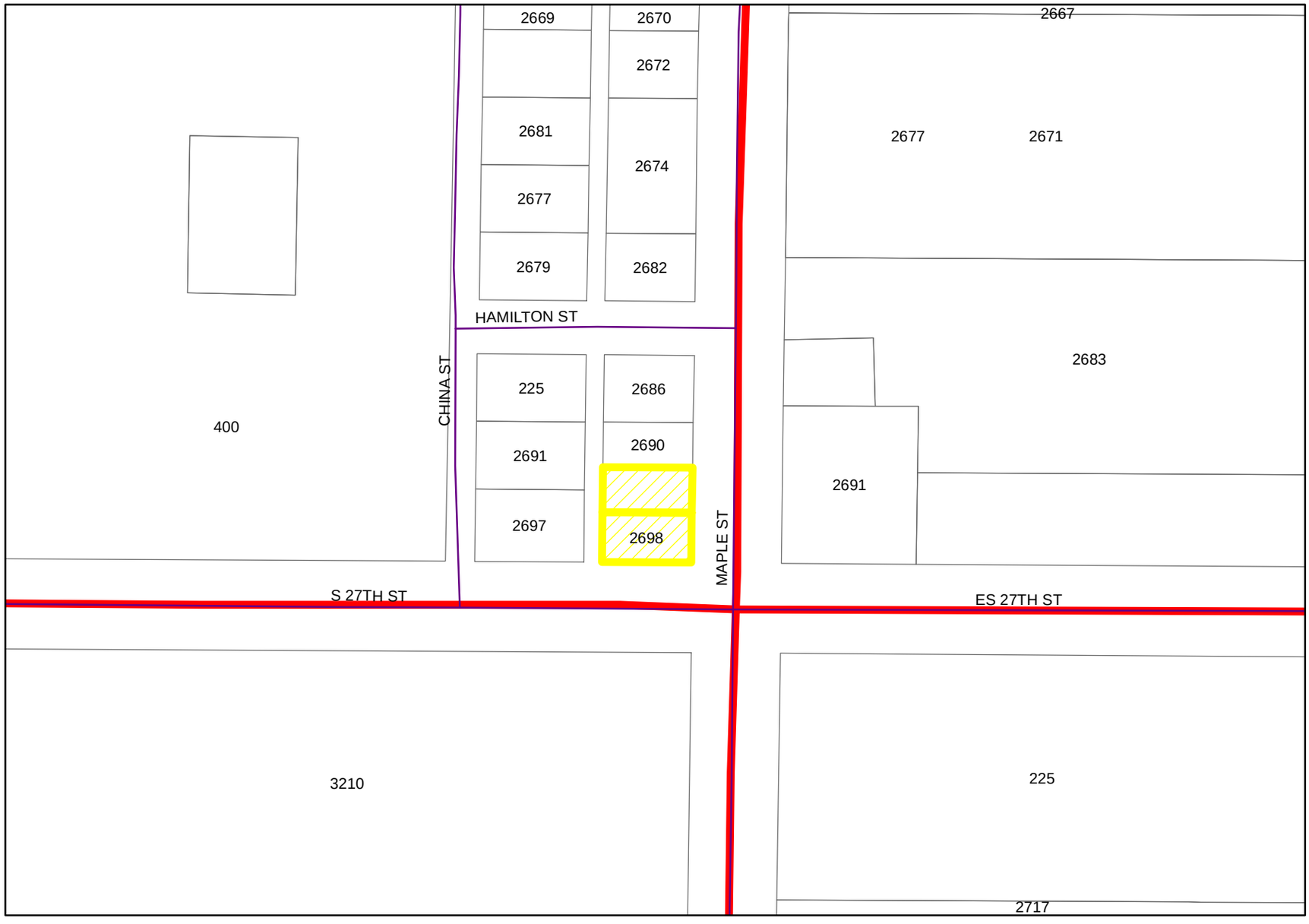
Legend

Case

Z-2017-17

CITY OF ABILENE

Planning & Development SERVICES



Thoroughfare Map

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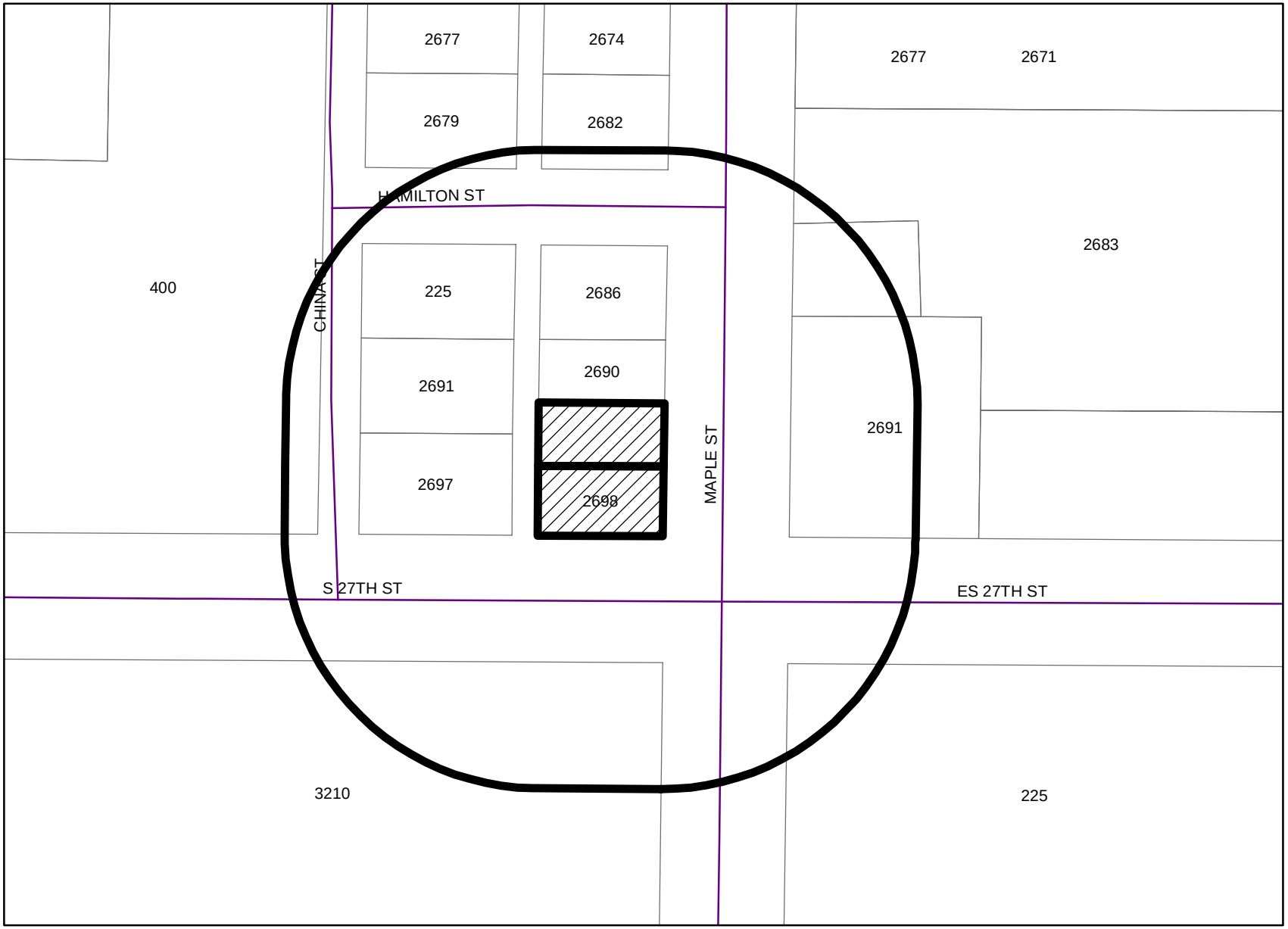
Roads
Arterial

Case

Z-2017-17

CITY OF ABILENE

Planning & Development SERVICES



Notification Map

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Legend

Parcels_02032017_Buffer17

Case

Z-2017-17

CITY OF ABILENE

Planning & Development SERVICES

ZONING CASE Z-2017-18
SITE PHOTOS

Northeast view at intersection of ES 27th St and Maple St.

North view

South view from Hamilton St

Southeast view

West view of property

Southwest view across ES 27th St.

Northwest view of the intersection of ES 27th St. and Maple St.

Owners: Owner: Hit Ventures LLC
Agent: CJ Chaney, Coldwell Banker

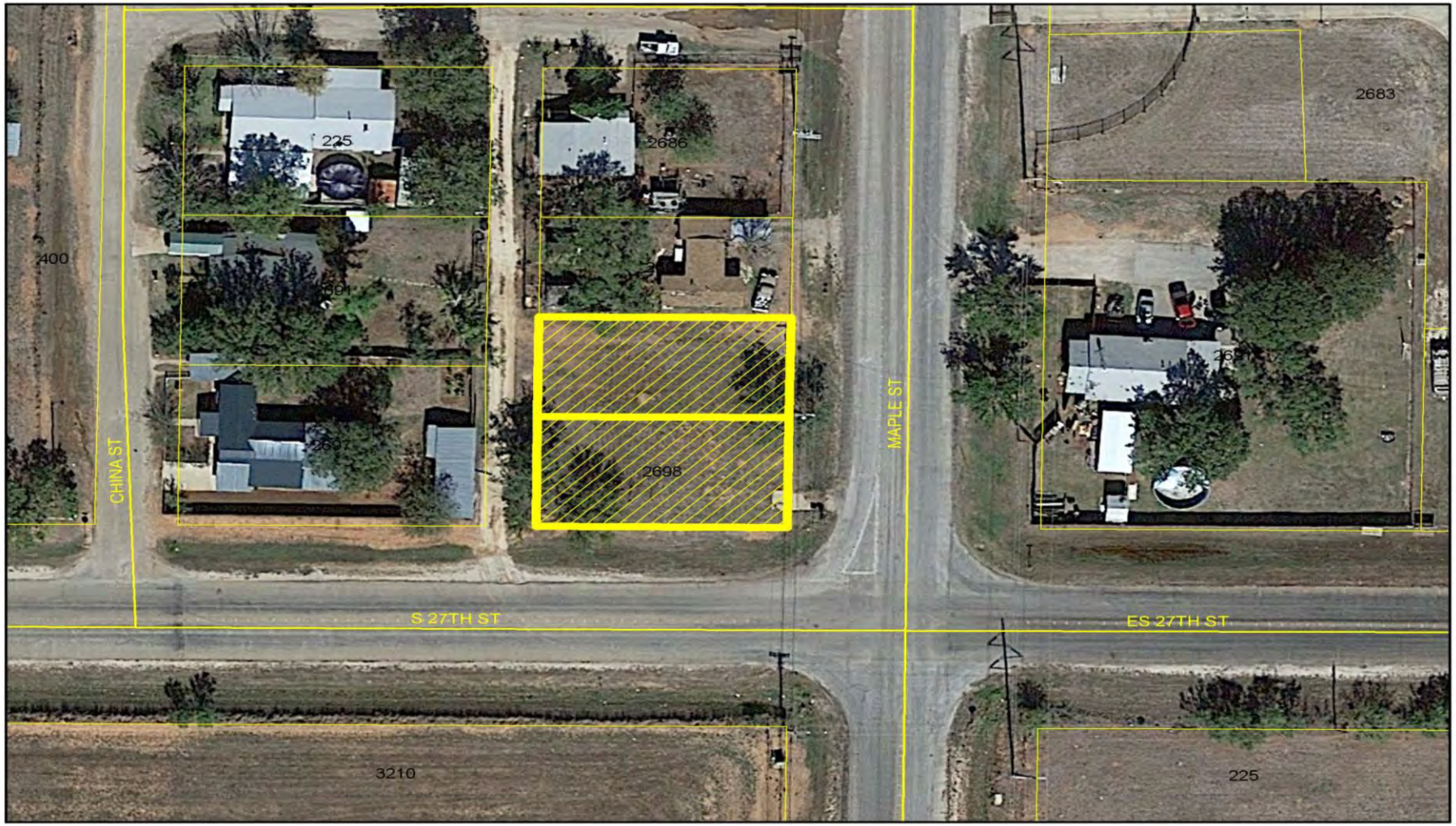
Request: Rezone from AO to GC

Location: 698 Maple Street and 0 Maple Street, north of ES 27th Street and west of Maple Street, and is .30 acres +/-

Notification: 0 in favor, 1 opposed

Staff Recommendation: Approval of AO to GC
PZC Recommendation: Approval of AO to GC

Z-2017-18 AERIAL IMAGERY



Aerial Map

N
W E
S

Legend

Case

Z-2017-18

Z-2017-18 ZONING MAP

Zoning Map

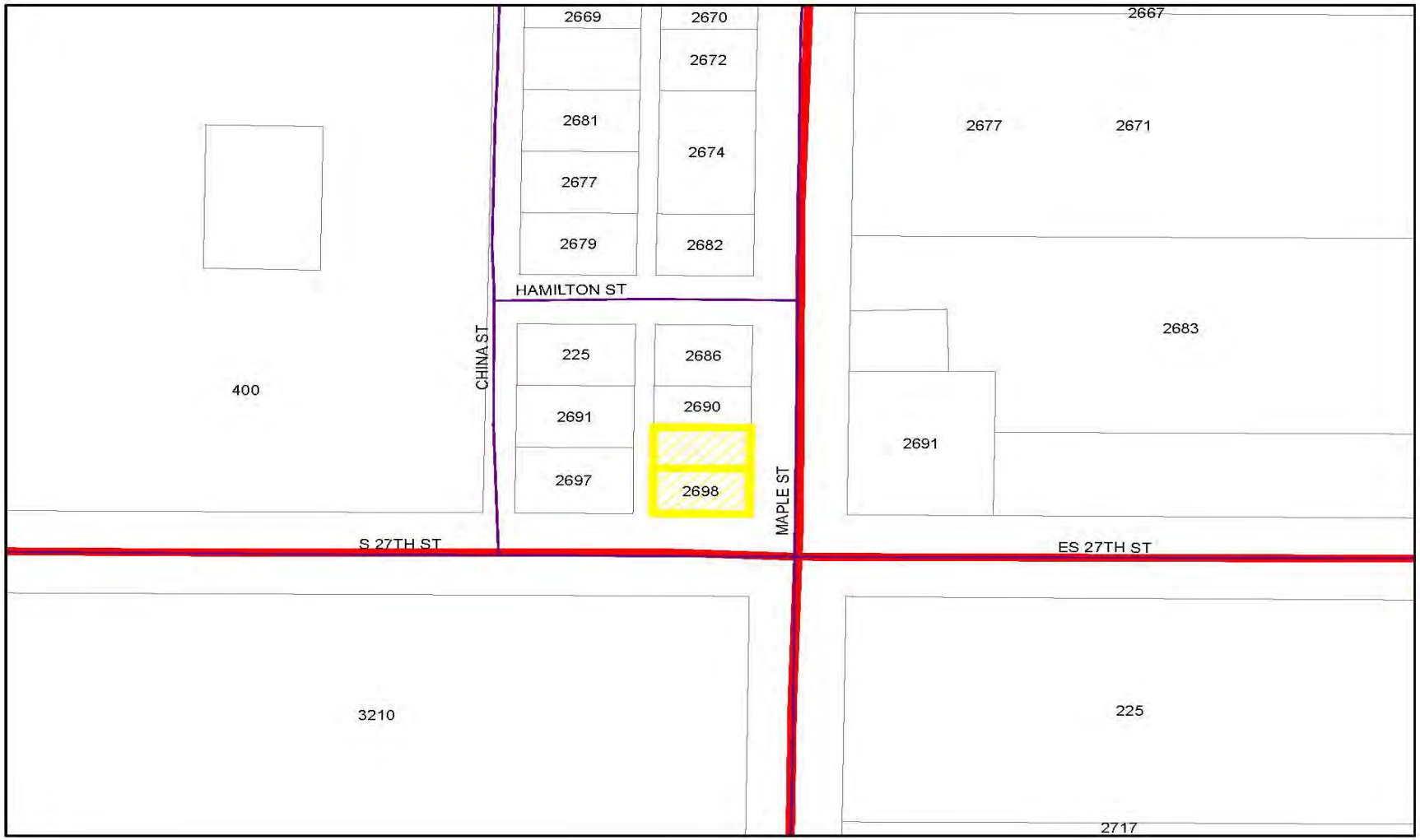
N
W E
S

Case
Z-2017-18

Zoning Districts
- AO - Agricultural Open Space
- RS-6: Residential Single-Family
- GC: General Commercial

Parcels
- Parcels

Z-2017-18 THOROUGHFARE MAP



Thoroughfare Map

N
W E
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Legend

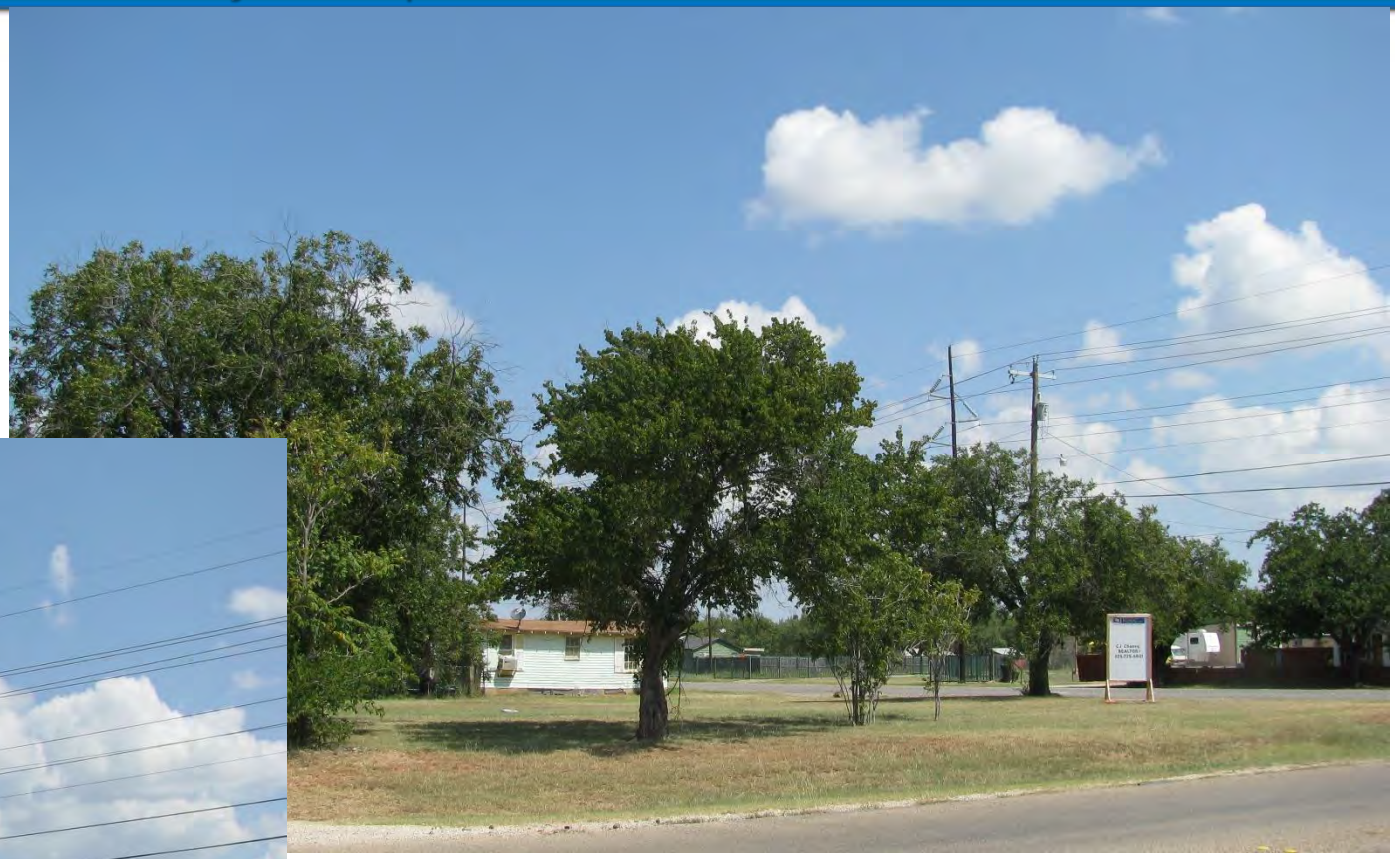
Roads
Arterial

Case

Z-2017-18

Z-2017-18 View of Subject Properties

West end View to the Northeast



Z-2017-18 North View of Subject Properties

Z-2017-18 South View of Subject Properties

Z-2017-18 Views of Surrounding Properties

View to east along ES 27th St

View to Northwest across ES 27th St

Z-2017-18 West View of Surrounding Properties

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

Existing Uses in GC Zoning

RESIDENTAL USES:

P	Hotel/Motel
C	Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

C	Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well
P	Urban Garden

SERVICE

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

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

Development Standards: AO and GC Districts

Development Standard	AO	GC
Min. Lot Size	5 acres	6,000 s.f.
Street Setback	25 feet	30 feet
Rear Yard Setback	40 feet	25 feet
Side Yard Setback	25 feet	30 feet
Max. Building Coverage	15% of lot	50% of lot

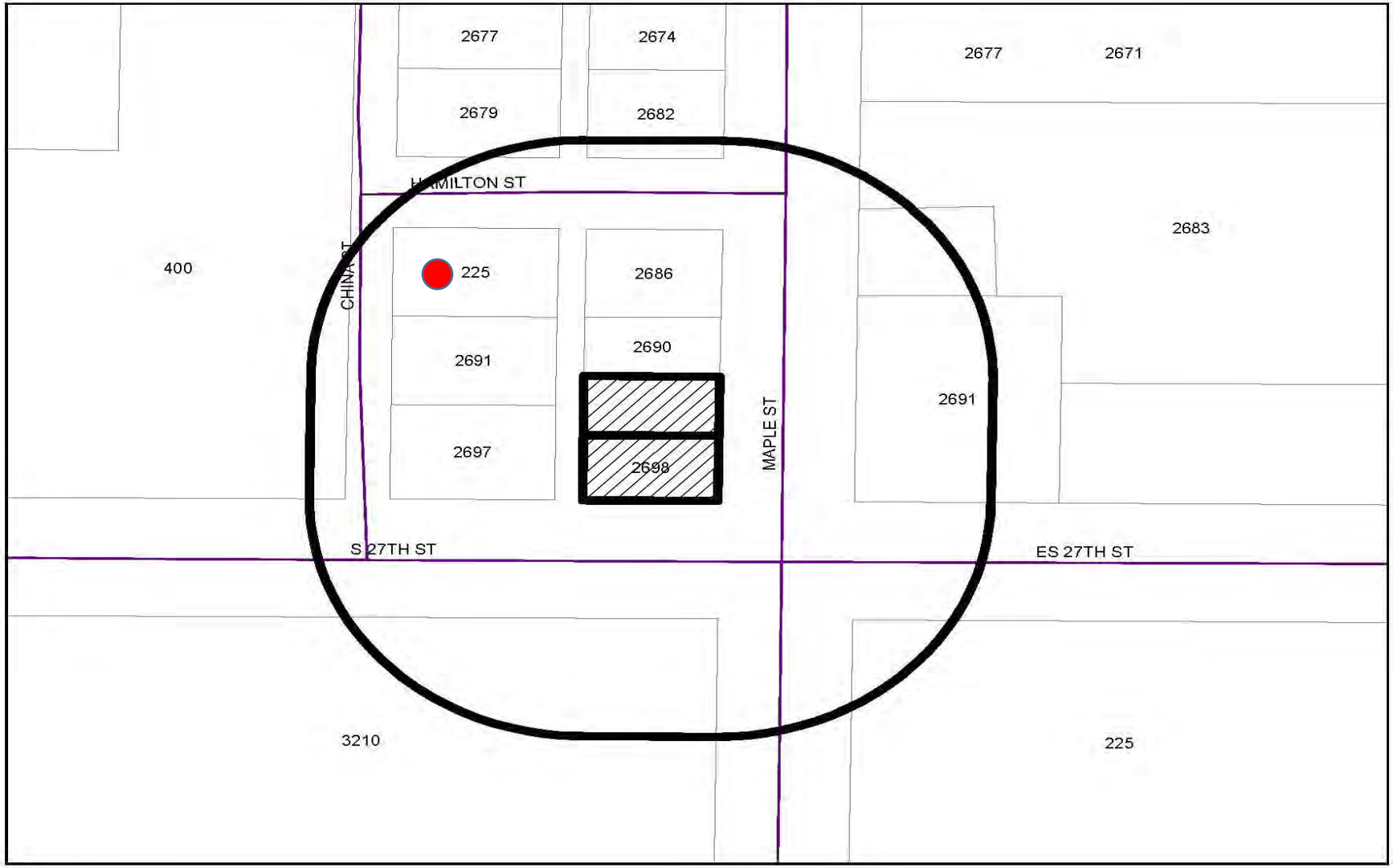
Application Review

- The Future Land Use section of the Comprehensive Plan designates this general area as 'Local Community Center.'
- The (Agriculture Open Space) AO zoning is typically designated as a "holding zoning,"
- Many of the properties had single-family homes constructed prior to being annexed into the City Limits in 1963.
- The intersection of Maple Street (designated "arterial" road) with ES 27th Street (designated "arterial" road) on the Master Thoroughfare Plan, and is generally a node that would be suited for commercial type development.
- There have been multiple General Commercial and Heavy Commercial rezonings approved in the immediate vicinity since 2000, and many of the properties have been developed with commercial uses.
- Furthermore, the Master Thoroughfare Plan designates the intersection of ES 27th Street and Maple Street as a 'Local Community Center' and is considered a node for commercial/retail development.

Application Review

- Currently the property is undeveloped. The adjacent properties have AO zonings to the west and north, with GC, HC and AO to the southeast and east.
- Additionally, the properties requesting rezoning as well as many of the adjacent properties zoned AO
- (Agricultural Open Space), are considered ‘substandard in size’ for the AO zoning classification. The minimum lot size in AO is 5 acres. Most of the surrounding AO zoned properties are less than one (1) acre in size a rezoning would be necessary for any type of redevelopment.
- Staff feels that the rezoning request is in line with previously approved rezoning requests, the Future Land Use section of the Comprehensive Plan, and the Master Thoroughfare Plan.

Z-2017-18 Notification Map



Notification Map

Legend

200-foot Buffer

Case

Z-2017-18

0 in Favor -	Y
1 Opposed -	N

Recommendation

- Rezoning of properties from AO to GC is consistent with the Comprehensive Plan and compatible with surrounding zoning and uses.
- Staff recommends approval.
- Planning & Zoning Commission recommends approval (Oct. 3, 2017 meeting).

City Council
Agenda Memo

City Council Meeting Date: 11/16/2017

TO: **Robert Hanna, City Manager**

FROM: **Taurus Freeman, Interim Director of Planning & Development Services**

SUBJECT: **Ordinance & Public Hearing: *(Final Reading)* Z-2017-19 A request from Charles Coody, agent eHT, to enlarge the boundary of Planned Development District located at 1510 E. Industrial Boulevard, and amending Planned Development District Number 70), to allow PH (Patio Homes), and to amend other specific regulations. Located at 1510 E. Industrial Boulevard and the 1500 Block of the north side of E. Industrial Boulevard *(Taurus Freeman)***

GENERAL INFORMATION

The Applicant is requesting to enlarge the boundary of Planned Development District Number 70 (PD 70) to include all of a certain 9.55- acre tract described as A0800 SUR 61 B A L SW/4, and furthermore to allow patio homes with modifications to the lot size minimums, sidewalk requirements, and setbacks within the PD70 on 11.57 acres of land within the proposed, enlarged boundaries of PD70, that include a portion of the 96.92 acres described as LYTLE CREEK GOLF LINKS LLC SUBD, BLOCK 1, LOT 1.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission at its October 3, 2017 meeting recommended approval of this item by a vote of five (5) with none in opposition.

ATTACHMENTS:

Description	Type
Ordinance Cover	Cover Memo

Ordinance Exhibit	Ordinance
Staff Report	Backup Material
Z-2017-19 ppt	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 26th day of October, A.D. 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 31st day of October, 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 16th day of November, 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 16th day of November, A.D. 2017.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

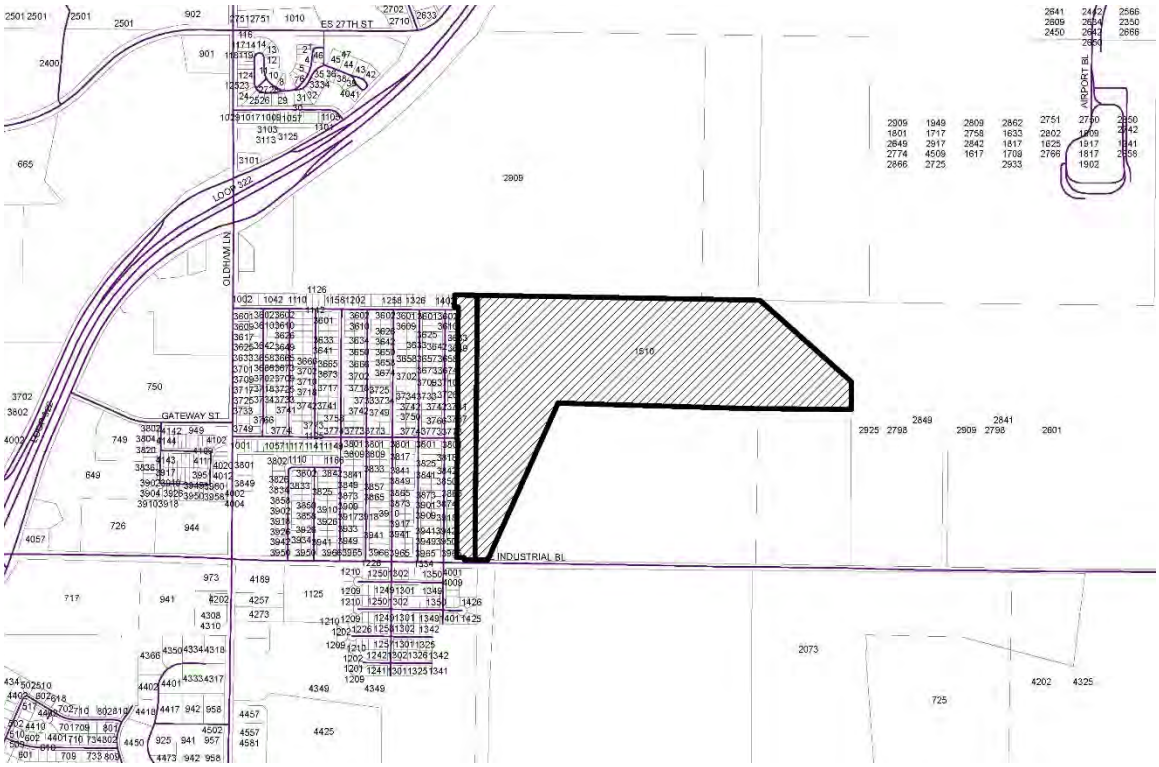
_____
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Request to enlarge the boundary of Planned Development District Number 70 (PD-70) to include all of a certain 11.57-acres of land out of the Southwest Quarter of Section 61, Blind Asylum Lands, Taylor County, Texas, and Lot 1, Block A, LYTLE CREEK GOLF LINKS LLC SUBDIVISION, Located at 1510 E. Industrial Boulevard, and amending Planned Development District Number 70, north of East Industrial Boulevard (the grounds of Diamondback Golf Course) to allow PH (Patio Homes), and to amend other specific regulations.

Legal Description: The legal description for the property is set out in Exhibit "B", Page 2 and3, attached hereto.



Location: Located at 1510 E. Industrial Boulevard and the 1500 Block of the north side of E. Industrial Boulevard.

-END

FIELD NOTES
FOR
11.57 ACRES
OUT OF
THE SOUTHWEST QUARTER OF
SECTION 61, BLIND ASYLUM LANDS
TAYLOR COUNTY, TEXAS

BEING 11.57 acres of land out of the Southwest Quarter of Section 61, Blind Asylum Lands, Taylor County, Texas conveyed to Kickapoo Land Company as described in Volume 3079, Page 594, Official Public Records of Taylor County, Texas. Said 11.57 acres being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of Tract 1 as described in the aforesaid Volume 3079, Page 594 for the southeast corner of this tract;

THENCE North 88 degrees 39 minutes 02 seconds West for a distance of 186.95 feet to the southwest corner of Tract Two as described in the aforesaid Volume 3079, Page 594, the southeast corner of Section 6, Lytle Shores South Addition as shown on plat filed in Plat Cabinet 1, Slide 373, Plat Records of Taylor County, Texas and for the southwest corner of this tract;

THENCE North 00 degrees 57 minutes 23 seconds East with the east line of the aforesaid Section 6 and the east line of Section 4, Lytle Shores South Addition as shown on plat filed in Plat Cabinet 1, Slide 288, Plat Records of Taylor County, Texas for a distance of 2559.29 feet to the southernmost northwest corner of the aforesaid Tract Two;

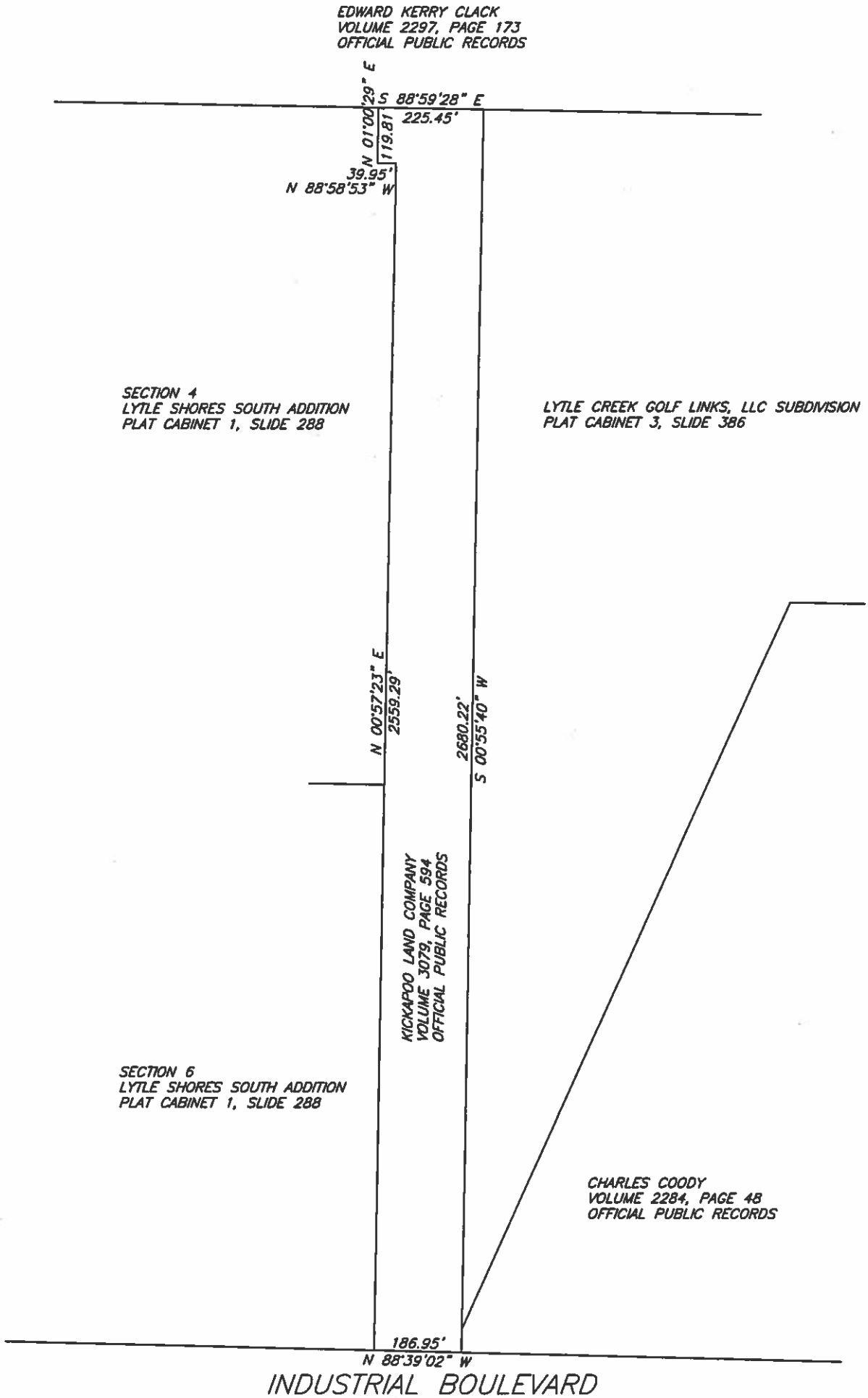
THENCE North 88 degrees 58 minutes 53 seconds West for a distance of 39.95 feet to the southwest corner of Lot 18, Block B, Section 4, Lytle Shores South Addition and a corner of this tract;

THENCE North 01 degrees 00 minutes 29 seconds East for a distance of 119.81 feet to the northwest corner of the aforesaid Lot 18, the northwest corner of the aforesaid Tract Two and the northwest corner of this tract;

THENCE South 88 degrees 59 minutes 28 seconds East along the south line of that certain tract conveyed to Edward Kerry Clack as described in Volume 2297, Page 173, Official Public Records of Taylor County, Texas for a distance of 225.45 feet to the northwest corner of Lytle Creek Golf Links, LLC Subdivision as shown on plat filed in Plat Cabinet 3, Slide 386, Plat Records of Taylor County, Texas, for the northeast corner of the aforesaid Tract 1 and of this tract;

THENCE South 00 degrees 55 minutes 40 seconds West for a distance of 2680.22 feet to the point of beginning and containing an area of 11.57 acres of land.

This document does not reflect the results of an on the ground survey, and is to be used for zoning purposes only.


EDWARD KERRY CLACK
VOLUME 2297, PAGE 173
OFFICIAL PUBLIC RECORDS
S 88°59'28" E
225.45'
N 01°00'29" E
119.81'
39.95'
N 88°58'53" W
SECTION 4
LYTLE SHORES SOUTH ADDITION
PLAT CABINET 1, SLIDE 288
LYTLE CREEK GOLF LINKS, LLC SUBDIVISION
PLAT CABINET 3, SLIDE 386
N 00°57'23" E
2559.29'
2680.22'
S 00°55'40" W
KICKAPOO LAND COMPANY
VOLUME 3079, PAGE 594
OFFICIAL PUBLIC RECORDS
SECTION 6
LYTLE SHORES SOUTH ADDITION
PLAT CABINET 1, SLIDE 288
CHARLES COODY
VOLUME 2284, PAGE 48
OFFICIAL PUBLIC RECORDS
186.95'
N 88°39'02" W
INDUSTRIAL BOULEVARD

ZONING CASE Z-2017-19
STAFF REPORT

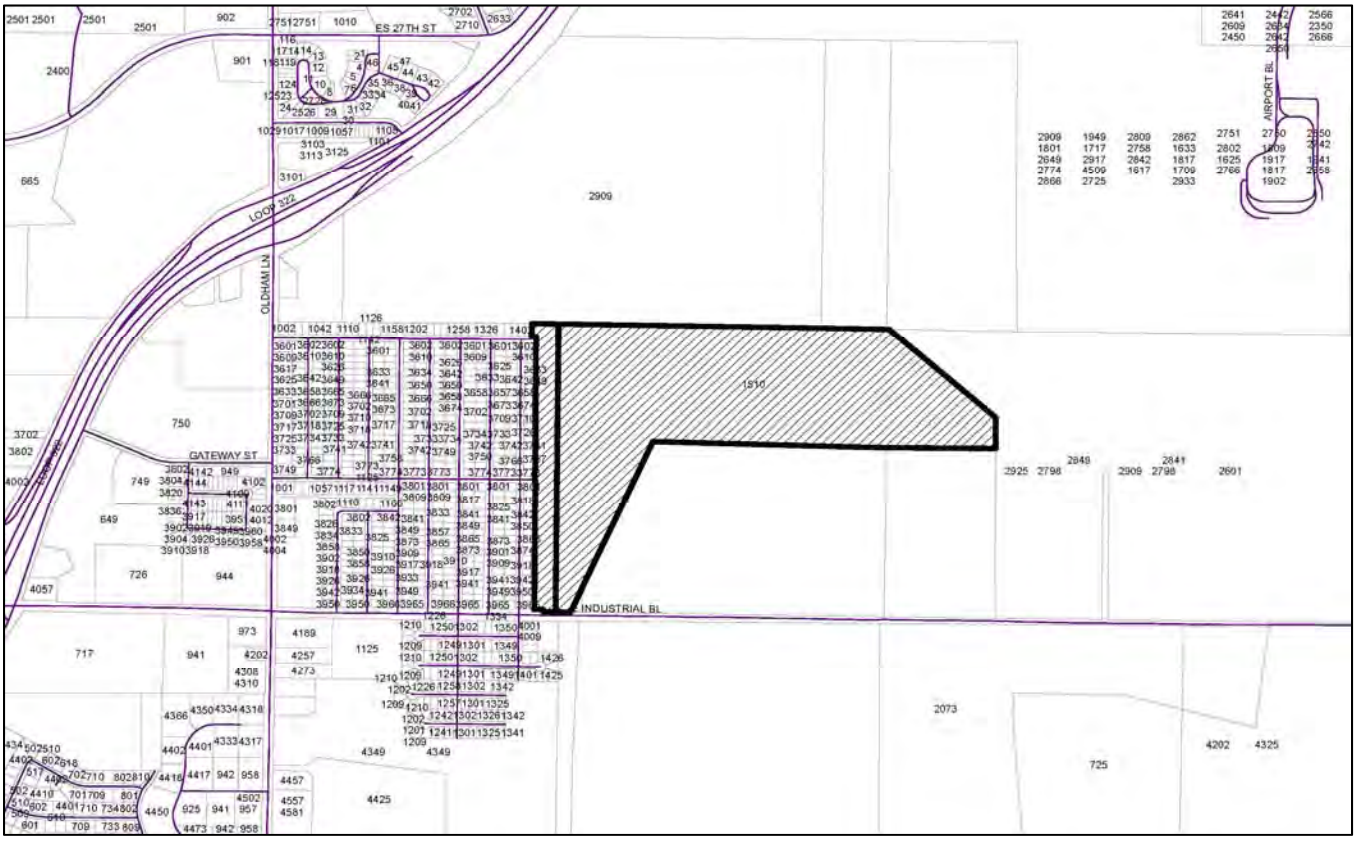
REQUEST: Rezoning

APPLICANT:
Owner: Charles Coody
Agent: eHT

HEARING DATES:
P & Z Commission: October 3, 2017
City Council 1st Reading: October 26, 2017
City Council 2nd Reading: November 16, 2017

LOCATION:
The subject properties are located at 1510 E. Industrial Boulevard and 0 E. Industrial BLVD, north of Industrial Boulevard and east of Lytle Shores, Section 6 Subdivision. Legal Descriptions being ACRES 9.55, A0800 SUR 61 B A L SW/4, and LYTLE CREEK GOLF LINKS LLC SUBD, BLOCK 1, LOT 1, and is 97 +/- acres.

REQUESTED ACTION:
To enlarge the boundary of Planned Development District Number 70 (PD 70) to include all of a certain 9.55-acre tract described as A0800 SUR 61 B A L SW/4, and furthermore to allow patio homes with modifications to the lot size minimums, sidewalk requirements, and setbacks within the PD70 on 11.57 acres of land within the proposed, enlarged boundaries of PD70, that include a portion of the 96.92 acres described as LYTLE CREEK GOLF LINKS LLC SUBD, BLOCK 1, LOT 1.



DEVELOPMENT STANDARDS:

The following sections of the City of Abilene Land Development Code apply to the rezoning request:

- Chapter 4. Article 2. Division 1: Development Standards

APPLICATION REVIEW:

According to Section 1.4.1.4, Criteria for Approval, in the City of Abilene Land Development Code, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

(1) Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended;

Comprehensive Planning Analysis

This is in proximity to a Major Commercial Business Center as identified in the Comprehensive Plan. Although a specific study for this Center has not been completed, the area includes the airport, major commercially zoned nodes, Loop 322 and the Diamondback Golf Course. A PDD amendment is being proposed for this project to provide for desired urban design features while also allowing the desired patio home use. The applicant and planning staff are in agreement on the provisions of the PDD ordinance.

(2) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;

	Zoning	Existing Land Use
North	PD2	Abilene Regional Airport
South	RS-6/AO	Single-Family Residences/Vacant
East	PD2	Abilene Regional Airport
West	RS-6	Single Family Residences

(3) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area; and

Staff feels that the proposed Patio Home development would be in accordance with the Future Land Use Plan of the City of Abilene. Additionally, Staff feels that the proposed Patio Home use of the property and proposed PD 70 amendments, would not have any negative impacts on the surrounding public schools, streets, water supply, sanitary sewers, and other public services and utilities.

(4) Any other factors which will substantially affect the public health, safety, morals, or general welfare.

Staff has not identified any other factors in regards to the proposed rezoning and future development that will substantially affect the public health, safety, morals, or general welfare.

STAFF COMMENTS:

The applicant, the Charles Coody, is seeking to rezone a 9.55-acre tract described as A0800 SUR 61 B A L SW/4, Taylor County, Texas, located immediately adjacent to Diamondback Golf Course, west and south of the City of Abilene Regional Airport property, east of Lytle Shores Subdivision, Section 6, and north of E. Industrial Boulevard.

The applicant's request is to rezone the parcel from AO (Agricultural Open Space) to PD 70 (Planned Development 70/Diamondback Golf Course) and to amend PD 70 to allow for Patio Homes as permitted uses, on 11.57 acres within PD 70. Additionally, the applicant requesting the following amendments to PD 70, in regards to the proposed 11.57 acre Patio Home development with the following development standards:

- Minimum 50-feet wide lots (40' minimum per PH zoning)
- Minimum 85-feet depth lots (100' minimum per PH zoning)
- Minimum 5-feet interior side setbacks (0-foot minimum, total of 10-foot minimum (both sides) per PH zoning)
- Private Street – Diamondback Drive
- Allowance for required sidewalks to be placed at the back of curb, in accordance with the approved design standards (per the Public Works Department)

The eastern most portion of the subject property along Industrial Boulevard was annexed in 1969, the majority of the property was annexed in 1980. The existing 96.92 tract was rezoned to PDD-70 in 1999. PDD-70 is the Planned Development District that includes Diamondback Golf Course and is adjacent to Abilene Regional Airport. The proposed development would not encroach into any area needed for aviation safety, and a Patio Home Subdivision, associated with the golf course, is the proposed use.

There are multiple homes located in the area at a very low density. The Abilene Regional Airport surrounds the property on the north and east sides. The other nearby uses are the Diamondback Golf Course and associated accessory uses. Therefore, it is staff's opinion that the proposed use is appropriate for the area.

Upon review, this location provides good access to transportation (located on an 'arterial' roadway), and adjacent to the intersection of two (2) major thoroughfares, for future residents and will be associated with and utilize the Diamondback Golf Course facility as proposed by the applicant.

STAFF RECOMMENDATION:
Staff recommends approval of the requested rezoning to enlarge the boundary of Planned Development District Number 70 (PD 70) and approval of the rezoning amendments to PD 70 to allow patio homes as permitted uses with modifications to the lot size minimums, sidewalk requirements, and setbacks. Additionally, that the 11.57 acres be developed in accordance with the preliminary Site Plan submitted by the applicant.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval of this request by a vote of five (5) with none in opposition at their October 3, 2017 meeting.

NOTIFICATION:
The Planning Services Division sent, with certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

OWNER	SITUS	RESPONSE
ALLEN PEARLINE	3910 GEORGETOWN DR	
ANDERSON ELIJAH & ALISA	3926 GEORGETOWN DR	
ANDERSON VALERIE	3741 GEORGETOWN DR	
APPLETON STACY L	3933 GEORGETOWN DR	
ASHLOCK AARON A	3666 GEORGETOWN DR	
BARRERA ELIAZAR & ALICIA	3701 GEORGETOWN DR	Opposed
BINGHAM BOBBY E	3757 GEORGETOWN DR	
BONILLA ERIC A	3966 GEORGETOWN DR	
BRANTNER MARK A	3742 GEORGETOWN DR	
BROYLES RONNIE F	3918 GEORGETOWN DR	
CASON CATHERINE LOUISE	3673 GEORGETOWN DR	

CASTANON RICHARD	3834 GEORGETOWN DR	
CITY OF ABILENE	2849 AIRPORT BL	
CITY OF ABILENE	2841 AIRPORT BL	
CITY OF ABILENE	2601 AIRPORT BL	
CITY OF ABILENE	2798 A E INDUSTRIAL BL	
CITY OF ABILENE	2909 LANCE DR	
CITY OF ABILENE	2798 E INDUSTRIAL BL	
CITY OF ABILENE	2925 LANCE DR	
CLACK EDWARD KERRY	2909 LOOP 322	
COCHRAN JOSHUA H & KIMBERLY J	3874 GEORGETOWN DR	
Confidential Owner	3810 GEORGETOWN DR	
CONNER ROBIN L	3725 GEORGETOWN DR	
CUTBIRTH MARILYN HARLEAN	3818 GEORGETOWN DR	
DALZELL DAVID E	3601 GEORGETOWN DR	
DAVIS LIVING TRUST	3949 GEORGETOWN DR	
DAVIS LIVING TRUST	3902 GEORGETOWN DR	
DAVIS LIVING TRUST	3718 GEORGETOWN DR	
DAVIS RUSTY L & VADA R	3817 GEORGETOWN DR	
DEARING CODY	3957 GEORGETOWN DR	
ENGLAND ASHLEY M	3750 GEORGETOWN DR	
FALKNER SHARON D	3849 GEORGETOWN DR	
FERRILL HELGA	3609 GEORGETOWN DR	
FESTEJO U JOY	3626 GEORGETOWN DR	
FRENCH GARY DEAN	3773 GEORGETOWN DR	
FRYMAN WILLIAM	3650 GEORGETOWN DR	
GARRISON STEPHEN & ALICIA	3865 GEORGETOWN DR	
GEORGE DARRIN A	4001 GEORGETOWN DR	
GUIDERA WILLIAM N &	3774 GEORGETOWN DR	
GUTIERREZ ANGELA M & BIERA JON C	3717 GEORGETOWN DR	
GUTIERREZ JESSE & CHERYL	3766 GEORGETOWN DR	
HALSEY RONALD L	3901 GEORGETOWN DR	
HAYNES BLAKE & ANDREA RACHEL	3618 GEORGETOWN DR	
HERMAN AMBER	3841 GEORGETOWN DR	
HILT STUART H & PRISCILLA	1358 BAYLOR DR	
HILT STUART H & PRISCILLA	3633 GEORGETOWN DR	
HSU HERN O HELEN	3958 GEORGETOWN DR	
HUGHES MILFORD L &	3758 GEORGETOWN DR	
HUNTER TREY	3734 GEORGETOWN DR	
JOHNSON STACYE	3934 GEORGETOWN DR	
KATNER KRIS M	3702 GEORGETOWN DR	Opposed
KELLEY TIMOTHY & SHERRY	3726 GEORGETOWN DR	In Favor
KELLEY TIMOTHY D	3709 GEORGETOWN DR	In Favor
KELLEY TIMOTHY D &	3710 GEORGETOWN DR	In Favor
KICKAPOO LAND CO		
KING MARY RUTH	3809 GEORGETOWN DR	
LOCKWOOD MATTHEW E	3825 GEORGETOWN DR	
LYTLE CREEK GOLF LINKS LLC		
LYTLE CREEK GOLF LINKS LLC		
LYTLE CREEK GOLF LINKS LLC		
LYTLE CREEK GOLF LINKS LLC	1510 E INDUSTRIAL BL	
LYTLE LAKE WATER DISTRICT		

LYTLE LAKE WATER DISTRICT		
MAJESTY HOMES LLC	3665 GEORGETOWN DR	
MASSEY EVELYN L	3610 GEORGETOWN DR	
MC DONALD GARY D & LORI L	3826 GEORGETOWN DR	
MC KINNEY TANIA	3802 GEORGETOWN DR	
MEDINA MICHAEL	3850 GEORGETOWN DR	
MOON JESSE MARVIN M JR	3625 GEORGETOWN DR	
MULLINS PHILLIP	3950 GEORGETOWN DR	
PAR VENTURE HOLDINGS LLC PROJECT SERIES 3873	3873 GEORGETOWN DR	
PERRY W CRAIG	3842 GEORGETOWN DR	
PHILLIPS DAVID	3649 GEORGETOWN DR	
POWERS GEOFFREY SCOTT	3917 GEORGETOWN DR	
PUESCHEL MONTY R	3602 GEORGETOWN DR	
RANDALL JEFFREY AUSTIN	3857 GEORGETOWN DR	Opposed
REED JAMES C & DEANNA L	3641 GEORGETOWN DR	
REYNOLDS JAMES EDWARD	3909 GEORGETOWN DR	
RICHARDSON SHERYL LEANNE	3942 GEORGETOWN DR	
ROSS TOMMY & DAYNA	3801 GEORGETOWN DR	
SCHNEIDER KYLE C	4009 GEORGETOWN DR	
SCHOPPMAN BILLIE A &	1350 PRINCETON ST	
SENTER SHAY	3642 GEORGETOWN DR	
SERENBETZ REVOCABLE TRUST		
SERENBETZ REVOCABLE TRUST		
SMITH KENNETH	3941 GEORGETOWN DR	
SQUYRES ANDREW & CHELSEA	3965 GEORGETOWN DR	Opposed
STONEHENGE INVESTMENTS LLC	3925 GEORGETOWN DR	
STONEHENGE INVESTMENTS LLC	3634 GEORGETOWN DR	
STONEHENGE INVESTMENTS LLC	3657 GEORGETOWN DR	
STRONA MARK J & TAYLOR S	3617 GEORGETOWN DR	
TARDIFF DAVID W &	3833 GEORGETOWN DR	
TARDIFF DAVID W &	1350 BAYLOR DR	
TARDIFF DAVID W &	1402 BAYLOR DR	
THOMPSON MICHAEL &	3658 GEORGETOWN DR	
TODD NATHAN ALLEN	1410 BAYLOR DR	
WALCZAK MICHAEL MARIE	3749 GEORGETOWN DR	
WEST WILLIAM STEVEN		
WINN DONNA K	3733 GEORGETOWN DR	
WOLFER TERRY & DONNA LONG	3866 GEORGETOWN DR	
WOLVERTON INVESTMENTS LLC	3858 GEORGETOWN DR	
YEAKLE DOUGLAS C & LORI A	3674 GEORGETOWN DR	
ZEISSEL CEISSIA SKILES	3765 GEORGETOWN DR	

ATTACHMENTS:

- Application
- Proposed Site Plan
- PD 70
- Zoning Map
- Aerial Map
- Flood Map
- Thoroughfare Map
- Buffer Notification Map
- Parcel Photographs

DEVELOPMENT APPLICATION

Planning

- ☐ Conditional Use
- ☐ Special Exceptions
- ☐ Rezoning
- ☐ Variance
- ☒ PDD Amendment
- ☐ Street Name Change
- ☐ Thoroughfare Abandonment
- ☐ Easement Release
- ☐ Historic Certification of Appropriateness
- ☐ Historic Project Tax Reduction

Relief Procedures

- ☐ Petition for Relief
- ☐ Proportionality Appeal
- ☐ Vested Rights Petition
- ☐ Appeal

Other: _____

Project Name: Patio Homes at Diamondback Golf Club

Address: 1510 E. Industrial No. of lots: _____ Acreage: 11.57

Legal Description: Attached

Subdivision Name: Lytle Creek Golf Link Sub. Block: 1 Lot: 1

Current Zoning: AO and PD Proposed Zoning (if applicable): PD Amendment

OWNER AND AUTHORIZATION

Owner Name: Charles Coody

Address: c/o Diamondback Golf Club - 1510 E. Industrial

City, State, Zip: Abilene, Tex 79602 Fax: _____

Phone: 690-9190 Email: _____

Agent Name: E&T

Address: P.O. Box 3097

City, State, Zip: Abilene, Tex 79604 Fax: 691-0058

Phone: 698-5560 Email: david.tudel@e-lt.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: _____ Date: 9/9/17

FOR OFFICE USE ONLY

Received: ZR 8-9-17	**Fee: $** 1,000	**Receipt No.:** 2028772
Case No.: Z-2017-18	**Reviewed By:** ZR	

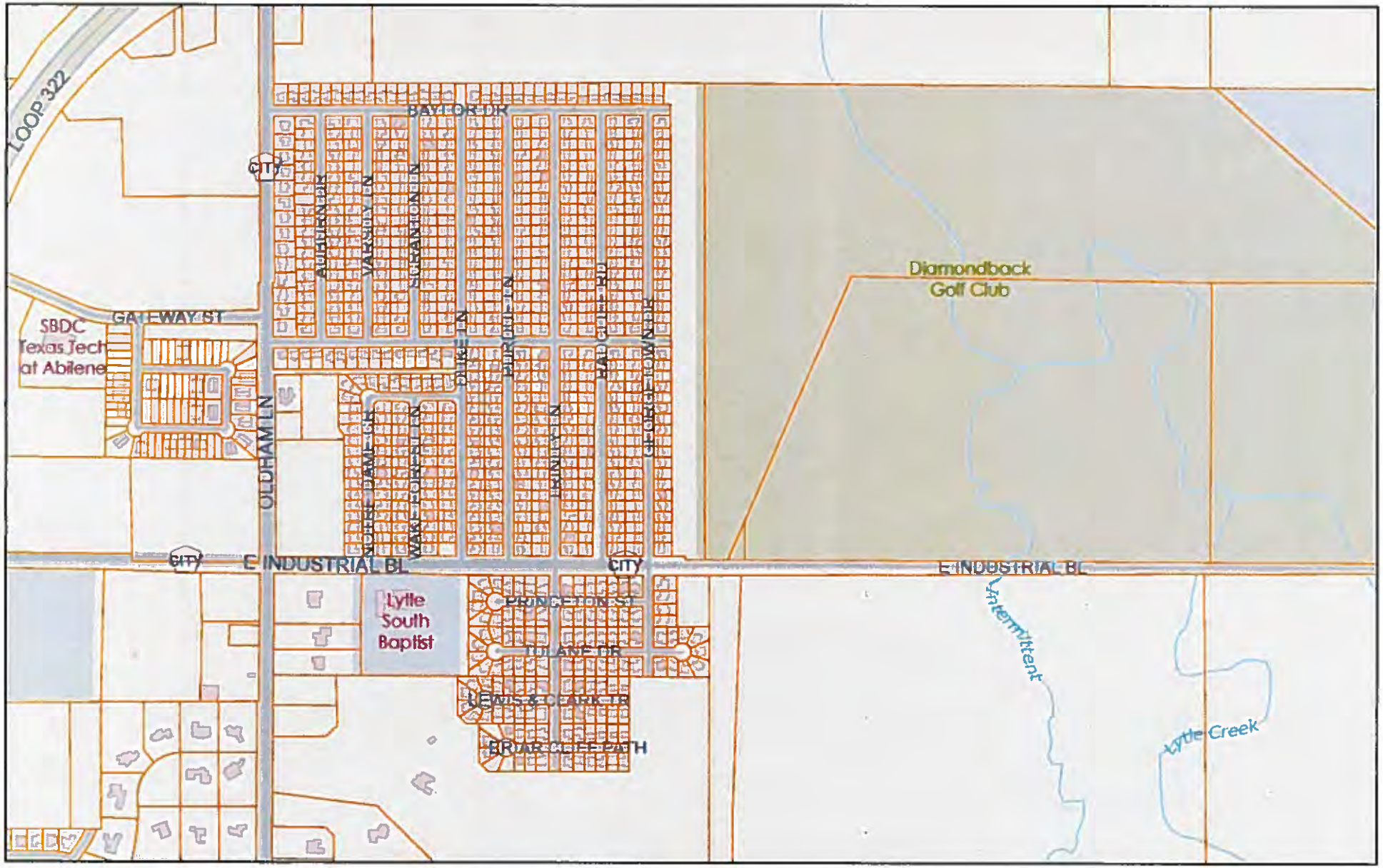
CITY OF ABILENE

Planned Development Ordinance Amendment

PH Zoning as basis

Minimum of 50 ft. wide lots;
Minimum of 85 ft. depth lots;
Minimum of 5 ft. side setback (both sides);
Private Street – Diamondback Drive;
Private Streets for extension of Baylor and Cornell Drive;
Emergency Access for police, fire and ambulance at security gates, located at entrance of Diamondback Drive, Baylor and Cornell Drive;
Residents of Patio Homes will have access to enter and exit at security gates;
Sidewalks constructed at time of Patio Home construction;
Sidewalks will be placed up against the street curb and gutter.

City of Abilene, TX



August 2, 2017

1:10,836

0 0.075 0.15 0.3 mi

0 0.125 0.25 0.5 km

City of Abilene, TX

Abilene GIS

City of Abilene GIS

FIELD NOTES
FOR
11.57 ACRES
OUT OF
THE SOUTHWEST QUARTER OF
SECTION 61, BLIND ASYLUM LANDS
TAYLOR COUNTY, TEXAS

BEING 11.57 acres of land out of the Southwest Quarter of Section 61, Blind Asylum Lands, Taylor County, Texas conveyed to Kickapoo Land Company as described in Volume 3079, Page 594, Official Public Records of Taylor County, Texas. Said 11.57 acres being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of Tract 1 as described in the aforesaid Volume 3079, Page 594 for the southeast corner of this tract;

THENCE North 88 degrees 39 minutes 02 seconds West for a distance of 186.95 feet to the southwest corner of Tract Two as described in the aforesaid Volume 3079, Page 594, the southeast corner of Section 6, Lytle Shores South Addition as shown on plat filed in Plat Cabinet 1, Slidc 373, Plat Records of Taylor County, Texas and for the southwest corner of this tract;

THENCE North 00 degrees 57 minutes 23 seconds East with the east line of the aforesaid Section 6 and the east line of Section 4, Lytle Shores South Addition as shown on plat filed in Plat Cabinet 1, Slidc 288, Plat Records of Taylor County, Texas for a distance of 2559.29 feet to the southernmost northwest corner of the aforesaid Tract Two;

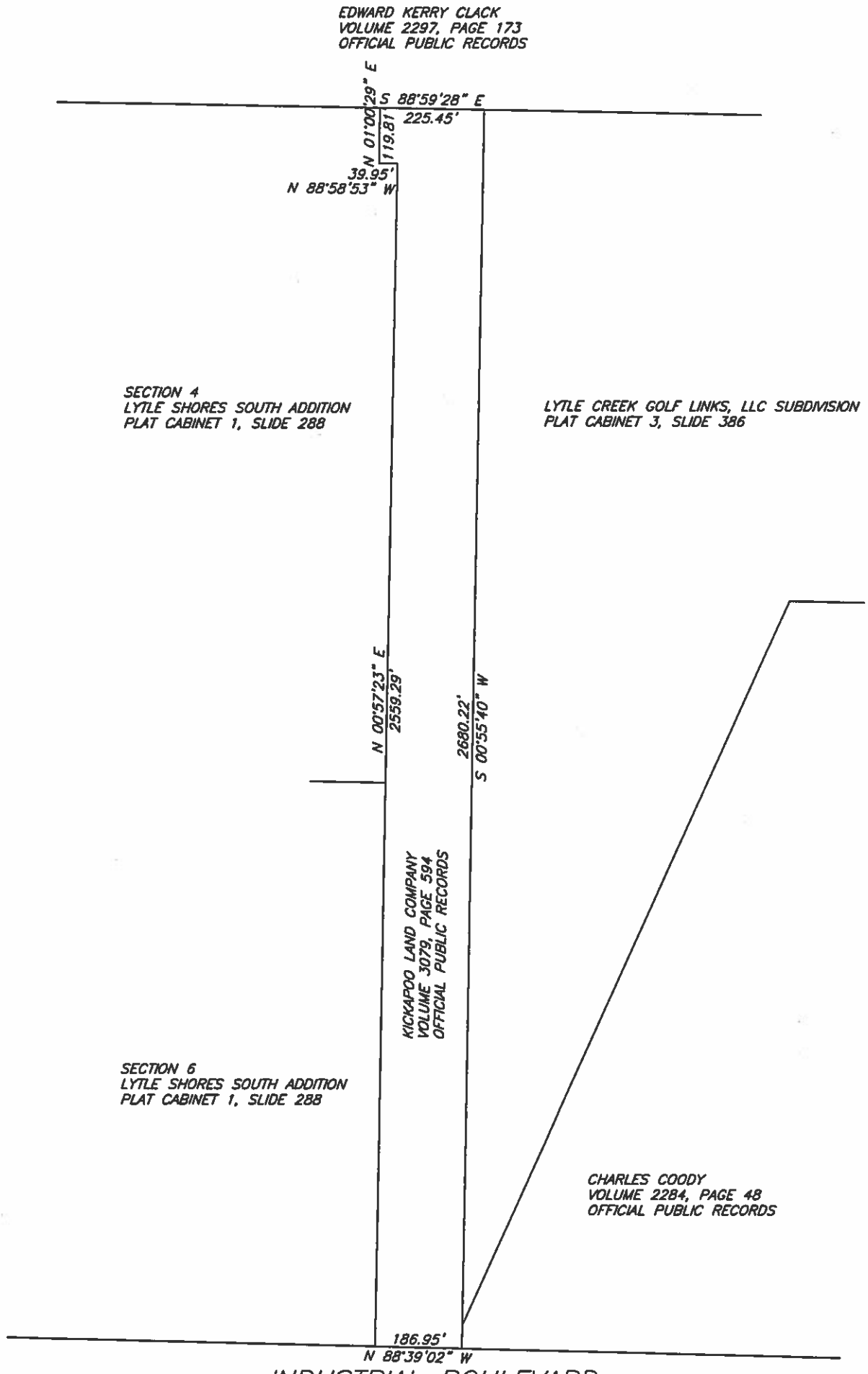
THENCE North 88 degrees 58 minutes 53 seconds West for a distance of 39.95 feet to the southwest corner of Lot 18, Block B, Section 4, Lytle Shores South Addition and a corner of this tract;

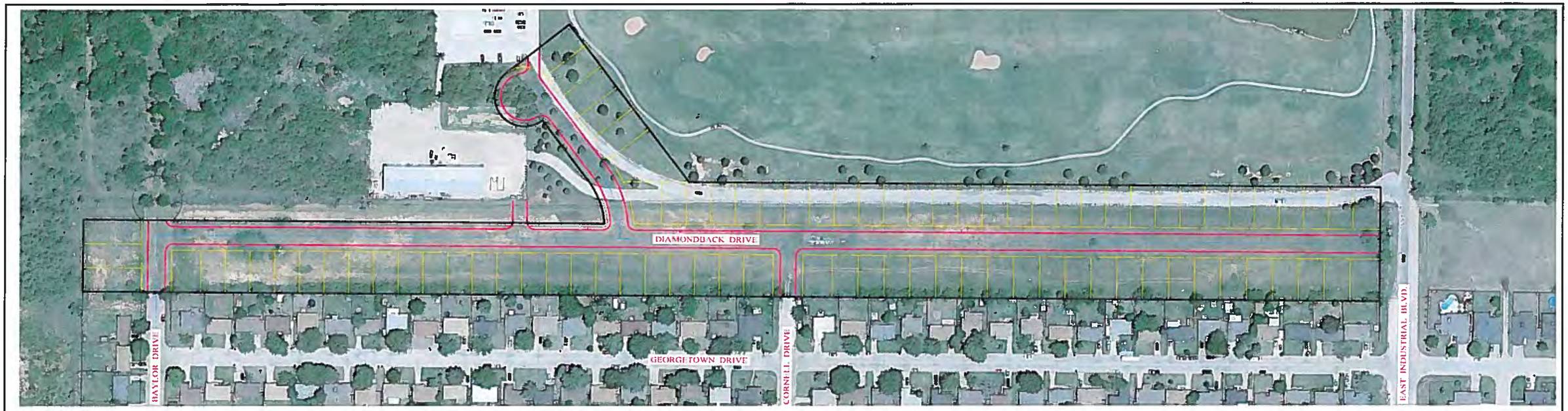
THENCE North 01 degrees 00 minutes 29 seconds East for a distance of 119.81 feet to the northwest corner of the aforesaid Lot 18, the northwest corner of the aforesaid Tract Two and the northwest corner of this tract;

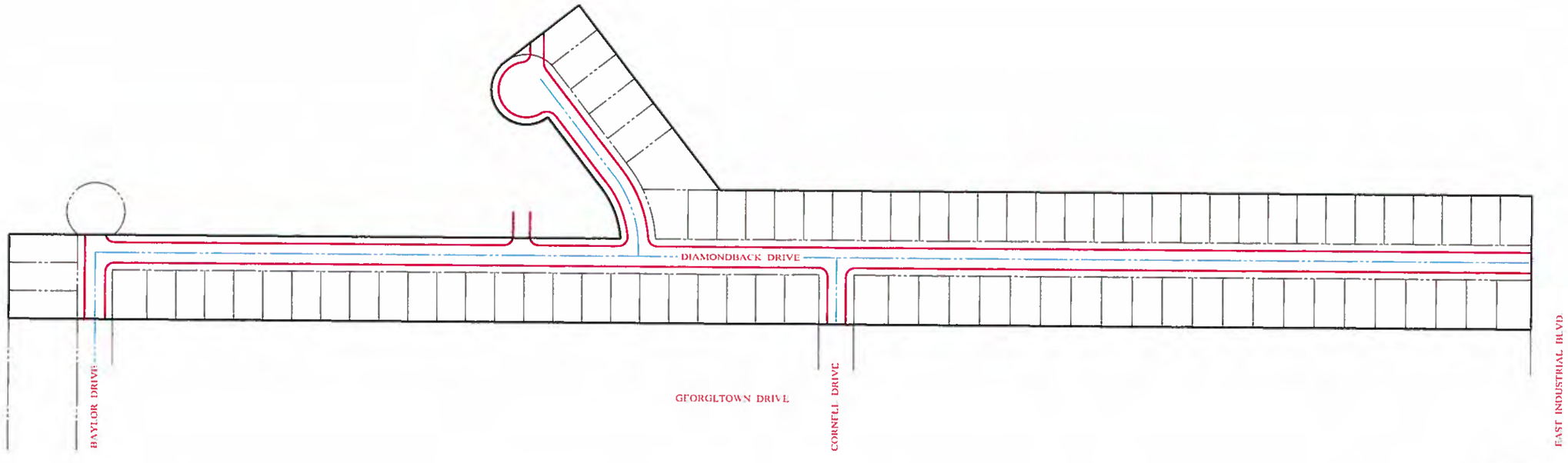
THENCE South 88 degrees 59 minutes 28 seconds East along the south line of that certain tract conveyed to Edward Kerry Clack as described in Volume 2297, Page 173, Official Public Records of Taylor County, Texas for a distance of 225.45 feet to the northwest corner of Lytle Creek Golf Links, LLC Subdivision as shown on plat filed in Plat Cabinet 3, Slidc 386, Plat Records of Taylor County, Texas, for the northeast corner of the aforesaid Tract 1 and of this tract;

THENCE South 00 degrees 55 minutes 40 seconds West for a distance of 2680.22 feet to the point of beginning and containing an area of 11.57 acres of land.

This document does not reflect the results of an on the ground survey, and is to be used for zoning purposes only.

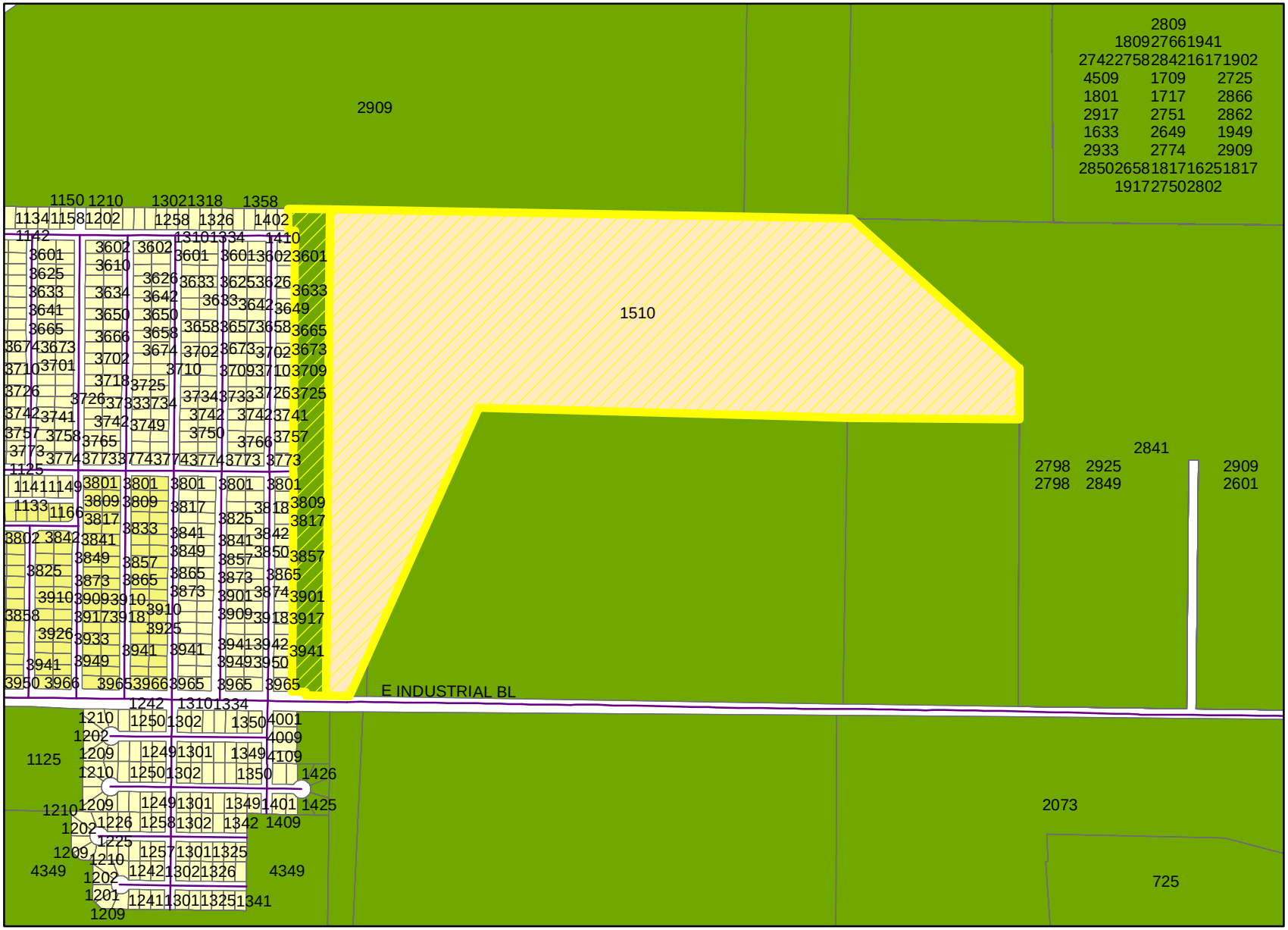

EDWARD KERRY CLACK
VOLUME 2297, PAGE 173
OFFICIAL PUBLIC RECORDS
S 88°59'28" E
225.45'
N 01°00'29" E
119.81'
39.95'
N 88°58'53" W
SECTION 4
LYTLE SHORES SOUTH ADDITION
PLAT CABINET 1, SLIDE 288
LYTLE CREEK GOLF LINKS, LLC SUBDIVISION
PLAT CABINET 3, SLIDE 386
N 00°57'23" E
2559.29'
2680.22'
S 00°55'40" W
KICKAPOO LAND COMPANY
VOLUME 3079, PAGE 594
OFFICIAL PUBLIC RECORDS
SECTION 6
LYTLE SHORES SOUTH ADDITION
PLAT CABINET 1, SLIDE 288
CHARLES COODY
VOLUME 2284, PAGE 48
OFFICIAL PUBLIC RECORDS
186.95'
N 88°39'02" W
INDUSTRIAL BOULEVARD





17-6741
08/18/2017

ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING



Existing Land Use

N
W E
S

Legend

Case

Z-2017-18

Zoning Districts

- AO - Agricultural Open Space
- RS-6: Residential Single-Fam
- MD: Medium Density Reside
- PD: Planned Develolpment

CITY OF ABILENE

Planning & Development SERVICES

ORDINANCE NO. 54-1999

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-70 PLANNED DEVELOPMENT DISTRICT; 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, Subpart E, known as the Zoning Ordinance 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 Two Thousand Dollars ($2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 14 day of October A.D. 19 99.

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 3 day of October, 19 99, 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 9:00 a.m., on the 28 day of October, 19 99, 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 28 day of October, A.D. 19 99.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

00265

ORDINANCE NO. 54-1999

Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development District shall be in accordance with the maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development Mixed Use District and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development Mixed Use District must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development Mixed Use District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space) District to PDD (Planned Development) District.

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.

PART 5: Legal Description. The legal description of this P.D.D. is as follows:

Lot 1, Block 1, Lytle Creek Golf Links, L.L.C. Subdivision, Abilene, Taylor County, Texas; filed for record March 4, 1999, Taylor County Clerk File Number 3835;

Location:

1510 E. Industrial Boulevard

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for commercial and residential development and related activities of a large tract which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. The following regulations shall govern the use and development of this Planned Development District:

A. The property shall be developed in compliance with the attached site plan labeled Exhibit B.

B. Permitted uses

Golf Course
Driving Range
Restaurant
Retail sale of recreational equipment and clothing
Liquor Store - on-premise consumption
Maintenance Facilities associated with a Golf Course

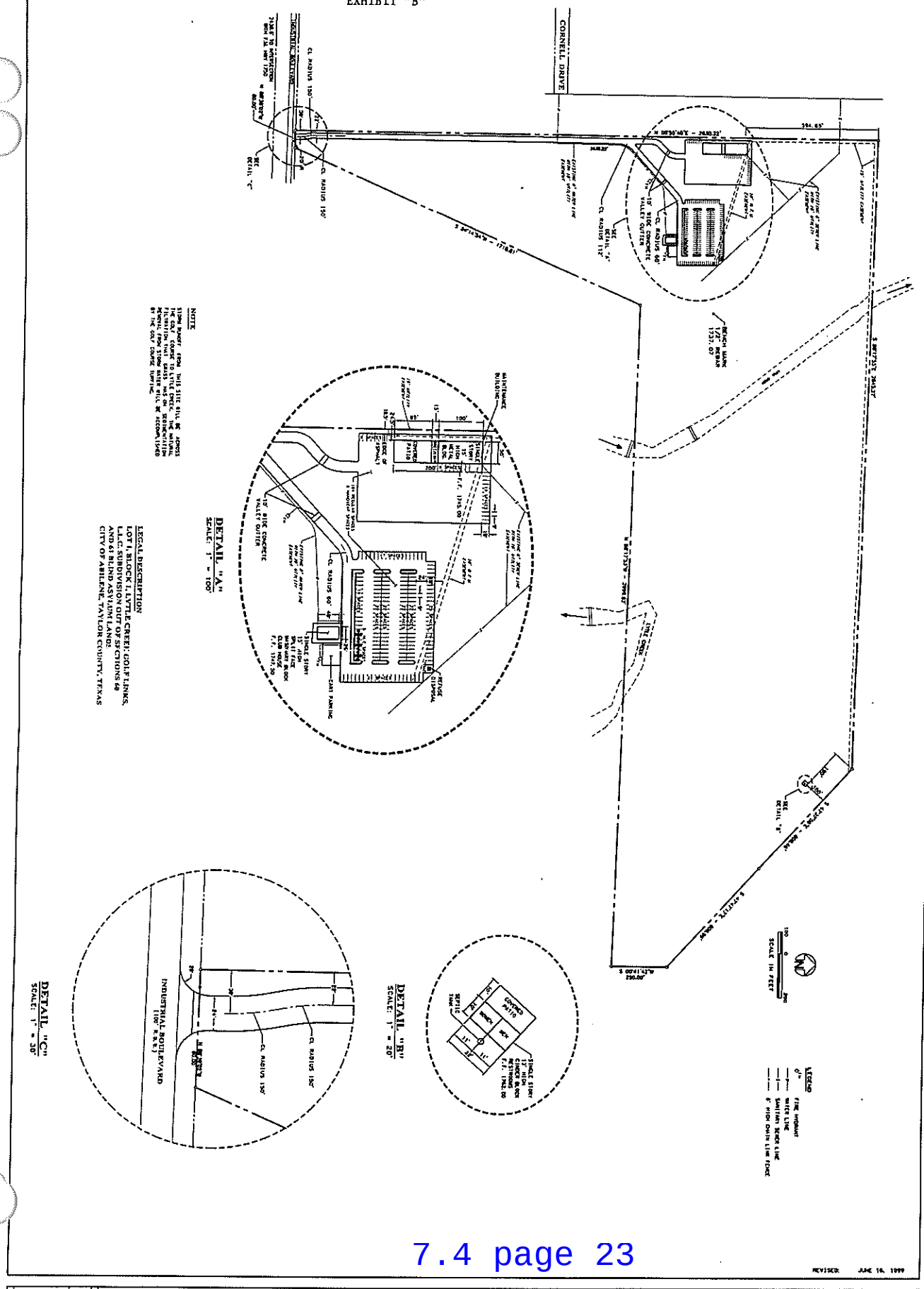
C. Signage:

1. One (1) free-standing sign not to exceed thirty-five (35) feet in height and two hundred (200) square feet in area.

2. Wall signs and directional signage permitted as needed.

-END-

ORDINANCE NO. 54-1999
EXHIBIT "B"

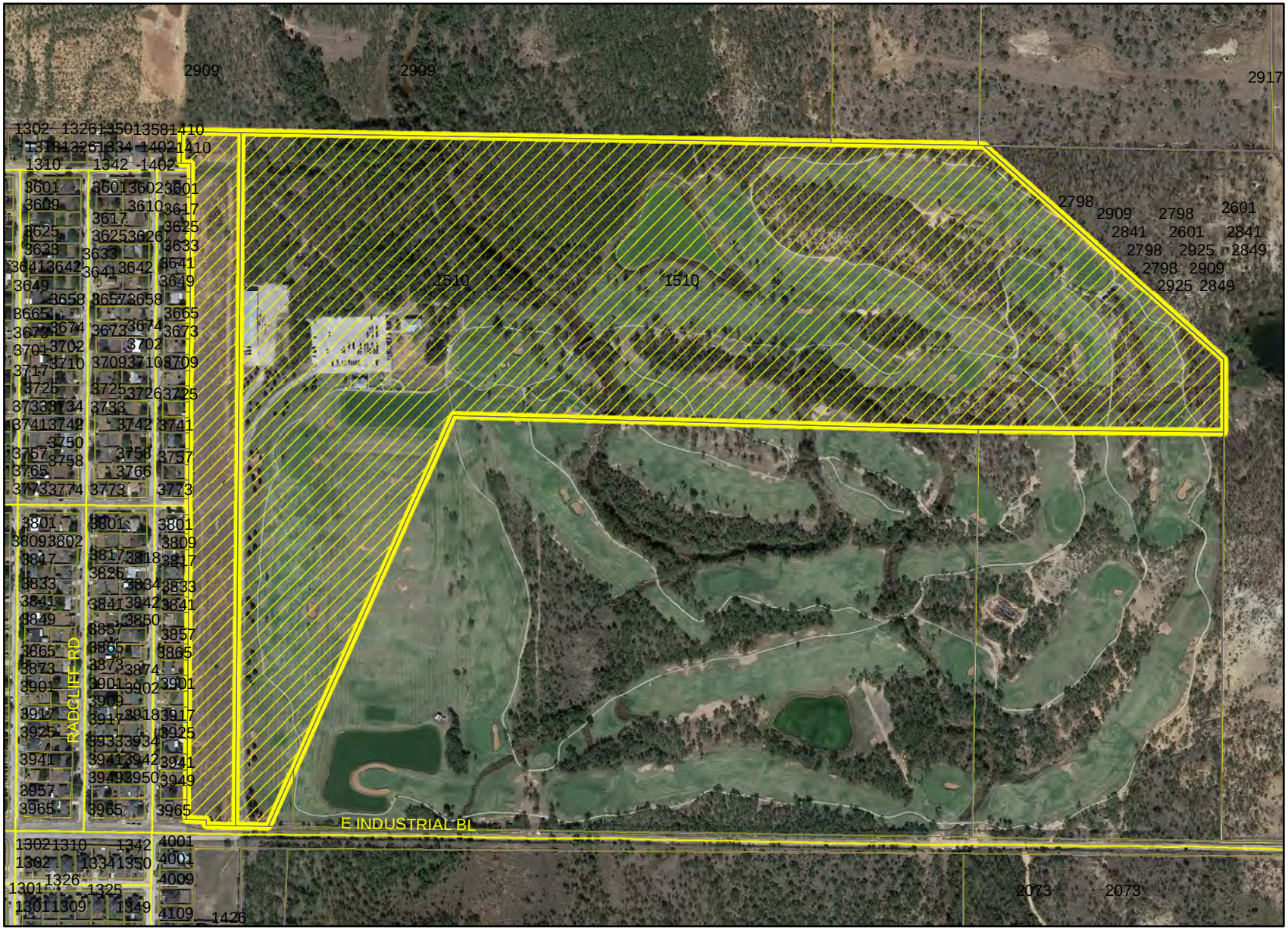


7.4 page 23

1 OF 1	SHEET NO.	CONTRACT NO. 023-73-7	SITE PLAN FOR LYTLE CREEK GOLF LINKS L.L.C. SUBDIVISION ABILENE, TAYLOR COUNTY, TEXAS	HIBBS & TODD, INC. ENVIRONMENTAL AND CIVIL ENGINEERING 2500 South Willis, Suite 202 Abilene, Texas

DESIGNED BY:	
DRAWN BY:	JJC
CHECKED BY:	J.G.T.
DATE:	APRIL, 1999
SCALE:	AS NOTED

00269



Aerial Map

N
W E
S

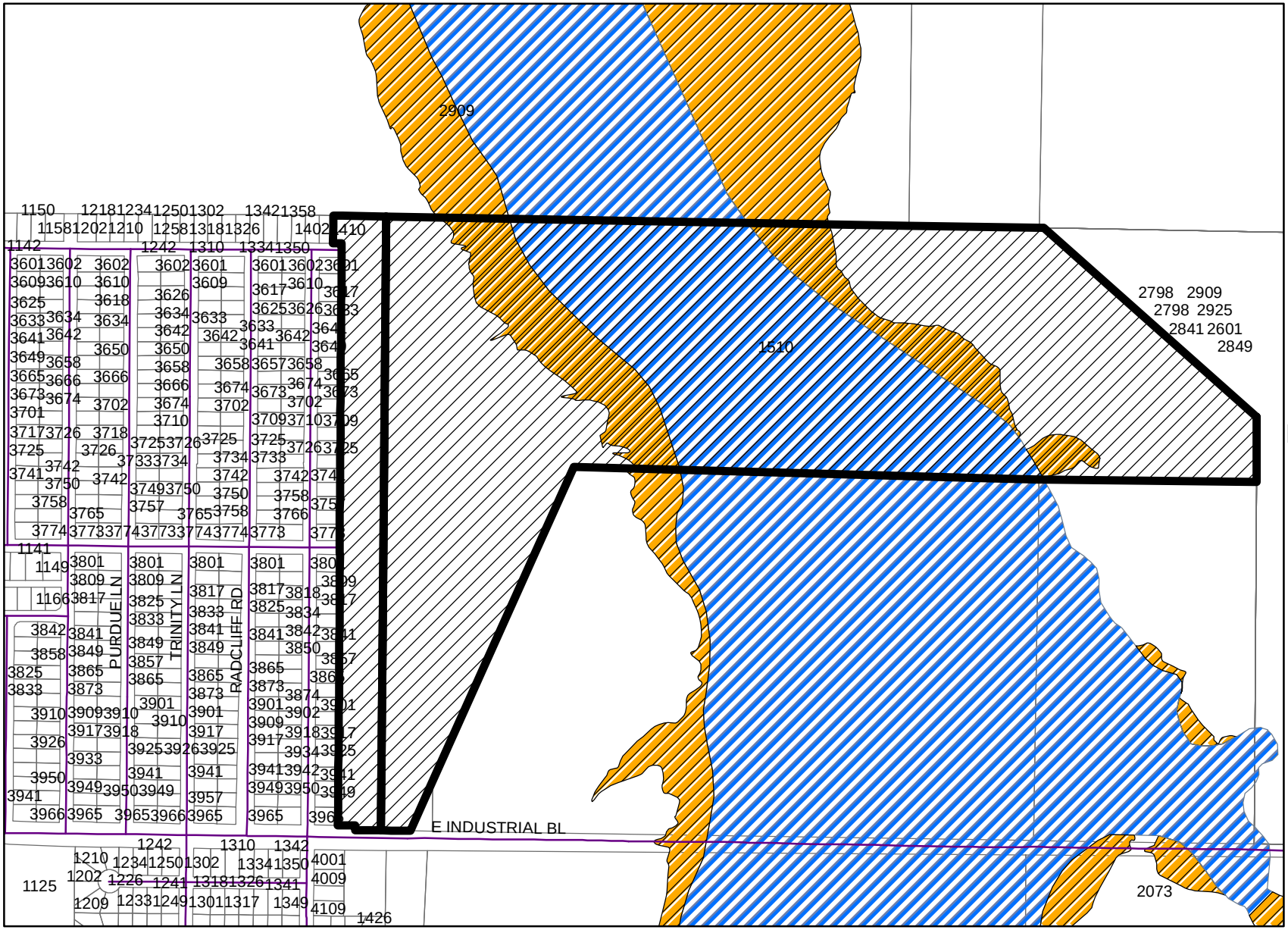
Legend

Case

Z-2017-18

CITY OF ABILENE

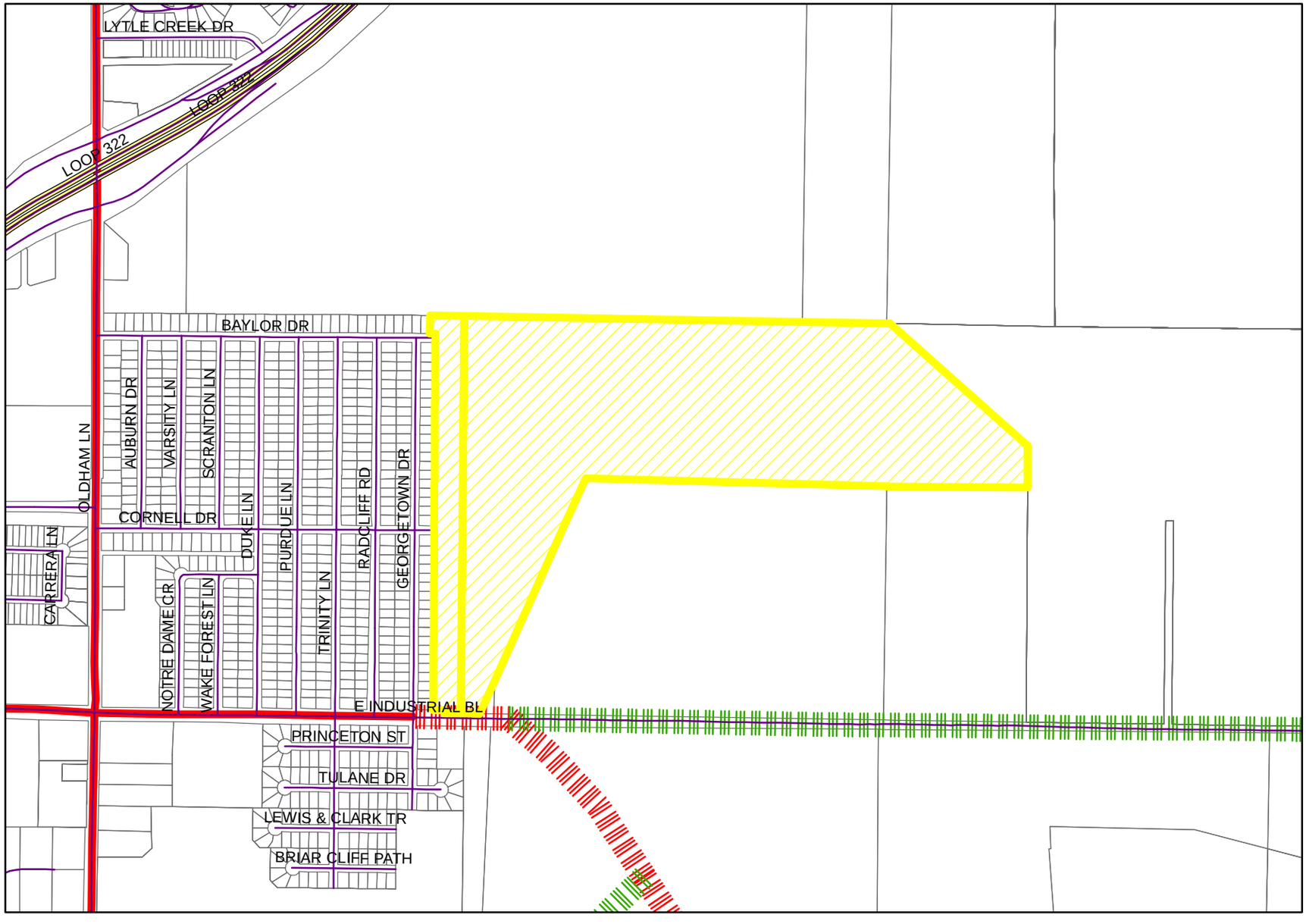
Planning & Development SERVICES



CITY OF ABILENE

Planning & Development SERVICES

Thoroughfare Map



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Legend

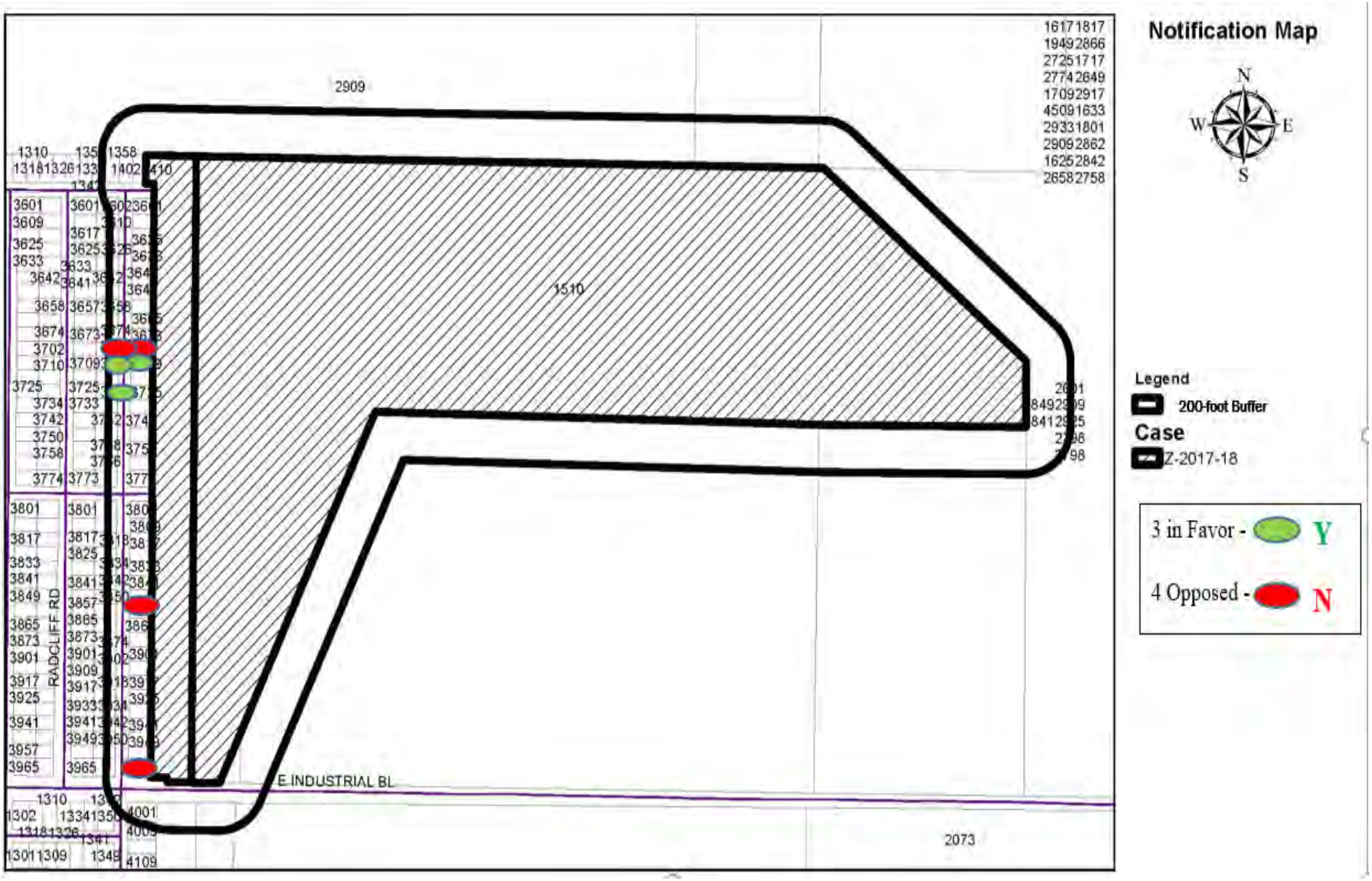
- Roads
- Arterial
- Expressway
- Arterial
- Collector

Case

- Z-2017-18

CITY OF ABILENE

Planning & Development SERVICES


Notification Map
N
W
E
S
2909
1510
2073
RADCLIFF RD
E INDUSTRIAL BL
Legend
200-foot Buffer
Case
Z-2017-18
3 in Favor - Y
4 Opposed - N

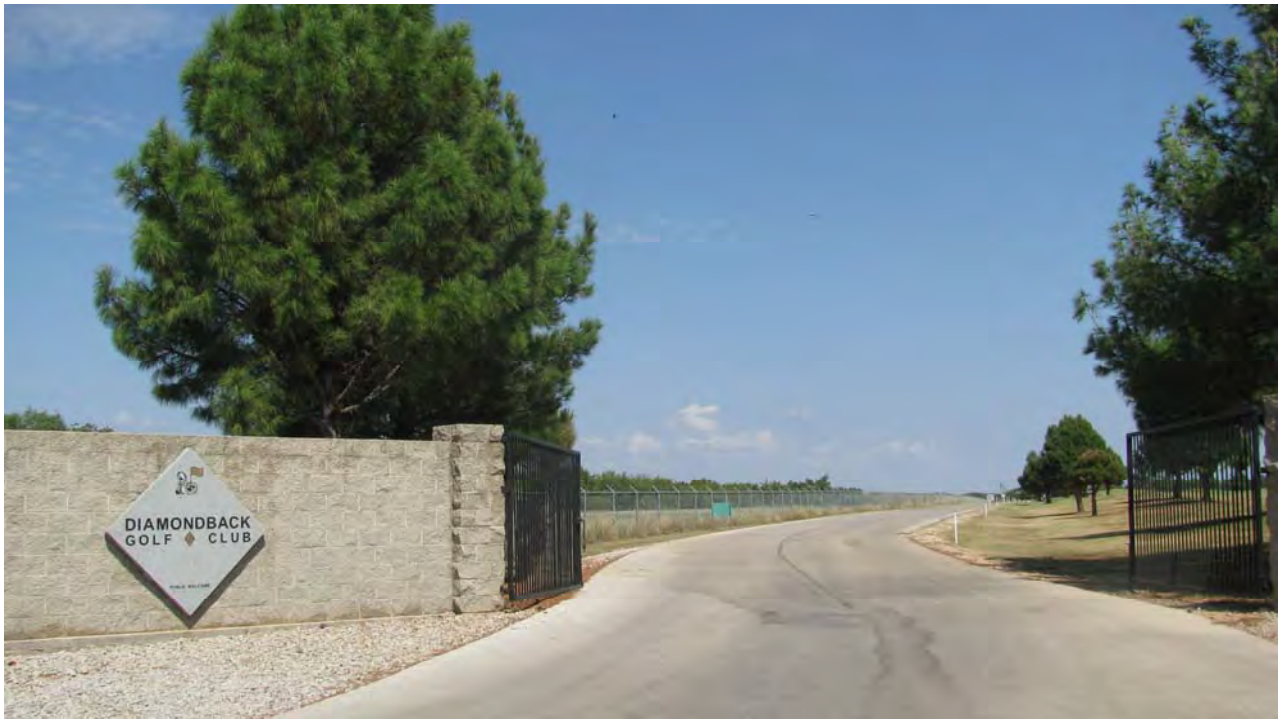
ZONING CASE Z-2017-19
SITE PHOTOS

View to the Southwest at the end of Baylor Dr.

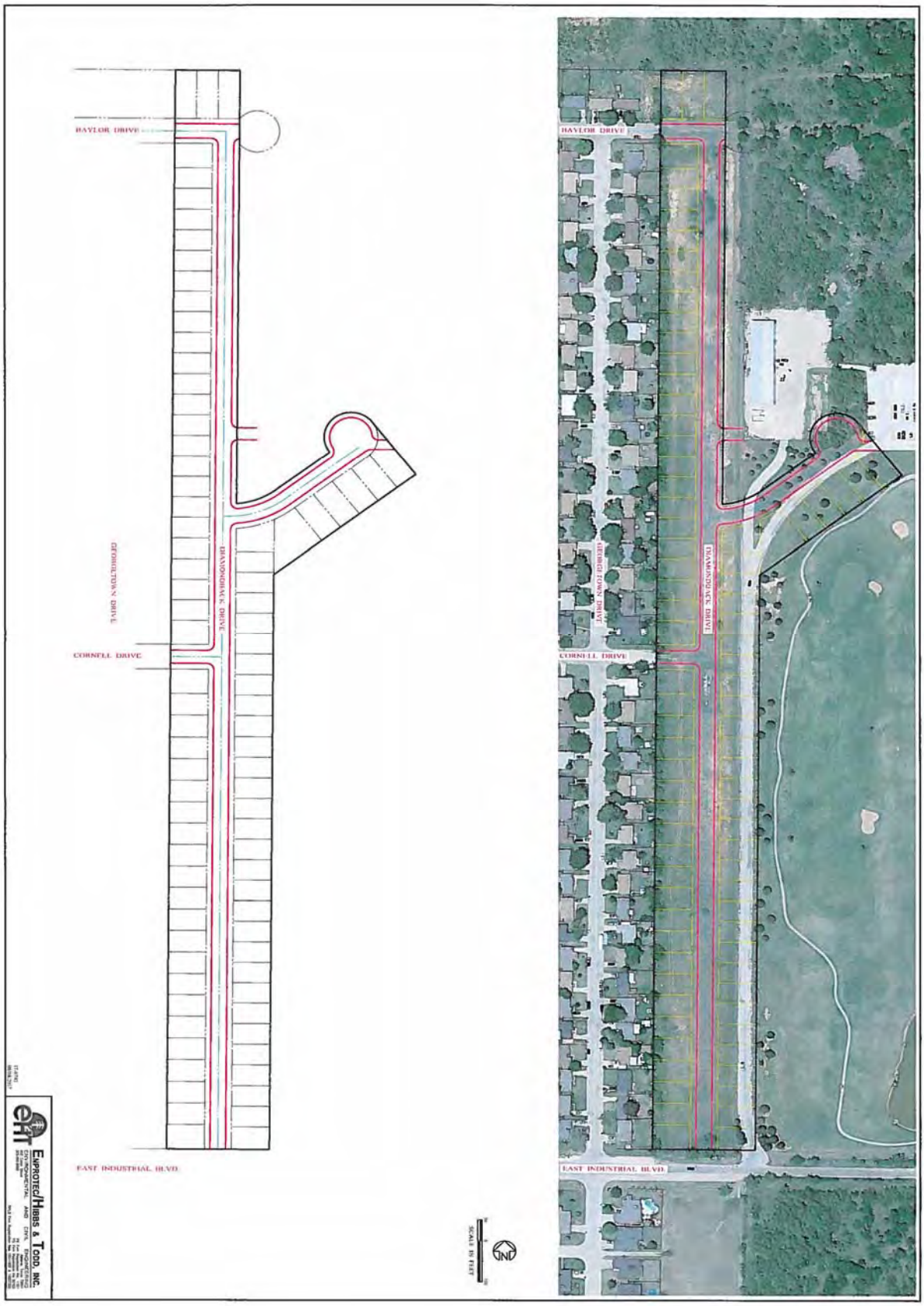
West view from the end of Cornell Dr.

West view from property across Industrial Blvd.

North view from property across Industrial Blvd



East view along Industrial Blvd.


BAYLOR DRIVE
GEORGETOWN DRIVE
DIAMONDBACK DRIVE
CORNELL DRIVE
EAST INDUSTRIAL BLVD.
SCALE IN FEET
ENPROTEC/HIBBS & TODD, INC.

Owners: Charles Coody

Agent: eHT

Request: Rezone from AO to PD-70 and enlarge the boundary of Planned Development District Number 70 (PD-70), and modify PD-70 to include Patio Homes and modifications to the lot size minimums, sidewalk requirements, and setbacks

Location: 1510 E. Industrial Boulevard and 0 E. Industrial BLVD, north of E. Industrial Boulevard

Notification: 3 in favor, 1 opposed

Staff Recommendation: Approval of AO to PD-70 with additional amendments to PD-70

PZC Recommendation: Approval of AO to GC

Z-2017-19 AERIAL IMAGERY

Aerial Map

N
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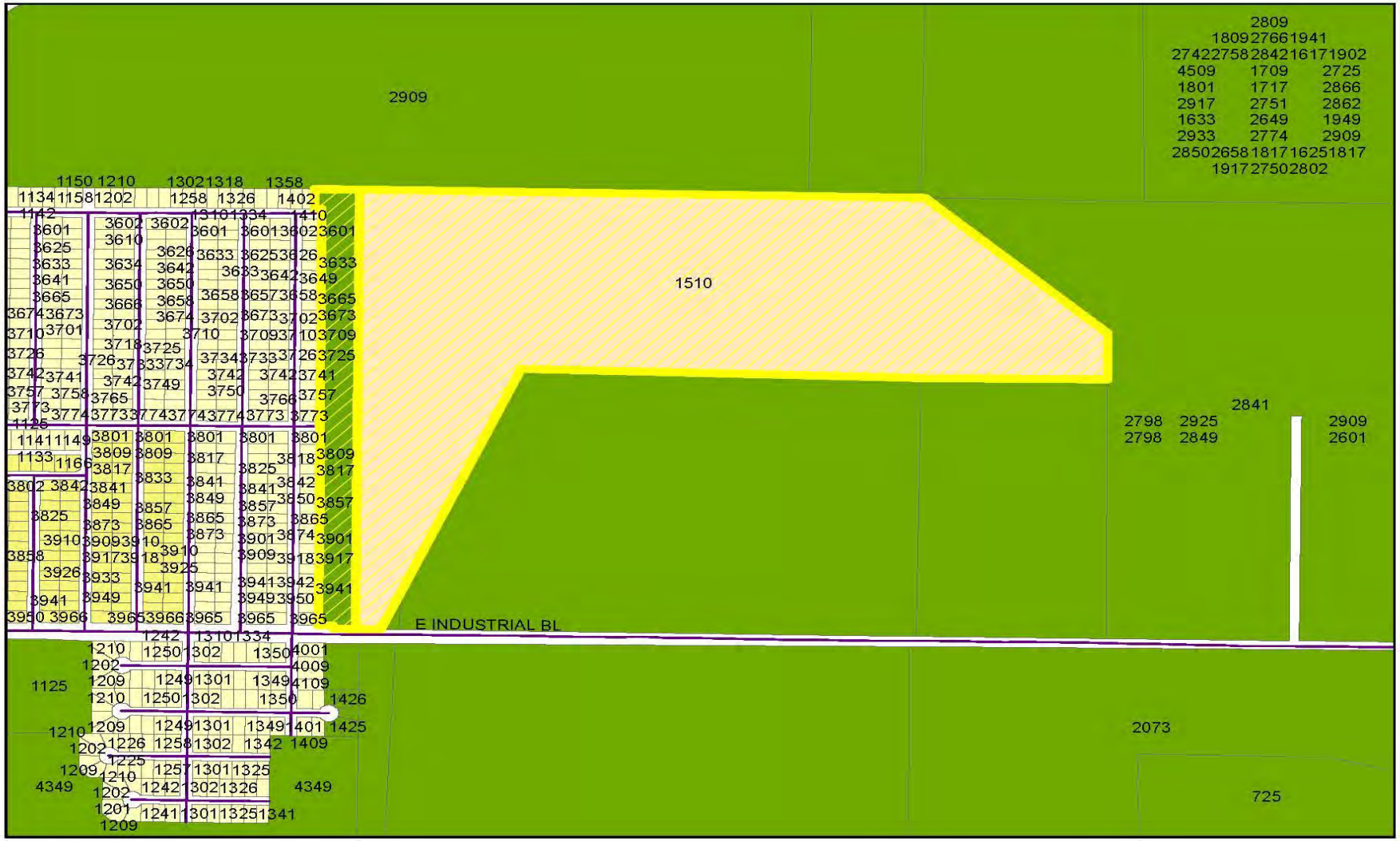
S

Legend

Case

Z-2017-19

Z-2017-19 ZONING MAP



Existing Land Use

N
W E
S

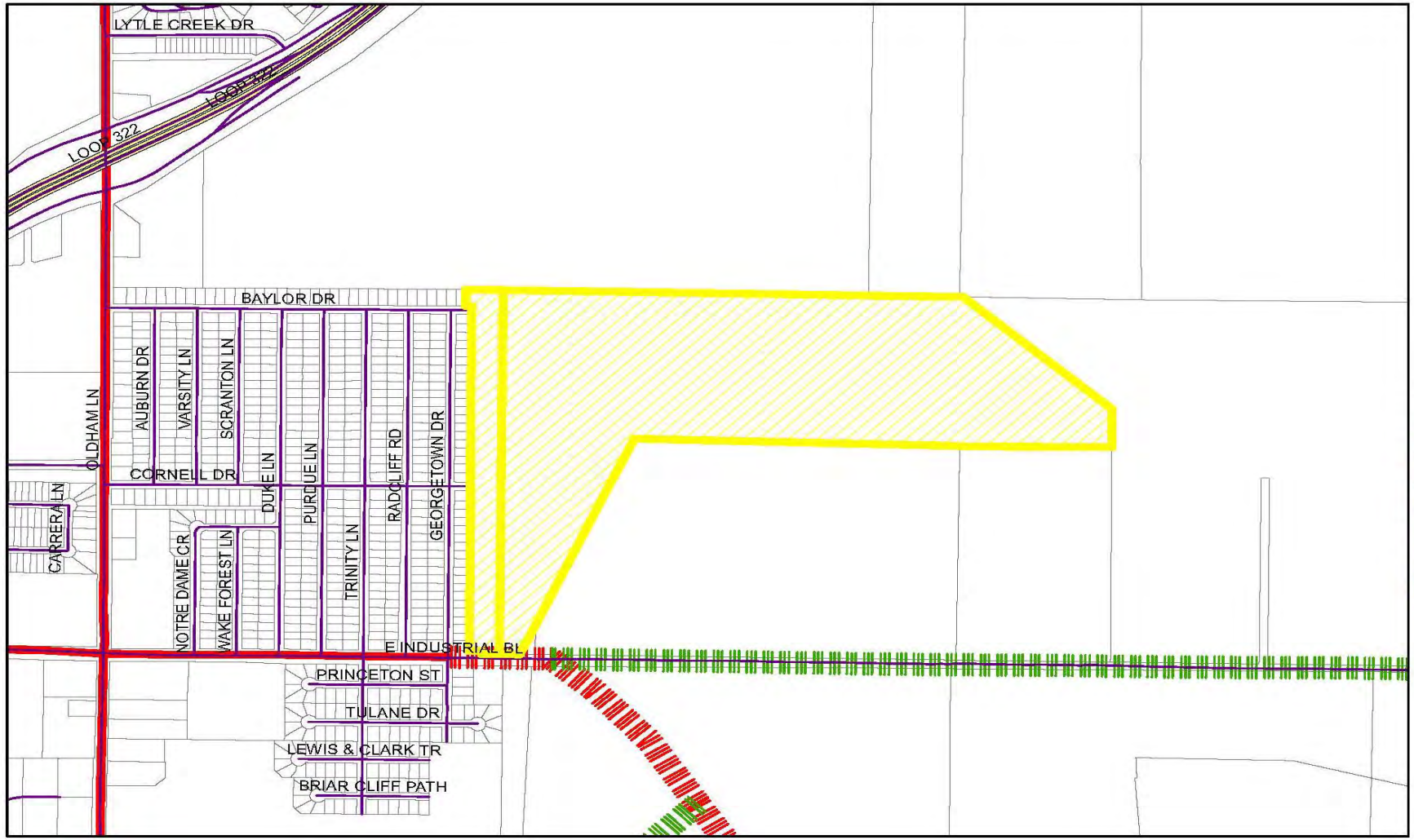
Case

Z-2017-19

Zoning Districts

- AO - Agricultural Open Space
- RS-6: Residential Single-Far
- MD: Medium Density Reside
- PD: Planned Develolpment

Z-2017-19 THOROUGHFARE MAP



Thoroughfare Map

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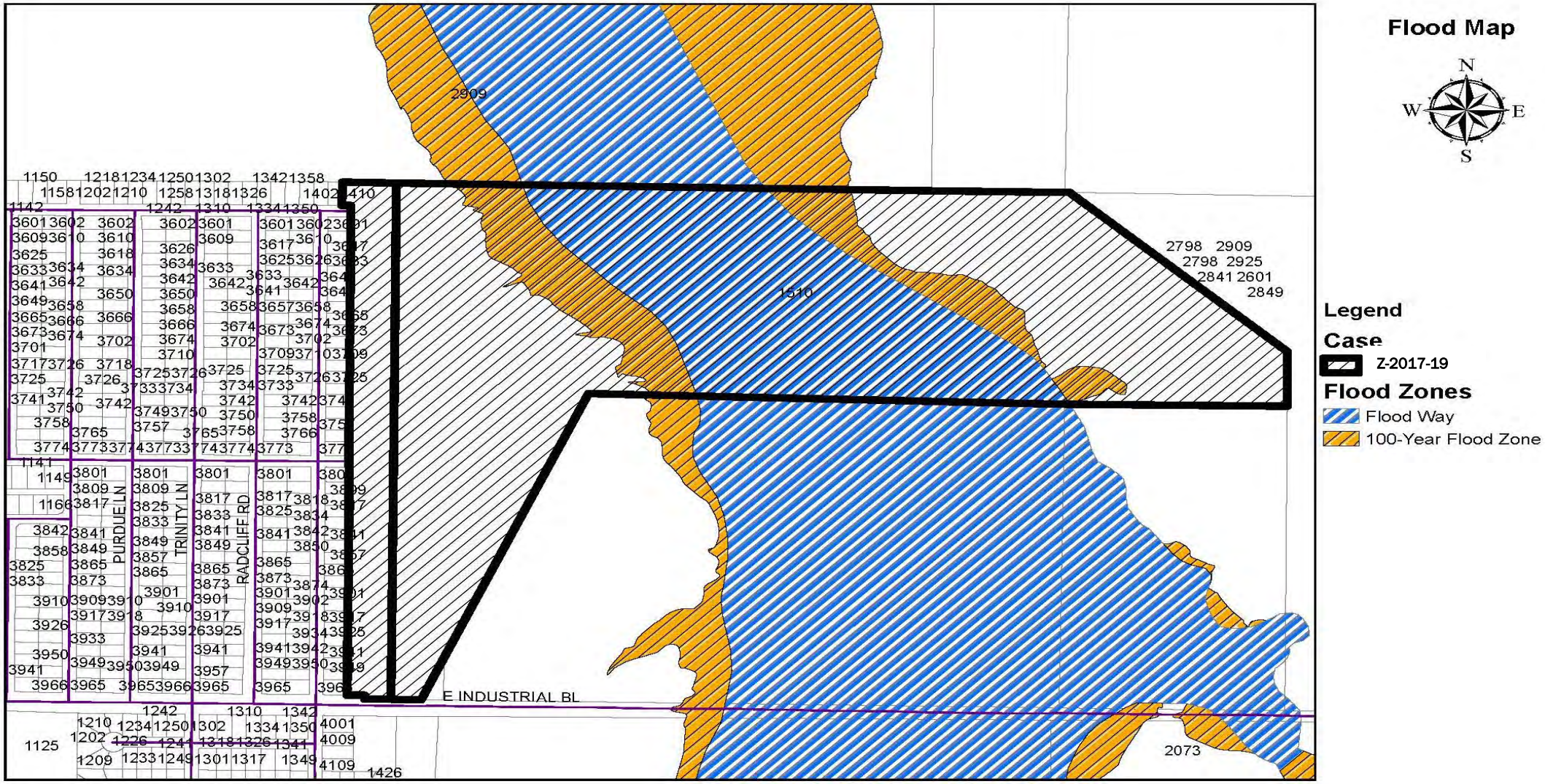
Legend

- Roads
- Arterial
- Expressway
- Arterial
- Collector

Case

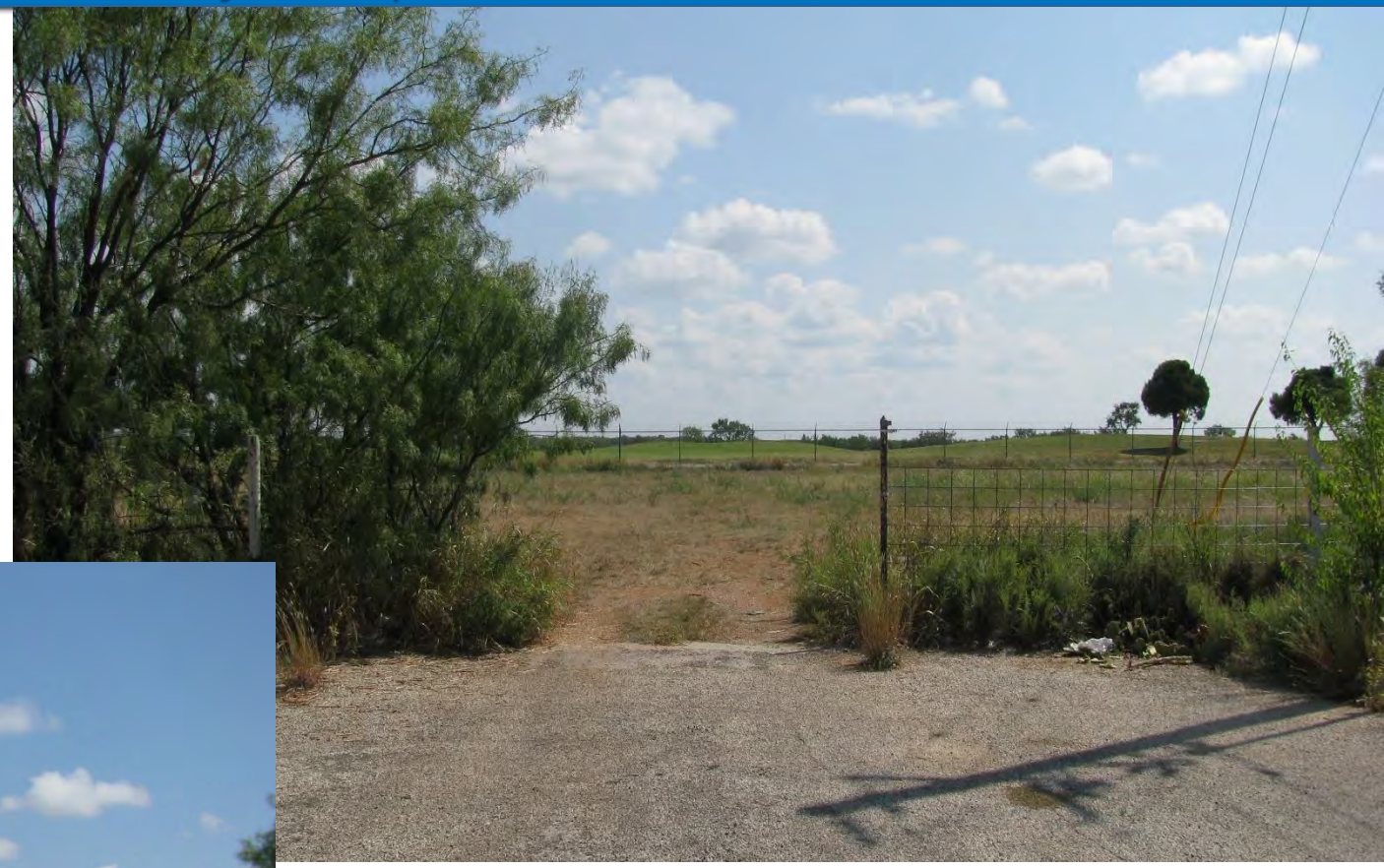
- Z-2017-19

Z-2017-19 FLOOD ZONE MAP



Z-2017-19 View of Subject Properties

West end looking east



South end looking north

Z-2017-19 View of Subject Properties

West end looking east

South end looking northeast

Z-2017-19 View of Subject Properties

Z-2017-19 View of Subject Properties

Z-2017-19 View of Subject Properties

Z-2017-19 View of Subject Properties

Z-2017-19 Views of Surrounding Properties

View to west along E. Industrial Blvd

View to east along E. Industrial Blvd

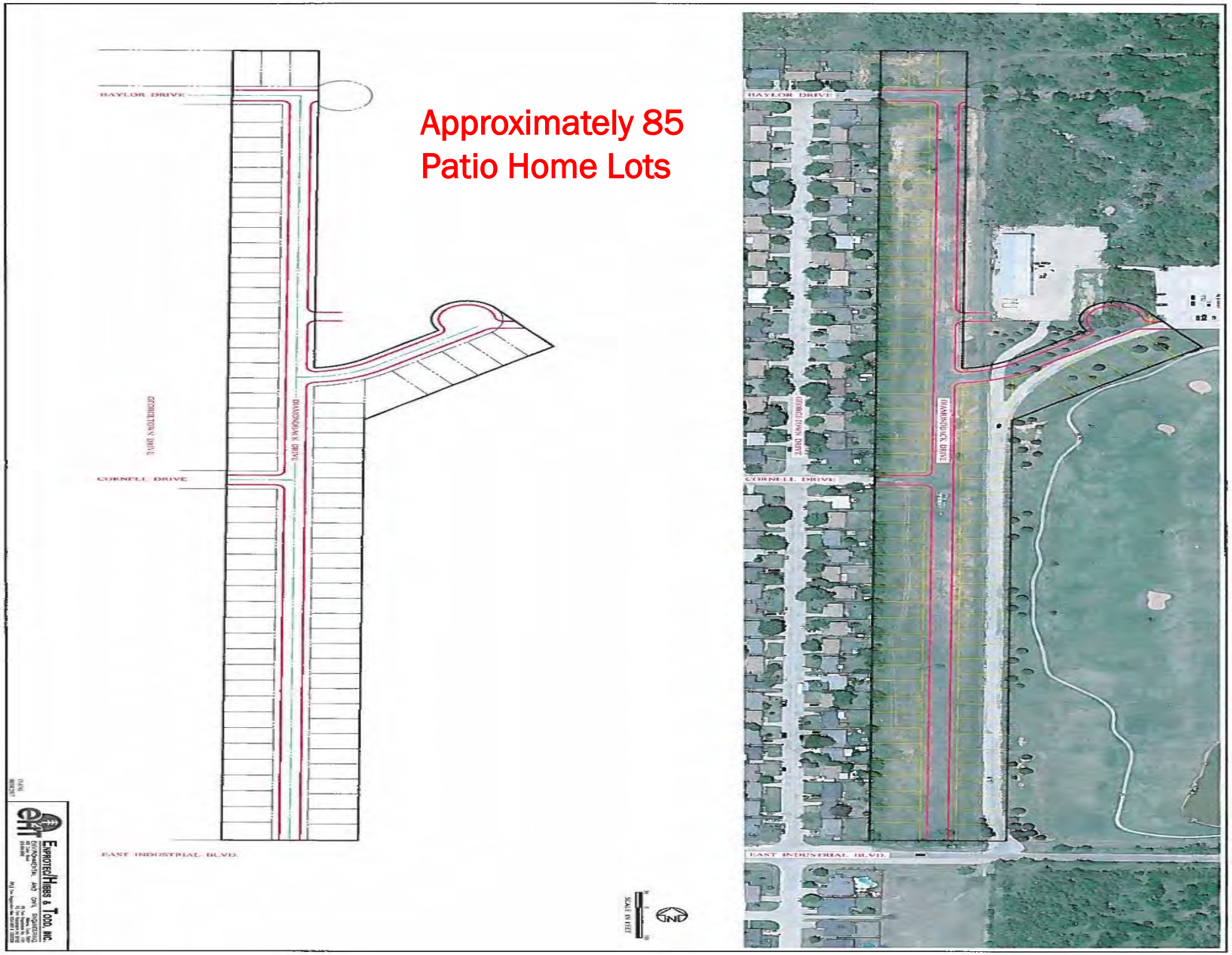
Application Review

- Currently adjacent to an approved PD with a base Golf Course and associated uses.
- PD-70, PD-2 (Airport) uses surround the subject property to the north and east, with Residential uses to the south and west.
- Patio Home use development and the proposed PD-70 amendments will not have substantial adverse effects on the properties.

Application Review

- Subject properties and surrounding area designated by Comprehensive Plan as Low-Density Residential and Residentially compatible uses.
- Area has developed, and is still developing, into a residential neighborhood and associated uses such as Diamondback Golf Course.
- The subject property zoned AO is currently undeveloped with single-family residences to the west and Diamondback Golf Course directly to the east.
- Subject properties are compatible with uses in surrounding area.

Z-2017-19 Proposed Site Exhibit ‘C’



Permitted and Proposed Uses in PD70 Zoning

Development Generally:
Development shall be in accordance with the attached site plan (Exhibit B) and provisions of the text of this Exhibit.

B. Permitted uses

- Golf Course Driving Range Restaurant
- Retail sale of recreational equipment and clothing
- Liquor Store - on-premise consumption
- Maintenance Facilities associated with a Golf Course
- *Add: Patio Homes*

ADD: Specific Modifications:

A. Patio Home lots (11.57 acres) shall be developed lots shall be in compliance with the attached site plan labeled Exhibit "C".

ADD: Specific Modifications:

D. Patio Home Lots (11.57 acres per Exhibit "C")

- *Minimum 50' wide lots (40' minimum per PH zoning)*
- *Minimum 85' depth lots (100' minimum per PH zoning)*
- *Minimum 5' interior side setbacks (0' minimum, total of 10' min (both sides) per PH zoning)*
- *Allowance for required sidewalks to be placed at the back of curb, in accordance with the approved design standards (per the Public Works Department)*
- *Private Streets*

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 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 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

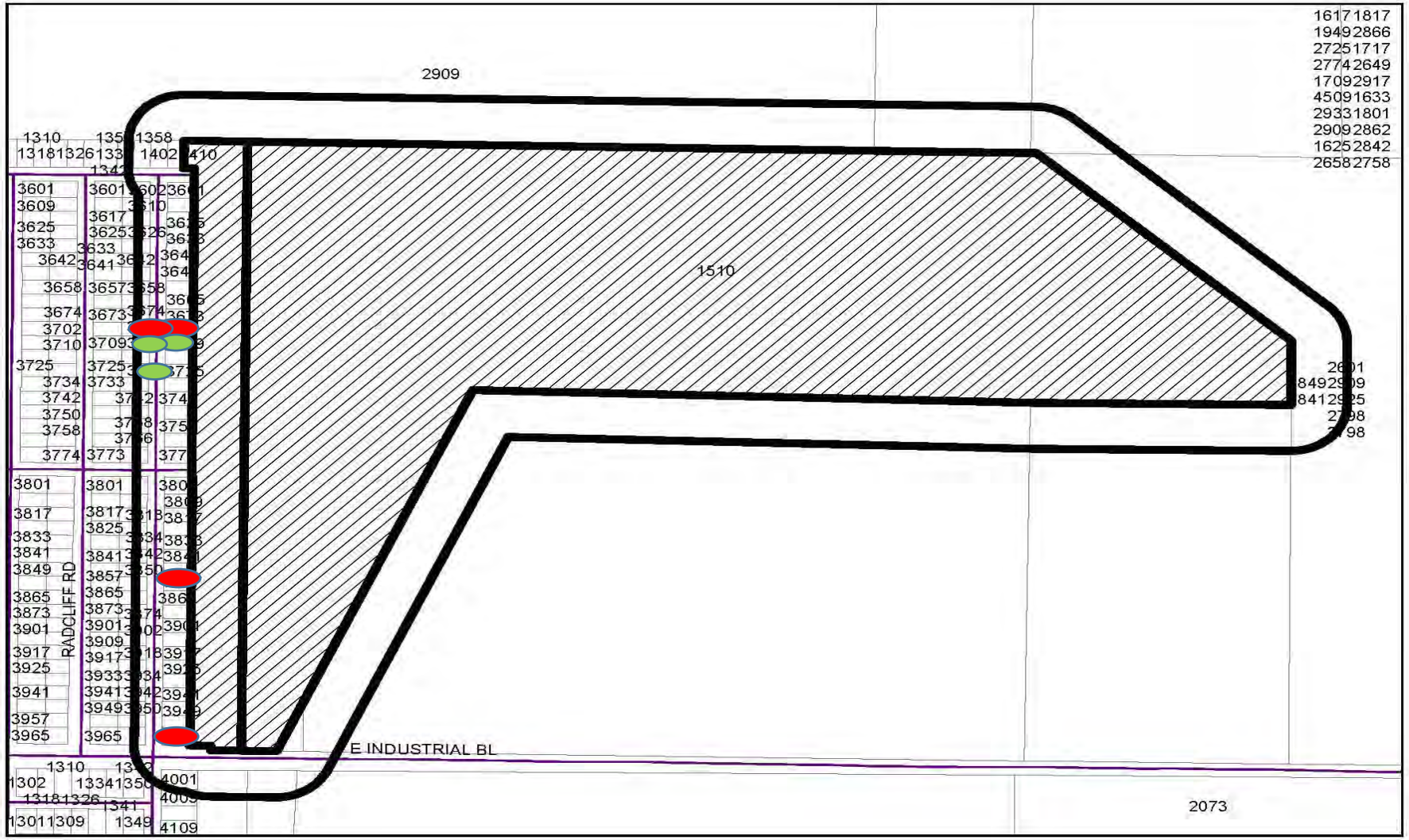
RESOURCE PRODUCTION AND EXTRACTION USES:

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-2017-19 Notification Map



Recommendation

- Future development compatible with and will not substantially affect surrounding properties or aviation uses.
- Staff & Planning & Zoning Commission recommends approval of the requested rezoning to enlarge the boundary of Planned Development District Number 70 (PD-70) and approval of the rezoning amendments to PD-70 to allow for patio homes with modifications to the lot size minimums, sidewalk requirements, and setbacks within the PD-70 to the City Council (Oct. 3, 2017 meeting).

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 11/16/2017

TO: **Robert Hanna, City Manager**

FROM: **Taurus Freeman, Interim Director of Planning & Development Services**

SUBJECT: **Ordinance & Public Hearing: *(Final Reading)* OAM-2017-04 Amendment to the Land Development Code (LDC) regarding Section 2.4.3.3 'All Other Uses Without Specific Requirements' pertaining to changing (33) LIQUOR STORE, On-Premise Consumption; subpart a. Distances Required *(Taurus Freeman)***

GENERAL INFORMATION

City staff has reviewed current language in the City of Abilene Land Development Code for distances measured relative to liquor stores, both off-premise and on-premise consumption. The City of Abilene prescribed measurements are currently more restrictive than Texas State Law prescribed measurements. The request for proposed Land Development Code amendment would modify the city code to comply with Texas State Law prescribed measurements.

As per Land Development Code, all structures housing a liquor store on-premise consumption, as well as off-premise consumption use, must be located at least three hundred feet (300') from any lot in a residential district or in a College-University district (applies to on-premise consumption only), or any lot used primarily for church, school or hospital purposes.

Currently, the distance between the liquor store and a church or public hospital is measured in a straight line in all directions from the structure housing the liquor store to the nearest point of any lot described above. Measurements are taken from the furthest point that a structure extends in any direction, including overhanging roofs and all other projections or portions of said structure.

The proposed Amended prescribed measurement is along the property lines of the street fronts and from front door to front door, and in direct lines across intersections. The measurement of the distance between the liquor store and a school shall be in a direct line from the property line of a public or private school to the property line of the liquor store, and in a direct line across intersections.

The measurement requirements of Section 33, Liquor Store, On-Premises Consumption, also applies to Section 32, Liquor Store, Off-Premises Consumption, by reference, as shown on Exhibit A to the Ordinance.

SPECIAL CONSIDERATIONS

The Texas Alcoholic Beverage Code establishes the method of measurement for the distance requirements. [Tex. Alco. Bev. Code sec. 109.33(b)] A city ordinance cannot require a different method of measurement

than the state Code. [Tex. Alco. Bev. Code secs. 1.06 and 109.57(b); *Dallas Merchants and Concessionaire's Assoc. v. City of Dallas*, 852 S.W.2d 489 (Tex. 1993)]

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of this ordinance amendment item.

BOARD OR COMMISSION RECOMMENDATION

Planning and Zoning Commission recommended approval of this request by a vote of five (5) with none in opposition.

ATTACHMENTS:

Description	Type
Ordinance Cover	Cover Memo
SECOND READING Exhibit A	Exhibit
FIRST READING Exhibit A Redline	Backup Material
SECOND READING Exhibit A Redline	Backup Material
Power Point Presentation	Presentation

ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING CITY OF ABILENE LAND DEVELOPMENT CODE, CHAPTER 2, "ZONING REGULATIONS," ARTICLE 4, "USE REGULATIONS," DIVISION 3, "REQUIREMENTS APPLICABLE TO SPECIFIC LAND USES," SECTION 2.4.3.3, "ALL OTHER USES WITH SPECIFIC REQUIREMENTS," SUBSECTION (a)(33), "LIQUOR STORE (ON PREMISE CONSUMPTION)," BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW

WHEREAS, The Texas Alcoholic Beverage Code allows the governing body of a municipality to prohibit the sale of alcohol within 300 feet of a church, public or private school, or public;

WHEREAS, The City of Abilene has adopted such a regulation but measures distance by a method that is not prescribed the Texas Alcoholic Beverage Code;

WHEREAS, it is in the best interest of the citizens of the City of Abilene to amend the pertinent ordinance so that measurement of distances conforms to what is prescribed by the Texas Alcoholic Beverage Code; and

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

PART 1: That Article 4, Division 3, Section 2.4.3.3, Subsection (a)(33) of the Abilene land Development Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

PART 3: That any persons, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine in accordance with Chapter 1 (Section 1-9) of this Code.

PART 4: Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 26th day of October, 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 31st day of October, 2017, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 16th day of November, 2017, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 16th day of November 2017.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

Exhibit A

City of Abilene Land Development Code
Chapter 2. Zoning Regulations
Article 4. Use Regulations
Division 3. Requirements Applicable to Specific Land Uses
Section 2.4.3.3. All Other Uses With Specific Requirements

(33) LIQUOR STORE (on-premises consumption):

a. Distances Required. All structures housing a liquor store on-premise consumption use must be located at least three hundred feet (300') from any lot in a residential district or in a College-University district, or any lot used primarily for church, school, or hospital purposes. Except as provided in subsections (b), (c) and (e) of this-Subsection (33), said distance between the liquor store and:

(i) a residential district or a College-University district shall be measured in a straight line in all directions from the structure housing the liquor store to the nearest point of any lot described above, and measurements shall be taken from the furthest point that a structure extends in any direction, including overhanging roofs and all other projections for portions of said structure; and

(ii) a church or public hospital shall be measured along the property lines of the street fronts and from front door to front door, and in direct lines across intersections; and

(iii) a public or private school shall be measured in a direct line from the property line of the public or private school to the property line of the liquor store, and in a direct line across intersections.

Exhibit A

City of Abilene Land Development Code
Chapter 2. Zoning Regulations
Article 4. Use Regulations
Division 3. Requirements Applicable to Specific Land Uses
Section 2.4.3.3. All Other Uses With Specific Requirements

(32) LIQUOR STORE (off-premises consumption): All structures housing a liquor store off-premise consumption use shall meet all of the requirements prescribed for a liquor store on-premise consumption use, except that it need not be separated from a lot in a residential district or a lot used primarily for hospital purposes. Further, liquor stores for off-premises consumption (beer and wine only) need not be separated from lots in a College-University district.

(33) LIQUOR STORE (on-premises consumption):

a. Distances Required. All structures housing a liquor store on-premise consumption use must be located at least three hundred feet (300') from any lot in a residential district or in a College-University district, or any lot used primarily for church, school or hospital purposes. Except as provided in subsections (b), (c) and (e) of this ~~Section 2.5.3.14~~ Subsection (33), said distance between the liquor store and a church or public hospital shall be measured ~~in a straight line in all directions from the structure housing the liquor store to the nearest point of any lot described above. Measurements shall be taken from the furthest point that a structure extends in any direction, including overhanging roofs and all other projections or portions of said structure~~ along the property lines of the street fronts and from front door to front door, and in direct lines across intersections. The measurement of the distance between the liquor store and a school shall be in a direct line from the property line of a public or private school to the property line of the liquor store, and in a direct line across intersections.

Exhibit A

City of Abilene Land Development Code
Chapter 2. Zoning Regulations
Article 4. Use Regulations
Division 3. Requirements Applicable to Specific Land Uses
Section 2.4.3.3. All Other Uses With Specific Requirements

(32) LIQUOR STORE (off-premises consumption): All structures housing a liquor store off-premise consumption use shall meet all of the requirements prescribed for a liquor store on-premise consumption use, except that it need not be separated from a lot in a residential district or a lot used primarily for hospital purposes. Further, liquor stores for off-premises consumption (beer and wine only) need not be separated from lots in a College-University district.

(33) LIQUOR STORE (on-premises consumption):

a. Distances Required. All structures housing a liquor store on-premise consumption use must be located at least three hundred feet (300') from any lot in a residential district or in a College-University district, or any lot used primarily for church, school, or hospital purposes. Except as provided in subsections (b), (c) and (e) of this Section 2.5.3.14 Subsection (33), said distance between the liquor store and:

(i) a residential district or a College-University district shall be measured in a straight line in all directions from the structure housing the liquor store to the nearest point of any lot described above, and. Measurements shall be taken from the furthest point that a structure extends in any direction, including overhanging roofs and all other projections for portions of said structure; and

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(ii) a church or public hospital shall be measured along the property lines of the street fronts and from front door to front door, and in direct lines across intersections; and

(iii) a public or private school shall be measured in a direct line from the property line of the public or private school to the property line of the liquor store, and in a direct line across intersections.

OAM-2017-04

Proposed Amendment to City of Abilene Land Development Code, Chapter 2. Zoning Regulations, Article 4. Use Regulations, Division 3. Requirements Applicable to Specific Land Uses, Section 2.4.3.3. All Other Uses with Specific Requirements

Recommendations

Staff: Approval

Planning & Zoning Commission: Approval (Oct. 3, 2017)

CITY OF ABILENE TEXAS

(33) LIQUOR STORE (on-premises consumption):

a. Distances Required. All structures housing a liquor store on-premise consumption use must be located at least three hundred feet (300') from any lot in a residential district or in a College-University district, or any lot used primarily for church, school, or hospital purposes. Except as provided in subsections (b), (c) and (e) of this-Subsection (33), said distance **between the liquor store** and:

(i) **a residential district or a College-University district shall** be measured in a straight line in all directions from the structure housing the liquor store to the nearest point of any lot described above, and measurements shall be taken from the furthest point that a structure extends in any direction, including overhanging roofs and all other projections for portions of said structure; and

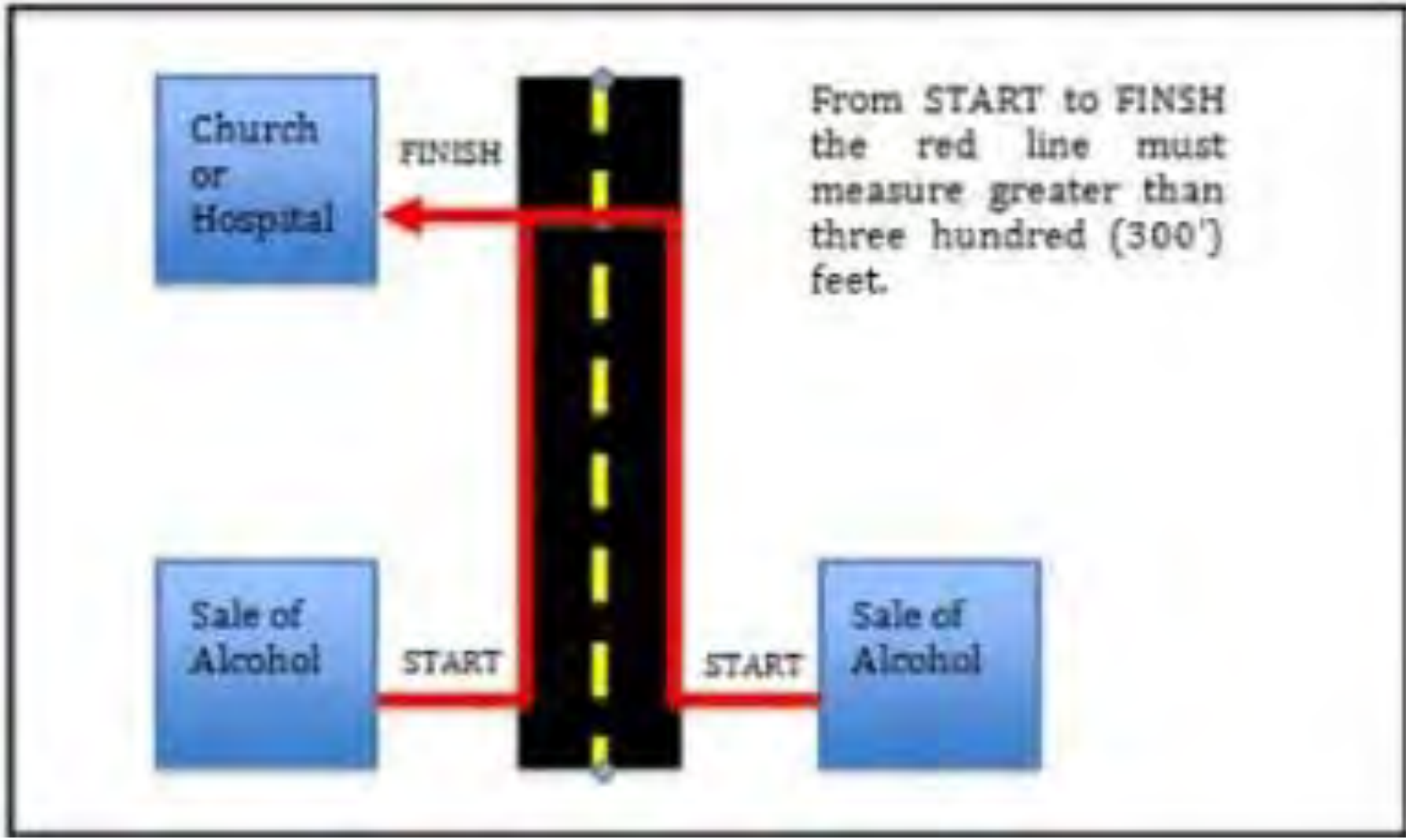
(ii) a church or public hospital shall be measured along the property lines of the street fronts and from front door to front door, and in direct lines across intersections; and

(iii) a public or private school shall be measured in a direct line from the property line of the public or private school to the property line of the liquor store, and in a direct line across intersections.

Proposed

Church and Public Hospital Distance Requirements

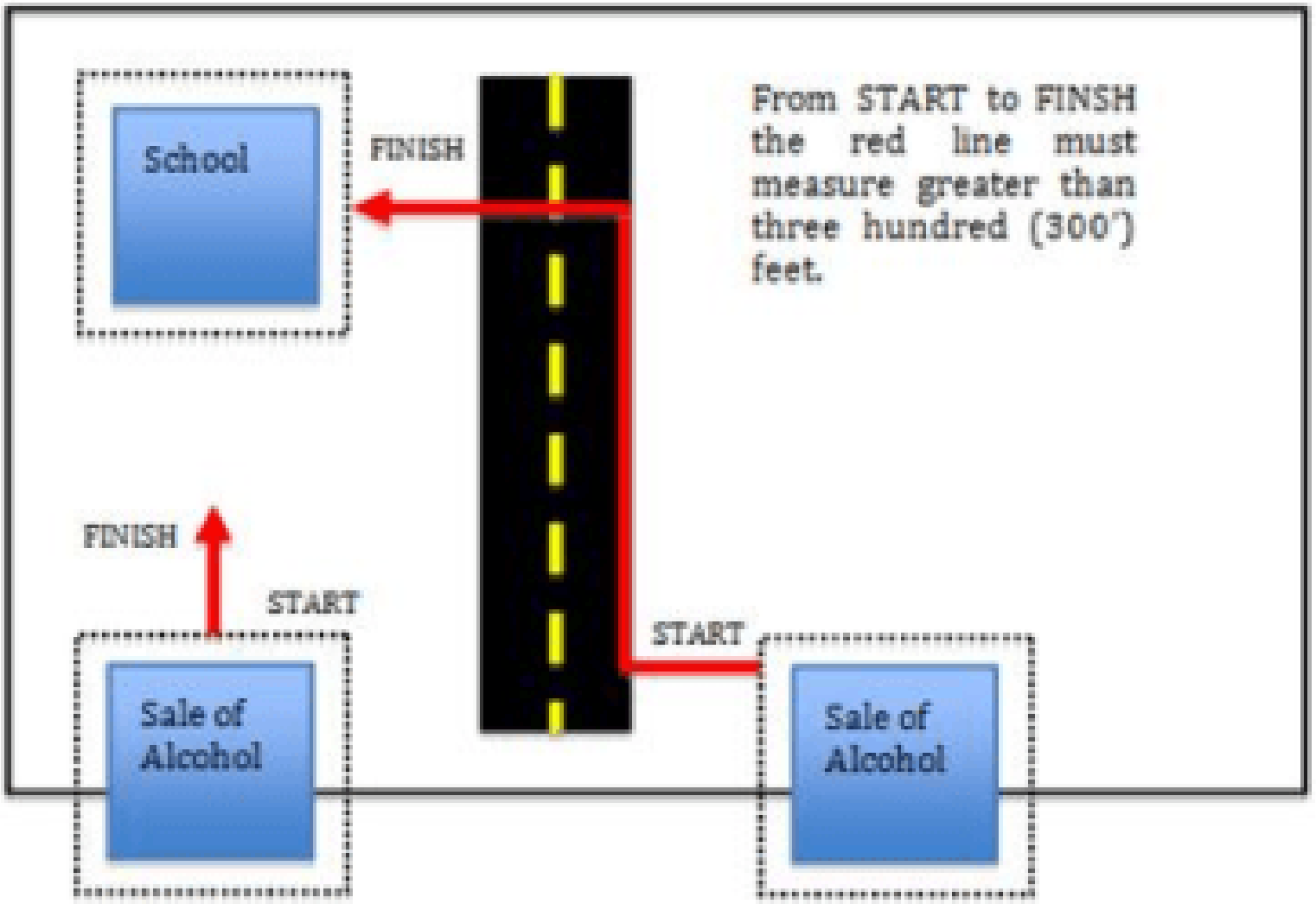
The measurement of the distance between the place of business where alcoholic beverages are sold and a church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.


Church or Hospital
FINISH
From START to FINSH the red line must measure greater than three hundred (300') feet.
Sale of Alcohol
START
START
Sale of Alcohol

Proposed

School Distance Requirements

The measurement of distance between the place of business where alcoholic beverages are sold and a public or private school shall be in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections.



CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 11/16/2017

TO: **Mayor & City Council**

FROM: **Tiffni Hererra, Interim City Secretary**

SUBJECT: **Resolution: Voting for an individual on the Board of Directors of the Jones County Appraisal District. *(Tiffni Hererra)***

GENERAL INFORMATION

The City of Abilene voting entitlement is 1,913 votes based on the 2016 Tax levy

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution	Resolution Letter
Letter	Backup Material

RESOLUTION #_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, VOTING FOR THE FOLLOWING INDIVIDUAL TO THE BOARD OF DIRECTORS OF THE JONES COUNTY APPRAISAL DISTRICT OF JONES COUNTY FOR 2017-2018.

WHEREAS, the City of Abilene participates in the Jones County Appraisal District of Jones County, and

WHEREAS, Chapter 6 of the Property Tax Code allows each tax unit to cast votes for the Board of directors of the Jones County Appraisal District in proportion to their tax levy, and;

WHEREAS, the City of Abilene is allocated 1913 votes based on their 2016 tax levy, and;

WHEREAS, the City Council met in open session to consider the casting of the votes to which they are entitled;

THEREFORE LET IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, THAT;

SECTION 1**:** The City Council of the City of Abilene hereby cast votes for the following person or person to the Board of Directors of the Jones County Appraisal District of Jones County.

Nominee	**Votes Cast For:**
1. Jim Astin	_____
2. Eugene Griffith	_____
3. Charles Guernsey	_____
4. Mitch Heidenheimer	_____
5. Seaton Higginbotham	_____
6. Gerald Rodgers	_____
7. Dale Spurgin	_____

PASSED AND APPROVED THIS THE 16th DAY OF NOVEMBER, 2017.

ATTEST:

_____
City Secretary

_____
Mayor

APPROVED:

_____
City Attorney

JONES COUNTY APPRAISAL DISTRICT
PO BOX 348
ANSON, TX. 79501
(325) 823-2422

Dear Taxing Entity:

Enclosed you will find a ballot for voting on Board of Directors for the Jones County Appraisal District for the term 2018-2019. Each entity is allotted a number of votes based on the value that entity has within the boundaries of Jones County. You may place all your votes on 1 candidate or distribute your votes as you wish among 2 or more candidates. **The voting entitlement for your taxing entity is located at the bottom of your ballot.** Please complete this ballot and return it back to this office by November 20, 2017. I will tabulate the votes, declare the top 6 candidates who receive the largest cumulative vote totals, and submit the results back to the governing body of each taxing entity by December 30, 2017.
If you have any questions, please do not hesitate to call. (325) 215-9069

Sincerely,

Kim McLemore
Chief Appraiser

City Council
Agenda Memo

City Council Meeting Date: 11/16/2017

TO: **Mayor & City Council**

FROM: **Tiffni Hererra, Interim City Secretary**

SUBJECT: **Resolution: Voting for an individual(s) on the Board of Directors of the Central Appraisal District of Taylor County *(Tiffni Hererra)***

GENERAL INFORMATION

The City of Abilene is allotted 1,254 votes based on the 2016 tax lavy

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution	Resolution Letter
Letter	Backup Material

RESOLUTION #_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, VOTING FOR THE FOLLOWING INDIVIDUAL TO THE BOARD OF DIRECTORS OF THE CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY FOR 2017-2018.

WHEREAS, the City of Abilene participates in the Central Appraisal District of Jones County, and

WHEREAS, Chapter 6 of the Property Tax Code allows each tax unit to cast votes for the Board of directors of the Central Appraisal District of Taylor County in proportion to their tax levy, and;

WHEREAS, the City of Abilene is allocated 1,254 votes based on their 2016 levy, and;

WHEREAS, the City Council met in open session to consider the casting of the votes to which they are entitled;

THEREFORE LET IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, THAT;

SECTION 1**:** The City Council of the City of Abilene hereby cast votes for the following person or person to the Board of Directors of the Central Appraisal District of Taylor County.

Nominee	**Votes Cast For:**
1. Yvonne Batts	_____
2. Kent Lefevre	_____
3. John Stearns	_____
4. Cecil Davis	_____
5. Paul Falade	_____

PASSED AND APPROVED THIS THE 16th DAY OF NOVEMBER 2017.

ATTEST:

_____
City Secretary

_____
Mayor

APPROVED:

_____
City Attorney

CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY

BOARD OF DIRECTORS
YVONNE BATTS, Chairperson
CECIL DAVIS, Vice Chairperson
KENT LEFEVRE, Secretary
JOHN STEARNS
BOB BENHAM

ADMINISTRATION
GARY EARNEST, CEO
RHONDA GRAVES, CFO
DEBBIE SMITH, COO
SCOTT TRUITT, Director
ALLISON PERKINS, Coordinator

October 30, 2017

Ms. Tiffni Hererra, TRMC
P. O. Box 60
Abilene, TX 79604-0060

Dear Ms. Hererra,

Enclosed is a resolution that I am asking you to provide to your governing body, which they may use to vote for members of the Taylor County Central Appraisal District Board of Directors. The number of votes available to your tax unit is shown on the second page of the resolution. The governing body may cast votes as they desire among the five nominees.

The resolution should be placed on an agenda of your governing body. After the governing body cast their votes for designated nominees, the signed resolution is sent back to me as election administrator.

You may send the resolution to P. O. Box 1800, Abilene, TX 79604, fax it to 325-437-7904, or attach the document to an e-mail and send to earnest@taylorcountytexas.org

Please contact me with any questions or concerns.

Sincerely yours,
Gary Earnest – RPA, RTA, CTA, CCA
Chief Executive Office
Central Appraisal District of Taylor County
Phone: (325) 676-9381 ext 124

P.O. Box 1800 • Abilene, TX 79604-1800 • Telephone 325/676-9381
1534 S Treadaway • Fax 325/676-7877 • www.taylor-cad.org

CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY

2017 VOTING ALLOCATIONS

TAX UNIT	2016 LEVY IN TAYLOR	PERCENT OF LEVY	VOTES PER TAX UNIT
TAYLOR COUNTY	$41,391,075.26	24.46%	1223
CITY OF ABILENE	42,434,099.34	25.08%	1254
CITY OF BUFFALO GAP	106,753.84	0.06%	3
CITY OF LAWN	29,795.79	0.02%	1
CITY OF MERKEL	576,692.29	0.34%	17
CITY OF TRENT	12,980.35	0.01%	0
CITY OF TUSCOLA	83,512.38	0.05%	2
CITY OF TYE	421,703.89	0.25%	12
AISD	51,080,446.59	30.19%	1509
EULA ISD	1,565,562.79	0.93%	46
JIM NED CISD	4,796,715.63	2.83%	142
MERKEL ISD	4,513,035.03	2.67%	133
TRENT ISD	595,704.00	0.35%	18
WYLIE ISD	20,110,197.07	11.88%	594
BLACKWELL ISD	1,115,757.14	0.66%	33
CLYDE ISD	239,603.19	0.14%	7
WINTERS ISD	133,566.95	0.08%	4
TOTAL =	$169,207,201.53	100.00%	5000

City Council
Agenda Memo

City Council Meeting Date: 11/16/2017

TO: **Mayor & City Council**

FROM: **Tiffni Hererra, Interim City Secretary**

SUBJECT: **Resolution: Appointing Members to various Boards and Commissions per the City Charter - Civil Service Commission *(Tiffni Hererra)***

GENERAL INFORMATION

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution	Resolution Letter
Exhibit	Exhibit

RESOLUTION NO._____-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AS REQUIRED BY THE CHARTER OF THE CITY OF ABILENE AND 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 16th day of November A.D. 2017.

ATTEST:

_____
Tiffni Hererra, TRMC
Interim City Secretary

_____
Anthony Williams
Mayor

APPROVED:

_____
Stanley Smith
City Attorney

RESOLUTION NO. _____

EXHIBIT "A"

Civil Service Commission

Re-appointment of the following:

- Izair Lankford November 2020