

**City Council Agenda Memo**



**City Council  
Meeting Date: July 28, 2011**

**TO: Larry D. Gilley, City Manager**

**FROM: David A. Vela, Assistant City Manager**

**SUBJECT: Authorizing the City Manager to enter into a marketing agreement with Utility Service Partners Private Label, Inc., d/b/a Service Line Warranties of America (SLWA)**

**GENERAL INFORMATION**

Typically a homeowner is responsible for maintaining portions of their water service and sanitary sewer laterals. In the City of Abilene the home owner is responsible for maintaining the section of line on their private property beyond the water meter. Repairs to these service lines can be very costly and inconvenient for the homeowner. These repairs are usually not covered by a homeowner's insurance policy unless the need for the repair **was** created by a specific insurable incident such as a natural disaster or a fire. This being the case, there are likely some residents within the city for whom a water/sanitary service warranty program would be an attractive option.

United Service Partners (USP) offers their programs on a city-wide basis, but participation is optional for individual households and can be obtained for a monthly fee of \$4.50-water, \$5.50-sewer. Homeowners who participate are not required to sign a long-term contract and they may opt out of the coverage at any time.

Implementing the water and sewer line protection program in Abilene would require a marketing agreement with USP, which includes a non-exclusive license to use the City's name and logo on marketing materials to be used in advertising, all at USP's expense and subject to City's prior review and approval. All customer mail-outs, customer billing, plumber selection, call taking, plumber dispatching, and payments to vendors remain the responsibility of USP.

USP is the parent company that administers the program. Plumbing services are provided by local, city-based vendors. USP screens and selects local plumbers based on criteria such as response times, adherence to mutually-agreed upon costs for service, and reputation with the Better Business Bureau.

Benefits for homeowners are the optional protection policy at a nominal monthly fee and lateral line repairs made at no cost to the homeowner, sans the policy premium. The benefit for our community is that all services are provided by local plumbers. Benefits for the City include a potential reduction in callouts for lateral line backups and potential revenue-sharing, where 12% of premium revenues will be paid to the City annually, at Council's discretion.

A representative from USP will be on hand to provide additional information.

**STAFF RECOMMENDATION**

Staff recommends the Council give the City Manager the authority to enter into a marketing agreement with USP.

**ATTACHMENTS**

Marketing agreement

Prepared by:  Name: <u>David A. Vela</u>  Title: <u>Assistant City Manager</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: 07/28/2011

**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-2011-15, a request from Minda Street Church of Christ to rezone property from RS-6 (Single Family Residential) to NR (Neighborhood Retail) zoning, located at 855 Minda St.; and setting a public hearing for August 11, 2011.

**GENERAL INFORMATION**

Currently the property is zoned RS-6 and has been developed as a church facility. The subject property is at the intersection of two collector streets. The properties to the north and east are developed with single family residential dwelling units. The property to the west has been developed as a park. The property to the south has been developed as an industrial use.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant is requesting the zone change in order to upgrade their existing signage. The requested zoning would be compatible with the surrounding land uses. The requested NR zoning is compatible with low density residential and given that the property is at the intersection of two collector streets, NR is an appropriate zoning classification.

**STAFF RECOMMENDATION**

Staff recommends approval as requested.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommended approval of a smaller portion of the request by a vote of five (5) in favor to none (0) opposed and one (1) abstention.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

July 14, 2011

Item No. 6.2

Disposition by City Council

- Approved      Ord/Res# \_\_\_\_\_
- Denied      \_\_\_\_\_
- Other      \_\_\_\_\_

\_\_\_\_\_  
City Secretary

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "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, Subpart E, 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 28<sup>th</sup> day of July A.D. 2011.

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 15<sup>th</sup> day of June, 2011, 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 11<sup>th</sup> day of August, 2011 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 11<sup>th</sup> day of August, A.D. 2011.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

Rezone property from RS-6 (Single Family Residential) to NR (Neighborhood Retail) zoning.

Legal Description:

APPROXIMATELY 1.12 ACRES, BEING A PORTION OF WILLIAMS ESTATE SUB CONT 1, BLOCK A, LOT 129 REP AS SHOWN IN THE FOLLOWING MAP

Location:

855 Minda St.



-END-

# ZONING CASE Z-2011-15

## STAFF REPORT



### APPLICANT INFORMATION:

Minda Street Church of Christ

### HEARING DATES:

Planning & Zoning Commission: July 5, 2011

City Council 1<sup>st</sup> Reading: July 28, 2011

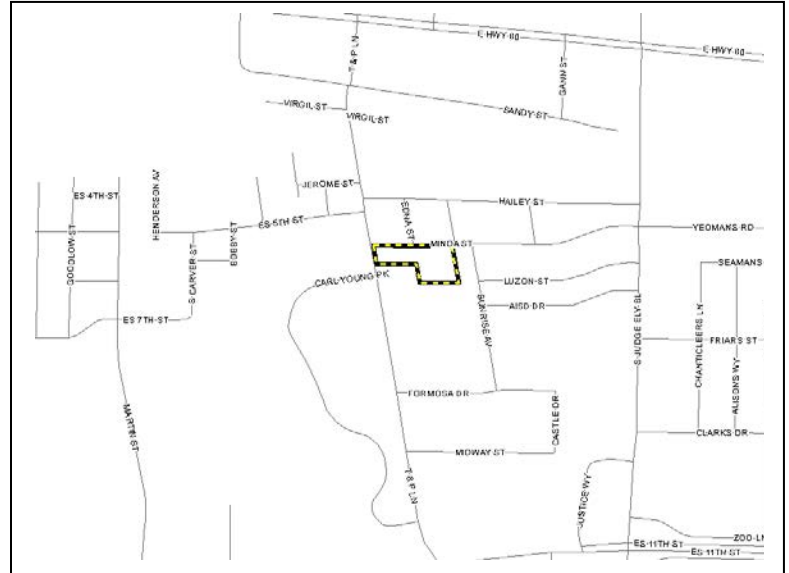
City Council 2<sup>nd</sup> Reading: August 11, 2011

### LOCATION:

855 Minda Street

### REQUESTED ACTION:

Rezone property from RS-6 to NR.



### SITE CHARACTERISTICS:

The subject parcel is approximately 3.2 acres and is currently zoned RS-6 (Single Family Residential). The property has been developed as a church facility. The adjacent properties have RS-6 (Single Family Residential) zoning to the north and east, AO (Agricultural Open Space) to the west and HI (Heavy Industrial) to the south.

### ZONING HISTORY:

The property was annexed in 1957 and was zoned RS-6 sometime after it was annexed.

### ANALYSIS:

#### • Current Planning Analysis

Currently the property is zoned RS-6 and has been developed as a church facility. The subject property is at the intersection of two collector streets. The properties to the north and east are developed with single family residential dwelling units. The property to the west has been developed as a park. The property to the south has been developed as an industrial use.

#### • Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant is requesting the zone change in order to upgrade their existing signage. The requested zoning would be compatible with the surrounding land uses. The requested NR zoning is compatible with low density residential and given that the property is at the intersection of two collector streets, NR is an appropriate zoning classification.

### PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

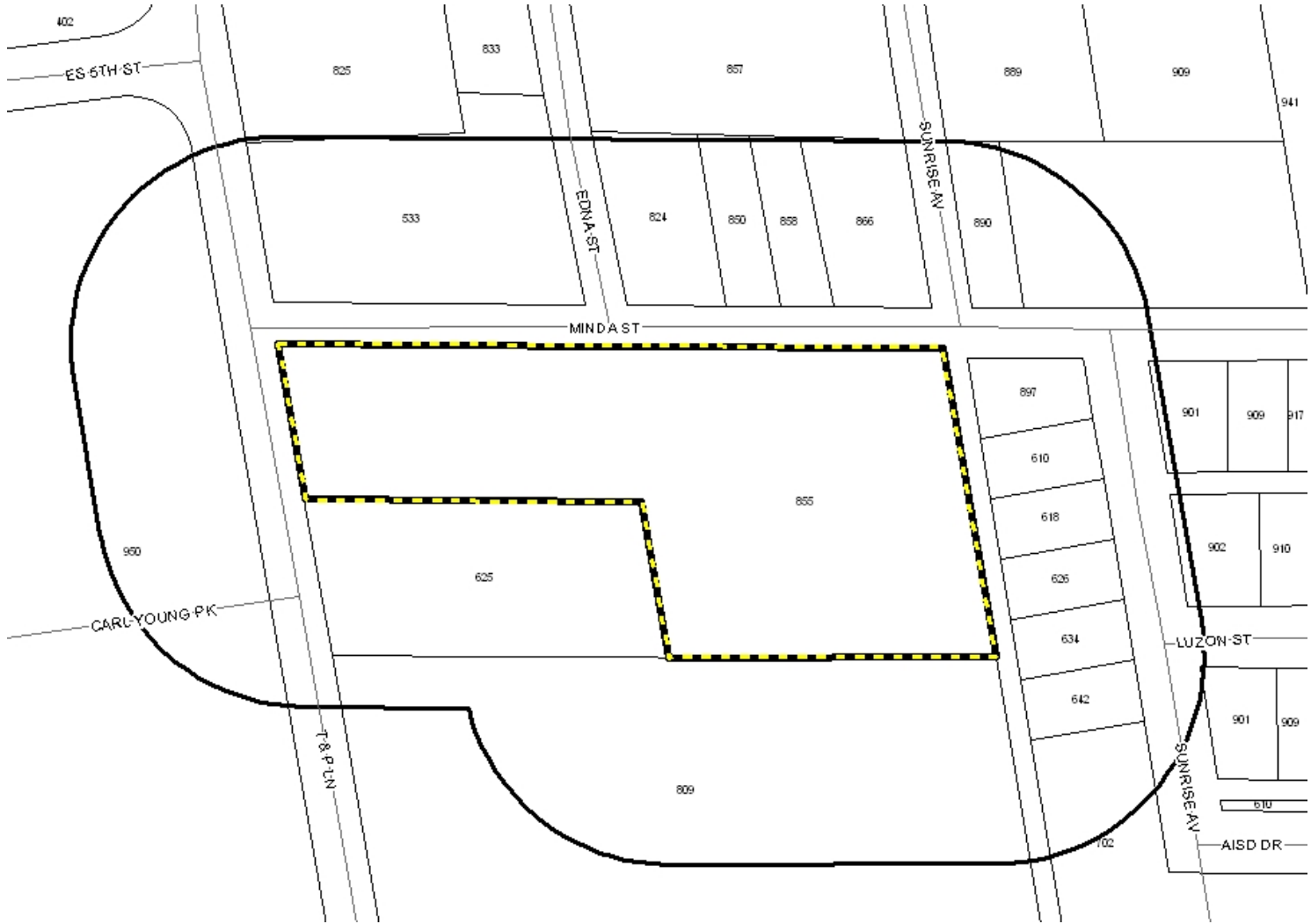
The Planning and Zoning Commission recommended approval of a smaller portion of the request by a vote of five (5) in favor to none (0) opposed and one (1) abstention.

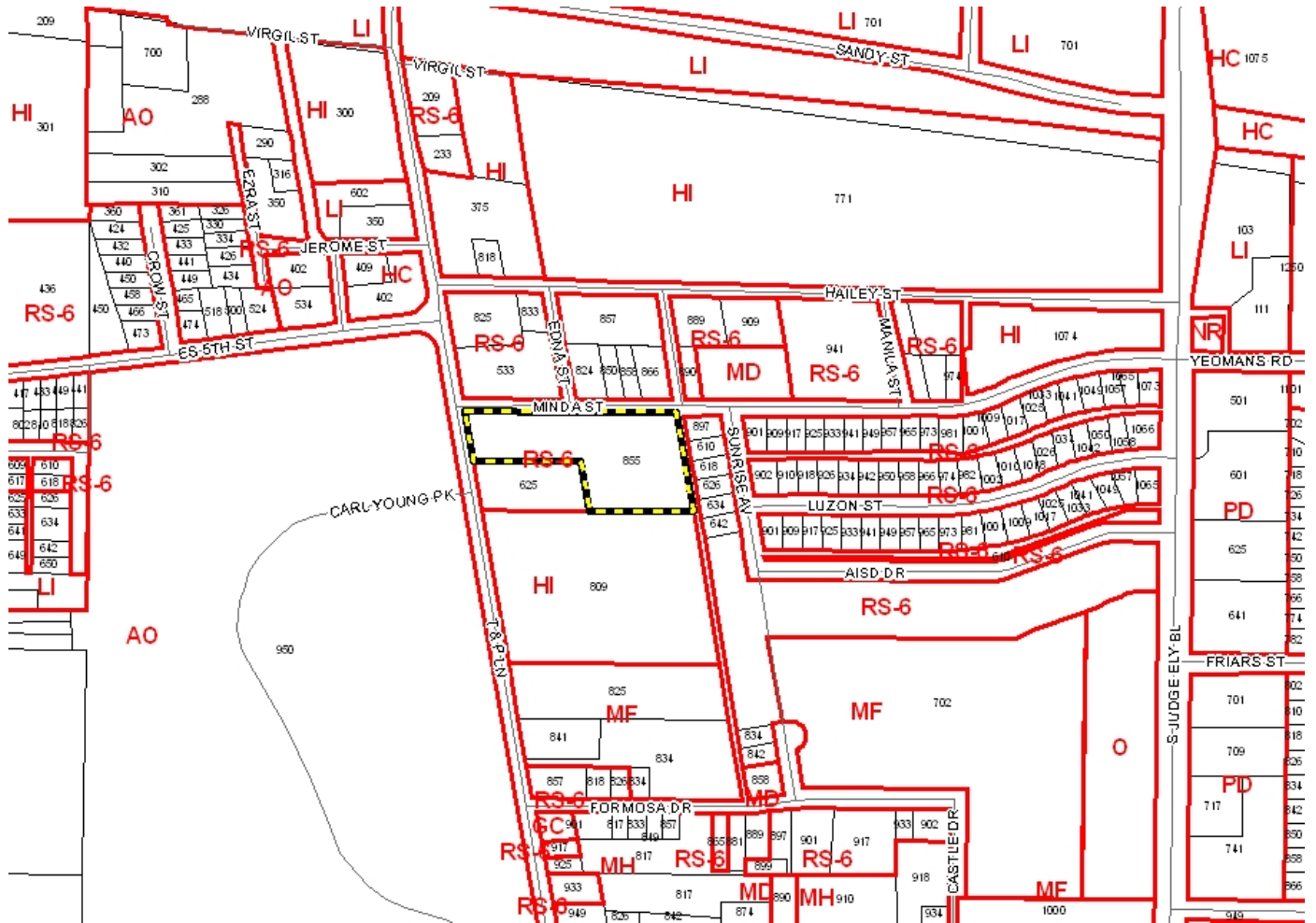
**NOTIFICATION:**

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

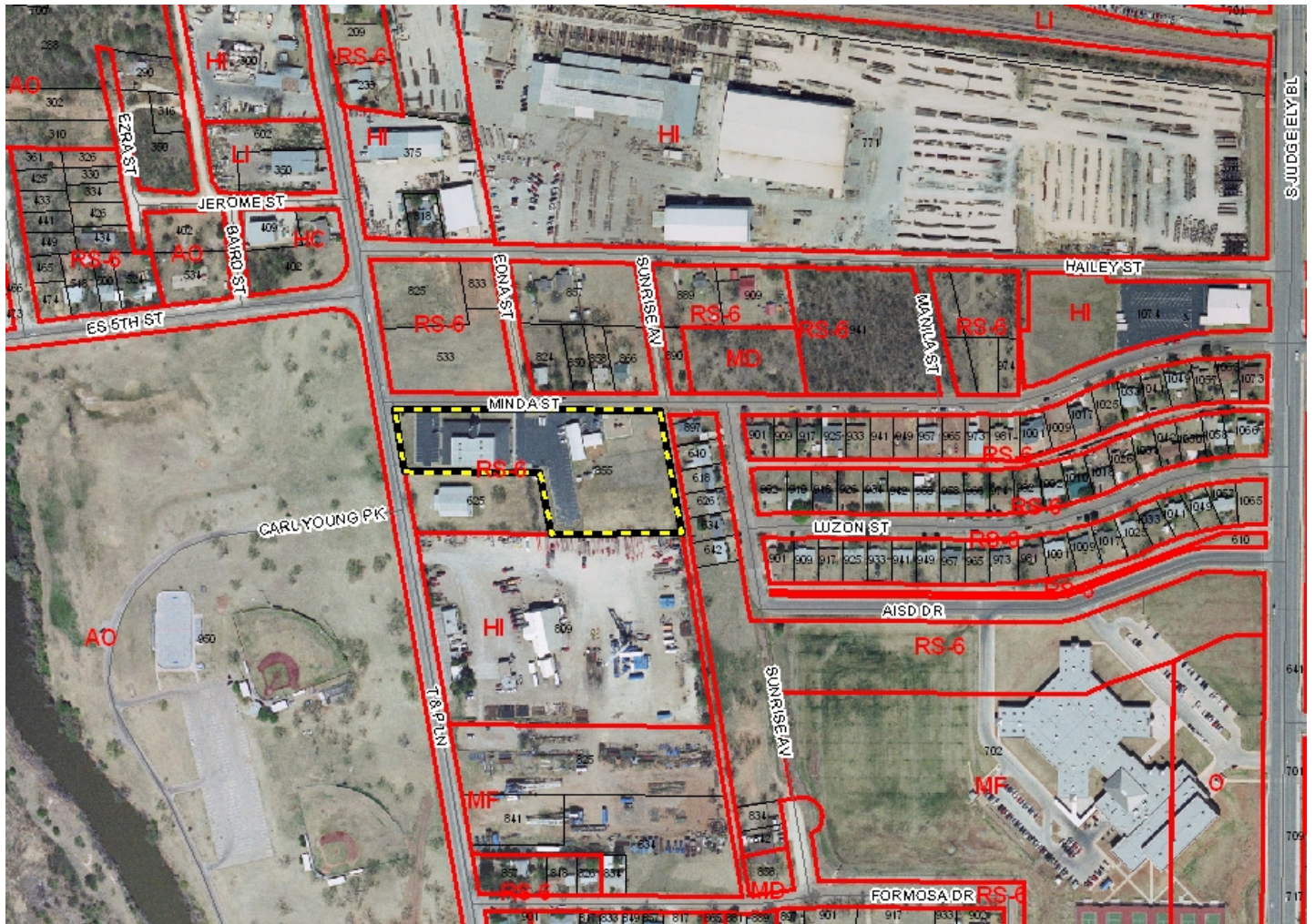
OWNER	ADDRESS	RESPONSE
RAMIREZ ROY	901 MINDA ST	
DARDEN STANLEY LEE	901 LUZON ST	
BATISTE JAMES H JR & JANET	858 MINDA ST	
GINDRATT CURTIS & BETTYE	824 MINDA ST	
MORNINGSTAR BAPTIST CHURCH	625 T & P LN	
DRONES FRANK & DOROTHY J	634 SUNRISE AV	
FLORES JOSE III AKA FLORES JOE &	897 MINDA ST	
GUAJARDO RAYMOND JR	889 HAILEY ST	
MINDA ST CHURCH OF CHRIST	855 MINDA ST	
JOHNSON DESSIE MAE	902 LUZON ST	
BROWN GRANT B &	626 SUNRISE AV	
BANDERA ENERGY INC	809 T & P LN	
FISHER KERRI K	642 SUNRISE AV	
SERRANO PEDRO	618 SUNRISE AV	
ABILENE INDEPENDENT	702 S JUDGE ELY BL	
MATTEA ROGER	850 MINDA ST	
MINDA STREET CHURCH OF	825 HAILEY ST	
RIVERA ABRAN A & LEONOR H	866 MINDA ST	
RIVERA ABRAM A	890 MINDA ST	
MINDA ST CHURCH OF CHRIST	533 T & P LN	
MORREN MYRTLE FRANCES	857 HAILEY ST	
YOUNG MAE DELL LIFE ESTATE	610 SUNRISE AV	
CITY OF ABILENE CAL	950 T & P LN	
RODRIGUEZ SANTOS & JANIE		

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













**City Council  
Agenda Memo**



**Meeting Date: 07/28/11**

**TO: Larry D. Gilley, City Manager**  
**FROM: Megan R. Santee, Director of Public Works**  
**SUBJECT: Buy Board purchase of Rubber Tired Skid Steer Loader**

**GENERAL INFORMATION**

The purpose of this agenda memo is to request approval to purchase a replacement rubber tired skid steer loader for use by the Street Maintenance Services Division of Public Works. The skid steer loader will come with the following attachments and or options: hydraulic quick coupler, a forty inch (40) cold planer, hydraulic hammer, angle broom, combination bucket, and enclosed cab with heater and air conditioner. The rubber tired loader is used daily in the rehabilitation and maintenance of the city's street and alley systems.

Staff is proposing to purchase a Caterpillar model from the Local Government Purchasing Cooperative (Buy Board). The Public Works Department currently has two other Caterpillar skid steer loaders used in creek cleaning. The purchase of this model will allow the sharing of attachments and equipment thereby providing a cost savings. This model is also in stock and delivery would be expected within 5 days.

**FUNDING/FISCAL IMPACT**

Approval for the purchase of this item is provided by the Equipment Replacement Fund approved during FY 2009 -2010.

**STAFF RECOMMENDATION**

Approval of purchase from Warren Caterpillar, Abilene TX, through the Local Government Purchasing Cooperative (Buy Board) in the total amount not to exceed \$76,074.43

Prepared by:

Name: Rodney D. Abila

Title: Street Division – Program Administrator

Item No. 6.3

Disposition by City Council

Approved      Ord/Res#

Denied      \_\_\_\_\_

Other

\_\_\_\_\_  
City Secretary