

**City Council
Agenda Memo**



**City Council
Meeting Date: August 11, 2011**

TO: Larry D. Gilley, City Manager

FROM: Ken Dozier, Fire Chief

SUBJECT: Oral Resolution the City Manager to enter into a Charitable Solicitation Agreement Between the Muscular Dystrophy Association and the City of Abilene for the Fill the Boot Campaign.

GENERAL INFORMATION

The Muscular Dystrophy Association (“MDA”) has a yearly campaign in the City of Abilene (“City”) where volunteers solicit funds in the City right-of-ways as part of the MDA’s “Fill the Boot Campaign” (“Campaign”). The money raised during the event allows the MDA to provide services to over 400 clients in the City of Abilene that includes financial assistance for wheelchairs, leg braces, communication devices, support groups, summer camps for children, and research grants to find treatments and cures.

In order to utilize the City right-of-ways the City and the MDA enter into a Charitable Solicitation Agreement in which the City gives permission to the MDA to use designated portions of the City right-of-way to conduct the Campaign.

The first 2011 Campaign of this kind took place in May. At that time the firefighters from Dyess Air Force Base were unable to participate. However, they would still like to assist the MDA and have requested a second event to take place on August 19 and 20th.

The attached Resolution authorizes the City Manager to enter into a Charitable Solicitation Agreement that would allow the firefighters from Dyess Air Force Base to hold a second “Fill the Boot” event.

FUNDING/FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval.

ATTACHMENTS

Charitable Solicitation Agreement

Prepared by: Name: Theresa James Title: Assistant City Attorney	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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CHARITABLE SOLICITATION AGREEMENT

The following is an agreement between the City of Abilene, Texas, a municipal corporation chartered under the laws of the State of Texas, ("City") and the Muscular Dystrophy Association, ("the MDA") for the purpose of allowing the MDA and its various volunteers and to solicit funds within the City owned/maintained public right-of-way for a specified period of time.

WHEREAS, the MDA is desirous of utilizing various sections of the public right-of-way owned/maintained by the City,

WHEREAS, the City finds that it is in the best interest of the community that that Association be allowed to use these sections of the public right-of-way,

THEREFORE, in consideration of the hereafter mentioned covenants, the parties agree as follows:

1.

That MDA may use those portions of the public right-of-way, designated by the City, for the purposes of conducting charitable solicitations. These solicitations may be conducted at between the hours of 7:00 a.m. and 7:00 p.m. on August 19, 2011 through August 20, 2011 as agreed to by the MDA and the City.

2.

That charitable solicitations under this agreement may be conducted only at locations authorized as follows:

The intersection of South 27th Street and Clack not including any state maintained and controlled right-of-way.

3.

That for all purposes hereunder, the MDA, their employees, agents, representatives, participants, volunteers, volunteer agencies and invitees, regardless of employment status with the City, shall not, with respect to their acts or omissions under this agreement, be deemed agents or employees of the City. Further, the MDA shall indemnify, hold harmless and defend the City from and against any and all claims, liens, suits, demands, and/or actions for damages, injuries to persons (including death), property damage (including loss of use), and expenses (including court costs, attorney's fees, and other reasonable costs) arising out of or incidental to the MDA, their employees, agents, representatives, participants, volunteers, volunteer agencies and invitees use of said public right-of-way as authorized in this agreement.

5.

That the MDA shall be solely responsible for the safety and health of all participants involved in solicitations. It is expressly understood and agreed that the MDA is solely responsible for any damages they may cause to the public right-of-way.

6.

That the MDA will provide all necessary equipment for solicitations, unless otherwise agreed to by the parties.

7.

That participants in these solicitations, including the MDA's employees, agents, representatives, participants, and volunteers, shall wear reflective vests while conducting solicitations.

8.

That during charitable solicitations under this agreement, the MDA will not infringe or solicit upon right-of-way owned/maintained by the State of Texas and accepts sole responsibility for any action taken by the State of Texas against such solicitation. The MDA further agrees to cease operations under this agreement if requested to do so by an officer of the City of Abilene Police Department.

9.

That the City may cancel this agreement at any time if the City determines that it is in its best interest to do so.

10.

That the MDA agrees to provide the City with a Certificate of Insurance showing that the Association has insurance or self-insurance coverage for General Liability in an amount not less than \$1,000,000. Said Certificate shall name the City of Abilene as an additional insured.

Entered into this ____ day of August, 2011.

For the MDA:

For the City of Abilene:

(Signature)

(Signature)

(Printed Name)

(Printed Name)

(Title)

(Title)

Approved as to form:

City Attorney



City Council
Agenda Memo

TO: Larry D. Gilley, City Manager
FROM: Mindy Patterson, Director of Finance

City Council
Meeting Date: 08/11/11

SUBJECT: Abilene-Taylor County Events Venue District Revised FY 2011 and Approved FY 2012 Budget

GENERAL INFORMATION

In accordance with the bylaws, attached is the budget of the Abilene-Taylor County Events Venue District. The Board approved this funding at their July 27, 2011 meeting. Board members are Mayor Norm Archibald, County Judge Downing Bolls, Jr., Councilman Robert Briley, County Commissioner Stan Egger, and Glenn Dromgoole.

Fiscal Year 2011:

Collections for FY 2011 are expected to exceed the original estimate. Therefore, each entity will receive additional funds.

Fiscal Year 2012:

The Board approved distributing all funds after the debt payment and the administrative expenses are paid based on the newly approved allocation of 62.5% for Frontier Texas!, 37.5% for Expo Center operating, and 0% for Abilene Independent School District's (AISD) Shotwell Stadium. A portion of the Expo and AISD will go toward payment on the bonds issued for improvements to the Expo Center and Shotwell Stadium. This amount is deducted prior to distributing any balance. The Board also approved allocating AISD-Shotwell Stadium's reserve funds to the Expo Center for operations.

FUNDING/FISCAL IMPACT

All funds are generated from the 2% hotel/motel venue tax. No City or County funds go to the District.

STAFF RECOMMENDATION

Staff recommends acknowledging receipt of this budget by Oral Resolution.

ATTACHMENTS

- 1) Abilene-Taylor County Events Venue District Budget for Revised FY 2011 and Approved FY 2012

Prepared By: Name <u>Mindy Patterson</u> Title <u>Director of Finance</u>	Item No. <u>6.2</u>	Disposition by City Council <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Other Ord/Res # _____ _____ City Secretary
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**ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT
VENUE PROJECT FUND
STATEMENT OF REVENUES & EXPENDITURES
2011-12 BUDGET**

	<u>ACTUAL 2009-10</u>	<u>ESTIMATED REVISED 2010-11</u>	<u>APPROVED 2011-12</u>
Undesignated Balance	\$5,000	\$5,000	\$5,000
<u>REVENUE</u>			
Venue Tax	\$631,214	\$700,000	\$700,000
Penalty on Late Filing	2,499	650	0
Interest on Investments	100	35	35
	<u>\$633,812</u>	<u>\$700,685</u>	<u>\$700,035</u>
Total Revenue	<u>\$633,812</u>	<u>\$700,685</u>	<u>\$700,035</u>
Total Resources	<u>\$638,812</u>	<u>\$705,685</u>	<u>\$705,035</u>
<u>EXPENDITURES</u>			
Transfer to Debt Service	\$103,493	\$106,568	\$104,340
Frontier Texas! Operating Funds	329,043	363,936	363,559
Expo Center Operating Funds	162,179	181,214	218,136
Reserve for AISD-Shotwell Improvements	26,122	34,954	0
Audit Cost	300	0	0
Administrative Fee	12,676	14,014	14,001
	<u>\$633,812</u>	<u>\$700,685</u>	<u>\$700,036</u>
Total Expenditures	<u>\$633,812</u>	<u>\$700,685</u>	<u>\$700,036</u>
Undesignated Balance	<u>\$5,000</u>	<u>\$5,000</u>	<u>\$5,000</u>

**ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT
INTEREST AND SINKING FUND
STATEMENT OF REVENUES & EXPENDITURES
2011-12 BUDGET**

	<u>ACTUAL 2009-10</u>	<u>ESTIMATED REVISED 2010-11</u>	<u>APPROVED 2011-12</u>
Designated Balance	\$26,364	\$26,425	\$26,485
<u>REVENUE</u>			
Venue Tax	\$103,493	\$106,568	\$104,340
Interest on Investments	61	60	60
Total Revenue	<u>\$103,554</u>	<u>\$106,628</u>	<u>\$104,400</u>
Total Resources	<u>\$129,918</u>	<u>\$133,053</u>	<u>\$130,885</u>
<u>EXPENDITURES</u>			
Principal	\$50,000	\$55,000	\$55,000
Interest	53,493	51,568	49,340
Total Expenditures	<u>\$103,493</u>	<u>\$106,568</u>	<u>\$104,340</u>
Designated Balance	<u><u>\$26,425</u></u>	<u><u>\$26,485</u></u>	<u><u>\$26,545</u></u>

Note:			
AISD-Shotwell - Parking Lot Debt - 76.74%	\$79,421	\$81,780	\$80,071
Expo Debt - 23.26%	24,072	24,788	24,269
Total	<u>\$103,493</u>	<u>\$106,568</u>	<u>\$104,340</u>

City Council
Agenda Memo



City Council
Meeting Date: 08/11/2011

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-2011-16, a request from Hendrick Medical Center to rezone property from MU/COR (Medical Use with Corridor Overlay) to CU/COR (College University with Corridor Overlay) zoning, located at 1718 Pine St. and 1117 N. 18th St.; and setting a public hearing for August 25, 2011.

GENERAL INFORMATION

Currently the properties are zoned MU/COR and have been developed with a pharmacy school owned by Texas Tech University. The applicant has future plans to extend their existing facility to the west. This rezoning would make the zoning consistent with the recently rezoned School of Nursing site to the south, and would allow for future building expansions.

The Future Land Use section of the Comprehensive Plan designates this general area as commercial and residential, as well as a Special Activity Center. The applicant is requesting the zone change in order to expand their existing facility. The requested zoning would be compatible with the surrounding land uses.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval of the amendment by a vote of six (6) in favor to none (0) opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

July 28, 2011

Item No. 6.3

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 11th day of August 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 13th day of July, 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 25th 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 25th day of August, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from MU/COR (Medical Use with Corridor Overlay) to CU/COR (College University with Corridor Overlay) zoning.

Legal Description:

HENDRICK HEALTH SYSTEM CONT 1, BLOCK A, LOT 1, ACRES 3.183
Part of HENDRICK HEALTH SYSTEM CONT 1, BLOCK A, LOT 103 REP, ACRES 1.298

AS SHOWN IN THE FOLLOWING MAP

Location:

1718 Pine St. and a portion of 1117 N. 18th St.



-END-

ZONING CASE Z-2011-16

STAFF REPORT



APPLICANT INFORMATION:

Hendrick Medical Center

HEARING DATES:

Planning & Zoning Commission: August 1, 2011

City Council 1st Reading: August 11, 2011

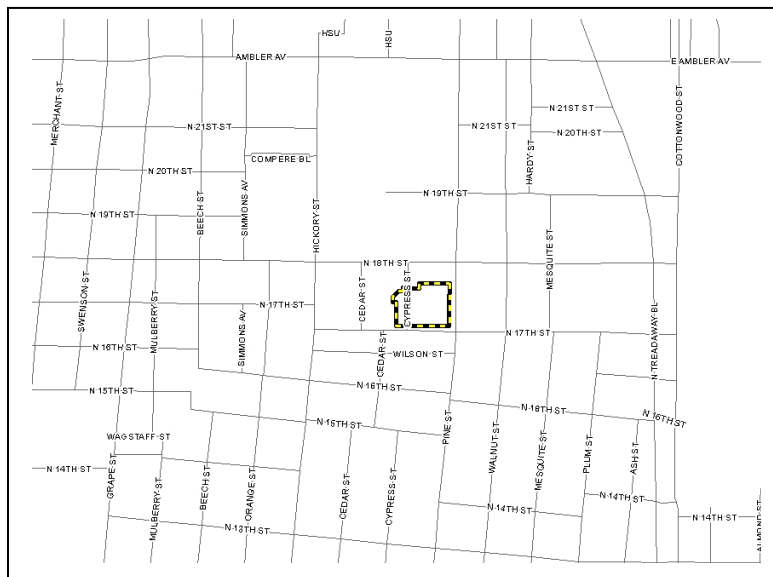
City Council 2nd Reading: August 25, 2011

LOCATION:

1718 Pine St. and a portion of 1117 N. 18th St.

REQUESTED ACTION:

Rezone property from MU/COR to CU/COR.



SITE CHARACTERISTICS:

The subject parcels total approximately 3.25 acres and are currently zoned MU/COR (Medical Use/Corridor Overlay). The properties have been developed with a school of pharmacy. The adjacent properties have MU (Medical Use) to the north and west, and GC (General Commercial) zoning to the east, and CU (College University) zoning to the south.

ZONING HISTORY:

The property was annexed in 1911 and was zoned MU in 2006. The Pine Street Corridor Overlay was applied in 2009.

ANALYSIS:

- Current Planning Analysis

Currently the properties are zoned MU/COR and have been developed with a pharmacy school owned by Texas Tech University. The applicant has future plans to extend their existing facility to the west. This rezoning would make the zoning consistent with the recently rezoned School of Nursing site to the south, and would allow for future building expansions.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as commercial and residential, as well as a Special Activity Center. The applicant is requesting the zone change in order to expand their existing facility. The requested zoning would be compatible with the surrounding land uses.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval of the amendment by a vote of six (6) in favor (Bixby, Famble, Glenn, Rosenbaum, Yungblut, McClarty) to none (0) opposed.

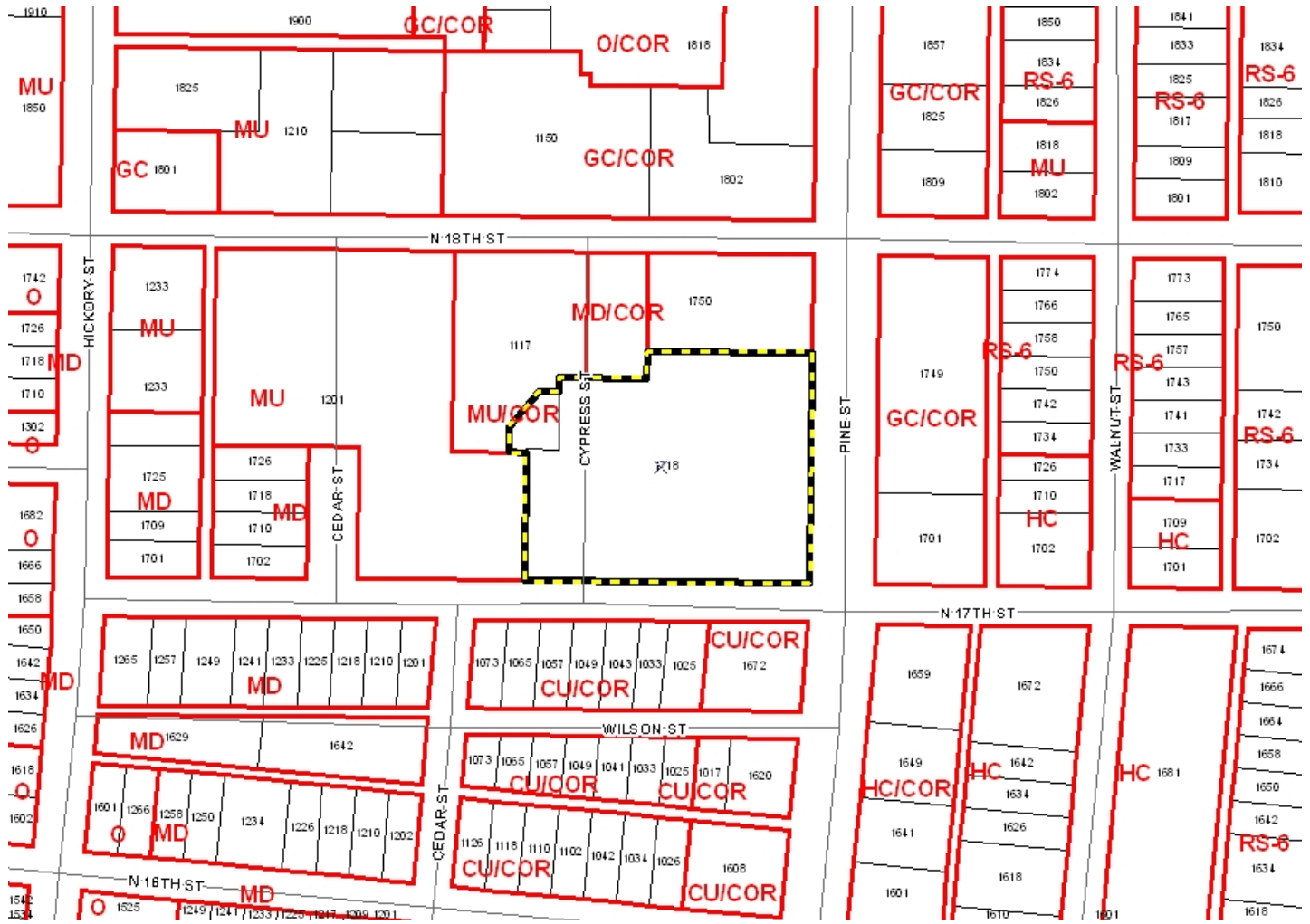
NOTIFICATION:

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

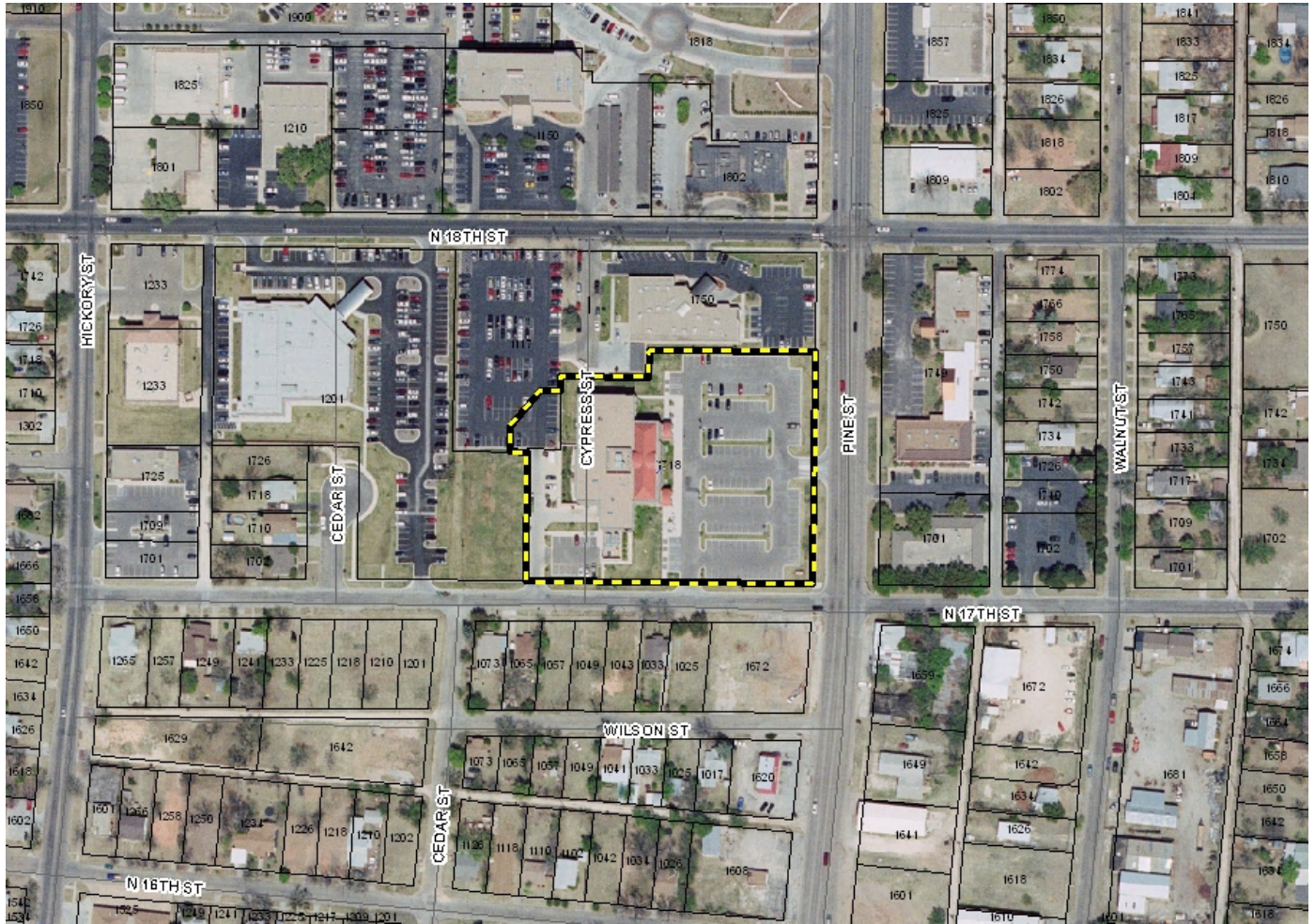
OWNER	ADDRESS	RESPONSE
HENDRICK MEDICAL CENTER	1057 N 17TH ST	
WALKER EDWARD WAYNE &	1659 PINE ST	
OAA PROPERTIES LP	1701 PINE ST	
HENDRICK MEDICAL CENTER	1210 WILSON ST	
HENDRICK MEDICAL CENTER	1065 N 17TH ST	In Favor
HENDRICK MEDICAL CENTER	1201 N 17TH ST	
JKDWL PROPERTIES ET AL	1802 PINE ST	
HENDRICK MEDICAL CENTER	1672 PINE ST	
HENDRICK MEDICAL CENTER	1073 N 17TH ST	
HENDRICK MEDICAL CENTER	1025 N 17TH ST	
HENDRICK MEDICAL CENTER	1049 N 17TH ST	
HENDRICK MEDICAL CENTER	1033 N 17TH ST	
ABILENE BONE & JOINT	1749 PINE ST	
HENDRICK MEDICAL CENTER	1043 N 17TH ST	
HENDRICK MEDICAL CENTER	1117 N 18TH ST	
TEXAS TECH UNIVERSITY	1718 PINE ST	
ATRIUM PROPERTIES	1201 N 18TH ST	
HENDRICK MEDICAL	1150 N 18TH ST	

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









City Council
Agenda Memo



City Council
Meeting Date: 08/11/2011

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-2011-17, a request from Chick-fil-A, Inc. to rezone property from LI (Light Industrial) to GR (General Retail) zoning located at 1750 HWY 351; and setting a public hearing for August 25, 2011.

GENERAL INFORMATION

Currently the property is zoned LI and has been developed with a commercial trucking facility. The property fronts on HWY 351 which is an arterial street. The applicant has future plans to demolish the existing structures and redevelop the property.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial uses, this area is also designated as a Major Commercial Business Center. The applicant is requesting the zone change in order to redevelop the property. The requested zoning would be more suitable for the subject property and would compatible with the surrounding land uses.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval of the amendment by a vote of seven (7) in favor to none (0) opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

July 28, 2011

Item No. 6.4

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 11th day of August 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 13th day of July, 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 25th 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 25th day of August, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from LI (Light Industrial) to GR (General Retail) zoning located at 1750 HWY 351.

Legal Description:

A0957 SUR 24 B A L SE/4, TRACT 1 BLK A SEC 1 MC KNIGHT, ACRES 2.0

Location:

1750 HWY 351

-END-

ZONING CASE Z-2011-17

STAFF REPORT



APPLICANT INFORMATION:

Chick-fil-A

HEARING DATES:

Planning & Zoning Commission: August 1, 2011

City Council 1st Reading: August 11, 2011

City Council 2nd Reading: August 25, 2011

LOCATION:

1750 HWY351

REQUESTED ACTION:

Rezone property from LI to GR

SITE CHARACTERISTICS:

The subject parcel totals approximately 2.0 acres and are currently zoned LI (Light Industrial).

The property has been developed with a commercial trucking facility. The adjacent properties have GC (General Commercial) and PD (Planned Development) zoning to the south, AO (Agricultural Open Space) to the east, and PD zoning to the north, south, and west.

ZONING HISTORY:

The property was annexed in 1980 and was zoned LI following annexation in the same year.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned LI and has been developed with a commercial trucking facility. The property fronts on HWY 351 which is an arterial street. The applicant has future plans to demolish the existing structures and redevelop the property.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for commercial uses, this area is also designated as a Major Commercial Business Center. The applicant is requesting the zone change in order to redevelop the property. The requested zoning would be more suitable for the subject property and would be compatible with the surrounding land uses.



PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

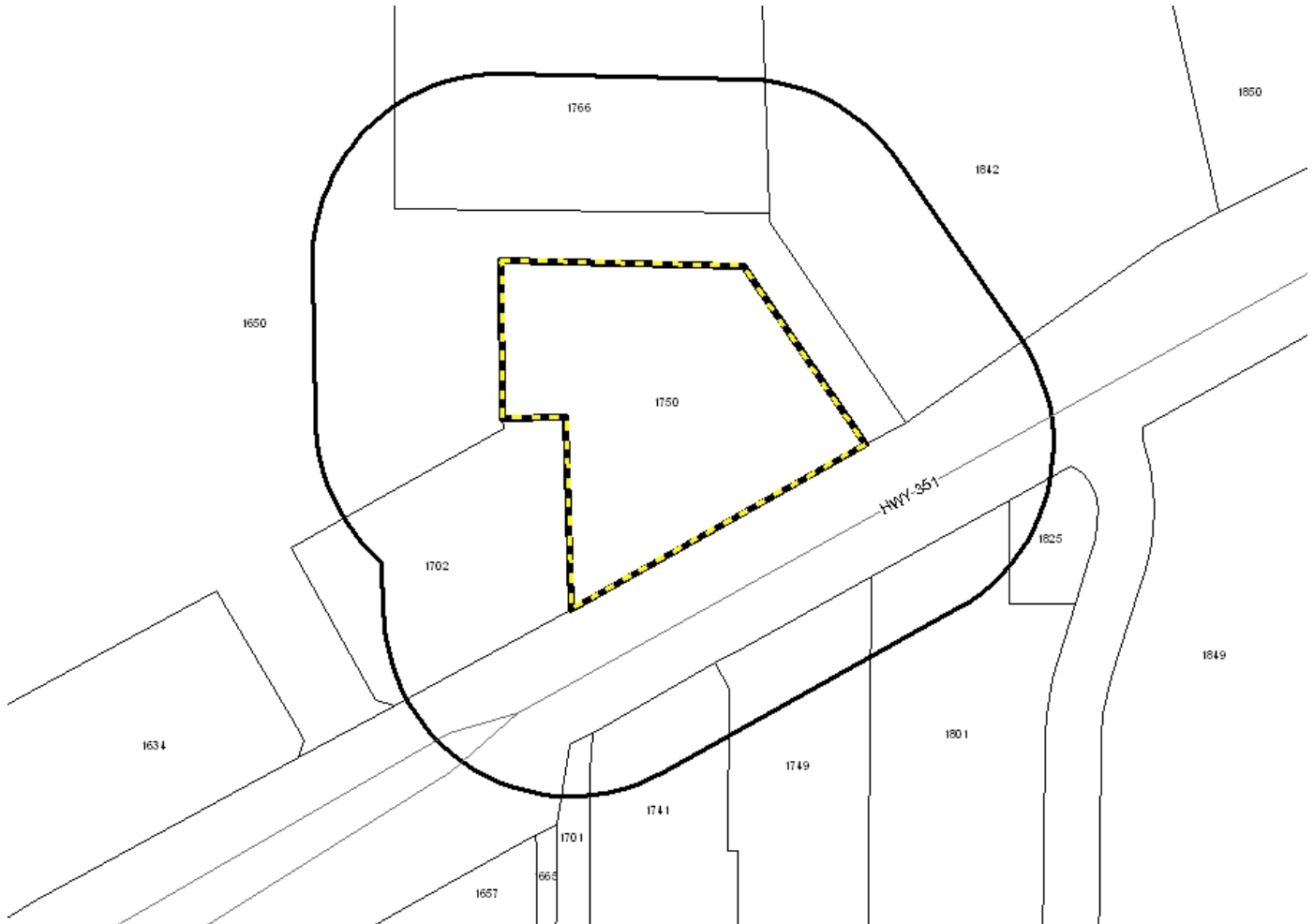
The Planning and Zoning Commission recommended approval of the amendment by a vote of seven (7) in favor (Bixby, Famble, Glenn, Rosenbaum, Todd, Yungblut, McClarty) to none (0) opposed.

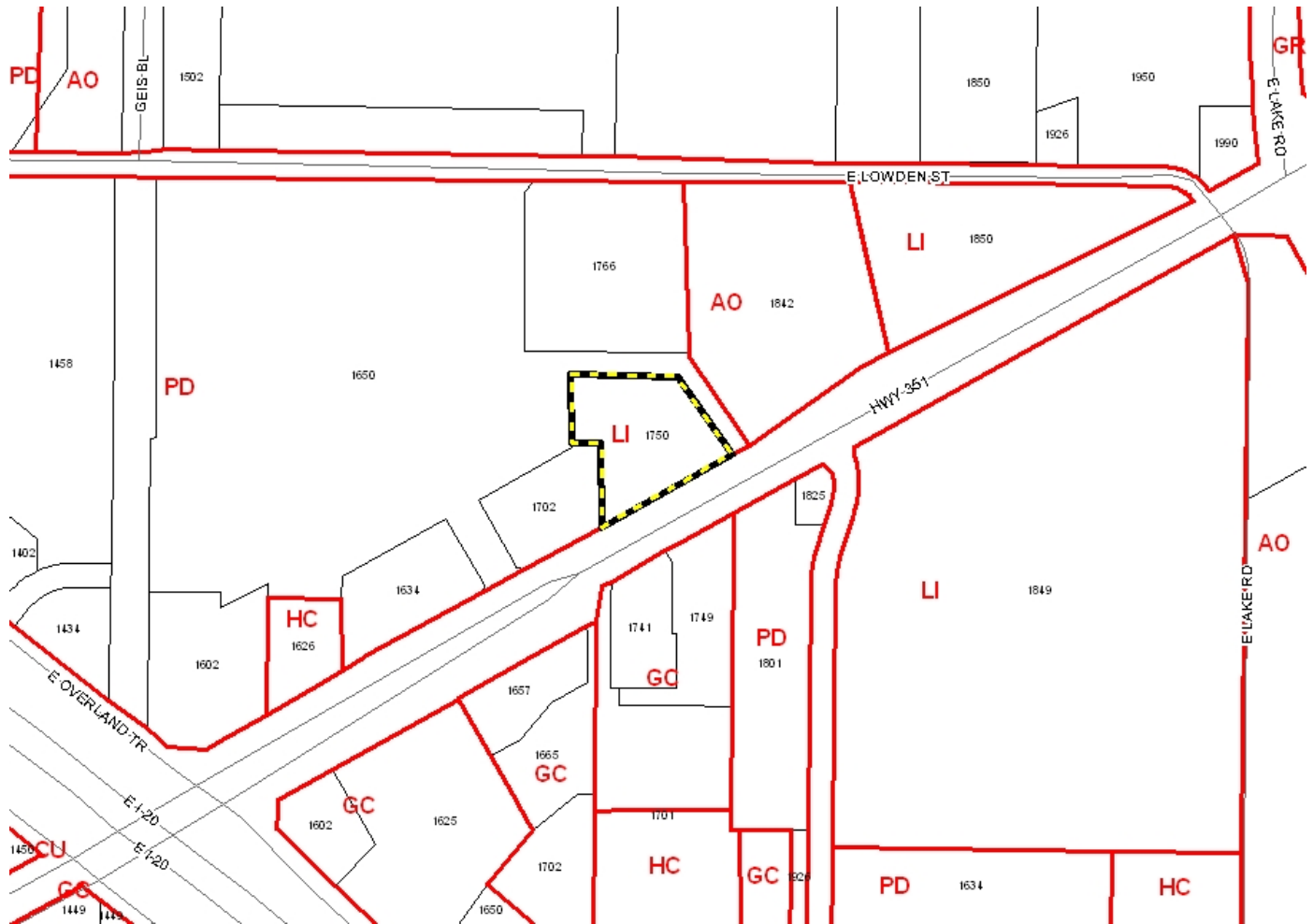
NOTIFICATION:

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

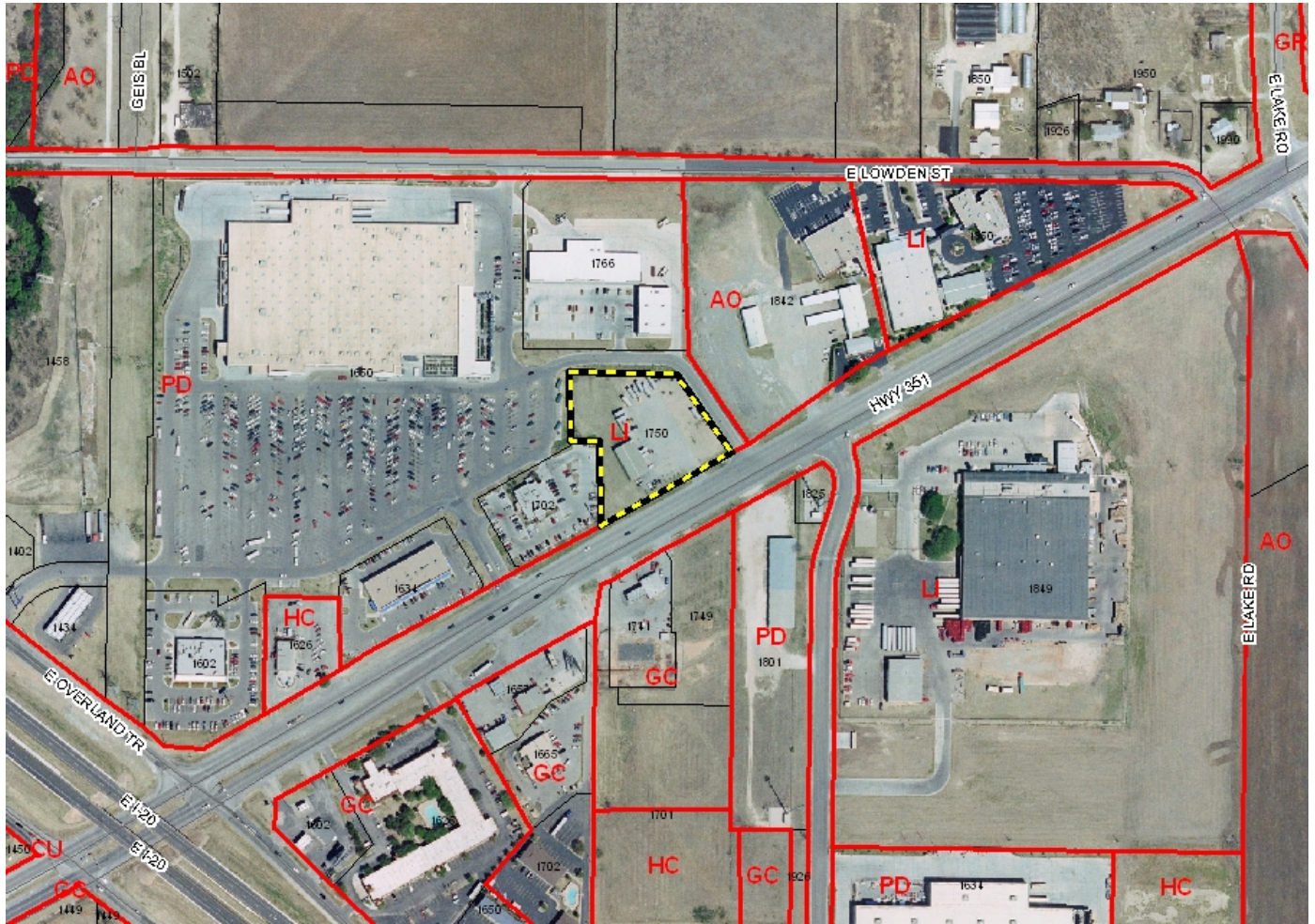
OWNER	ADDRESS	RESPONSE
ABILENE VENTURE NUMBER ONE LP	1766 HWY 351	
WAL-MART REAL ESTATE BUSINESS TRUST	1650 HWY 351	
BRINKER TEXAS LP	1702 HWY 351	
REGION 14 EDUCATION	1842 HWY 351	
ROADWAY EXPRESS INC	1750 HWY 351	
BHAKTA BHARAT M	1749 HWY 351	
ALLSUPS CONVENIENCE STORE	1741 HWY 351	
BHAKTA BHARAT M	1701 HWY 351	
TEXAS COCA COLA BOTTLING	1825 HWY 351	
STONEHENGE INVESTMENTS LLC	1801 HWY 351	

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









ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

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

PART 1: That the following described portion of a Public Right of Way, as described on Exhibit "A," attached hereto and made a part of this ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned, subject to conditions as stated in Exhibit A.

PART 2: That said portion of a Public Right of Way is not needed for public purposes and it is in the public interest of the City of Abilene to abandon said described portion of a Public Right of Way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tracts of land described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING this 11th day of August 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 13th day of July 2011, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final reading.

PASSED ON FINAL READING THIS 25th day of August, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

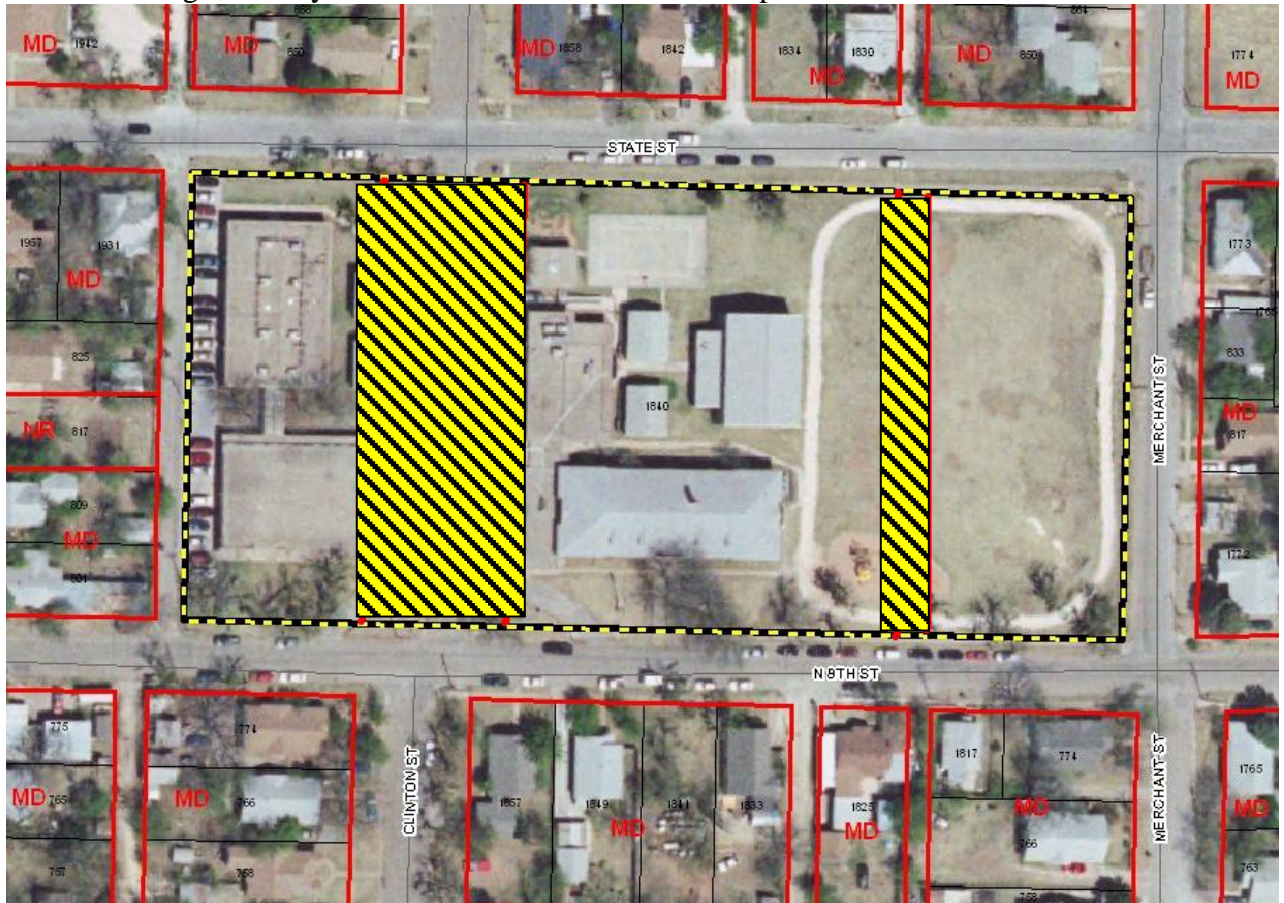
ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons the following thoroughfares:

Clinton St. and the north to south alley rights-of-way (ROW) between N. 8th St. and State St.

All Public Right of Way as indicated and shown in the map below within the dashed area:



With the following conditions:

1. All of the adjacent properties be replatted within 12 months.
2. Where existing utilities are located, the applicant is responsible for relocating the utilities or providing adequate easements for the maintenance of all utilities. The applicant will be responsible for the retirement of all street lights resulting from the abandonments, proper fire apparatus access for all structures within the closure area

-END-



THOROUGHFARE CLOSURE CASE TC-2011-02

STAFF REPORT

APPLICANT INFORMATION:

Abilene Independent School District

HEARING DATES:

Planning & Zoning Commission: August 1, 2011
City Council 1st Reading: August 11, 2011
City Council 2nd Reading: August 25, 2011

REQUESTED ACTION:

Clinton St. and the north to south alley rights-of-way (ROW) between N. 8th St. and State St.



SITE CHARACTERISTICS:

Improvements have never been made to these dedicated ROW. The property that the ROW are on have been developed with a school and has never been used as a public ROW.

REQUEST ANALYSIS:

The applicant intends to close the subject rights-of-way to better reflect how the property has been developed. The interconnectivity and access of the area does not appear to be impacted in a negative way by the requests.

RECOMMENDATIONS:

Plat Review Committee: Approval of the requested closures as requested with the following conditions: where existing utilities are located, the applicant is responsible for providing adequate easements for the maintenance of all utilities. The applicant will be responsible for the retirement of all street lights resulting from the abandonments, proper fire apparatus access for all structures within the closure area. The applicant must also replat to ensure that there are no lots without street frontage. The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities will be resolved.

Staff Recommendation: Approval of the requested abandonment, with the conditions suggested by the Plat Review Committee.

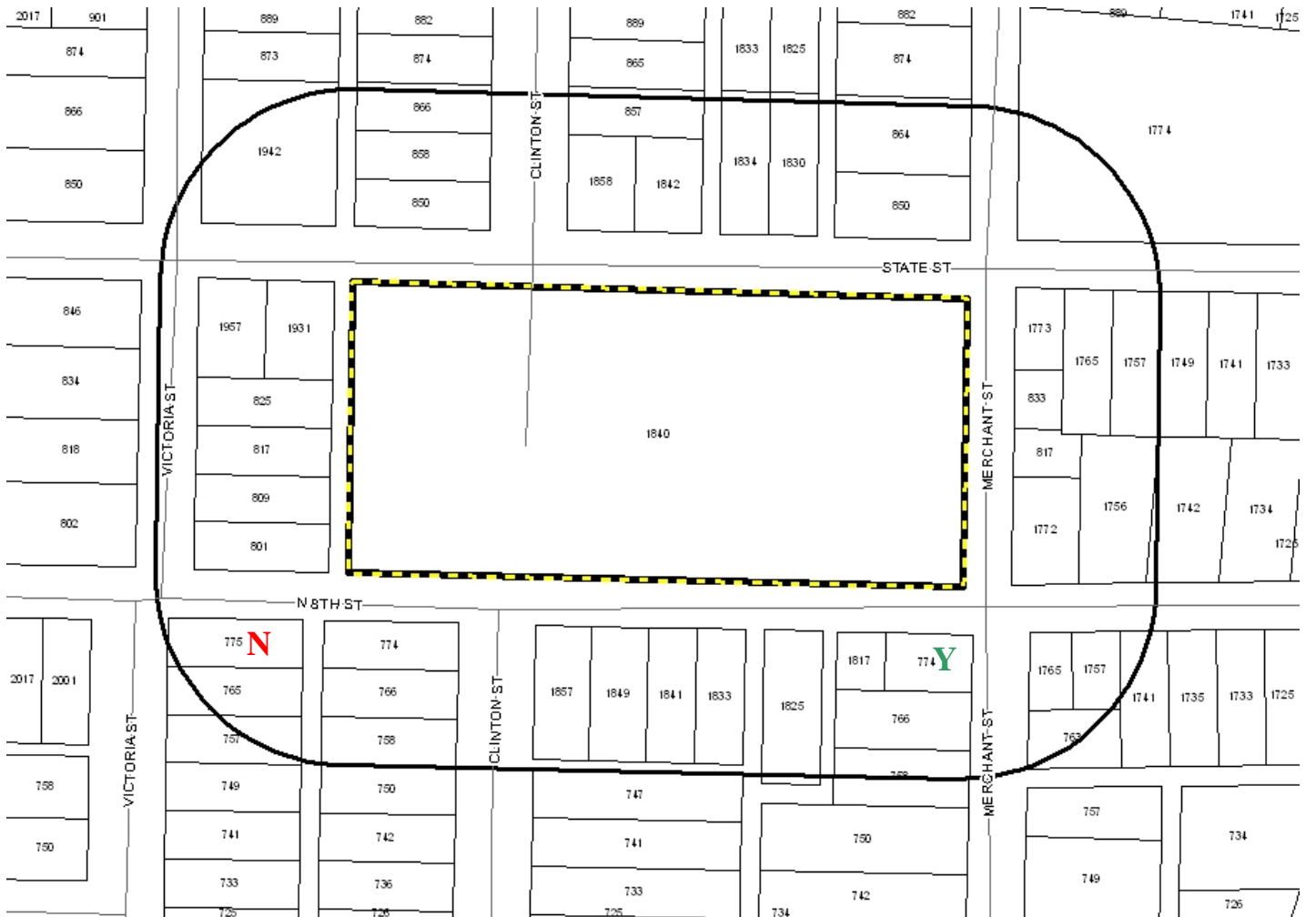
PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission recommended approval of the amendment by a vote of six (6) in favor (Bixby, Famble, Glenn, Rosenbaum, Yungblut, McClarty) to none (0) opposed, with one (1) abstention (Todd).

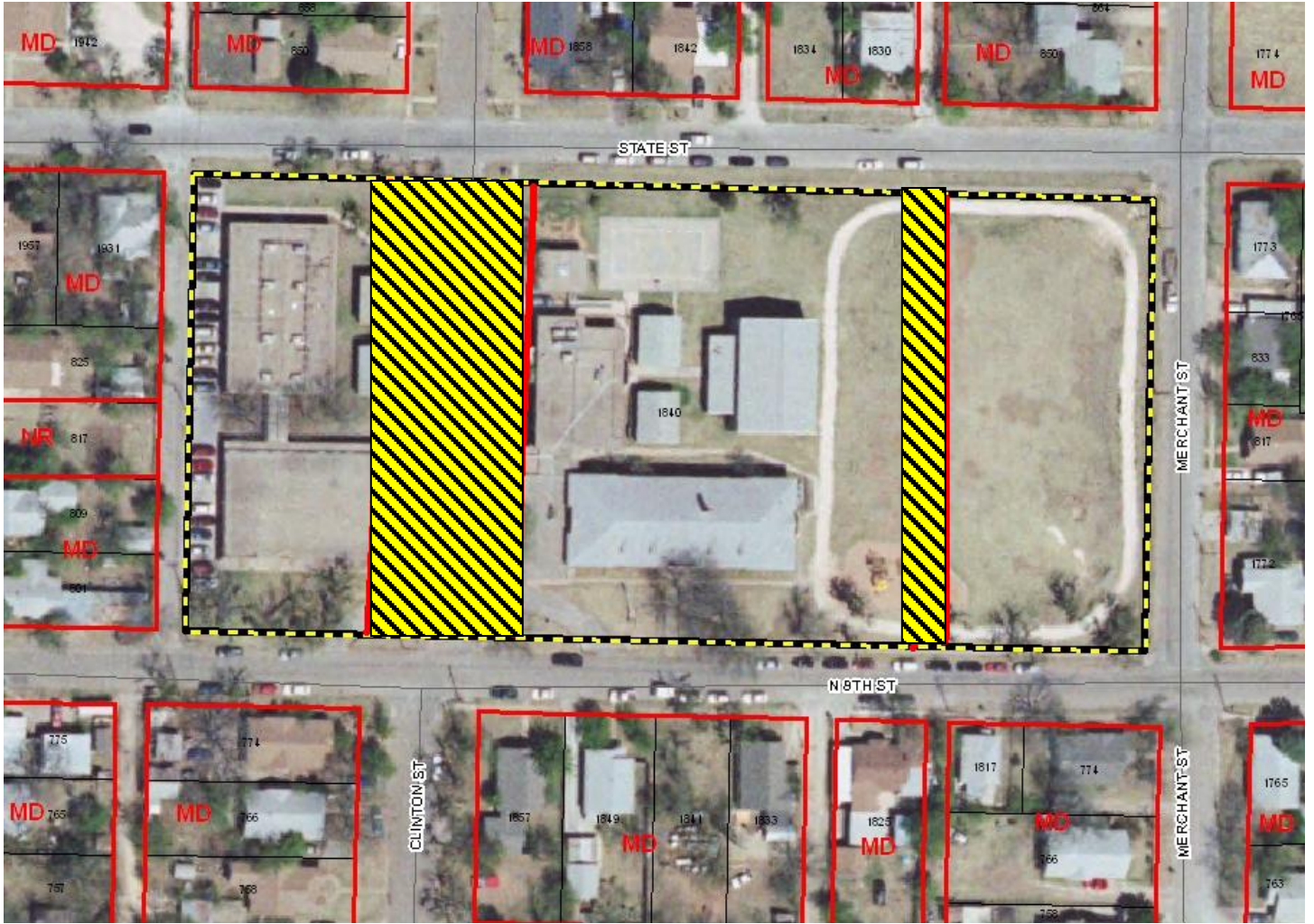
NOTIFICATION:

Property owners within the 200' of the subject rights-of-way were notified.

1 in Favor- **Y**
 1 Opposed- **N**



OWNER	ADDRESS	RESPONSE
AGUERO JOE RUDY	864 MERCHANT ST	
AREVALO ALFONSO	1841 N 8TH ST	
ANDERSON FRANCISCO JAVIER	1825 N 8TH ST	
CERVANTES JUAN & OLGA	1858 STATE ST	
STOWBRIDGE MICHAEL J	857 CLINTON ST	
CASTILLO PEDRO M	858 CLINTON ST	
BOYD JUANITA & CHRISTAL	1741 N 8TH ST	
DE LA CRUZ PABLO SR & MARIA	1857 N 8TH ST	
SALINAS JOHN & PAMELA	850 CLINTON ST	
MENDOZA ISMAEL JR &	1773 STATE ST	
SERRATO ZACARIAS	1757 N 8TH ST	
CALDWELL GLENN & ROBBIN	1765 N 8TH ST	
HERNANDEZ MANUEL	1756 N 8TH ST	
CORTEZ RAMON & NELLIE	1830 STATE ST	
JOHNSON JAMES E & MARGARET	775 VICTORIA ST	Opposed
ROJAS TOMAS & SANDRA	1849 N 8TH ST	
HERNANDEZ ADRIENNE B	757 VICTORIA ST	
PARIS-HOOPER SALLY E	850 MERCHANT ST	
BLANTON RANDY	1749 STATE ST	
DUQUE MARIA G	833 MERCHANT ST	
GIBSON BETHA FAYETTE	1742 N 8TH ST	
LOVER TARRANT	763 MERCHANT ST	
CALDWELL GLENN W &	1772 N 8TH ST	
OCHOA JUAN B	866 CLINTON ST	
SECOND BAPTIST CHURCH	1840 N 8TH ST	
LOPEZ ANGEL	1834 STATE ST	
PENDERGRAST SAM ET AL	1931 STATE ST	
SANDERS MELVIN DOYLE	817 VICTORIA ST	
RAMIREZ PEDRO & JUANITA	774 CLINTON ST	
PENDERGRAST SAM	1957 STATE ST	
CATO DANIEL	801 VICTORIA ST	
SANDERS MELVIN DOYLE	825 VICTORIA ST	
RIVERA ROBERT & YOLANDA	747 CLINTON ST	
DE LA CRUZ JUANITA &	1765 STATE ST	
GRAY JACKIE D &	766 CLINTON ST	
QUINTERO JOSE ALBERTO &	758 MERCHANT ST	
AREVALO ALFONSO	1833 N 8TH ST	
ROBINSON JANEEN	765 VICTORIA ST	
JACKSON ANNETTE	1842 STATE ST	
GRANADO ARMANDO &	1757 STATE ST	
VESCO PROPERTIES LLC	1942 STATE ST	
JACKSON ROBERT N &	809 VICTORIA ST	
ZOON JUDITH & AURIEL U	758 CLINTON ST	
STOVALL STEVEN B & W JUANITA	817 MERCHANT ST	
FORTE MANAGEMENT LLC	1774 STATE ST	
CHAVEZ ERNESTO & MARIA	1817 N 8TH ST	
MENDOZA ISMAEL P & JULIA	766 MERCHANT ST	
YOUNG GABRINA S	774 MERCHANT ST	In Favor



City Council
Agenda Memo



City Council
Meeting Date: 08/11/2011

TO: Larry D. Gilley, City Manager

FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading on an ordinance amendment to Section 2.4.2.1 (Land Use Matrix) concerning Antenna Tower-Commercial; and setting a public hearing for August 25, 2011.

GENERAL INFORMATION

A request was submitted for rezoning of a property to a Planned Development (PD) district to allow for a cell tower. The current zoning on the property is GR (General Retail), which the PD proposed to maintain while also allowing cell towers as a permitted use. Upon review of the request, staff determined that rezoning the property to the PD zoning would not be the most appropriate course of action. Instead, staff is proposing that the Land Use Matrix be amended to allow for cell towers in the GR zoning district with approval of a Conditional Use Permit (CUP).

Much of the retail areas in the City of Abilene are zoned GR and could potentially be suitable for cell towers. Final approval of any CUP is by the City Council following a recommendation from the Planning & Zoning Commission. Conditions may be added to the approval of any CUP in order to maintain compatibility with the area.

The use is identified in the Land Use Matrix as 'Antenna Tower-Commercial'. The amendment will add the CUP designation to the GR zoning district. The section proposed for amendment is Section 2.4.2.1 – Land Use Matrix.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval of the amendment by a vote of seven (7) in favor (Bixby, Famble, Glenn, Rosenbaum, Todd, Yungblut, McClarty) to none (0) opposed.

ATTACHMENTS

Ordinance

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

July 29, 2011

Item No. 6.6

Disposition by City Council

- Approved Ord/Res# _____
- Denied _____
- Other _____

City Secretary

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

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

PART 1: That Chapter 23, Subpart B, "Land Development Code," of the Abilene Municipal 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 provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: 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 August 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 13th day of July, 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 25th 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 25th day of August, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT “A”

AMEND: Section 2.4.2.1 Land Use Matrix

CHANGE: Amend Chart for ‘Antenna Tower – Commercial’ in the GR Zoning District

LEGEND: P-Permitted, Blank-Not Permitted, C-Conditional Use Permit, TP-Requires a Temporary Permit, ☑-Conditions Apply See Ch.2 Art.5 Div.3

Permitted Uses	Agricultural Open Space	Rural Residential RR-5 & RR1	Residential Single-Family	Residential Single-Family Patio Home	Residential Townhouse	Residential Medium Density	Residential Multi-Family	Manufactured/Mobile Home	College & University	Neighborhood Office	Office	Neighborhood Retail	General Retail	Medical Use	Central Business	Mixed Use	General Commercial	Heavy Commercial	Light Industrial	Heavy Industrial	Parking Requirements (also refer to Chapter 4, Article 2, Division 1)
	AO	RR	RS	PH	TH	MD	MF	MH	CU	NO	O	NR	GR	MU	CB	MX	GC	HC	LI	HI	
Transportation, Communication, & Utilities																					
Antenna Tower - Commercial	☑	C							C				C	C			C	C	P	P	

-END-

**City Council
Agenda Memo**



**City Council
Meeting Date: 8/11/2011**

TO: Larry D. Gilley, City Manager
FROM: Mindy Patterson, Director of Finance

SUBJECT: FIRST READING OF AN ORDINANCE APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC” OR “STEERING COMMITTEE”) AND ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) REGARDING THE COMPANY’S FOURTH ANNUAL RATE REVIEW MECHANISM (“RRM”) FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE’S LEGAL COUNSEL.

GENERAL INFORMATION

The City, along with approximately 154 other cities served by Atmos Energy Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC” or “Steering Committee”). On or about April 1, 2011, Atmos Mid-Tex filed with the City an application to increase natural gas rates pursuant to the Rate Review Mechanism (“RRM”) tariff approved by the City as part of the settlement of the Atmos Mid-Tex 2007 Statement of Intent to increase rates.

The Atmos Mid-Tex RRM filing sought a \$15.7 million rate increase. The City worked with ACSC to analyze the schedules and evidence offered by Atmos Mid-Tex to support its request to increase rates. The Ordinance and attached rate and RRM tariffs are the result of negotiations between ACSC and the Company to resolve issues raised by ACSC during the review and evaluation of ACSC’s RRM filing. The Ordinance resolves the Company’s RRM filing by authorizing supplemental revenue of \$6.6 million to be recovered through the customer charge component of rates to cover direct incremental costs associated with a steel service line replacement program approved as part of last year’s rate adjustment. All other relief requested by Atmos Mid-Tex is denied. Approval of the Ordinance will result in the implementation of new rates that increase Atmos Mid-Tex’s revenues effective September 1, 2011. The tariffs will set monthly customer charges at \$7.50 and \$16.75 for residential and commercial customers, respectively.

STAFF RECOMMENDATION

Staff recommends passing the first reading of the proposed ordinance.

ATTACHMENT

Ordinance

Prepared by: Name <u>Theresa James / Odis Dolton</u> Title <u>Asst. City Atty. / Asst. Dir. of Finance</u>	Item No. <u>6.7</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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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, (“CITY”) APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC” OR “STEERING COMMITTEE”) AND ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) REGARDING THE COMPANY’S FOURTH ANNUAL RATE REVIEW MECHANISM (“RRM”) FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE’S LEGAL COUNSEL.

WHEREAS, the City of Abilene, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “ Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC” or “Steering Committee”), a coalition of approximately 154 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area (such participating cities are referred to herein as “ACSC Cities”); and

WHEREAS, pursuant to the terms of the agreement settling the Company’s 2007 Statement of Intent to increase rates, ACSC Cities and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC Cities as a substitute to the current GRIP process instituted by the Legislature; and

WHEREAS, the City took action in 2008 to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company's 2007 rate case and authorizing the RRM Tariff; and

WHEREAS, the 2008 Settlement Agreement contemplates reimbursement of ACSC Cities' reasonable expenses associated with RRM applications; and

WHEREAS, the Steering Committee and Atmos Mid-Tex agreed to extend the RRM process in reaching a settlement in 2010 on the third RRM filing; and

WHEREAS, on or about April 1, 2011, the Company filed with the city its fourth annual RRM filing, requesting to increase natural gas base rates by \$15.7 million; and

WHEREAS, ACSC coordinated its review of Atmos Mid-Tex's RRM filing by designating a Settlement Committee made up of ACSC representatives, assisted by ACSC attorneys and consultants, to resolve issues identified by ACSC in the Company's RRM filing; and

WHEREAS, independent analysis by ACSC's rate expert concluded that Atmos Mid-Tex is unable to justify an increase over current rates except for undisputed costs of \$6.6 million to cover the steel service line replacement program initiated in 2010; and

WHEREAS, the ACSC Settlement Committee, as well as ACSC lawyers and consultants, recommend that ACSC Cities approve the attached rate tariffs ("Attachment A" to this Ordinance), which will increase the Company's revenue requirement by \$6.6 million to extend current recovery of incremental direct costs of the steel service line replacement program authorized by ACSC Cities in ordinances passed in 2010; and

WHEREAS, the attached tariffs implementing new rates are consistent with the negotiated resolution reached by ACSC Cities and are just, reasonable, and in the public interest.

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable and new tariffs which are attached hereto and incorporated herein as Attachment A, are just and reasonable and are hereby adopted.

Section 3. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC Cities in processing the Company's rate application.

Section 4. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. That this Ordinance shall become effective from and after its passage with rates authorized by attached Tariffs to be effective for bills rendered on or after September 1, 2011.

Section 8. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of David Park, Vice President Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ

Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at
Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED on FIRST READING this 11th day of August, 2011.

A notice of the time and place said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News on August 14, 2011, a daily newspaper of general circulation in the City of Abilene, the same being more than ten (10) days prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading.

PASSED on SECOND AND FINAL READING after **PUBLIC HEARING** this 25th day of August, 2011.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Mcf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 7.50 per month
Commodity Charge – All Mcf	\$ 2.5116 per Mcf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 3,000 Mcf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Mcf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 16.75 per month
Commodity Charge - All Mcf	\$ 1.0217 per Mcf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 450.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2750 per MMBtu
Next 3,500 MMBtu	\$ 0.2015 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0433 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 450.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2750 per MMBtu
Next 3,500 MMBtu	\$ 0.2015 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0433 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.