

City Council
Agenda Memo



City Council
Meeting Date: March 11, 2010

TO: Larry D. Gilley, City Manager
FROM: Don Green, Director of Aviation
SUBJECT: Oral Resolution Accepting Anticipated FY10 FAA Airport Improvement Program Grant 39

GENERAL INFORMATION

The FAA has informed me that it is preparing to disburse AIP Grant 39 in the amount up to \$6,500,000. This grant will fund Air Carrier Ramp Reconstruction Area E, T-Hangar Taxilane Reconstruction Area C and purchase of a new Aircraft Rescue and Fire Fighting Truck. The actual amount of the grant will be the total of the bid process of these projects. FAA requires the city to accept this grant by March 17. The contracts for each of the listed projects will be brought to Council separately in the near future.

FUNDING/FISCAL IMPACT

Accepting the FAA offer for this grant will obligate the City to fund its local share of project costs, as well as agree to grant assurances which the City is currently obligated to under previously accepted grants. The local 5% match is proposed to be funded with general obligation bonds. The dollar amounts of the local match will be detailed in the agenda memos awarding or otherwise approving the individual projects.

STAFF RECOMMENDATION

Staff recommends the City Council authorize the City Manager to accept a possible offer from the FAA for AIP Grant 39.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board will consider at its March 10 meeting to recommend acceptance this grant.

Prepared by: Name <u>Don Green</u> Title <u>Director of Aviation</u>	Item No. <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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City Council
Agenda Memo



City Council
Meeting Date: 03/11/10

TO: Larry D. Gilley, City Manager
FROM: Ronnie C. Kidd, Managing Director for Administration and Civil Service Director
SUBJECT: Amendment 2 to the Meet and Confer Agreement between the City of Abilene and the Abilene Police Officers' Association

A handwritten signature in purple ink, appearing to be "Ronnie C. Kidd", is written over the "Meeting Date" and extends into the subject line area.

GENERAL INFORMATION:

We are currently in the second year of a two year agreement between the City of Abilene and the Abilene Police Officers' Association (APOA) through the Meet and Confer process. The term of the agreement is October 1, 2008 through September 30, 2010. With the current budget situation and the need to have furlough days for employees, APOA desires to amend the agreement to reflect the requirement of police officers to take three (3) furlough days during FY 2010.

SPECIAL CONSIDERATIONS:

None

FUNDING/FISCAL IMPACT:

Estimated cost savings of \$147,210 will be accomplished through the three (3) furlough days for Police officers.

STAFF RECOMMENDATION:

Staff recommends approval of Amendment 2 to the Meet and Confer Agreement between the City of Abilene and the Abilene Police Officers' Association.

ATTACHMENTS

Proposed Amendment 2 to the Meet and Confer Agreement between the City of Abilene and the Abilene Police Officers' Association.

Prepared by: Name <u>Ronnie C. Kidd</u>	Disposition by City Council <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Other
Title <u>Managing Director for Administration</u>	Ord/Res# _____
Item No. <u>6-2</u>	City Secretary _____

**AMENDMENT 2 TO THE MEET AND CONFER AGREEMENT BETWEEN
THE CITY OF ABILENE AND THE ABILENE POLICE OFFICERS'
ASSOCIATION**

WHEREAS, the City of Abilene and the Abilene Police Officers' Association negotiated a Meet and Confer Agreement to be effective for the fiscal years 2008-2009 and 2009-2010; and,

WHEREAS, said Agreement was negotiated and entered by both parties in good faith and by utilizing financial projections that both parties believed to be prudent and reasonable; and,

WHEREAS, unforeseeable financial circumstances beyond the control of either party make the performance of certain aspects of the Agreement difficult without having a negative impact on the delivery of other City services in the immediate future; and,

WHEREAS, the parties are committed to ensuring the continuation of the same level of City services in all departments as currently provided to the citizenry; and,

WHEREAS, the parties remain committed to the agreed upon financial terms and conditions of the Agreement; and,

WHEREAS, Article 14, Savings Clause, provides in part that "this Agreement may be amended by written mutual agreement."

NOW THEREFORE, THE CITY OF ABILENE AND THE ABILENE POLICE OFFICERS' ASSOCIATION AGREE TO THE FOLLOWING AMENDMENTS TO THE AGREEMENT:

Article 12: is amended as set forth below:

Section 4. Furlough Days

Part 1: The City and the Association agree that the City may implement a total of three (3) furlough days during the 2009 – 2010 fiscal year (October 1, 2009 – September 30, 2010) for all officers. A furlough day is defined as one (1) eight (8) hour shift of non duty, non pay status for budgetary reasons. Time not worked during a furlough day will not be counted as work time for the purposes of computing overtime. If an officer is required to work on one or all of the scheduled furlough days then that officer will be paid in accordance with the Agreement and applicable state and federal law. However, an officer that is required to work on a scheduled furlough day remains subject to serving the full three (3) furlough days as permitted under this Section. The three (3) furlough days will be served intermittently instead of continuously to mitigate employee financial hardship. Employees on furlough shall not be scheduled for stand-by or on-call duty.

Serving a furlough day, as permitted by this Amendment, does not constitute a break in service for an officer. Officers' health care and all other benefits will stay in full effect during the furlough days. Officers will continue to accrue vacation and sick leave at their current levels.

Part 2: All other provisions of the Agreement and subsequent Amendments remain unchanged and in effect for the period of time specified by Article 13, Term of Agreement.

Part 3: This Amendment shall become effective upon ratification by the parties. However, any furlough days served by officers prior to the ratification of this Amendment shall count towards the three (3) furlough days permitted by Part 1 of this Amendment and are subject to the terms of this Amendment.

EXECUTED THIS ___ DAY OF MARCH, 2010

FOR THE CITY OF ABILENE, TEXAS:

LARRY D. GILLEY
CITY MANAGER

Date: _____

ATTEST:

DANETTE DUNLAP
CITY SECRETARY

APPROVED:

APPROVED AS TO FORM:

STAN STANDRIDGE, POLICE CHIEF

DAN SANTTEE, CITY ATTORNEY

FOR THE ABILENE POLICE ASSOCIATION:

MIKE HOBBS
PRESIDENT

Date: _____

DEBBIE GLANDON
VICE PRESIDENT

Date: _____

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City Council
Agenda Memo



City Council

TO: Larry D. Gilley, City Manager

Meeting Date: March 11, 2010

FROM: Tommy O'Brien, Director of Water Utilities

SUBJECT: Written Resolution Authorizing Execution of Amendment No. 4 to the Professional Engineering Services Agreement with Enprotec/Hibbs & Todd to Continue Permitting and Other Activities Associated with the Regional Water Supply Project's Cedar Ridge Reservoir

GENERAL INFORMATION

On May 11, 2006 the City Council authorized execution of a Professional Engineering Services Agreement with Enprotec/Hibbs & Todd (eHT), and its team of consultants, to perform a Regional Water Supply Project (Project). In general, the work included evaluating the operations of raw water delivery and the reuse of wastewater effluent as a future water supply. The total contract amount for the first phase of the Project was \$457,100 which has been completed.

On November 16, 2006, the City Council authorized an Amendment to the eHT Agreement to prepare detailed costs for developing Cedar Ridge Reservoir and purchasing raw water from BRA's Possum Kingdom Reservoir. The contract amount for this Amendment was \$325,000, which has been completed.

On October 11, 2007, the City Council authorized Amendment No. 2 to the eHT Agreement to perform preliminary geotechnical soil investigations in the vicinity of the proposed Cedar Ridge Reservoir. The contract amount for Amendment No. 2 was \$167,000, which the city was reimbursed through the Texas Water Allocation Assessment.

On June 26, 2008, the City Council passed a written resolution resolving that it is in the City's best interest to pursue securing the permits, certification, and authorization necessary for the development of Cedar Ridge Reservoir.

On December 18, 2008, the City Council authorized Amendment No. 3 to the eHT Agreement to begin the work associated with permitting Cedar Ridge Reservoir. The first part of this work (Phase 1) involved continued work on geological investigations and the beginning of the environmental work. The contract amount for Amendment No. 3 was \$1,454,300.

Staff seeks to continue the work associated with permitting Cedar Ridge Reservoir. This work will continue over the next several years. The next part of this work (Phase 2) involves continued work on the environmental studies which is intended to provide information necessary to support the filing of the water rights permit application and allow regulatory agency staff to review and assess the potential impact of the proposed Cedar Ridge Reservoir on the natural resources of Texas.

FUNDING/FISCAL IMPACT

The proposed engineering services will be funded from the Water Department Water and Sewer Funds.

STAFF RECOMMENDATION

It is recommended that the City Council approve, by written resolution, Amendment No. 4 to the Professional Services Agreement with Enprotec/Hibbs & Todd, for a not-to-exceed cost of \$2,144,450 to provide engineering services associated with the Regional Water Supply Project, and authorize the City Manager or his designee to execute all necessary documents related to the Agreement and its Amendments. The Amendment will be structured for reimbursement based on actually time spent and expenses, with total compensation not to exceed the amount shown.

ATTACHMENTS

Written Resolution

Prepared by:

Name Tommy O'Brien

Title Director of Water Utilities

Disposition by City Council

Approved Ord/Res#

Denied

Other

City Secretary _____

Item No. 63

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 4 TO A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD TO CONTINUE PERMITTING AND OTHER ACTIVITIES ASSOCIATED WITH THE REGIONAL WATER SUPPLY PROJECT'S CEDAR RIDGE RESERVOIR.

WHEREAS, the City of Abilene, Texas (the "City") serves as a major water supplier for its citizens and for surrounding communities in and near Taylor and Jones Counties, Texas; and,

WHEREAS, the City projects that its water supply demands and that of this region of the state will continue to grow and may exceed available supplies in the future; and,

WHEREAS, the City desires to ensure that it has adequate water supplies to meet future demands and attract new business development to this region of the state; and,

WHEREAS, after extensive investigation and assessment by Enprotec/Hibbs & Todd, on June 26, 2008 the City Council passed a written resolution asserting that it is in the best interest of the City of Abilene to pursue securing permits, certification, and authorization necessary for the development of Cedar Ridge Reservoir; and

WHEREAS, in order to pursue construction of the Cedar Ridge Reservoir it is necessary for the City to apply to the Texas Commission on Environmental Quality ("TCEQ") for a water rights permit, water quality certification and other authorizations as necessary, and to apply to the U.S. Army Corps of Engineers (the "Corps") for a Clean Water Act § 404 permit, and to secure such permits, authorizations, and certifications; and

WHEREAS, the continued work (Phase 2) for the reservoir permitting process involves continuation of environmental work and coordination with federal and state regulatory agencies and landowners impacted by the Cedar Ridge Reservoir; and

WHEREAS, the work under Phase 2 is intended to provide information necessary to support the water rights permit application and allow regulatory agency staff to review and assess the potential impact of the proposed Cedar Ridge Reservoir on the natural resources of Texas;

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

PART 1: The City Manager or his designee is hereby authorized to execute Amendment No. 4 to the Professional Services Agreement with Enprotec/Hibbs & Todd in an amount not to exceed \$2,144,450 for the purpose of continuing the work associated

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with Cedar Ridge Reservoir including the preparation and filing of the applications for the necessary water rights permit, water quality certification, and the Section 404 Permit, and any other work associated with filing and securing the appropriate permits from TCEQ and the Corps for Cedar Ridge Reservoir.

PART 2: The City Manager or his designee shall periodically provide updates to the City Council regarding the status of Phase 2, as well as any other matters related to the permits, filing of the applications, certifications and authorizations, as well as any subsequent consultant reports or studies, challenges or disputes arising out of such application processes, or other matters related to the filling and permitting process that may require City Council authorization.

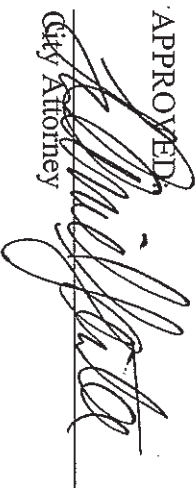
ADOPTED this _____ day of _____, 2010.

ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED



City Attorney

City Council
Agenda Memo



City Council
Meeting Date: 3/11/2010

TO: Larry D. Gilley, City Manager

FROM: Mindy Patterson, Director of Finance *Mindy*

SUBJECT: First Reading of Ordinance Reauthorizing the Municipal Court Technology Fund, Authorizing the Municipal Court Child Safety Fund, Providing for the Assessment and Collection of Fees and Calling a Public Hearing.

GENERAL INFORMATION

Article 102.0172 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Technology Fund which was authorized through an ordinance passed August 24, 2000. It is necessary for City Council to reauthorize that fund to address changes in the Code of Criminal Procedure. Money collected from a \$4 fee assessed against all defendants in Municipal Court who are convicted of a misdemeanor offense will be deposited into this fund and used to finance the purchase of technological enhancements for the Municipal Court.

Similarly, Article 102.014 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Child Safety Fund. The City of Abilene does not currently have such a fund. Money collected from a \$5 fee on each parking violation finding of liability will be deposited into this fund and will be used to fund the City of Abilene school crossing guard program. If the funds collected exceed the amount necessary to fund that program, the remaining money can be expended on other programs designed to enhance child health, safety or nutrition.

The purpose of the attached ordinance is to reauthorize the Municipal Court Technology Fund, establish the Municipal Court Child Safety Fund, and to direct Municipal Court to collect and deposit the fees into the appropriate account.

STAFF RECOMMENDATION

Staff recommends approval.

ATTACHMENTS

Ordinance

Prepared by:		Disposition by City Council
Name: <u>Mindy Patterson</u>		<input type="checkbox"/> Approved Ord/Res# _____
Title: <u>Director of Finance</u>	Item No. <u>64</u>	<input type="checkbox"/> Denied
		<input type="checkbox"/> Other _____
		City Secretary _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REAUTHORIZING THE "MUNICIPAL COURT TECHNOLOGY FUND"; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY FEE; PROVIDING FOR A "MUNICIPAL COURT CHILD SAFETY FUND"; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT CHILD SAFETY FEE; PROVIDING A SEVERABILITY CLAUSE; ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, Article 102.0172 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Technology Fund; and

WHEREAS, City of Abilene Ordinance 38-2000 passed August 24, 2000 initially established the Municipal Court Technology Fund and provided for the assessment and collection of a Municipal Court Technology Fee; and

WHEREAS, it is necessary to reauthorize the Municipal Court Technology Fee to address changes in Article 102.0172 of the Code of Criminal Procedure; and

WHEREAS, Article 102.014 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Child Safety Fund;

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

PART 1: That Chapter 9, "Courts", Article I, "In General" of the Code of Ordinances, City of Abilene, Texas, is hereby amended as set forth in Attachment A.

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

PART 3: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

PASSED ON FIRST READING this 11th day of March, 2010.

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 21st day of March, 2010, 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 25th day of March, 2010, to permit the public to be heard. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING this 25th day of March, 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:



CITY ATTORNEY

Attachment A

ORDINANCE NO. _____

Amend CHAPTER 9, "COURTS", ARTICLE I, "IN GENERAL" of the Code of Ordinances, by adding the following:

Sec. 9-11. Municipal Court Technology Fund.

- a. There is hereby reauthorized a Municipal Court Technology Fund, pursuant to Article 102.0172 of the Code of Criminal Procedure to be maintained as allowed there.
- b. The Municipal Court of the City of Abilene is authorized and required to assess a Municipal Court Technology Fee in the amount of \$4.00 against all defendants convicted of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the Technology Fee. A defendant is considered convicted if:
 1. A sentence is imposed on the person;
 2. The person is placed on community supervision, including deferred adjudication community supervision; or
 3. The court defers final disposition of the person's case.
- c. The clerk of the court shall collect the fee and pay the fee to the Finance Director of the City of Abilene, who shall deposit the fee into the Municipal Court Technology Fund.
- d. The fund shall be used only to finance the purchase of technological enhancements for the Municipal Court of the City of Abilene, Texas, including:
 1. Computer systems;
 2. Computer networks;
 3. Computer hardware;
 4. Computer software;
 5. Imaging systems;
 6. Electronic kiosks;
 7. Electronic ticket writers; or
 8. Docket management systems.
- e. The fund shall be administered by or under the direction of the City Council of the City of Abilene.

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Sec. 9-12. Municipal Court Child Safety Fund.

- a. There is hereby created and established a Municipal Court Child Safety Fund pursuant to Article 102.014 of the Texas Code of Criminal Procedure, as amended.
- b. The Municipal Court of the City of Abilene, Texas is hereby authorized and required to assess a \$5.00 fee on each parking violation finding of liability in Municipal Court.
- c. The clerk of the court shall collect the fee assessed under this section as if it were a fine in a case.
- d. The clerk of the court clerk shall pay the fee to the Finance Director of the City of Abilene, who shall deposit the fee into the Child Safety Fund.
- e. The Child Safety Fund shall be used for the purpose of funding a school crossing guard program so long as the City of Abilene operates one.
- f. In the event the City of Abilene ceases to operate a school crossing guard program, or if the money collected in the fund exceeds the amount necessary to fund the school crossing guard program, the City of Abilene may either deposit the money in an interest-bearing account or expend it for programs designed to enhance child safety, health, or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention or as allowed under Article 102.014 of the Code of Criminal Procedure, as amended.
- g. The Child Safety Fund shall be administered by or under the direction of the City Council of the City of Abilene, Texas.



City Council
Agenda Memo

City Council
Meeting Date: 03/11/2010

TO: Larry D. Gilley, City Manager
FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading on an Ordinance for Case No. Z-2010-02, a request from Noah Project, Inc. to rezone property from RM-2 (Multi Family Residential) to PDD (Planned Development District) zoning, located at 5802 Texas Avenue; and setting a public hearing for March 25, 2010.

GENERAL INFORMATION

Currently the property is zoned RM-2 and is currently vacant. The property to the east is currently developed with a church with apartments further down Texas Avenue. The properties to the north are developed with single-family homes. The property to the west is undeveloped. The properties on the south side of Texas Avenue are primarily single-family and mobile homes.

The Future Land Use section of the Comprehensive Plan designates this general area as residential. The requested PDD zoning can be considered compatible with the Future Land Use Map. The properties to the north have been developed with single family residences and the properties to the south are developed with both single family residences and mobile homes. Texas Avenue is designated as an arterial street which provides a connection between Hwy 277 and Dub Wright Blvd.

STAFF RECOMMENDATION

Staff recommended approval of a PDD

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval of a PDD by a vote of five (5) in favor (Bixby, Canpos, Famble, Rosenbaum, and McClarty), one (1) abstention (Todd), and none (0) opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:		Disposition by City Council
Name: <u>Matt Jones</u>		<input type="checkbox"/> Approved Ord/Res# _____
Title: <u>Planner II</u>		<input type="checkbox"/> Denied
March 3, 2010	Item No. <u>65</u>	<input type="checkbox"/> Other _____
		City Secretary _____

ZONING CASE Z-2010-02 STAFF REPORT



APPLICANT INFORMATION:

Noah Project
Agent: Karen Dansby

HEARING DATES:

Planning & Zoning Commission: March 1, 2010
City Council 1st Reading: March 11, 2010
City Council 2nd Reading: March 25, 2010

LOCATION:

5802 Texas Ave

REQUESTED ACTION:

Rezone property from RM-2 to PDD. The purpose of the PDD is to allow multi-family residential uses, plus a protective shelter and associated offices.

SITE CHARACTERISTICS:

The subject parcels total approximately 4.31 acres and is currently zoned RM-2 (Multi-Family Residential). The parcel is currently vacant. The adjacent properties have RM-2 zoning to the east, MH (Mobile Home) zoning to the south, AO (Agricultural Open Space) to the west, and RS-6 (Single-Family Residential) to the north.

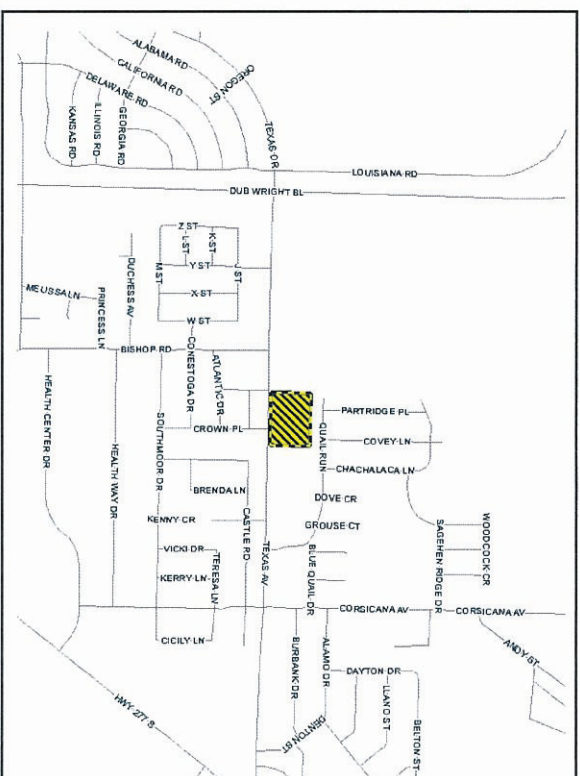
ZONING HISTORY:

The area was annexed in 1959 and zoned RM-2 (Multi-Family Residential) sometime after it was annexed.

ANALYSIS:

- Current Planning Analysis
Currently the property is zoned RM-2 and is currently vacant. The property to the east is currently developed with a church with apartments further down Texas Avenue. The properties to the north are developed with single-family homes. The property to the west is undeveloped. The properties on the south side of Texas Avenue are primarily single-family and mobile homes.
- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as residential. The requested PDD zoning can be considered compatible with the Future Land Use Map. The properties to the north have been developed with single family residences and the properties to the south are developed with both single family residences and mobile homes. Texas Avenue is designated as an arterial street which provides a connection between Hwy 277 and Dub Wright Blvd.



PLANNING STAFF RECOMMENDATION:

Staff recommends approval of a PDD.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

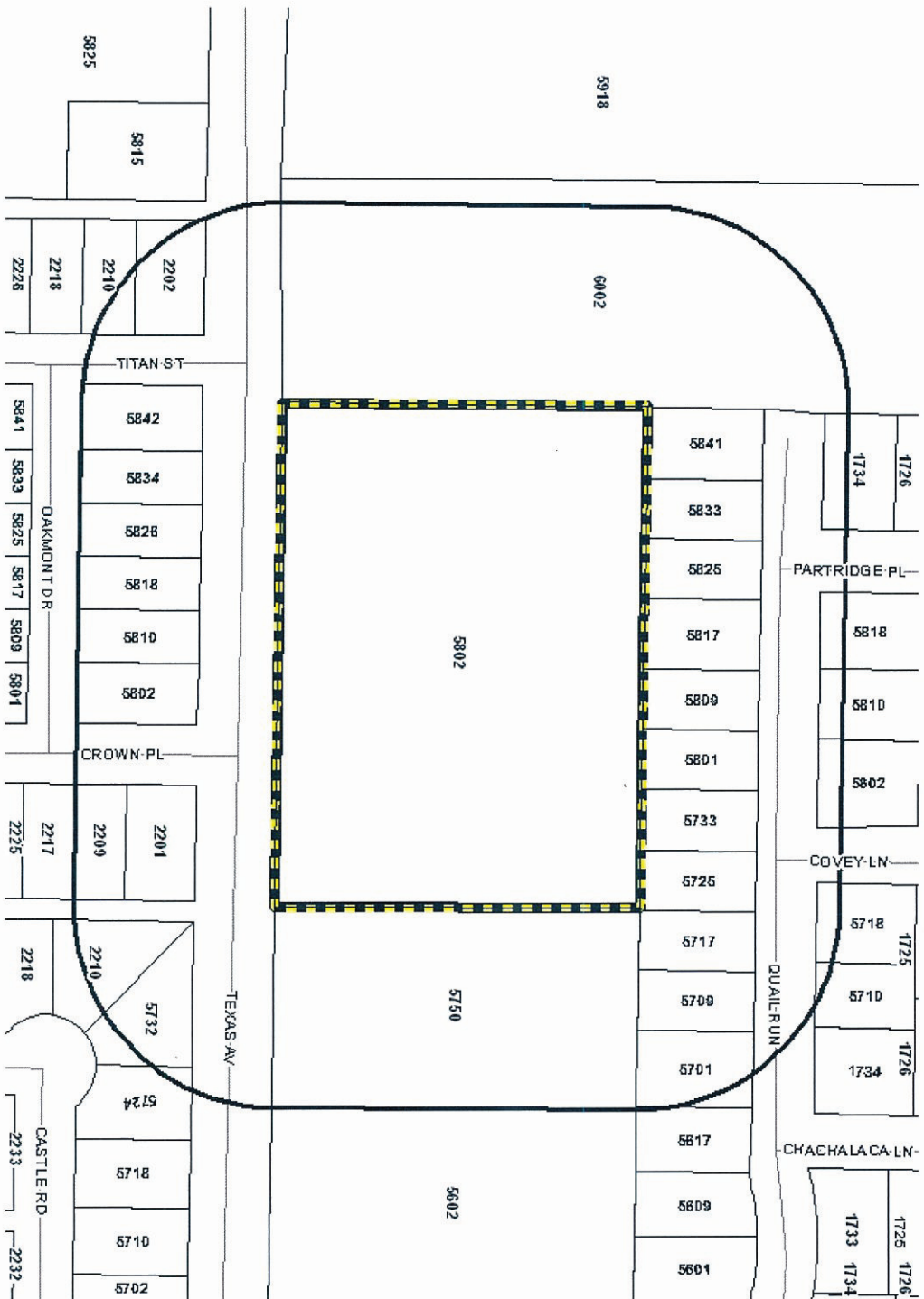
The Planning and Zoning Commission recommended approval of a PDD by a vote of five (5) in favor (Bixby, Campos, Famble, Rosenbaum, and McClarty), one (1) abstention (Todd), and none (0) opposed.

NOTIFICATION:

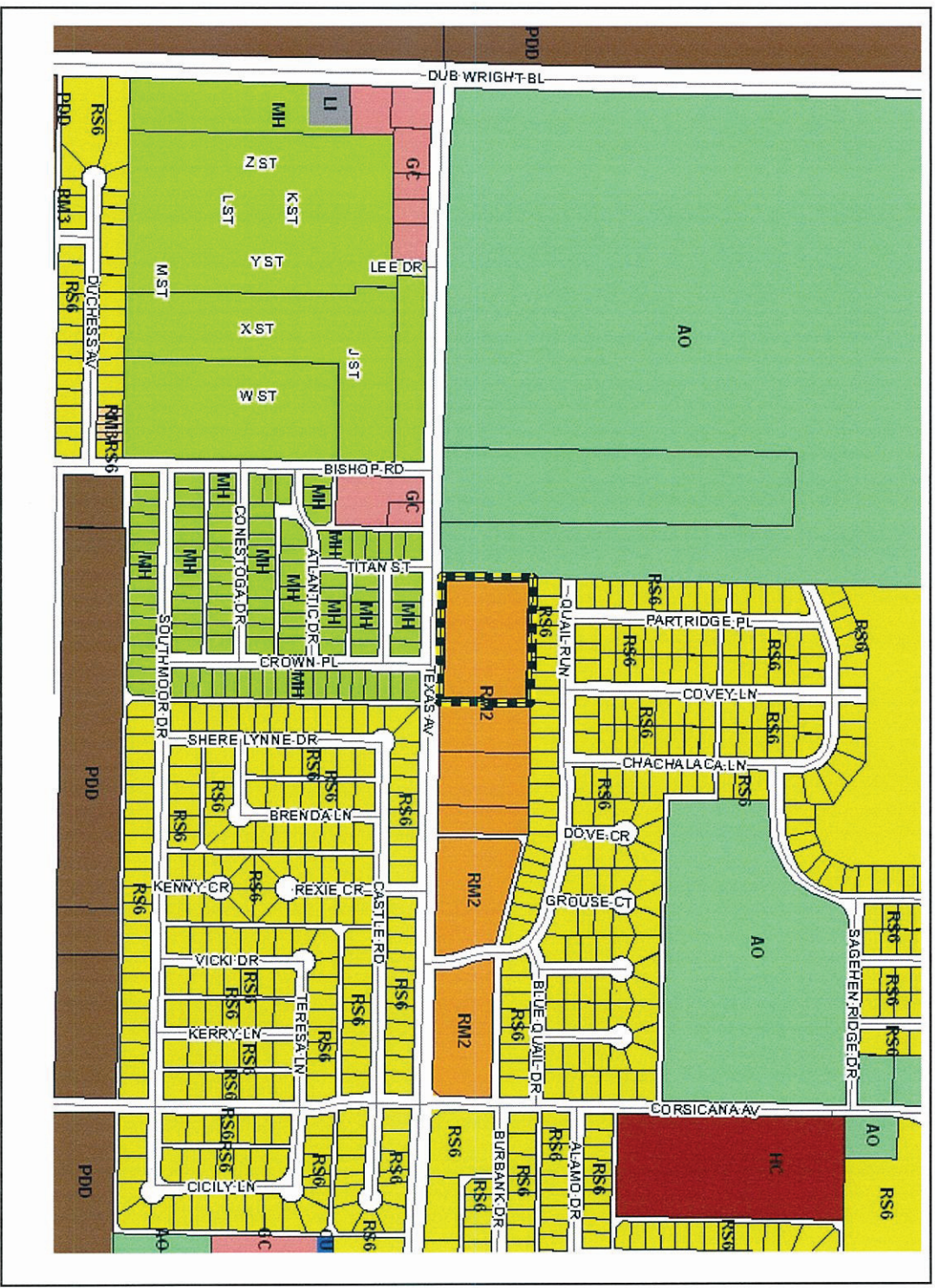
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
CALDERON JOE A & SYLVIA G	5725 QUAIL RUN	
KEITH ANN MARIE	5817 QUAIL RUN	
STEVENS LYNN WADE	2210 SHERE LYNNE DR	
KAERCHER HARRY R &	5724 CASTLE RD	
NEINAST CODY R & ABBY	5701 QUAIL RUN	
WASHBURN PAUL M	5826 OAKMONT DR	
HANSON CHRISTINE C	5809 QUAIL RUN	
SUTHERLIN LORNE D & CAROLYN M	5733 QUAIL RUN	
WASHBURN PAUL SR	2217 CROWN PL	
KRAMER BARRY G & CAROL A	5833 QUAIL RUN	
MOXLEY JOHNNIE L & ANN G	5825 QUAIL RUN	
MURPHY ZACHARY L	5717 QUAIL RUN	
SALEM WILLIAM	5617 QUAIL RUN	
VIDAK SUE A	5842 OAKMONT DR	
GUERRA ARNULFO & DOROTHY	5818 OAKMONT DR	
GUERRA ARNULFO & DOROTHY	5802 OAKMONT DR	
WASHBURN PAUL M TR	2209 CROWN PL	
HORST ROSE M & PAUL J	5710 QUAIL RUN	
RODRIGUEZ JOHNNY JR	5841 QUAIL RUN	
WASHBURN PAUL M TR	5834 OAKMONT DR	
SALEM WILLIAM & JOAN W	5602 TEXAS AV	
MC FADIN KENNETH D	2202 TITAN ST	
O'BRIEN C MICHAEL	2201 CROWN PL	
BRIGHAM FLOYD & HITOMI	5732 CASTLE RD	
MANESS LEWIS C & JUANITA	5802 QUAIL RUN	
VIERHELLER CAROLINE V	1734 PARTRIDGE PL	
IBARRA KARLA L	5818 QUAIL RUN	
RODRIGUEZ RUFUS B & ESTER	5718 QUAIL RUN	
FELLOWSHIP BAPTIST CHURCH	5750 TEXAS AV	
NOAH PROJECT INC	5802 TEXAS AV	
FRY JARED M	5810 QUAIL RUN	
LOGAN JEREMY W	5801 QUAIL RUN	
ERFURT SCOTTY HINEZ JR & HILARY	5709 QUAIL RUN	
GUERRA ARNULFO & DOROTHY	5810 OAKMONT DR	
DAVIS RHONDA MICHELLE	2210 TITAN ST	
CUTLER LETHA ANN BAKER	6002 TEXAS AV	

0 in Favor-
0 Opposed-
N Y

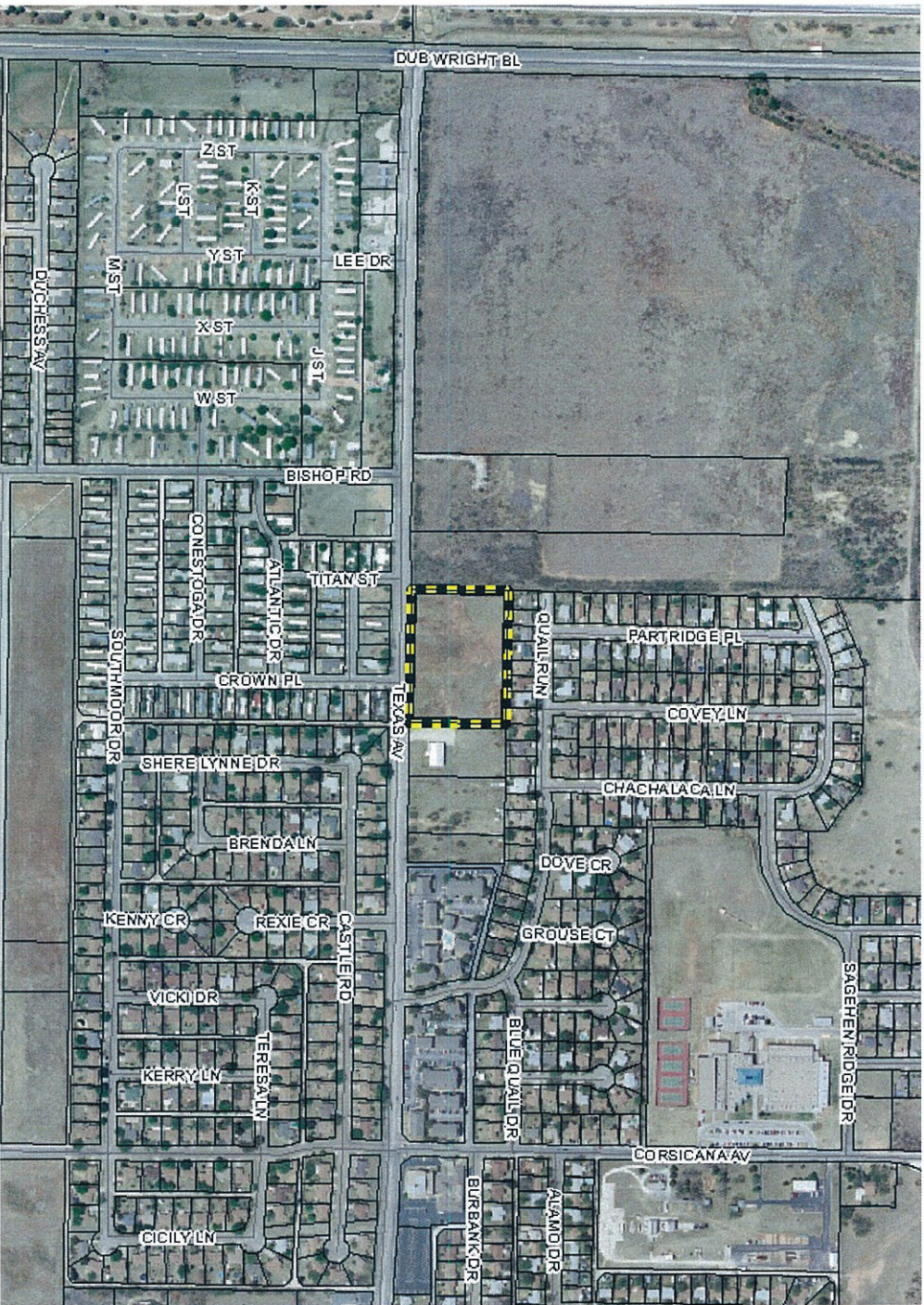


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Case # Z-2010-02
 Updated: March 3, 2010

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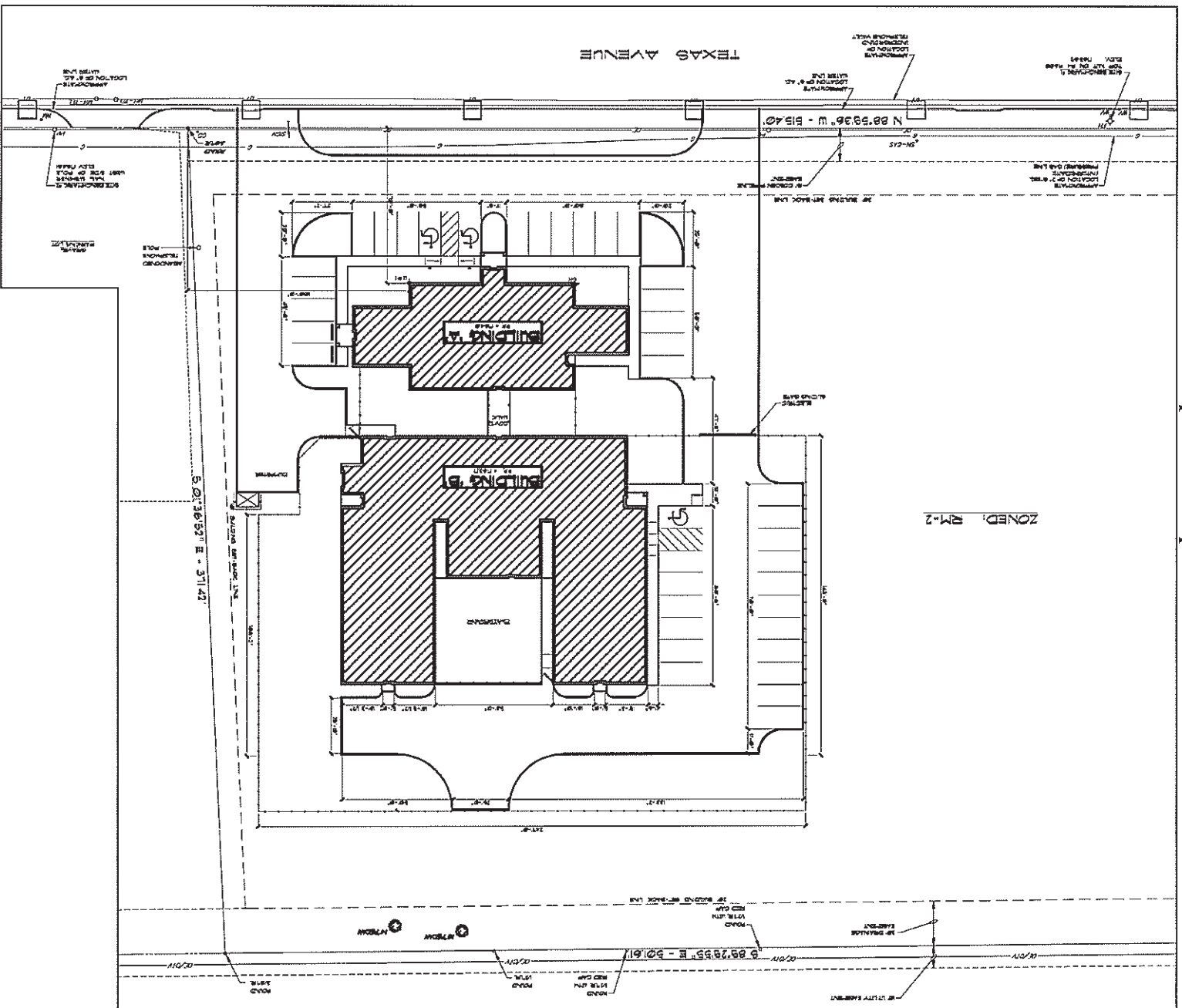


Case # Z-2010-02
Updated: March 3, 2010

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Proposed Concept Plan



ZONED: RM-2

TEXAS AVENUE

N 203326 W - B140

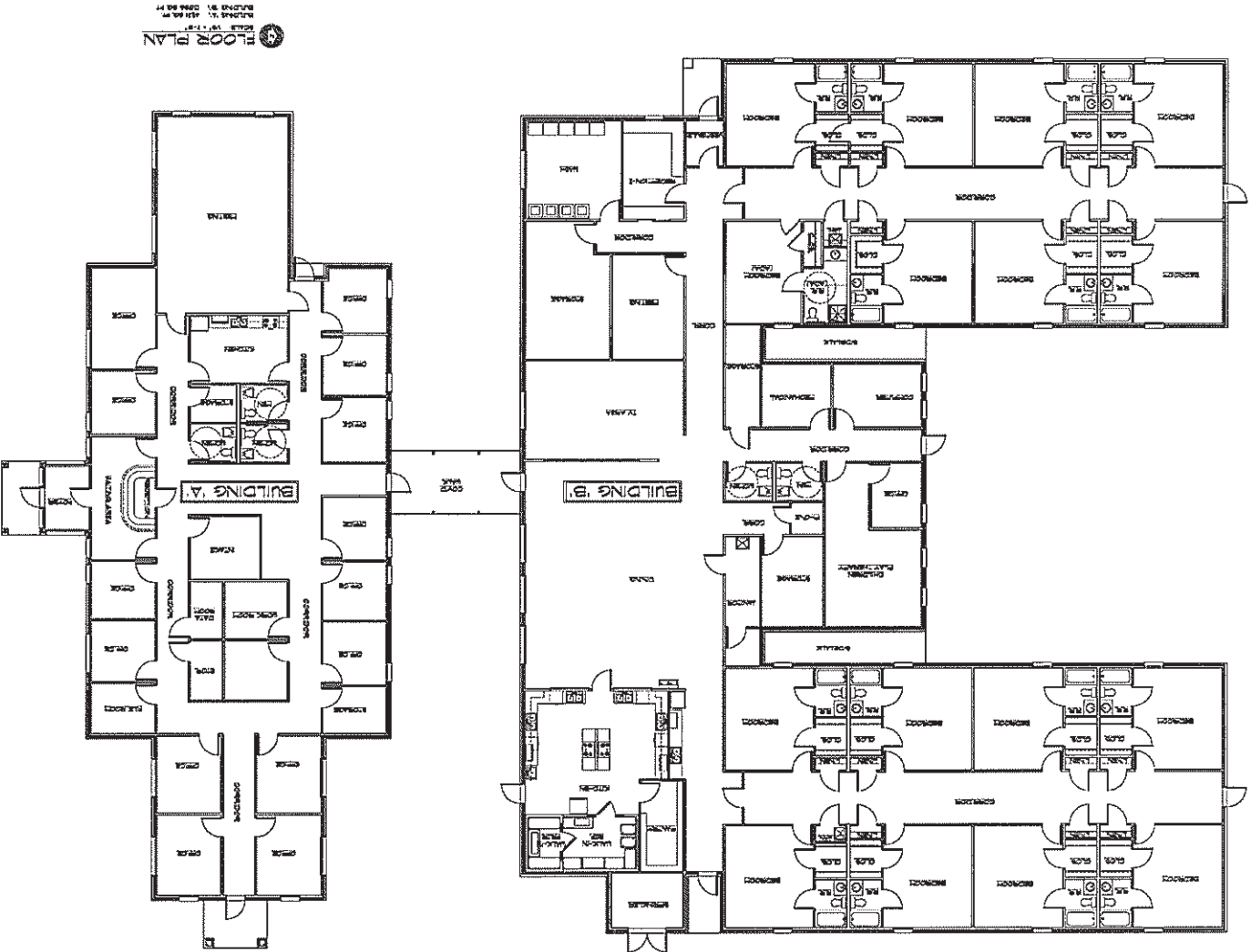
S. 203353 E - 311.47'

S. 203355 E - 501.61'

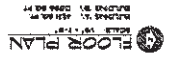
Case # Z-2010-02
Updated: March 3, 2010

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Proposed Floor Plan



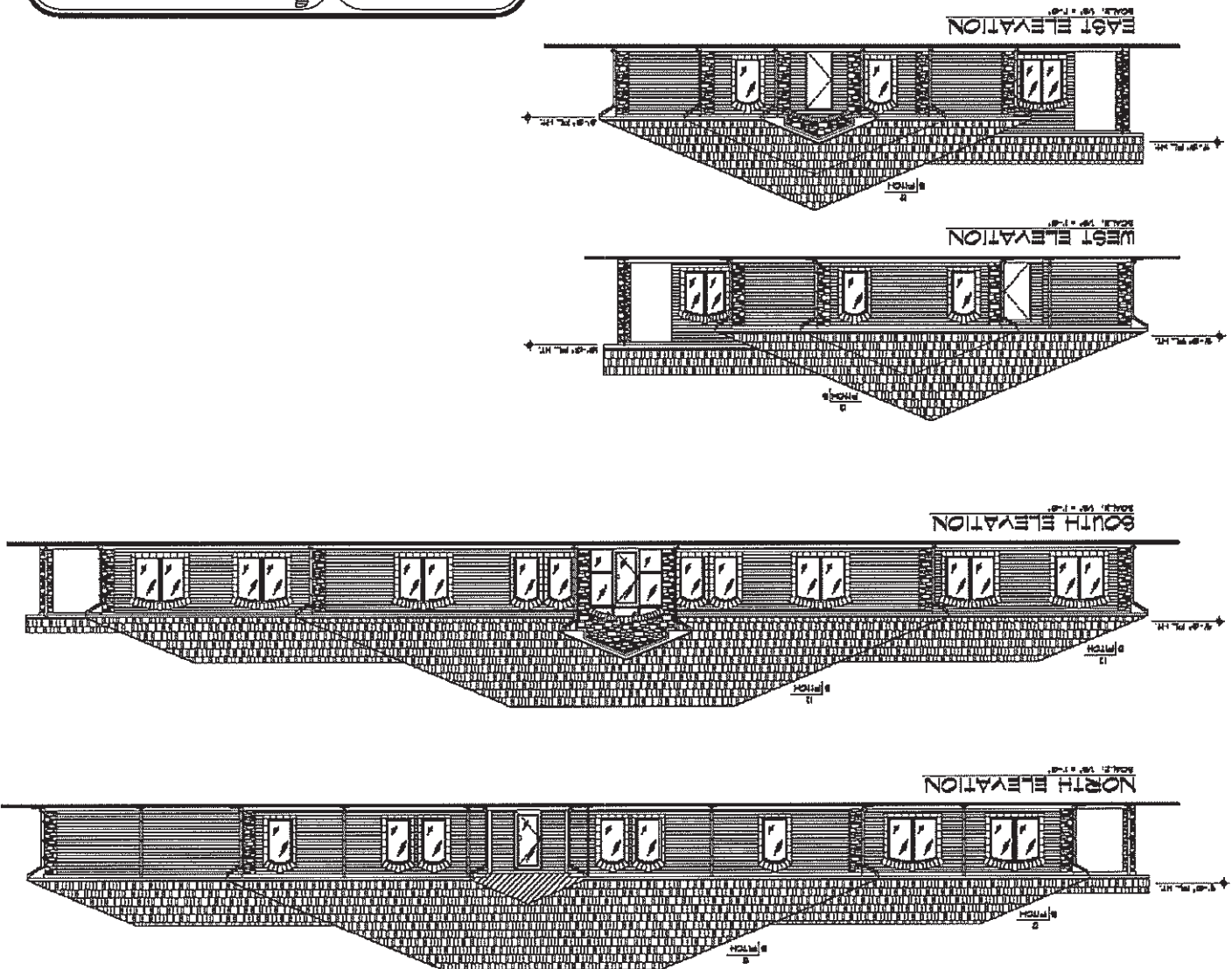
SHEET NO. A-2	DATE 03/23/10	THIS DRAWING REMAINS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE USED IN ANY WAY WITHOUT HIS PERMISSION.
	SCALE AS SHOWN	
FACILITY DESIGNED FOR NOAH PROJECT <small>ASLARS, TEXAS</small>		
PARKER & ASSOCIATES ARCHITECTS & PLANNERS		
FRED B. PARKER • ARCHITECT <small>300 N. COLLIERIA WINTERVILLE, TX TEL: (936) 484-4444</small>		ARCHITECT <small>P.O. BOX 1018 TEXAS 75781 FAX: (936) 484-4444</small>



Case # Z-2010-02
 Updated: March 3, 2010

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Proposed Building Elevations



PARKER & ASSOCIATES
ARCHITECTS & PLANNERS

**NEW FACILITY FOR
NOAH PROJECT**
ARLENE, TX

Case # Z-2010-02
Updated: March 3, 2010

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-129 A 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 Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 11th day of March A.D. 2010.

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 10th day of February, 2010, 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 25th day of March, 2010, 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 25th day of March, A.D. 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:



CITY ATTORNEY

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ORDINANCE NO. _____

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 possession of 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 any 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 District and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development 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 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 "RM-2" (Multi-Family Residential District) to "PDD-129" (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.

ORDINANCE NO. _____
EXHIBIT "A"
PAGE 2

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

A0317 SUR 37 ALEXANDER THOMPSON, TRACT 7 ANDERSON & BERRY, ACRES 4.31

Location: 5802 Texas Ave.

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PART 6: Purpose. The purpose of the Planned Development District (PDD) is to allow for multi-family residential development and an institutional use of a protective shelter and related activities.

PART 7: Specific Modifications. The City of Abilene Zoning Ordinance provisions for the RM-2 zoning district apply to the development of this property, except as modified below.

I. PERMITTED USES:

- A. Uses permitted in the Multi-Family Residential (RM-2) district and to include the following use permitted by right:
- Protective Shelter, to include associated offices

PART 8: Development Schedule. If a building permit is not approved within 18 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to the previous zoning designation.

- END -

L. Spg. 14

City Council
Agenda Memo



City Council
Meeting Date: 03/11/2010

TO: Larry D. Gilley, City Manager
FROM: Megan R. Santee, Interim Director of Public Works *MR S*
SUBJECT: Award Bid #CB-1018 – Mockingbird Seal and Surfacing

GENERAL INFORMATION

This contract involves spot full depth pavement repair with a two course preventative maintenance surfacing of Mockingbird between Vogel Avenue and South 3rd Street.

FUNDING/FISCAL IMPACT

The construction costs of this project are to be reimbursed to the City through the American Reinvestment and Recovery Act of 2009 (aka the Federal Government's "Economic Stimulus" package), as per the signed Advance Funding Agreement with the Texas Department of Transportation.

The City will be responsible for materials testing and construction cost overruns on the project. Funds are available to pay for these costs from leftover money from previously sold Certificates of Obligation and General Obligation bonds.

STAFF RECOMMENDATION

Staff recommends that Council award Bid #CB-1018, to J.H. Strain & Sons, Inc., of Tye, Texas, in the amount of \$394,585.85.

ATTACHMENTS

Bid Tabulation Sheet

Prepared by: Name: <u>Cody Marshall, P.E.</u> Title: <u>City Engineer</u>	Item No. <u>6</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____
		City Secretary _____

City Council
Agenda Memo



City Council
Meeting Date: 03/11/2010

TO: Larry D. Gilley, City Manager
FROM: Megan R. Santee, Interim Director of Public Works
SUBJECT: Award Bid #CB-1019 – Judge Ely Surface Treatment

MSR

GENERAL INFORMATION

This contract involves the full depth reconstruction of Judge Ely between I-20 and 1000' north of Ambler Avenue and spot full depth pavement repair with a two course preventative maintenance surfacing of Judge Ely from there to E.S. 11th Street.

FUNDING/FISCAL IMPACT

The construction costs of this project are to be reimbursed to the City through the American Reinvestment and Recovery Act of 2009 (aka the Federal Government's "Economic Stimulus" package), as per the signed Advance Funding Agreement with the Texas Department of Transportation.

The City will be responsible for materials testing and construction cost overruns on the project. Funds are available to pay for these costs from leftover money from previously sold Certificates of Obligation and General Obligation bonds.

STAFF RECOMMENDATION

Staff recommends that Council award Bid #CB-1019, to Bontke Brothers Construction Co., Inc., of Abilene, Texas, in the amount of \$878,041.94.

ATTACHMENTS

Bid Tabulation Sheet

Prepared by: Name: <u>Cody Marshall, P.E.</u> Title: <u>City Engineer</u>	Item No. <u>67</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other
		City Secretary _____

**CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS**

DEPARTMENT: ENGINEERING
BID NO.: CB-1019
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: FEBRUARY 23, 2010

**BONTKE BROTHERS
CONSTRUCTION CO., INC.**
 ABILENE, TX

J.H. STRAIN & SONS, INC.
 TYE, TX

**STEPHENS MARTIN
PAVING, L.P.**
 ABILENE, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	JUDGE ELY SURFACE TREATMENT				*878,041.94		927,267.66		991,324.46						
BASE BID					*878,041.94	927,267.66		991,324.46							
DISCOUNT															
TOTAL BID					*878,041.94	927,267.66		991,324.46							

*NOTES: INDICATES RECOMMENDED AWARD

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City Council
Agenda Memo



City Council
Meeting Date: 03/11/2010

TO: Larry D. Gilley, City Manager
FROM: Megan R. Santee, Interim Director of Public Works
SUBJECT: Award Bid #CB-1020 – Barrow Street Rehabilitation

A handwritten signature in blue ink, appearing to read "MRS", is written over the "FROM:" line.

GENERAL INFORMATION

This contract involves rehabilitation of the pavement surface on Barrow Street between South 14th Street and South 27th Street.

FUNDING/FISCAL IMPACT

The construction costs of this project are to be reimbursed to the City through the American Reinvestment and Recovery Act of 2009 (aka the Federal Government's "Economic Stimulus" package), as per the signed Advance Funding Agreement with the Texas Department of Transportation.

The City will be responsible for materials testing and construction cost overruns on the project. Funds are available to pay for these costs from leftover money from previously sold Certificates of Obligation and General Obligation bonds.

STAFF RECOMMENDATION

Staff recommends that Council award Bid #CB-1020, to J.H. Strain & Sons, Inc., of Tye, Texas, in the amount of \$583,112.33.

ATTACHMENTS

Bid Tabulation Sheet

Prepared by:		Disposition by City Council
Name: <u>Cody Marshall, P.E.</u>		<input type="checkbox"/> Approved Ord/Res# _____
Title: <u>City Engineer</u>	Item No. <u>68</u>	<input type="checkbox"/> Denied
		<input type="checkbox"/> Other
		City Secretary _____

**CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS**

DEPARTMENT: ENGINEERING
BID NO.: CB-1020
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: FEBRUARY 23, 2010

J.H. STRAIN & SONS, INC.
TYE, TX

**STEPHENS MARTIN
PAVING, L.P.**
ABILENE, TX

**BONTKE BROTHERS
CONSTRUCTION CO., INC.**
ABILENE, TX

CONTRACT PAVING CO.
TYE, TX

RYAN MATERIALS, INC.
NEW BRAUNFELS, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	BARROW STREET REHABILITATION				*583,112.33		613,395.66		684,599.92		696,660.95		809,703.50		
	BASE BID				*583,112.33		613,395.66		684,599.92		696,660.95		809,703.50		
	DISCOUNT														
	TOTAL BID				*583,112.33		613,395.66		684,599.92		696,660.95		809,703.50		

*NOTES: INDICATES RECOMMENDED AWARD

6.8
05.2