

City Council
Agenda Memo



City Council
Meeting Date: 2-25-10

TO: Larry D. Gilley, City Manager
FROM: Danette Dunlap, City Secretary

SUBJECT: Oral Resolution – Authorizing the City Manager to sign an Agreement between the City of Abilene, Abilene Independent School District (AISD), Wylie Independent School District (WISD), Lytle Water District and the City of Impact to hold a Joint Election in Certain Voting Precincts on May 8, 2010.

GENERAL INFORMATION

The Texas Election Code, Chapter 271 authorizes political subdivision of the State of Texas to hold elections jointly in voting precincts if it will be of benefit to the citizens and voters thereof to be served by common polling places and elections are ordered by the authorities of two or more political subdivisions to be held on the same day in all or part of the same territory.

FUNDING AND FISCAL IMPACT

The standard cost for a city election is \$36,710.30. Holding a joint election with AISD, will have a savings to the City in the amount of \$18,355.15. Where the entities hold a common election in a precinct, the expenses will be apportioned one-half each. Wylie ISD conducts early voting separate from the City of Abilene and whereas they share only 2 polling locations. The City of Impact shares 1 polling location with the City. Lytle Water District shares 1 polling location. Abilene ISD shares 16 polling locations.

STAFF RECOMMENDATION

Staff recommends that Council approve by Oral Resolution Authorizing the City Manager to sign an agreement between the City of Abilene, Abilene Independent School District, Wylie Independent School District, Lytle Water District and the City of Impact.

ATTACHMENTS

Agreement

Prepared by: Name: <u>Danette Dunlap</u> Title: <u>City Secretary</u>	Item # <u>6.1</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ City Secretary
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**AGREEMENT BY
THE CITY OF ABILENE, THE CITY OF IMPACT, ABILENE
INDEPENDENT SCHOOL DISTRICT, LYTLE WATER DISTRICT
AND WYLIE INDEPENDENT SCHOOL DISTRICT, TO HOLD A
JOINT ELECTION IN CERTAIN VOTING PRECINCTS
ON MAY 8, 2010**

WHEREAS, the City of Abilene ("CITY") will hold a general election for two City Council positions within the boundaries of the CITY on May 08, 2010; and,

WHEREAS, the City of Impact ("IMPACT") will hold a general election for City Council positions within the boundaries of the City of Impact on May 08, 2010; and,

WHEREAS, the Wylie Independent School District ("WISD") will hold a general election on May 08, 2010, for Board of Trustees; and,

WHEREAS, the Abilene Independent School District ("AISD") will hold a general election on May 08, 2010, for Board of Trustees; and,

WHEREAS, the Lytle Water District ("LYTLE") will hold a general election on May 08, 2010, for Board of Trustees; and,

WHEREAS, Texas Election Code, Chapter 271, authorizes political subdivisions of the State of Texas to hold elections jointly in voting precincts if it will be of benefit to the citizens and voters thereof to be served by common polling places and elections are ordered by the authorities of two or more political subdivisions to be held on the same day in all or part of the same territory; and,

WHEREAS, Texas Government Code, Chapter 791, authorizes local governments to contract with one another and with agencies of the state for various governmental functions including those in which the contracting parties are mutually interested.

NOW, THEREFORE, pursuant to Chapter 31 of the Texas Election Code, Chapter 791 of the Texas Government Code and Sections 271.002 and 271.003 of the Texas Election Code, the Joint Election Agreement set forth below is entered into by and between the Entities acting by and through their respective governing bodies, agree as follows:

1. WISD and the CITY will share polling places during an election on May 08, 2010, in the following locations:

Precinct: 306-108 Zion Lutheran Church 2801 Antilley Road
(Precinct #307 WISD only)

La. 1 pg. 2

Precinct: 406-407-408 Thomas Elementary School 1240 Lakeside Drive

2. IMPACT and the CITY will share a polling location during the election on May 08, 2010, in the following location:

Precinct: 204 Abilene Primitive Baptist Church 3565 Hickory St
(Impact City Election)

3. AISD and the CITY will share polling locations during the election on May 08, 2010, in the following location:

Precinct: 101	<u>Johnston Elementary School</u>	3602 North 12 th
Precinct: 102	<u>Church of Christ - S 11th & Willis</u>	3333 South 11 th
Precinct: 103	<u>Bonham Elementary School</u>	4250 Potomac
Precinct: 104-105-106	<u>Westminster Presbyterian</u>	4515 South 14 th Street
Precinct: 201-202	<u>Cobb Park Recreation Ctr.</u>	2300 State Street
Precinct: 203-401	<u>Sears Park Recreation Ctr</u>	2250 Ambler Ave
Precinct: 204	<u>Abilene Primitive Baptist Church</u>	3565 Hickory St
Precinct: 205-107A	<u>Elmcrest Baptist Church</u>	517 North Pioneer
Precinct: 301-302	<u>Southern Hills Church of Christ</u>	3666 Buffalo Gap Rd.
Precinct: 303-304	<u>Allie Ward Elementary School</u>	3750 Paintbrush
Precinct: 305	<u>New Beginnings UPC</u>	5535 Buffalo Gap Rd
Precinct: 306-108	<u>Zion Lutheran Church</u>	2801 Antilley Road
Precinct: 402	<u>Hillcrest Church of Christ</u>	650 East Ambler
Precinct: 403	<u>University Church of Christ</u>	733 EN 16 th
Precinct: 404-405	<u>Highland Church of Christ</u>	425 Highland
Precinct: 406-407	<u>Thomas Elementary School</u>	1240 Lakeside Drive

4. LYTLE and the CITY will share polling location during the election on May 08, 2010, in the following location:

Precinct: 406-407 Thomas Elementary School 1240 Lakeside Drive
(Lytle Water District)

5. WISD, AISD, IMPACT, LYTLE and the CITY will use a HAVA compliant voting system (DRES) in each election precinct in which a common election is held.

5. The expenses of the joint election will be divided equally between the entities having a common election. Expenses will be determined and divided based on each precinct. Each entity will bear all expenses for equipment and supplies utilized in its election.

6. It is agreed that all entities will contract with Taylor County Elections Administrator to provide all election services needed for these elections.

7. Early voting for CITY OF IMPACT, ABILENE INDEPENDENT SCHOOL DISTRICT, LYTLE WATER DISTRICT and the CITY OF ABILENE shall be

conducted jointly per the election services contract with Taylor County Elections Administrator in accordance with Title 7 of the Texas Election Code.

8. Early voting for WYLIE INDEPENDENT SCHOOL DISTRICT will be conducted by WYLIE INDEPENDENT SCHOOL DISTRICT.

DATED this the 25 day of February, 2010.

CITY OF ABILENE

BY: _____
Larry Gilley, City Manager

ATTEST:

Danette Dunlap, City Secretary

City Council
Agenda Memo



City Council
Meeting Date: 2-25-10

TO: Larry D. Gilley, City Manager
FROM: Danette Dunlap, City Secretary
SUBJECT: Oral Resolution – Authorizing the City Manager to enter into an Election Services Contract with Taylor County Election Administrator.

GENERAL INFORMATION

The City will contract for election services with the Taylor County Elections Administrator and will share the election cost with the Abilene Independent School District (AISD).

FUNDING AND FISCAL IMPACT

The estimated cost for a City and AISD Election together is \$36,710.30. The City and AISD will split the cost of utilizing the same polling locations during Early voting and Election Day Polling locations. The Cost to the City is estimated at \$18,355.15. If AISD is able to cancel their election due to candidates running unopposed the City's cost will be \$36,710.30.

- Pursuant to Election Code 501.021 the City of Abilene will pay for any expenses in regards to holding a Special Called Election.

STAFF RECOMMENDATION

Staff recommends that Council approve by Oral Resolution – Authorizing the City Manager to enter into an Election Services Contract with the Taylor County Election Administrator.

ATTACHMENTS

Contract for Election Services
Exhibit A - Cost

Prepared by:

Name: Danette Dunlap
Title: City Secretary

Item # 6.2

Disposition by City Council
 Approved Ord/Res# _____
 Denied
 Other

City Secretary _____

**PROPOSED CONTRACT
FOR JOINT ELECTION SERVICES**

2010

**CITY OF ABILENE
AND**

ABILENE INDEPENDENT SCHOOL DISTRICT

**TAYLOR COUNTY ELECTIONS OFFICE
KRISTI ALLYN
ELECTIONS ADMINISTRATOR**

THE STATE OF TEXAS }
 }
COUNTY OF TAYLOR }

CONTRACT FOR ELECTION SERVICES

THIS CONTRACT IS ENTERED INTO BETWEEN TAYLOR COUNTY ELECTIONS ADMINISTRATOR, KRISTI ALLYN, HEREINAFTER REFERRED TO AS ADMINISTRATOR, AND THE FOLLOWING POLITICAL SUBDIVISIONS, HEREINAFTER REFERRED TO JOINTLY AS ENTITIES: CITY OF ABILENE, ACTING BY AND THROUGH ITS CITY COUNCIL, AND THE ABILENE INDEPENDENT SCHOOL DISTRICT, ACTING BY AND THROUGH ITS SUPERINTENDENT, PURSUANT TO TEX. ELEC. CODE ANN., SEC. 31.091, WITNESSETH:

1. **RECITALS.** THE ADMINISTRATOR IS THE COUNTY ELECTIONS ADMINISTRATOR OF TAYLOR COUNTY, TEXAS, AND IS THE OFFICER IN CHARGE OF ELECTION DUTIES. THE ENTITIES ARE POLITICAL SUBDIVISIONS SITUATED PARTIALLY WITHIN TAYLOR COUNTY, TEXAS. THE ENTITIES AND THE ADMINISTRATOR HAVE DETERMINED THAT IT IS IN THE PUBLIC INTEREST OF THE INHABITANTS OF THE ENTITIES THAT THE ADMINISTRATOR FURNISH TO THE ENTITIES CERTAIN ELECTION SERVICES AND EQUIPMENT NEEDED BY THE ENTITIES IN CONNECTION WITH THE HOLDING OF THE ELECTION ON **MAY 08, 2010**. THIS CONTRACTUAL AGREEMENT WILL BE BINDING UPON THE PARTIES WITH REGARD TO THIS ELECTION ONLY. ELECTRONIC VOTING EQUIPMENT IS TO BE USED.

2. **DUTIES AND SERVICES OF ADMINISTRATOR.** THE ADMINISTRATOR SHALL BE RESPONSIBLE FOR PERFORMING THE FOLLOWING DUTIES AND SHALL FURNISH THE FOLLOWING SERVICES AND EQUIPMENT:

(A) PREPARE LIST OF PERSONS TO RECOMMEND FOR APPOINTMENT AS PRESIDING ELECTION JUDGES, ALTERNATE JUDGES, MANAGER OF CENTRAL COUNTING, TABULATION SUPERVISOR, JUDGE OF CENTRAL COUNTING STATION, JUDGE OF EARLY BALLOT BOARD AND ASSISTANTS; RECRUIT AND TRAIN THE JUDGES AND CLERKS; AND CONFIRM JUDGES AND POLLING PLACES.

(B) DISTRIBUTE ELECTION SUPPLIES.

(C) ASSEMBLE AND EDIT LISTS OF REGISTERED VOTERS TO BE USED IN CONDUCTING THE ELECTION, IN CONFORMITY WITH THE BOUNDARIES OF THE ENTITIES AND THE ELECTION PRECINCTS ESTABLISHED FOR THE ELECTION.

(D) PREPARE AND DISTRIBUTE ELECTION EQUIPMENT, AND ISSUE ELECTION SUPPLIES TO THE PRECINCT JUDGES, WHO SHALL BE RESPONSIBLE FOR PICKING UP ELECTION SUPPLIES AND MATERIALS AT THE TIME AND PLACE DETERMINED BY THE ELECTIONS ADMINISTRATOR.

(E) ARRANGE FOR USE OF A CENTRAL COUNTING STATION AND FOR THE TABULATING PERSONNEL AND EQUIPMENT NEEDED AT THE COUNTING STATION AND PREPARE PROGRAMS AND TEST MATERIALS FOR TABULATION OF THE BALLOTS TO BE USED WITH ELECTRONIC VOTING EQUIPMENT.

(F) PUBLISH LEGAL NOTICE OF THE DATE, TIME AND PLACE OF THE TESTING OF THE ELECTRONIC TABULATING EQUIPMENT AND CONDUCT SUCH TESTING.

(G) SUPERVISE THE HANDLING AND DISPOSITION OF ELECTION RETURNS, AND VOTED BALLOTS; TABULATE UNOFFICIAL RETURNS AND ASSIST IN PREPARING THE TABULATION FOR THE OFFICIAL CANVASS.

(H) PROVIDE INFORMATION SERVICES FOR VOTERS AND ELECTION OFFICERS.

(I) ASSIST IN PROVIDING GENERAL OVERALL SUPERVISION OF THE ELECTION AND PROVIDE ADVISORY SERVICES IN CONNECTION WITH THE DECISIONS TO BE MADE AND ACTIONS TO BE TAKEN BY OFFICERS OF THE ENTITIES WHO ARE RESPONSIBLE FOR HOLDING THE ELECTION.

(J) PROVIDE TO THE ENTITIES TIMELY CUMULATIVE REPORTS OF THE ELECTION RESULTS AS PRECINCTS ARE TABULATED.

(K) SUPERVISE THE CONDUCT OF EARLY VOTING IN PERSON AND BY MAIL AND SUPPLY PERSONNEL TO SERVE AS DEPUTY EARLY VOTING CLERKS.

(L) PROCESS ALL APPLICATIONS FOR EARLY VOTING BALLOTS BY MAIL, INCLUDING THOSE RECEIVED BY THE ENTITIES. ENTITIES SHALL TRANSPORT SUCH REQUESTS ON THE DAY OF RECEIPT TO THE OFFICE OF THE TAYLOR COUNTY ELECTIONS ADMINISTRATOR FOR PROCESSING. PERSONS VOTING BY MAIL WILL SEND THEIR MARKED BALLOTS TO THE OFFICE OF THE TAYLOR COUNTY ELECTIONS ADMINISTRATOR.

(M) ARRANGE FOR PERSONNEL, PLACE, AND TIME FOR ALL EARLY VOTING BALLOTS (THOSE CAST BY MAIL AND THOSE CAST BY PERSONAL APPEARANCE) TO BE PREPARED FOR TABULATION BY AN EARLY VOTING BALLOT BOARD.

- (N) ARRANGE FOR PERSONNEL AND CONDUCT MANUAL COUNT, IF WAIVER IS NOT OBTAINED BY THE ENTITIES
- (O) CONDUCT CANDIDATE DRAWING FOR BALLOT PLACEMENT
- (P) PROVIDE THE SERVICES NECESSARY TO TRANSLATE ANY ELECTION DOCUMENTS INTO SPANISH.
- (Q) PROCURE, PREPARE, AND PROOF OFFICIAL AND SAMPLE BALLOT PAGES.
- (R) BE RESPONSIBLE FOR PAYMENT TO ALL PARTIES WHO HAVE PROVIDED SERVICES, SUPPLIES AND VOTING LOCATIONS FOR THE ELECTION.
- (S) PROCURE ALL ELECTION SUPPLIES, INCLUDING ELECTION DAY AND EARLY VOTING KITS, JUDGES BOOTH CONTROLLERS, DISABLED ACCESS UNITS AND E-SLATES
- (T) ARRANGE FOR SUPPLIES TO BE DELIVERED TO TAYLOR COUNTY ELECTIONS OFFICE, 400 OAK STREET, ABILENE, TEXAS 79602.
- (U) PAY ALL PERSONNEL FROM PAYROLL SHEETS COLLECTED BY ADMINISTRATOR.

3. DUTIES AND SERVICES OF ENTITIES. THE ENTITIES SHALL:

- (A) EACH OF THE ENTITIES SHALL BE INDIVIDUALLY RESPONSIBLE FOR THE PREPARATION OF ELECTION ORDERS, RESOLUTIONS, NOTICES, AND OTHER PERTINENT DOCUMENTS FOR ADOPTION OR EXECUTION BY ITS OWN RESPECTIVE GOVERNING BOARD ALL EXPENSES RELATED THERETO.
- (B) APPOINT THE PRESIDING JUDGES, ALTERNATE JUDGES, MANAGER OF CENTRAL COUNTING, TABULATION SUPERVISOR, JUDGE OF THE CENTRAL COUNTING STATION, JUDGE OF EARLY BALLOT BOARD AND ASSISTANTS AND OTHER ELECTION OFFICERS, BASED ON LIST RECEIVED FROM TAYLOR COUNTY ELECTIONS ADMINISTRATOR. HANDLE CONTESTS, CANVASS THE RETURNS AND DECLARE THE RESULTS.
- (C) PREPARE AND SUBMIT WRITTEN ELECTION NOTICE FOR PUBLISHING IN THE OFFICIAL CITY NEWSPAPER. ENTITIES WILL POST WRITTEN NOTICES AT CITY HALL AND AISD ADMINISTRATION OFFICE.
- (D) PRIOR TO ELECTION DAY EACH ENTITY WILL PROVIDE TO ADMINISTRATOR THE NAME AND TELEPHONE NUMBER OF AN AGENT TO REPRESENT THE ENTITIES. AGENT TO BE ON CALL TO THE ELECTIONS OFFICE DURING THE HOURS OF THE ELECTION.
- (E) PAY ANY ADDITIONAL COSTS INCURRED BY THE ADMINISTRATOR IF A RECOUNT FOR SAID ELECTION IS REQUIRED, OR THE ELECTION IS CONTESTED IN ANY MANNER.
- (F) PREPARE ANY SUBMISSION OF VOTING CHANGES TO BE SUBMITTED TO THE U.S. DEPARTMENT OF JUSTICE UNDER THE FEDERAL VOTING RIGHTS ACT OF 1965, AS AMENDED.
- (G) APPROVE THE PRINTING OF MAIL AND SAMPLE BALLOT PAGES.
- (H) REQUEST WAIVER FOR MANUAL COUNT, IN ACCORDANCE WITH SEC. 127.201 OF THE TEXAS ELECTION CODE, IF NECESSARY.

4. PAYMENT OF SERVICES:

- ENTITIES SHALL PAY TOTAL ACTUAL EXPENSES OF THE ELECTION PLUS A 10% ADMINISTRATIVE FEE BASED ON THEIR AGREED SHARE OF THE EXPENSES. PAYMENT FOR SERVICES SHALL BE STATED IN THE ATTACHED EXHIBIT A, INCORPORATED HEREIN FOR ALL PURPOSES. RUNOFF ELECTION SHALL BE TREATED AS A SEPARATE ELECTION.
- (A) IN THE JOINT ELECTION ON **MAY 8, 2010**, COVERED BY THIS AGREEMENT, THE ADMINISTRATOR'S SERVICES SHALL BE AS STATED HEREIN.
 - (B) IN THE EVENT OF ANY DISAGREEMENT AMONG SAID PARTIES CONCERNING SAID MECHANICAL AND/OR PROCEDURAL DETAILS OF THE PREPARATION FOR OR CONDUCT OF SAID JOINT ELECTION, SUCH DISAGREEMENT OR QUESTION SHALL BE RESOLVED BY FOLLOWING THE METHOD OR PROCEDURE FAVORED BY THE MAJORITY OF SAID PARTIES.
 - (C) PAYMENT FOR SERVICES SHALL BE AS STATED IN THE ATTACHED EXHIBIT A.

5. GENERAL CONDITIONS:

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(A) NOTHING CONTAINED IN THIS CONTRACT SHALL AUTHORIZE OR PERMIT A CHANGE IN THE OFFICER WITH WHOM, OR THE PLACE AT WHICH, ANY DOCUMENT OR RECORD RELATING TO ELECTION IS TO BE FILED OR ANY OTHER ELECTION FUNCTION PERFORMED AS IS ESTABLISHED BY LAW.

(B) THE CONTRACTING OFFICER SHALL FILE COPIES OF THIS CONTRACT WITH THE COUNTY TREASURER AND THE COUNTY AUDITOR OF TAYLOR COUNTY.

IN WITNESS WHEREOF, ENTITIES AND ADMINISTRATOR CAUSED THIS AGREEMENT TO BE DULY EXECUTED THIS _____ DAY OF _____ 2010.

CITY OF ABILENE

ABILENE INDEPENDENT SCHOOL DISTRICT

BY: _____
MAYOR

BY: _____
A.I.S.D. SUPERINTENDENT

ATTEST: _____
CITY SECRETARY

ATTEST: _____
SCHOOL BOARD SECRETARY

APPROVED:

CITY ATTORNEY

TAYLOR COUNTY ELECTIONS ADMINISTRATOR

BY: _____
KRISTI ALLYN
ELECTIONS ADMINISTRATOR

MISCELLANEOUS SERVICES

Misc. supplies and delivery of equipment			
Copies	100	.10 ea	\$ 300.00
Postage	200	.44 ea	\$ 10.00
Postage for Mail ballots	200	.90 ea	\$ 88.00
			<u>180.00</u>
			\$ 578.00

PERSONNEL

Early Voting Clerks			\$ 3,500.00
Election Day Workers			\$ 6,000.00
Central County Station			\$ 300.00
County Employees Overtime			\$ 2,000.00
Janitorial Services			<u>\$ 150.00</u>
			\$ 11,950.00

Sub Total \$ 33,373.00

10% Administrative Fee \$ 3,337.30

ESTIMATED COST \$ 36,710.30

* City of Abilene	\$ 18,355.15
Abilene ISD	\$ 18,355.15

* Pursuant to Election Code 501.021 the City of Abilene will pay for any expenses in regards to holding a Special Called Election.

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City Council
Agenda Memo

TO: Larry D. Gilley, City Manager

City Council
Meeting Date: February 25, 2010

FROM: Mindy Patterson, Director of Finance

SUBJECT: Depository Contract with First Financial Bank

GENERAL INFORMATION

In accordance with state law, staff has advertised, and mailed a Request for Proposal to all banks expressing an interest within the City of Abilene, for the purpose of selecting a primary depository for commercial banking services. The contract is to be in effect for a period of five years commencing March 1, 2010 through February 28, 2015. Service cost will be fixed for the length of the contract.

SPECIAL CONSIDERATIONS

Chapter 131 of the Local Government Code places certain restrictions on the designating of depositories. If any member of the City Council owns or has beneficial interest, individually or collectively, of 10% or less in stock of First Financial Bank or serves as an officer or director of the bank, they **must abstain** on the voting of the resolution and **must not** take part in any discussions designating First Financial Bank as the depository.

FUNDING/FISCAL IMPACT

The tabulation of bids based on current activity for all required services requested and utilized at an estimated annual cost are as follows:

First Financial Bank \$0

Chase/J.P. Morgan \$38,111

American State Bank \$55,761

STAFF RECOMMENDATION

Staff recommends the City Council approve the resolution designating First Financial Bank as primary depository and authorize the City Manager to execute the contracts.

ATTACHMENT

- 1) Resolution

Prepared By:

Name Mindy Patterson

Title Director of Finance

Item No. 4.3

Disposition by City Council

- Approved Denied
- Other Ord/Res # _____

City Secretary _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING FIRST FINANCIAL BANK, AS THE PRIMARY DEPOSITORY FOR COMMERCIAL BANKING SERVICES.

WHEREAS, on January 3, 2010 the City of Abilene caused to be published in the Abilene Reporter News, a daily newspaper published in the City of Abilene, a Notice of the Intention of the City Council to receive applications on January 29, 2010 for the designation of a primary depository for City funds in accordance with the Texas Local Government Code Annotated, Chapter 105, as amended; and,

WHEREAS, City Staff received three applications with the lowest estimated annual costs being provided by First Financial Bank; and

WHEREAS, based on the applications the City of Abilene believes it to be in the best interest of the City to select First Financial Bank as the primary depository for commercial banking services.

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

PART 1: That First Financial Bank is hereby designated as primary depository for funds of said City for a term beginning March 1, 2010, and through February 28, 2015, provided however, that the administrative officials of the City are instructed to deposit such funds in such depository or other depositories so as to bring the best returns to the City, and are further instructed that it is not necessary nor is it the desire of the City Council to maintain any particular ratio of proportion of funds, nor any particular accounts in such depository or other depositories.

PART 2: That the Depository Contracts be and are hereby, in all things approved and the City Manager be and is hereby authorized to negotiate and execute said Contract for and on behalf of the City of Abilene.

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

ADOPTED this 25th day of February, A.D., 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

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City Council
Agenda Memo



TO: Larry D. Gilley, City Manager

City Council
Meeting Date: 02/25/2010

FROM: Mike Hall, Director of Community Services

A handwritten signature in black ink, appearing to read "MH".

SUBJECT: Resolution Dedicating Five Acres of Property as Wetlands

GENERAL INFORMATION

As part of the City of Abilene's grant application for matching funds to develop the Lake Ft. Phantom Hill Parks the City agreed to dedicate five acres of wetland property adjacent to Seabee Park. This property which is underwater when the lake is full met the Texas Parks and Wildlife Department's criteria for wetlands and the commitment to dedicate it gave the application a competitive advantage. The grant was awarded and contract executed with TPWD in February, 2009. Subsequently the property was surveyed, field notes prepared and an appraisal completed.

SPECIAL CONSIDERATIONS

The Texas Parks and Wildlife Department, as a condition of the grant funding requires a Council approved resolution to be filed for record.

FUNDING/FISCAL IMPACT

An appraisal was done by Foster and Company and the report which was submitted on January 19, 2010 established a market value of \$3,750.00 for the property.

STAFF RECOMMENDATION

Staff recommends approval of the attached resolution dedicating five (5) acres of City property as wetland for perpetuity.

BOARD OR COMMISSION RECOMMENDATION

NA

ATTACHMENTS

Resolution

Field Notes and Property Boundary map

Prepared by:		Disposition by City Council
Name: <u>Mike Hall</u>		<input type="checkbox"/> Approved Ord/Res# _____
Title: <u>Director of Community Services</u>	Item No. <u>6.4</u>	<input type="checkbox"/> Denied
		<input type="checkbox"/> Other _____
		City Secretary _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE TEXAS, DEDICATING FIVE (5) ACRES OF CITY PROPERTY ALONG THE CREEK/DRAINAGE WAY AT LAKE FORT PHANTOM HILL AS DESCRIBED IN EXHIBIT A, ATTACHED, AS WETLAND FOR PERPETUITY, AS REQUIRED BY THE TEXAS PARKS AND WILDLIFE DEPARTMENT; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Abilene desires to provide quality park facilities for the residents of Abilene, and

WHEREAS, by Resolution 27-2008, the City Council authorized the application for a grant from the Texas Parks and Wildlife Department and resolved that the City of Abilene commit “to dedicating non park portions of the area near Sea Bee Park . . . upon award of a Texas Parks and Wildlife Grant, for public park and recreation purposes or as natural preserves in perpetuity.”

WHEREAS, in 2009 the Texas Parks and Wildlife Department approved the grant proposal for the for the improvement of the Lake Fort Phantom Parks, and the City of Abilene entered into a project agreement with the Texas Parks and Wildlife Department.

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

PART 1: In order to fulfill the requirements of the Texas Parks and Wildlife Department’s grant to the City of Abilene, the City Council of Abilene, Texas hereby dedicates five acres of property, as described in Exhibit A, as a wetland preserve in perpetuity.

PART 2: Any prior Resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

PART 3: That the City Manager is authorized to execute all necessary documents to implement this Resolution or fulfill the requirements of the grant from the Texas Parks and Wildlife Department.

PART 4: Should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

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PART 5: This Resolution shall take effect immediately from and after its passage, and it is so duly resolved.

DULY PASSED AND ADOPTED by the City Council of the City of Abilene, Texas, on this the _____ day of February, 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

FIELD NOTES
FOR
A 5,000-ACRES TRACT
OUT OF
LOUIS LANDANT SURVEY NO. 18
JONES COUNTY, TEXAS

BEING a 5,000-acre tract out of the Louis Landant Survey No. 18, Jones County, Texas, and being part of a 76.73-acre tract out of the Louis Landant Survey No. 18 conveyed to The City of Abilene, Taylor County, Texas, recorded in Volume 223, Page 68, Deed Records, Jones County, Texas, said 5,000-acre tract being more particularly described as follows:

Bearings are based on grid north as determined by RTK GPS observation using the City of Abilene's base station. Said base station is a National Geodetic Survey Antenna Reference Point, designated as ABILENE COOP CORS ARP, PID = DE8143. From the said base station, the Point of Beginning bears 31573.13' North 13 degrees 13 minutes 12 seconds East.

BEGINNING at a point within Fort Phantom Hill Lake on the south section line of the Louis Landant Survey No. 18, same being the north section line of the Z. B. Buckholz Survey No. 19, for the southeast corner of this tract, where the calculated southeast corner of the Louis Landant Survey No. 18 bears 733' South 89 degrees 30 minutes 00 seconds East;

THENCE North 89 degrees 30 minutes 00 seconds West (being the Reference Bearing for this description, called WEST) along the south section line of the Louis Landant Survey No. 18, for a distance of 200.00 feet to a point;

THENCE North 46 degrees 58 minutes 37 seconds West for a distance of 521.03 feet to a set 1/2" iron rod with cap, stamped "H&T", at the spillway elevation of 1636.4 feet;

THENCE with the meanders of the spillway elevation of 1636.4 feet:

North 77 degrees 04 minutes 15 seconds East for a distance of 84.74 feet;

North 34 degrees 07 minutes 10 seconds East for a distance of 86.11 feet;

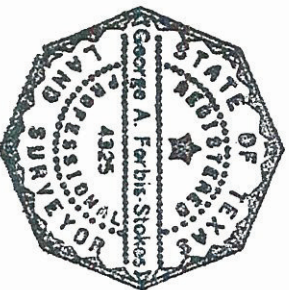
North 14 degrees 40 minutes 04 seconds East for a distance of 194.70 feet to a set 1/2"

iron rod with cap, stamped "H&T";

THENCE South 63 degrees 00 minutes 00 seconds East for a distance of 250.00 feet to a point;

THENCE South 34 degrees 43 minutes 21 seconds East for a distance of 449.33 feet to a point;

THENCE South 27 degrees 00 minutes 00 seconds West for a distance of 171.76 feet to the Point of Beginning, containing 5,000 acres or 217800 square feet.





George A. Forbis-Stokes, RPLS #4325

Date: Dec. 22, 2009

Environmental, Civil & Geotechnical Engineers

Abilene Office
402 Cedar
Abilene, Texas 79601
325.698.5560
325.691.0058 fax

Lubbock Office
6310 Genca Avenue, Suite E
Lubbock, Texas 79424
806.794.1100
806.794.0778 fax

Granbury Office
1301 Crawford Ave.
Granbury, Texas 76048
817.579.6791
817.579.8491 fax

San Antonio Office
1100 NW Loop 410, Suite 733
San Antonio, Texas 78213
210.524.9494
210.366.0198 fax

Plano Office
One Preston Park
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