

City Council
Agenda Memo



City Council
Meeting Date: 10/27/2011

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-2011-21, a request from Brushy Armadillo Acres, LLC to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 2257 Industrial Blvd.; and setting a public hearing for November 3, 2011.

GENERAL INFORMATION

Currently the property is zoned LI and has been developed with a commercial building complex. The surrounding properties have been developed with a mixed group of uses ranging from contractor services, to retail, and auto related uses.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating out of the existing building. An application for a Certificate of Occupancy was submitted for a use that is not allowed in LI. Industrial zoning throughout Abilene is over used. Industrial Blvd. is transitioning into more of a commercial/retail area. The requested zoning would be compatible with the surrounding uses, and would be more appropriate with the development trends along Industrial Blvd.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested 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

October 13, 2011

Item No. 6.1

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 E, "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 27th day of October 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 14th day of September, 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 3rd day of November, 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 3rd day of November, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from LI (Light Industrial) to GC (General Commercial) zoning.

Legal Description:

BUTTON WILLOW SEC 2, BLOCK A, LOT 2

Location:

2257 Industrial Blvd.

-END-

ZONING CASE Z-2011-21

STAFF REPORT



APPLICANT INFORMATION:

Brushy Armadillo Acres, LLC

HEARING DATES:

Planning & Zoning Commission: October 3, 2011

City Council 1st Reading: October 27, 2011

City Council 2nd Reading: November 3, 2011

LOCATION:

2257 Industrial Blvd.

REQUESTED ACTION:

Rezone property from LI (Light Industrial) to GC (General Commercial)



SITE CHARACTERISTICS:

The subject parcel totals approximately .34 acres and is currently zoned LI. The property has been developed with a commercial building complex. The adjacent properties have LI zoning to the north, south, east, and west.

ZONING HISTORY:

The property was annexed in 1957 and was zoned AO, it was later rezoned to LI sometime after.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned LI and has been developed with a commercial building complex. The surrounding properties have been developed with a mixed group of uses ranging from contractor services, to retail, and auto related uses.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating out of the existing building. An application for a Certificate of Occupancy was submitted for a use that is not allowed in LI. Industrial zoning throughout Abilene is over used. Industrial Blvd. is transitioning into more of a commercial/retail area. The requested zoning would be compatible with the surrounding uses, and would be more appropriate with the development trends along Industrial Blvd.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

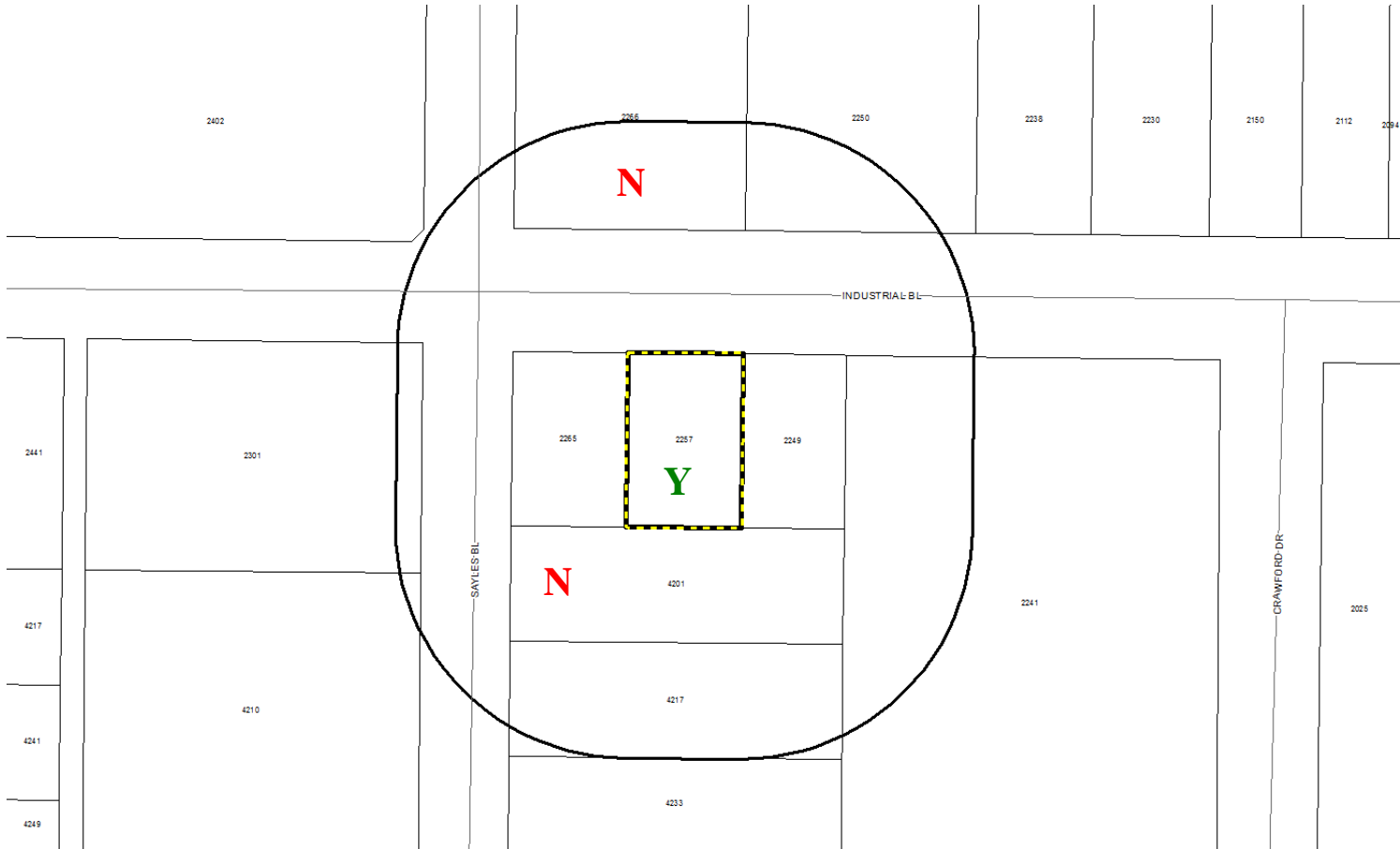
The Planning and Zoning Commission recommends approval as requested by a vote of seven (7) in favor, to none (0) opposed.

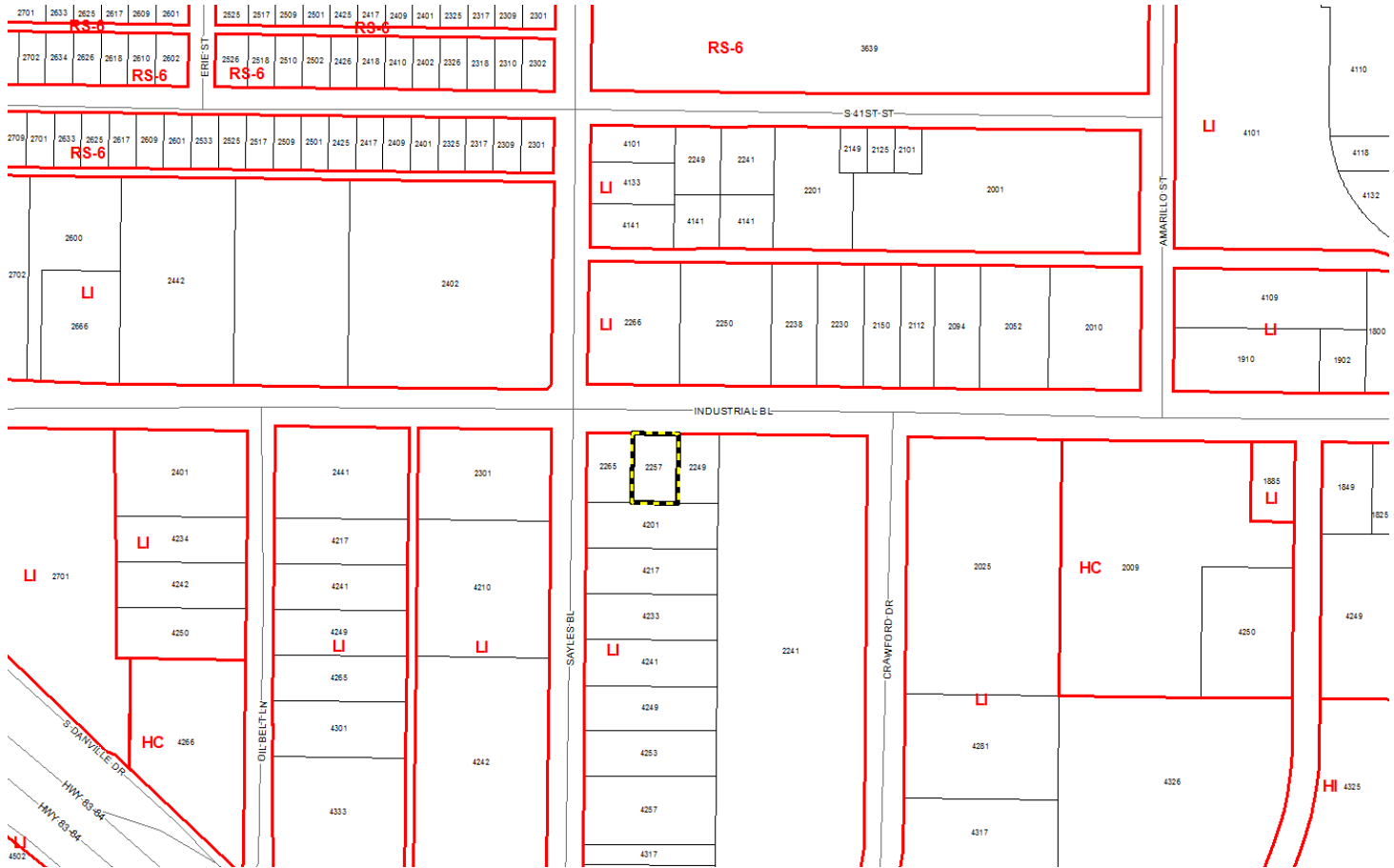
NOTIFICATION:

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

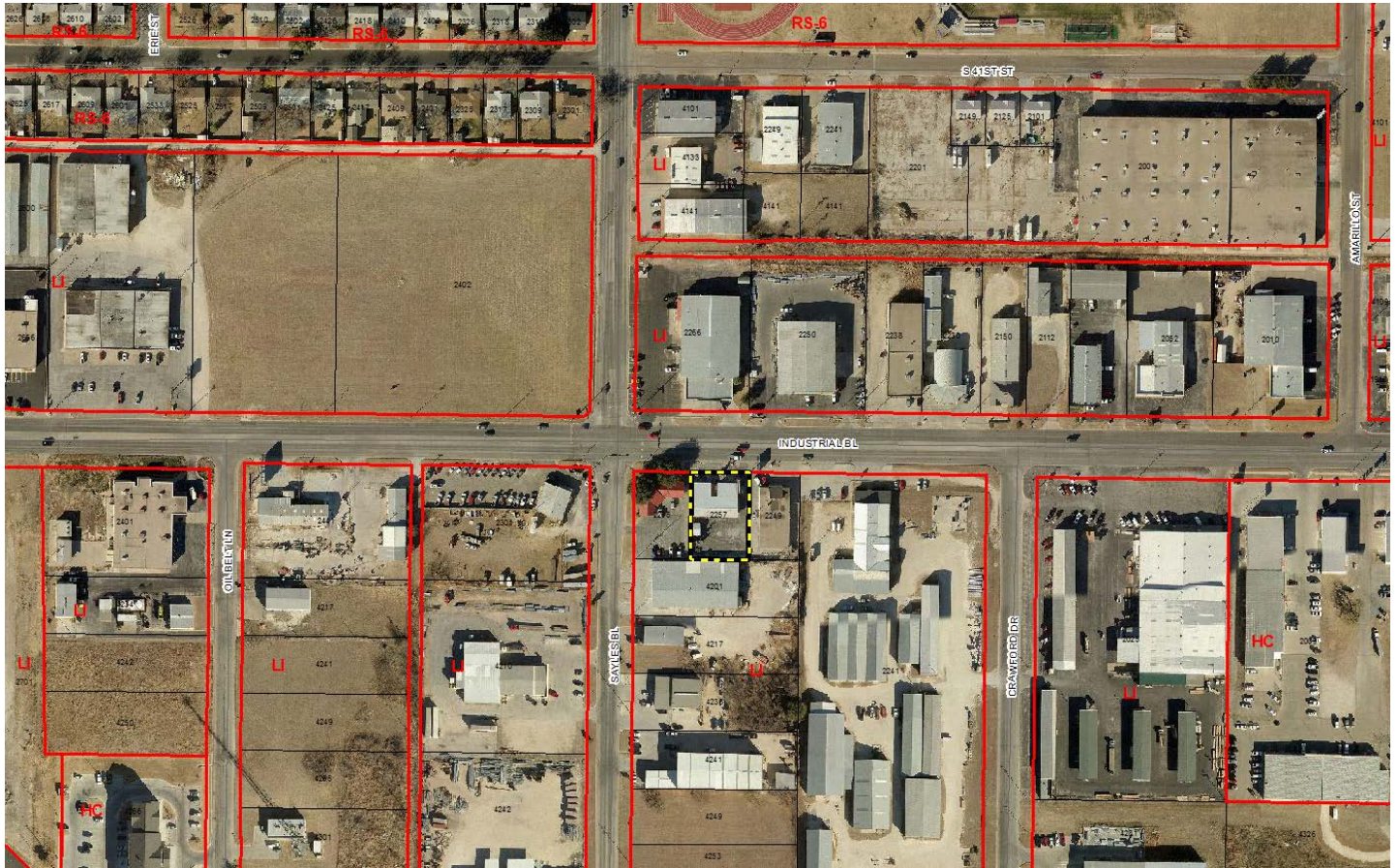
OWNER	ADDRESS	RESPONSE
NUNN ELECTRIC SUPPLY CORP	2250 INDUSTRIAL BL	
BARNSELY HARRY L	2301 INDUSTRIAL BL	
CF SUPPLY INC	4210 SAYLES BL	
R G P ENTERPRISES INC	2266 INDUSTRIAL BL	Opposed
REAL ESTATE PROPERTIES	2249 INDUSTRIAL BL	
OVERHEAD DOOR CO OF ABL	4201 SAYLES BL	Opposed
OVERHEAD DOOR CO OF ABL	4217 SAYLES BL	
BMCW SOUTH CENTRAL L P	2241 INDUSTRIAL BL	
OVERHEAD DOOR CO OF ABILENE INC	2265 INDUSTRIAL BL	
TAYLOR COUNTY GLASS CO INC	4233 SAYLES BL	
BRUSHY ARMADILLO ACRES LLC	2257 INDUSTRIAL BL	In Favor

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









City Council
Agenda Memo



City Council
Meeting Date: 10/27/2011

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-2011-22, a request from Harris Acoustics to rezone property from HI (Heavy Industrial) to HC (Heavy Commercial) zoning, located at 1201, 1233 S. Treadaway Blvd., and 1260 China St.; and setting a public hearing for November 3, 2011.

GENERAL INFORMATION

Currently the properties are zoned HI and have been developed with commercial uses. The restaurant at 1233 S. Treadaway has been demolished. The surrounding properties have been developed with a mix of heavy commercial and retail uses.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity, and it is also designated as an Enhancement Corridor. The applicant intends to develop the property with an automobile repair facility, which is not allowed in HI zoning. The requested HC zoning would be more compatible with the surrounding land uses, and would be more a more appropriate zoning along an Enhancement Corridor, while allowing for the intended use of the applicant. This corridor, especially from S. 14th to N. 1st St. is developing into more of a commercial area than an industrial area. Therefore, HC zoning would be appropriate for the subject property.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested 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

October 13, 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 E, "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 27th day of October 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 14th day of September, 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 3rd day of November, 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 3rd day of November, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from HI (Heavy Industrial) to HC (Heavy Commercial) zoning.

Legal Description:

OT ABILENE, BLOCK 209, LOT 9-12 (1 J STODDARD JOHNSTON)
OT ABILENE, BLOCK 209, LOT 7&8 (1 J STODDARD JOHNSTON)
1 TO 6 209 I S J S JOHNSTON ABL OT

Location:

1201, 1233 S. Treadaway Blvd., and 1260 China St.

-END-

ZONING CASE Z-2011-22

STAFF REPORT



APPLICANT INFORMATION:

Harris Acoustics

HEARING DATES:

Planning & Zoning Commission: October 3, 2011

City Council 1st Reading: October 27, 2011

City Council 2nd Reading: November 3, 2011

LOCATION:

1201, 1233 S. Treadaway Blvd., and 1260 China St.

REQUESTED ACTION:

Rezone property from HI (Heavy Industrial) to HC (Heavy Commercial)



SITE CHARACTERISTICS:

The subject parcels total approximately 1.8 acres and are currently zoned HI. The properties have been developed with commercial uses. There was an existing restaurant located at 1233 S. Treadaway that has been demolished. The adjacent properties have HI zoning to the north, south, east, and west.

ZONING HISTORY:

The properties were annexed in 1895 and were zoned AO when they were annexed. The properties were zoned HI sometime after.

ANALYSIS:

- Current Planning Analysis

Currently the properties are zoned HI and have been developed with commercial uses. The restaurant at 1233 S. Treadaway has been demolished. The surrounding properties have been developed with a mix of heavy commercial and retail uses.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity, and it is also designated as an Enhancement Corridor. The applicant intends to develop the property with an automobile repair facility, which is not allowed in HI zoning. The requested HC zoning would be more compatible with the surrounding land uses, and would be more appropriate along an Enhancement Corridor, while allowing for the intended use of the applicant. This corridor, especially from S. 14th to N. 1st St. is developing into more of a commercial area than an industrial area. Therefore, HC zoning would be appropriate for the subject property.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

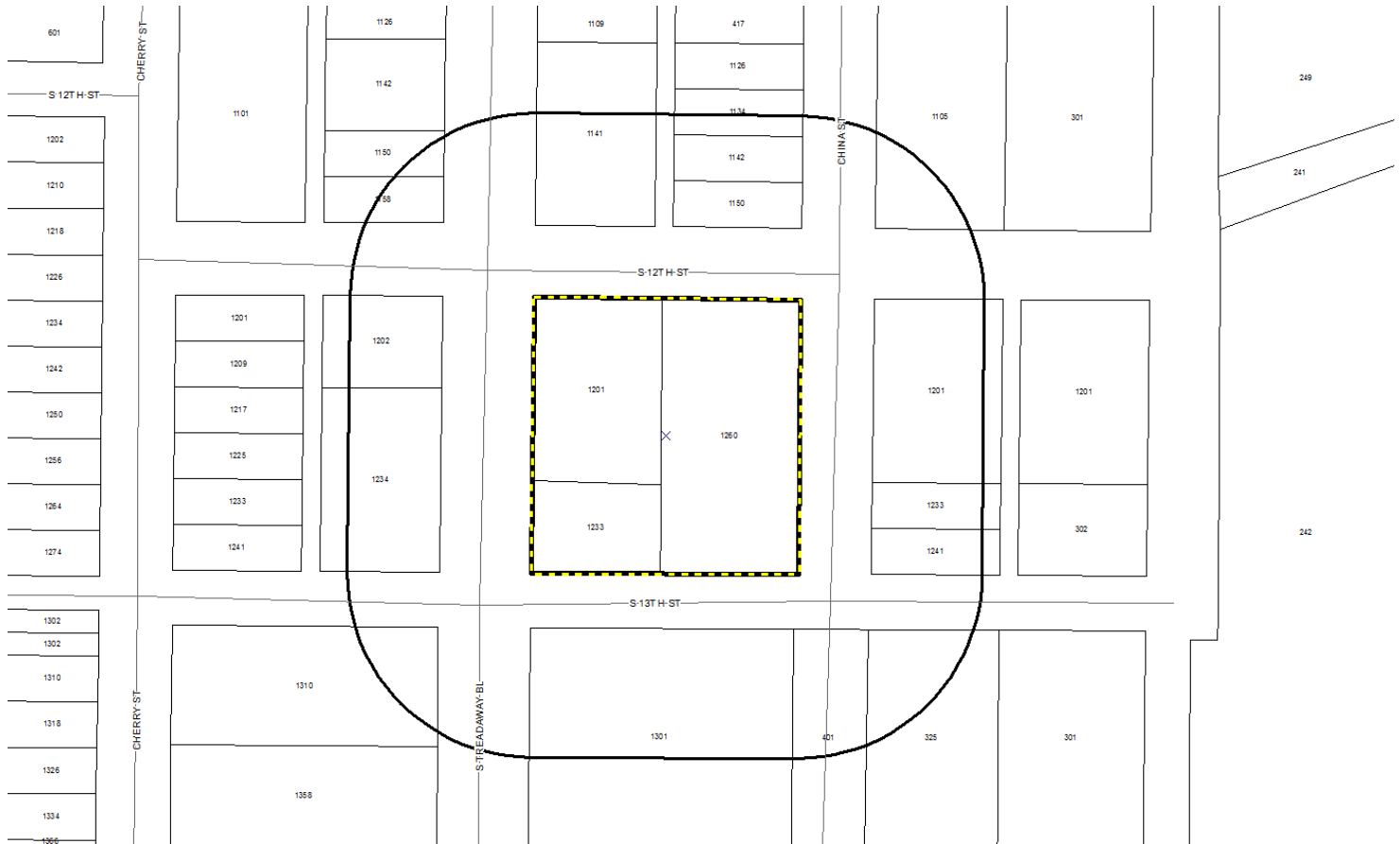
The Planning and Zoning Commission recommends approval as requested by a vote of seven (7) in favor, to none (0) opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
ST PIERRE TERRY	1141 S TREADAWAY BL	
WILLIAMS-VILARREAL LP	1260 CHINA ST	
INSTRUMENT MAINTENANCE CO	1234 S TREADAWAY BL	
CROWE MANAGEMENT SERVICES	1150 CHINA ST	
ROBERSON RAYMOND L JR	1158 S TREADAWAY BL	
LINDSEY JOHN M	1233 CHINA ST	
LINDSEY JOHN M	1241 CHINA ST	
CHAMBERLAIN JACK D	1201 CHINA ST	
ROBERSON RAYMOND L JR	1150 S TREADAWAY BL	
NATION WIDE PRODUCTS LLC	1301 S TREADAWAY BL	
UNION PACIFIC SYSTEM	401 S 13TH ST	
WILLIAMS-VILARREAL LP	1201 S TREADAWAY BL	
ALLEN HARRY JOSEPH	1105 CHINA ST	
ANDERS CHAD S & PAM B	1310 S TREADAWAY BL	
CROWE JOHN & ASSOCIATES	1134 CHINA ST	
CROWE MANAGEMENT SERVICES	1142 CHINA ST	
INSTRUMENT MAINTENANCE CO	1202 S TREADAWAY BL	
CINCO J INC	325 S 13TH ST	
HARRIS ACOUSTICS LTD	1233 S TREADAWAY BL	

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









City Council
Agenda Memo



City Council
Meeting Date: 10/27/2011

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-2011-23, a request from Jan and Jerry Engelke to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 1125 Elmdale Rd.; and setting a public hearing for November 3, 2011.

GENERAL INFORMATION

Currently the property is zoned LI and has been developed with a commercial building. The property to the south has been developed as a single family residence. There is a retail store to the east of the property. The majority of the surrounding area is undeveloped.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity and is also designated as a Gateway into the City of Abilene. The request for GC zoning would prohibit the more intensive industrial uses and provide a more appropriate land use along the Gateway into our community. The request would allow the applicant to develop their property as they intend, and would be compatible with the surrounding uses.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested 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

October 13, 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 E, "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 27th day of October 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 14th day of September, 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 3rd day of November, 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 3rd day of November, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from LI (Light Industrial) to GC (General Commercial) zoning.

Legal Description:

ELMDALE COMMUNITY CENTER, BLOCK 1, LOT S PT OF 2 & ALL OF 3,
ACRES 3.9

Location:

1125 Elmdale Rd.

-END-

ZONING CASE Z-2011-23

STAFF REPORT



APPLICANT INFORMATION:

Jan and Jerry Engelke

HEARING DATES:

Planning & Zoning Commission: October 3, 2011

City Council 1st Reading: October 27, 2011

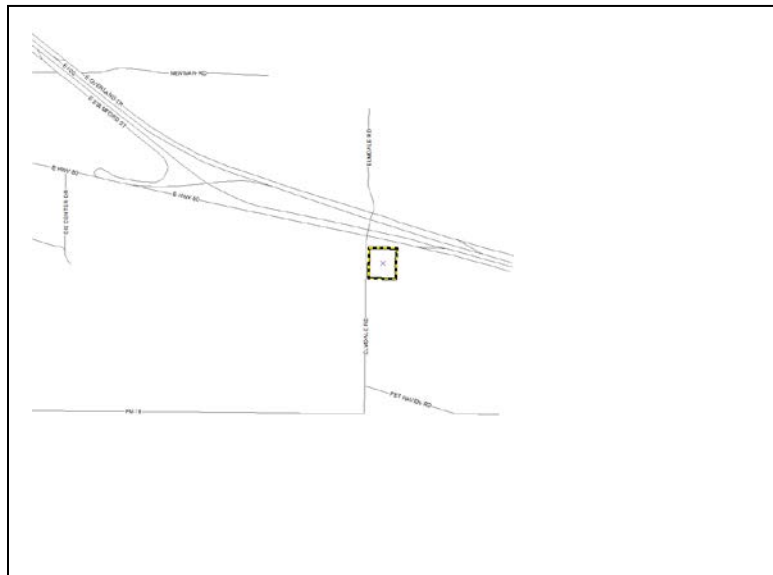
City Council 2nd Reading: November 3, 2011

LOCATION:

1125 Elmdale Rd.

REQUESTED ACTION:

Rezone property from LI (Light Industrial) to GC (General Commercial)



SITE CHARACTERISTICS:

The subject parcel totals approximately 3.0 acres and is currently zoned LI. The property has been developed with a commercial building. The adjacent properties have LI zoning to the east, west, and south, and AO (Agricultural Open Space) and GR (General Retail) zoning to the north. This property is right along the merger of E HWY 80 and I-20.

ZONING HISTORY:

The property was annexed in 1964 and was zoned AO when it was annexed. The property was zoned LI sometime after.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned LI and has been developed with a commercial building. The property to the south has been developed as a single family residence. There is a retail store to the east of the property. The majority of the surrounding area is undeveloped.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity and is also designated as a Gateway into the City of Abilene. The request for GC zoning would prohibit the more intensive industrial uses and provide a more appropriate land use along the Gateway into our community. The request would allow the applicant to develop their property as they intend, and would be compatible with the surrounding uses.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

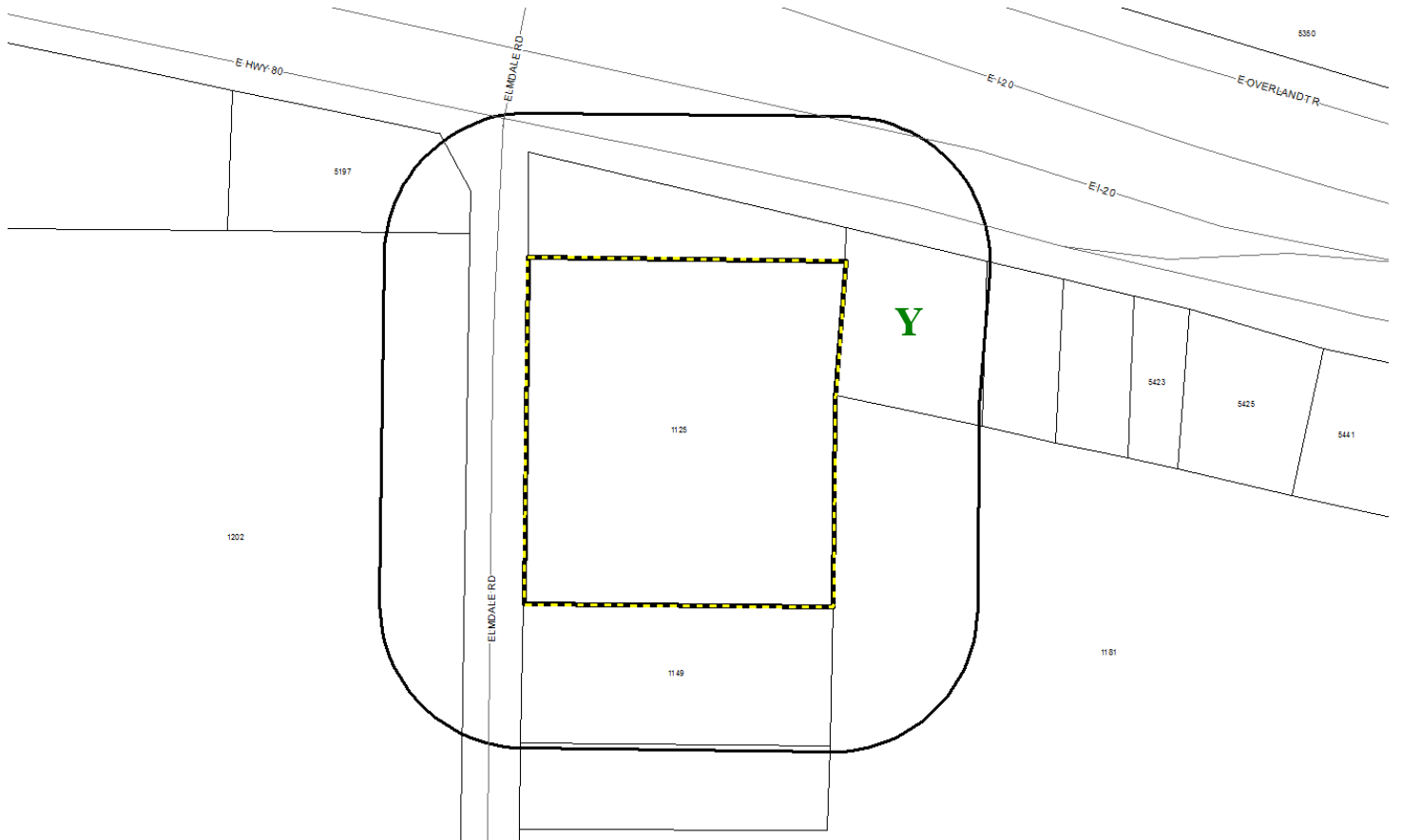
The Planning and Zoning Commission recommends approval as requested by a vote of seven (7) in favor, to none (0) opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
ENGELKE JERRY A & JAN M		
BLACKBURN RUTH BROOKS	5197 E HWY 80	
BLACKBURN RUTH BROOKS	1202 ELMDALE RD	
CITY OF ABILENE		
GUERRERO FREDRICK	1149 ELMDALE RD	
KMBD INC		
HAILEY ROBERT		In Favor
ENGELKE JERRY A & JAN M	1125 ELMDALE RD	
ENGELKE JERRY A & JAN M	1181 ELMDALE RD	

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









City Council
Agenda Memo



City Council
Meeting Date: 10/27/2011

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-2011-24, a request from Griffin Properties of Fort Smith, LLC to rezone property from HC (Heavy Commercial), RS-6 (Single Family Residential), and LI (Light Industrial) to MU (Medical Use) zoning, located at 1618 and 1658 N. Treadaway Blvd, the 600 block of Wilson St., 1626 – 1690 Plum St., and 1657 and 1689 Mesquite St.; and setting a public hearing for November 3, 2011.

GENERAL INFORMATION

Currently the properties are zoned LI, HC, and RS-6. The properties along N. Treadaway are developed with commercial buildings, while the subject properties to the west of N. Treadaway are developed with residential buildings, or were at one time residential structures, but are now vacant.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity and it is also designated as an Enhancement Corridor. The requested zoning would be compatible along N. Treadaway Blvd. and could act as a land use buffer to the residential properties to the west from the more intensive uses along N. Treadaway Blvd. The request for MU would be appropriate for the surrounding area, seeing that there is a large amount of medical type uses from Hickory St. to the east to N. Treadaway Blvd. and the request is also consistent with the recommendations of the Carver Neighborhood Plan.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of four (4) in favor (Famble, Glenn, Rosenbaum and McClarty) and one (1) opposed (Bixby). Mr. Todd and Mrs. Yungblut abstained.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

October 13, 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 E, "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 27th day of October 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 14th day of September, 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 3rd day of November, 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 3rd day of November, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from LI (Light Industrial), HC (Heavy Commercial), and RS-6 (Single Family Residential) to MU (Medical Use) zoning.

Location:

1618 and 1658 N. Treadaway Blvd, the 600 block of Wilson St., 1626 – 1690 Plum St., and 1657 and 1689 Mesquite St. As shown on the map below:



-END-

ZONING CASE Z-2011-24

STAFF REPORT



APPLICANT INFORMATION:

Griffin Properties of Fort Smith, LLC

HEARING DATES:

Planning & Zoning Commission: October 3, 2011

City Council 1st Reading: October 27, 2011

City Council 2nd Reading: November 3, 2011

LOCATION:

1618 and 1658 N. Treadaway Blvd, the 600 block of Wilson St., 1626 – 1690 Plum St., and 1657 and 1689 Mesquite St.

REQUESTED ACTION:

Rezone property from LI (Light Industrial), HC (Heavy Commercial), and RS-6 (Single Family Residential) to MU (Medical Use) zoning.



SITE CHARACTERISTICS:

The subject parcels total approximately 7.57 acres and are currently zoned LI, HC, and RS-6. The properties along N. Treadaway have been developed with commercial buildings, while there are some residential structures on the subject properties west of N. Treadaway. Some of the properties were at one time developed are currently vacant. The adjacent properties have GC(General Commercial) to the north, LI and HC zoning to the east, and RS-6 zoning to the south and west.

ZONING HISTORY:

The property was annexed in 1895 and was zoned AO when it was annexed. The properties were given the current zoning classifications sometime after.

ANALYSIS:

• Current Planning Analysis

Currently the properties are zoned LI, HC, and RS-6. The properties along N. Treadaway are developed with commercial buildings, while the subject properties to the west of N. Treadaway are developed with residential buildings, or were at one time residential structures, but are now vacant.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity and it is also designated as an Enhancement Corridor. The requested zoning would be compatible along N. Treadaway Blvd. and could act as a land use buffer to the residential properties to the west from the more intensive uses along N. Treadaway Blvd. The request for MU would be appropriate for the surrounding area, seeing that there is a

large amount of medical type uses from Hickory St. to the east to N. Treadaway Blvd. and the request is also consistent with the recommendations of the Carver Neighborhood Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval as requested by a vote of four (4) in favor (Famble, Glenn, Rosenbaum and McClarty) and one (1) opposed (Bixby). Mr. Todd and Mrs. Yungblut abstained.

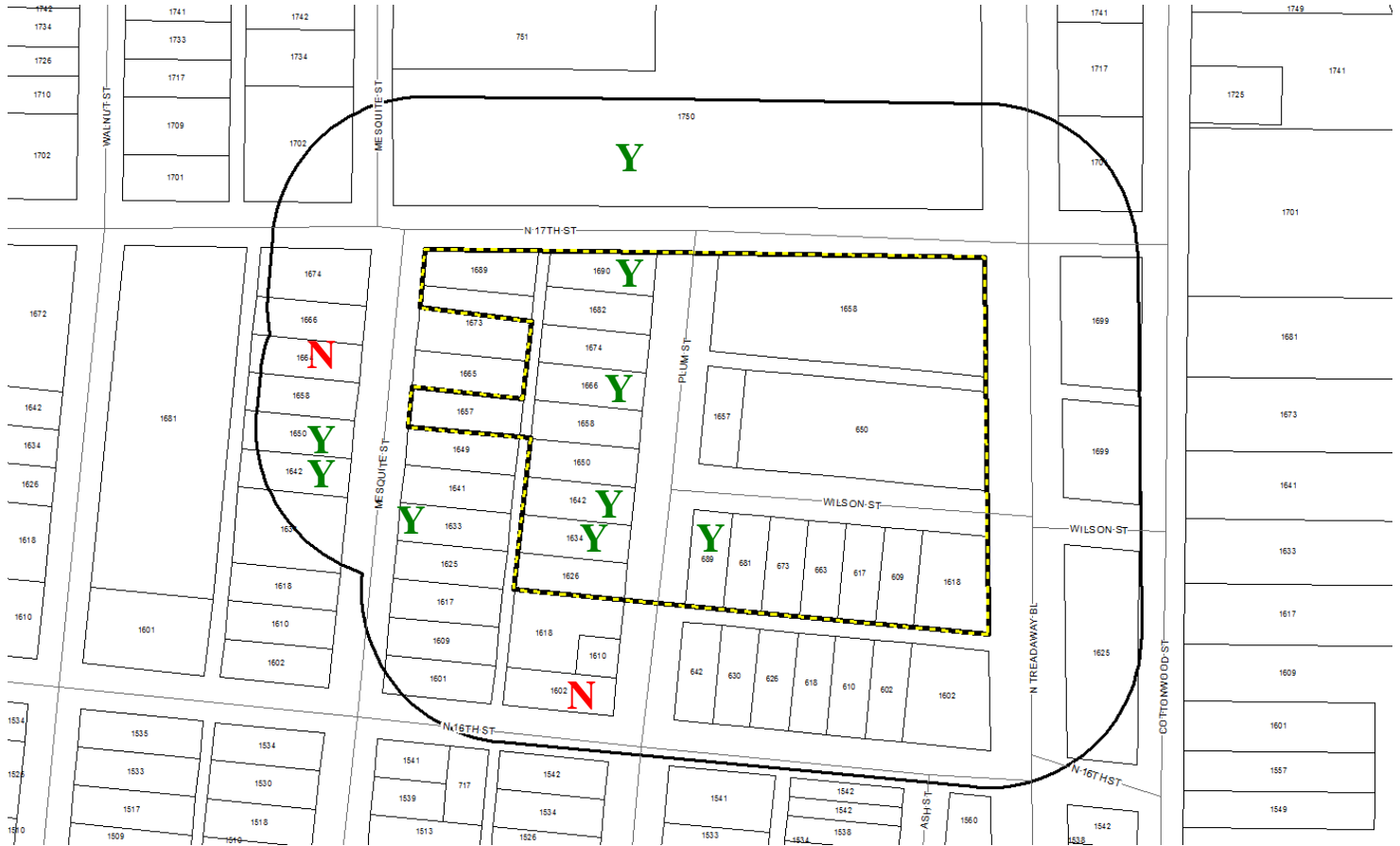
NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
PANUCO MARIA DE LOS	618 N 16TH ST	
MC GHEE OZELLAR	1626 PLUM ST	
ISLAS GUADALUPE	1610 PLUM ST	
GUERRO BEN S & ANN	1650 MESQUITE ST	In Favor
HORTON EARNEST JR &	1642 PLUM ST	In Favor
HENDRICK MEDICAL CENTER	1750 N TREADAWAY BL	In Favor
STOKES RAYMOND &	1658 MESQUITE ST	
BIMBO BAKERIES USA INC	1701 N TREADAWAY BL	
SMITH ALTON	1666 MESQUITE ST	
LEAL LUPE T	1699 N TREADAWAY BL	
ESTRADA RUDY	1618 N TREADAWAY BL	
VALADEZ ERNESTO & ELIZA	1625 MESQUITE ST	
SEIDER SIDNEY E	689 WILSON ST	In Favor
SEIDER SIDNEY E	681 WILSON ST	
JOHNSON ERNEST REV LIV TR	642 N 16TH ST	
LEAL LUPE T	1699 N TREADAWAY BL	
DAVIS CLYDE	1601 MESQUITE ST	
GONZALES MARIA TERESA ETAL	1657 MESQUITE ST	
LEDDY PAULA M	602 N 16TH ST	
JOHNSON RAYMOND L ET AL	1664 MESQUITE ST	Opposed
SMITH CLYDE L JR	617 WILSON ST	
ESTRADA RUDY & LYNDA	609 WILSON ST	
HILL FRANCES R	1602 PLUM ST	Opposed
DOS SANTOS ALVARO LIMA	1602 N TREADAWAY BL	
GRAY HAZEL	1665 MESQUITE ST	
DAVIS ANNIE MAE	1609 MESQUITE ST	
HALL TROY DBA HALL MOTORS	1625 N TREADAWAY BL	
REYES CESAR D	610 N 16TH ST	

DAVIS CLYDE	1617 MESQUITE ST	
DILLARD IVORY	1649 MESQUITE ST	
RODRIQUEZ JUAN & JOSIE V	1673 MESQUITE ST	
GUERRERO BENJAMIN S	1642 MESQUITE ST	In Favor
GUERRERO BENJAMIN S	1641 MESQUITE ST	
JOHNSON ERNEST REV LIV TR	630 N 16TH ST	
TEMPLO LA HERMOSA	1657 PLUM ST	
JACKSON FELICITAS	1650 PLUM ST	
NELSON DWALAH JANE	650 WILSON ST	
ST LUKE NONDEMONITIONAL	1682 PLUM ST	
GHANT CAROLYN REED	1658 PLUM ST	
ST LUKE NONDEMONITIONAL	1674 PLUM ST	
SMITH GLORIA J	1666 PLUM ST	In Favor
TAYLOR KENT	663 WILSON ST	
JOHNSON GEORGE	626 N 16TH ST	
JAMES RUBEN	1674 MESQUITE ST	
HERNANDEZ ALFONSO G	1689 MESQUITE ST	
VALERIO ANNETTE	1618 PLUM ST	
HENDRICK MEDICAL CENTER	1702 MESQUITE ST	
GUERRERO BENJAMIN & ANN	1633 MESQUITE ST	In Favor
NAVEJAS ROGELIO	1634 PLUM ST	In Favor
GHANT MARGARET	1634 MESQUITE ST	
SMITH GLORIA JEANETTE	1690 PLUM ST	In Favor
TAYLOR KENT	673 WILSON ST	
NELSON DWALAH JANE	1658 N TREADAWAY BL	

9 in Favor- **Y**
 2 Opposed- **N**









City Council
Agenda Memo



City Council
Meeting Date: 10/27/2011

TO: Larry D. Gilley, City Manager

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

SUBJECT: First reading on Ordinance for Case No. TC-2011-03, a request from Griffin Properties of Fort Smith, LLC to abandon N. 17th St. between N. Treadaway Blvd. and Mesquite St., a portion of Plum St. between N. 17th St. and N. 16th St., Wilson Ave. between N. Treadaway Blvd. and Plum St., and the 20' east to west alley ROW between N. 17th St. and Wilson Ave.; and setting a public hearing for November 3, 2011.

GENERAL INFORMATION

Improvements have been made to the existing rights-of-way and there are utilities within them as well. Some services are still provided, such as refuse collection, in the existing rights-of-way.

The applicant intends to abandon the subject rights-of-way to develop a large tract of land for a single use. Parts of Wilson St. and N. 17th St. have already been abandoned as part of a different development to the west, therefore they do not act as through streets, and their abandonment would not create a negative impact on interconnectivity.

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 or the applicant will be responsible to move all of the 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. Provide for cul-de-sac turnarounds where the closures will result in dead-end streets. Must maintain access to through traffic in the north/south alley ROW between Mesquite and Plum for refuse collection. 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.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of five (5) in favor (Bixby, Famble, Glenn, Rosenbaum, and McClarty) and none (0) opposed. Mrs. Yungblut and Mr. Todd abstained.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

October 14, 2011

Item No. 6.5

Disposition by City Council

- Approved Ord/Res#
 Denied _____
 Other _____

City Secretary

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 27th day of October 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 14th day of September 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 3rd day of November, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons the following thoroughfares:

Abandon N. 17th St. between N. Treadaway Blvd. and Mesquite St., a portion of Plum St. between N. 17th St. and N. 16th St., Wilson Ave. between N. Treadaway Blvd. and Plum St., and the 20' east to west alley ROW between N. 17th St. and Wilson Ave.

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.
3. A cul de sac will need to be provided where the abandonment results in a dead end.

-END-

THOROUGHFARE CLOSURE CASE TC-2011-03

STAFF REPORT

APPLICANT INFORMATION:

Griffin Properties of Fort Smith, LLC

HEARING DATES:

Planning & Zoning Commission: October 3, 2011

City Council 1st Reading: October 27, 2011

City Council 2nd Reading: November 3, 2011

REQUESTED ACTION:

N. 17th St. between N. Treadaway Blvd. and Mesquite St., a portion of Plum St. between N. 17th St. and N. 16th St., Wilson Ave. between N. Treadaway Blvd. and Plum St., and the 20' east to west alley ROW between N. 17th St. and Wilson Ave.



SITE CHARACTERISTICS:

Improvements have been made to the existing rights-of-way and there are utilities within them as well. Some services are still provided, such as refuse collection, in the existing rights-of-way.

REQUEST ANALYSIS:

The applicant intends to abandon the subject rights-of-way to develop a large tract of land for a single use. Parts of Wilson St. and N. 17th St. have already been abandoned as part of a different development to the west, therefore they do not act as through streets, and their abandonment would not create a negative impact on interconnectivity.

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 or the applicant will be responsible to move all of the 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. Provide for cul-de-sac turnarounds where the closures will result in dead-end streets. 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.

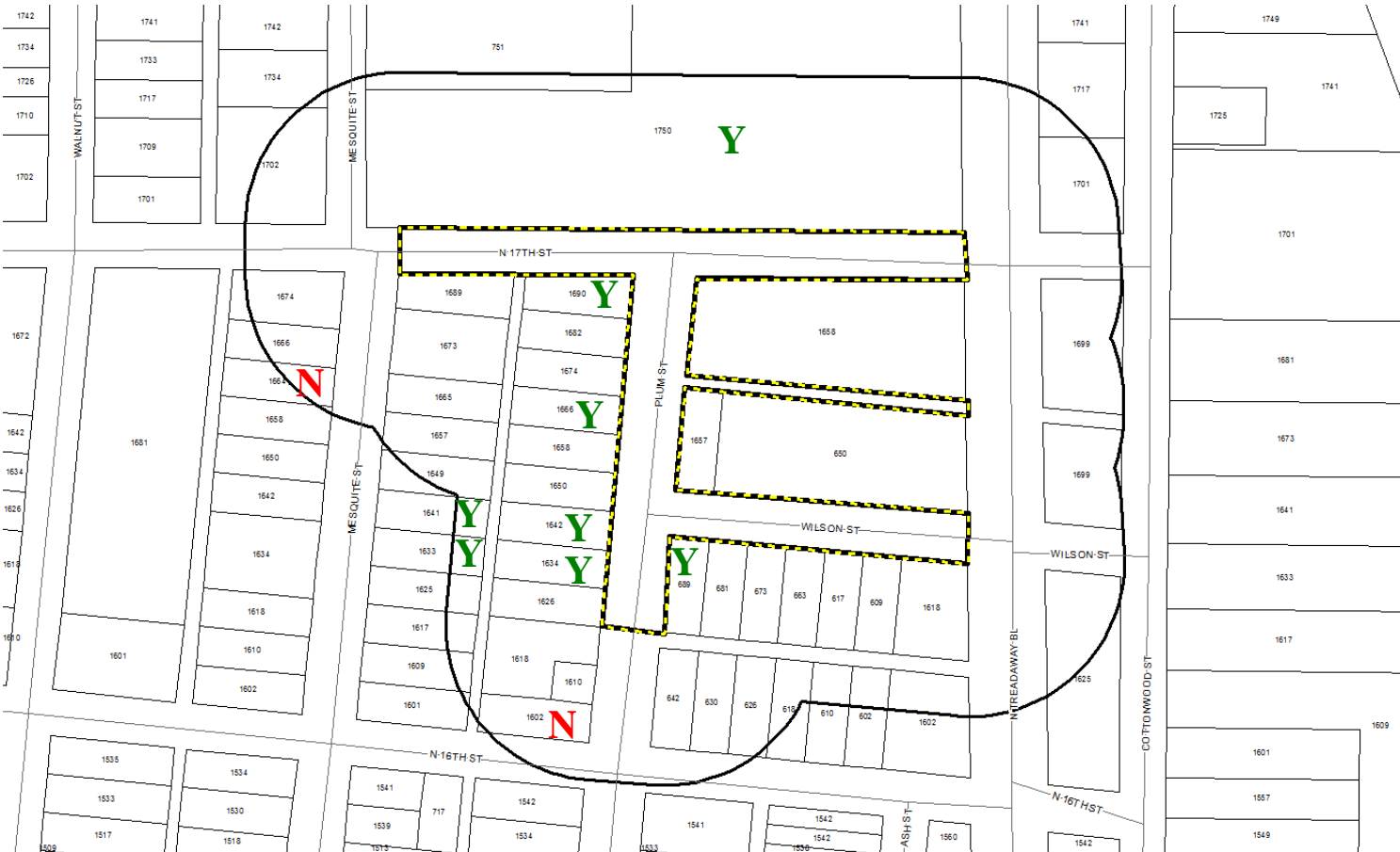
PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission recommended approval of the amendment by a vote of five (5) in favor (Bixby, Famble, Glenn, Rosenbaum, and McClarty) and none (0) opposed. Mrs. Yungblut and Mr. Todd abstained.

NOTIFICATION:

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

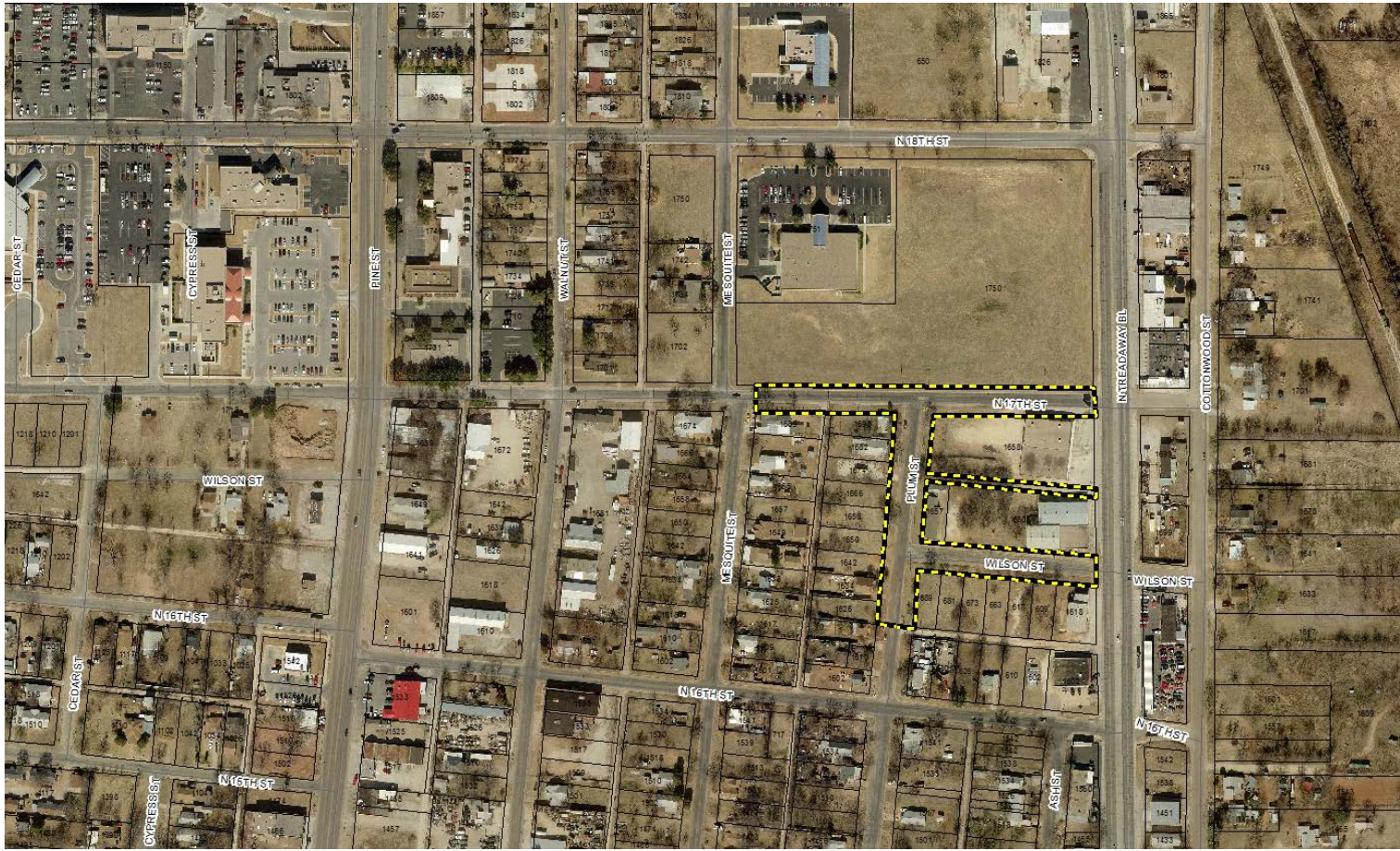
8 in Favor- **Y**
 2 Opposed- **N**



OWNER	ADDRESS	RESPONSE
PANUCO MARIA DE LOS	618 N 16TH ST	
MC GHEE OZELLAR	1626 PLUM ST	
ISLAS GUADALUPE	1610 PLUM ST	
HORTON EARNEST JR &	1642 PLUM ST	In Favor
HENDRICK MEDICAL CENTER	1750 N TREADAWAY BL	In Favor
STOKES RAYMOND &	1658 MESQUITE ST	
VILLALOVOS MACARIO	1734 MESQUITE ST	
BIMBO BAKERIES USA INC	1701 N TREADAWAY BL	
SMITH ALTON	1666 MESQUITE ST	
LEAL LUPE T	1699 N TREADAWAY BL	
ESTRADA RUDY	1618 N TREADAWAY BL	
VALADEZ ERNESTO & ELIZA	1625 MESQUITE ST	
SEIDER SIDNEY E	689 WILSON ST	In Favor
SEIDER SIDNEY E	681 WILSON ST	
JOHNSON ERNEST REV LIV TR	642 N 16TH ST	
LEAL LUPE T	1699 N TREADAWAY BL	
DAVIS CLYDE	1601 MESQUITE ST	
GONZALES MARIA TERESA ETAL	1657 MESQUITE ST	
LEDDY PAULA M	602 N 16TH ST	
BARRETT J D JR	1717 N TREADAWAY BL	
JOHNSON RAYMOND L ET AL	1664 MESQUITE ST	Opposed
SMITH CLYDE L JR	617 WILSON ST	
ESTRADA RUDY & LYNDA	609 WILSON ST	
HILL FRANCES R	1602 PLUM ST	Opposed
DOS SANTOS ALVARO LIMA	1602 N TREADAWAY BL	
GRAY HAZEL	1665 MESQUITE ST	
DAVIS ANNIE MAE	1609 MESQUITE ST	
HALL TROY DBA HALL MOTORS	1625 N TREADAWAY BL	
REYES CESAR D	610 N 16TH ST	
DAVIS CLYDE	1617 MESQUITE ST	
DILLARD IVORY	1649 MESQUITE ST	
RODRIQUEZ JUAN & JOSIE V	1673 MESQUITE ST	
GUERRERO BENJAMIN S	1641 MESQUITE ST	In Favor
JOHNSON ERNEST REV LIV TR	630 N 16TH ST	
TEMPLO LA HERMOSA	1657 PLUM ST	
JACKSON FELICITAS	1650 PLUM ST	
NELSON DWALAH JANE	650 WILSON ST	
ST LUKE NONDEMONITIONAL	1682 PLUM ST	
GHANT CAROLYN REED	1658 PLUM ST	
HENDRICK MEDICAL CENTER	751 N 18TH ST	
ST LUKE NONDEMONITIONAL	1674 PLUM ST	

SMITH GLORIA J	1666 PLUM ST	In Favor
TAYLOR KENT	663 WILSON ST	
JOHNSON GEORGE	626 N 16TH ST	
JAMES RUBEN	1674 MESQUITE ST	
HERNANDEZ ALFONSO G	1689 MESQUITE ST	
VALERIO ANNETTE	1618 PLUM ST	
HENDRICK MEDICAL CENTER	1702 MESQUITE ST	
GUERRERO BENJAMIN & ANN	1633 MESQUITE ST	In Favor
NAVEJAS ROGELIO	1634 PLUM ST	In Favor
SMITH GLORIA JEANETTE	1690 PLUM ST	In Favor
TAYLOR KENT	673 WILSON ST	
NELSON DWALAH JANE	1658 N TREADAWAY BL	





City Council
Agenda Memo



City Council
Meeting Date: 10/27/2011

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-2011-25, a request from Phillip and Cheryl Miller to rezone property from RS-6 (Single Family Residential) to RS-6/H (Single Family Residential with Historic Overlay) zoning, located at 2241 College St.; and setting a public hearing for November 3, 2011.

GENERAL INFORMATION

Currently the property is zoned RS-6 and has been developed with a residential dwelling unit. The Hawkins House is a Prairie Style Home built in 1927. The one-story frame residence with brick veneer exterior exhibits the following physical characteristics: a linear plan and a central hip roof with three off-set hip roofs extending over the carport, front porch and breakfast room; two-foot square columns with tapered capitals support the roof that overhangs the porch and carport; original wood Prairie Style windows; original front doors; no additions or major alterations are evident. The property is well maintained. The surrounding properties have all been developed with residential dwelling units except for businesses to the south along S. 14th Street.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. A few other properties in the area have received the overlay and this request could encourage other properties to seek the Historic Overlay zoning.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Landmarks Commission recommended approval by a vote of five (5) in favor to none (0) in opposition.

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

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by: Name: <u>Matt Jones</u> Title: <u>Planner II</u> October 14, 2011	Item No. <u>6.6</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ City Secretary
---	---------------------	---

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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 27th day of October, 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 15th day of September, 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 3rd day of November, 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 3rd day of November, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from RS-6 (Residential Single-Family) to RS-6/H (Residential Single-Family with Historic Overlay) zoning.

Legal Description:

HIGHLAND ADDN, BLOCK 30, LOT 15-16-17

Location:

2241 College St.

-END-

ZONING CASE Z-2011-25

STAFF REPORT



APPLICANT INFORMATION:

Phil & Cheryl Miller

HEARING DATES:

Planning & Zoning Commission: October 3, 2011

City Council 1st Reading: October 27, 2011

City Council 2nd Reading: November 3, 2011

LOCATION:

2241 College St.

REQUESTED ACTION:

Rezone property from RS-6 to RS-6/H

SITE CHARACTERISTICS:

The subject property is approximately 0.44 acres and is currently zoned RS-6 (Single Family Residential). The property has been developed with a residential dwelling unit. The adjacent properties have RS-6 zoning to the north, east and west with GC (General Commercial) zoning to the south.



ZONING HISTORY:

The property was annexed in 1895 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 with a residential dwelling unit. The Hawkins House is a Prairie Style Home built in 1927. The one-story frame residence with brick veneer exterior exhibits the following physical characteristics: a linear plan and a central hip roof with three off-set hip roofs extending over the carport, front porch and breakfast room; two-foot square columns with tapered capitals support the roof that overhangs the porch and carport; original wood Prairie Style windows; original front doors; no additions or major alterations are evident. The property is well maintained. The surrounding properties have all been developed with residential dwelling units except for businesses to the south along S. 14th Street.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. A few other properties in the area have received the overlay and this request could encourage other properties to seek the Historic Overlay zoning.

PLANNING STAFF RECOMMENDATION:

Case # Z-2011-25

Updated: October 14, 2011

Staff recommends approval as requested.

LANDMARKS COMMISSION RECOMMENDATION:

The Landmarks Commission recommended approval by a vote of five (5) in favor to none (0) in opposition.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

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

NOTIFICATION:

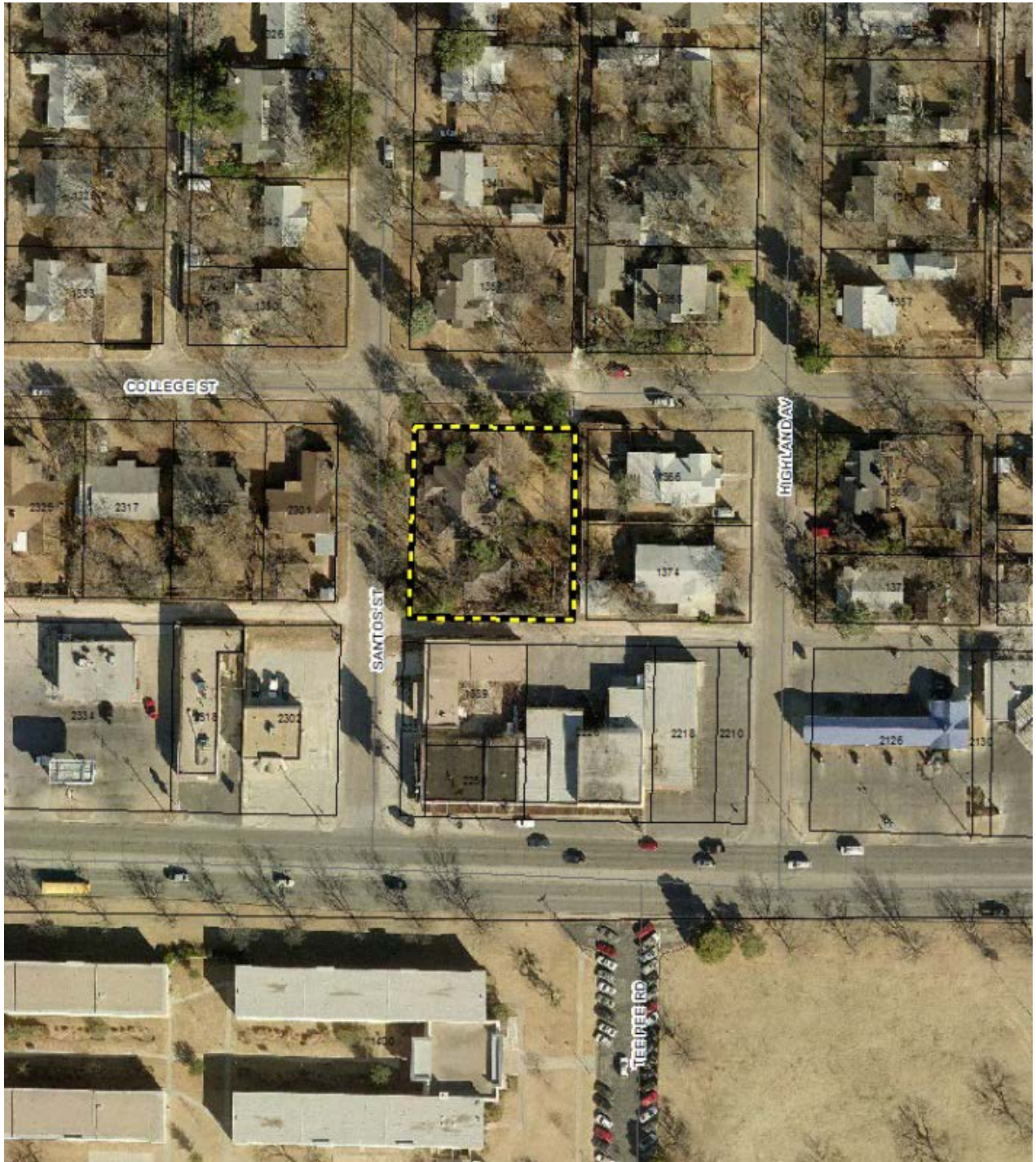
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
HARKINS MARGARET JANE	1350 SANTOS ST	
KUYKENDALL JUDITH ANN	1341 SANTOS ST	
SHAHER JESSICA J	1357 SANTOS ST	
MC MURRY UNIVERSITY	1389 SANTOS ST	
CORN SAM J	2302 S 14TH ST	
CITY OF ABILENE	2210 S 14TH ST	
CITY OF ABILENE	2258 S 14TH ST	
ALLSUPS CONVENIENCE STORE	2334 S 14TH ST	
TCR REALTY INC	2318 S 14TH ST	
MORALES JEFF J	2317 COLLEGE ST	
BACHRAN LANCE W	2250 S 14TH ST	
DEVANNEY MARY B & BALLARD BARBARA L	1365 HIGHLAND AVE	
ACKER PAMELA BROWN & DAVID P	1350 HIGHLAND AVE	
VOIT LOUIS W & BARBARA S	1358 HIGHLAND AVE	In Favor
FRAZIER JIMMY D	1357 HIGHLAND AVE	In Favor
MILLER PHILLIP W & CHERYL	2241 COLLEGE ST	
TOWNSEND JIMMY DON JR & GLYN ANN	2218 S 14TH ST	
TOWNSEND JIMMY DON JR & GLYN ANN	2226 S 14TH ST	
SP-III OLENTANGY PROPERTIES LLC	1366 HIGHLAND AVE	
SABIN LAWRENCE M & SUSAN Y	1373 HIGHLAND AVE	
NELSON FRANCES	2309 COLLEGE ST	In Favor
BILBERRY TIMOTHY H & MARY H	2301 COLLEGE ST	
JANANCO INC	2126 S 14TH ST	
STROMSOE JOSHUA & STEPHANIE	1374 HIGHLAND AVE	
WILSON ROBERT D & JOANN	1342 SANTOS ST	
HAYNES BILLY CLYDE & SANDRA LU	1334 SANTOS ST	

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









City Council
Agenda Memo



City Council
Meeting Date: 10/27/2011

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-2011-26, a request from Steven and Deborah Smith to rezone property from MD (Medium Density Residential) to MD/H (Medium Density Residential with Historic Overlay) zoning, located at 1430 S. 6th St.; and setting a public hearing for November 3, 2011.

GENERAL INFORMATION

Currently the property is zoned MD and has been developed with a residential dwelling unit. The N. J. Roberts House was designated a National Historic Place in 1992. It was built in 1912 and is representative of the transition between the pre- and post- World War periods. It exhibits stylistic details from both eras. This house represents the beginning of the era of "Eclectic Architecture", as elements of historic styles were juxtaposed and blended. The property is well maintained. The surrounding properties have all been developed with residential dwelling units.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. A few other properties in the area have received the overlay and this request could encourage other properties to seek the Historic Overlay zoning.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Landmarks Commission recommended approval by a vote of five (5) in favor to none (0) in opposition.

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

ATTACHMENTS

Ordinance
Staff Report with Maps

<p>Prepared by:</p> <p>Name: <u>Matt Jones</u></p> <p>Title: <u>Planner II</u></p> <p>October 14, 2011</p>	<p>Item No. <u>6.7</u></p>	<p>Disposition by City Council</p> <p><input type="checkbox"/> Approved Ord/Res#</p> <p><input type="checkbox"/> Denied _____</p> <p><input type="checkbox"/> Other _____</p> <p>_____ City Secretary</p>
--	----------------------------	---

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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 27th day of October, 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 15th day of September, 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 3rd day of November, 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 3rd day of November, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from MD (Medium Density Residential) to MD/H (Medium Density Residential with Historic Overlay) zoning.

Legal Description:

OT ABILENE, BLOCK 123, LOT W20 LT 3-6 & E63 LT 7-8 & S31 E63 LT 9 & N19
E28 L

Location:

1430 S. 6th Street

-END-

ZONING CASE Z-2011-26

STAFF REPORT



APPLICANT INFORMATION:

Debbie Smith

HEARING DATES:

Planning & Zoning Commission: October 3, 2011

City Council 1st Reading: October 27, 2011

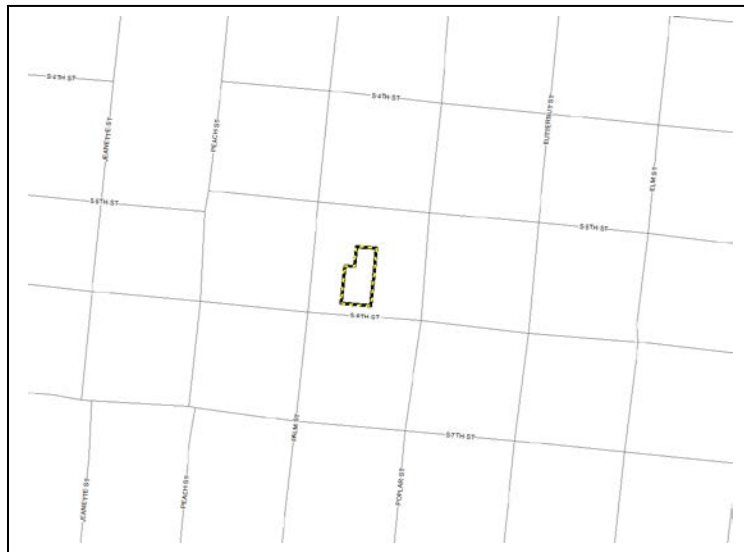
City Council 2nd Reading: November 3, 2011

LOCATION:

1430 S. 6th St.

REQUESTED ACTION:

Rezone property from MD to MD/H



SITE CHARACTERISTICS:

The subject property is approximately 0.42 acres and is currently zoned MD (Medium Density Residential). The property has been developed with a residential dwelling unit. The adjacent properties have MD zoning to the, north, south, east, and west. The property to the east also has historic overlay.

ZONING HISTORY:

The property was annexed in 1895 and was zoned MD sometime after it was annexed.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned MD and has been developed with a residential dwelling unit. The N. J. Roberts House was designated a National Historic Place in 1992. It was built in 1912 and is representative of the transition between the pre- and post- World War periods. It exhibits stylistic details from both eras. This house represents the beginning of the era of “Eclectic Architecture”, as elements of historic styles were juxtaposed and blended. The property is well maintained. The surrounding properties have all been developed with residential dwelling units.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. A few other properties in the area have received the overlay and this request could encourage other properties to seek the Historic Overlay zoning.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

LANDMARKS COMMISSION RECOMMENDATION:

The Landmarks Commission recommended approval by a vote of five (5) in favor to none (0) in opposition.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

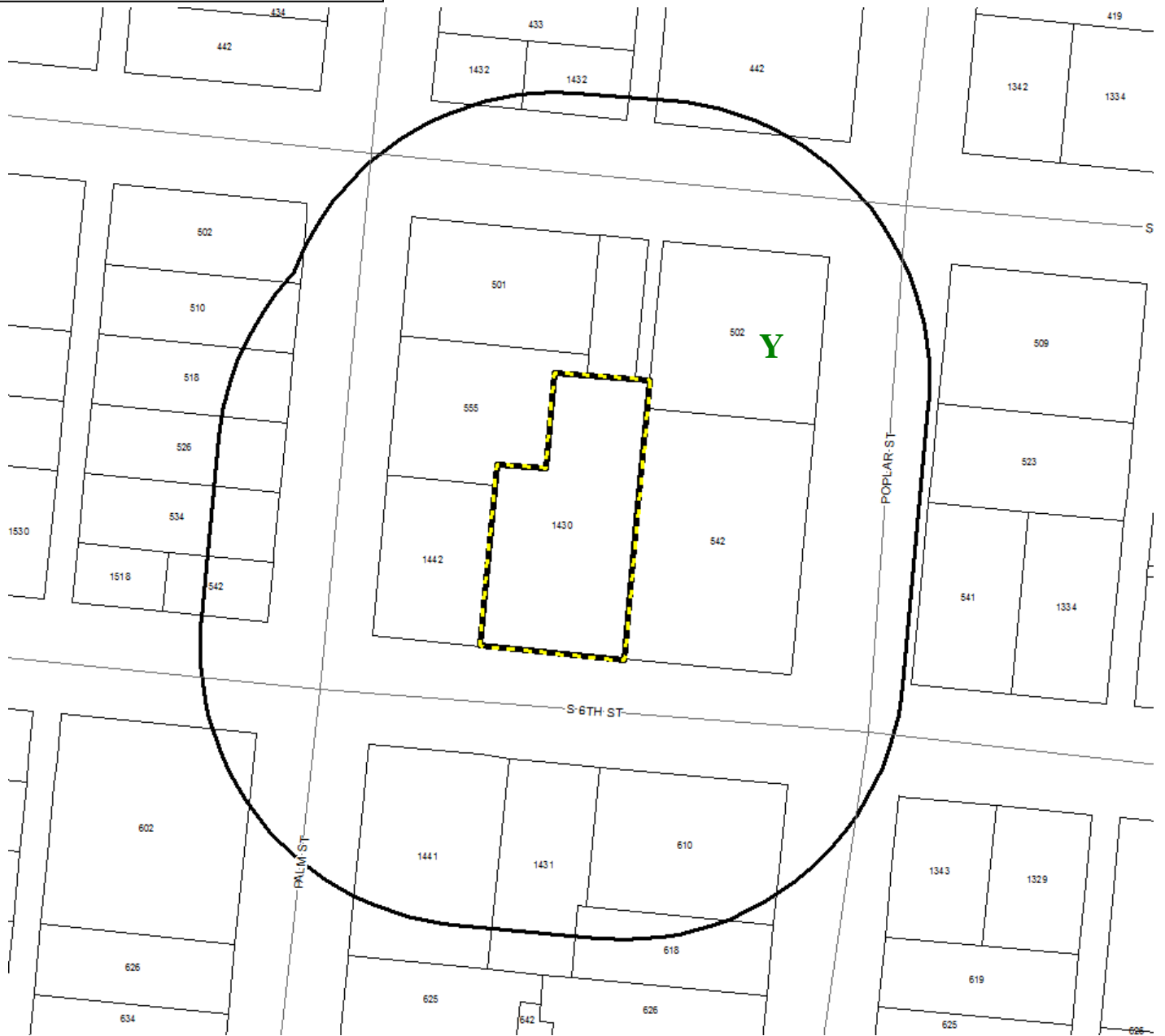
The Planning and Zoning Commission recommended approval by a vote of seven (7) in favor (Bixby, Famble, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) to none (0) opposed.

NOTIFICATION:

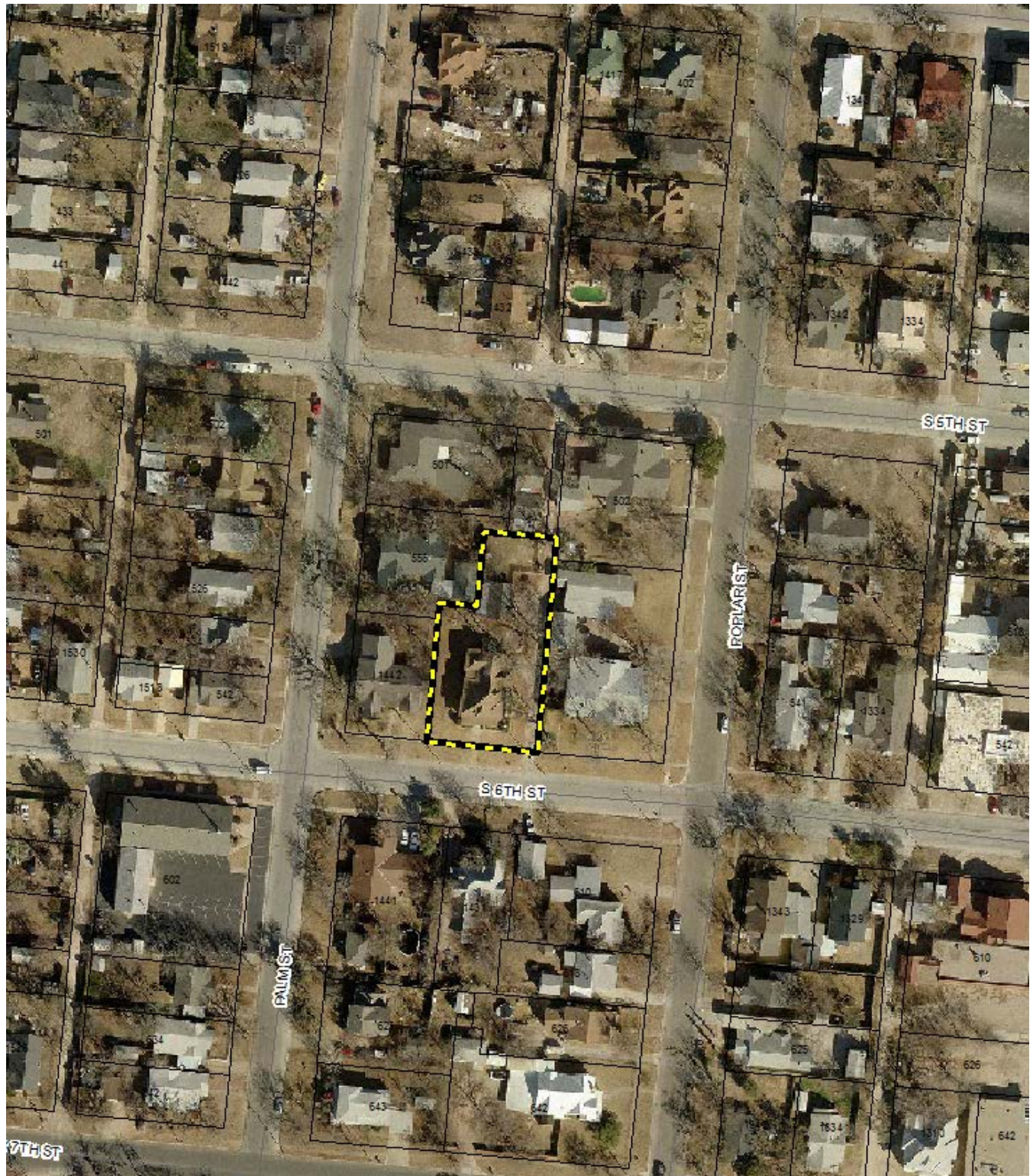
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
CATO AARON & KRISTI	510 PALM ST	
FRANKLIN SHERRI R	542 PALM ST	
GONZALES REFUGIO JR & FRANCES N	610 POPLAR ST	
NORRIS CHERRYL JOY	618 POPLAR ST	
ZAPATA JOE I & ELIDA T	534 PALM ST	
MILLER ROBERT B & CHERYL C	502 PALM ST	
ROUSE JAMES A	502 POPLAR ST	In Favor
OWENS CLAUDINE S	518 PALM ST	
BREWER DARLEAN	501 PALM ST	
ELAM LANCE A & LISA P	555 PALM ST	
FLORES JOHNNY JR & CALLIE EDWARDS	1432 S 5TH ST	
RUMBAUGH KATHLEEN	442 POPLAR ST	
HUBBARD FAY LAVERNE	526 PALM ST	
GILILLAND PHILLIP & SUE	1431 S 6TH ST	
CALK ROBERT P & JULIE E	542 POPLAR ST	
ABILENE KOREAN CHURCH	602 PALM ST	
SMITH STEVEN D & DEBORAH J	1430 S 6TH ST	
RYAN LATHAM W	1442 S 6TH ST	
Confidential Owner	1441 S 6TH ST	
BLAND BENNIE E & BOBBIE L	1432 S 5TH ST	

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









City Council
Agenda Memo



City Council
Meeting Date: 10/27/2011

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-2011-27, a request from David and Kirsten Keel to rezone property from MD (Medium Density Residential) to MD/H (Medium Density Residential with Historic Overlay) zoning, located at 340 and 342 Palm St.; and setting a public hearing for November 3, 2011.

GENERAL INFORMATION

Currently the property is zoned MD and has been developed with a residential dwelling unit. The Tandy House was built in 1901. It is an eclectic blend of vernacular American Foursquare, Colonial and Classical Revival style. This house represents a move toward the blending of historic architectural styles prevalent after WWI. The surrounding properties have all been developed with residential dwelling units.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. No other properties in the area have received the overlay and this request could encourage other properties to seek the Historic Overlay zoning.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Landmarks Commission recommended approval by a vote of five (5) in favor to none (0) in opposition.

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

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

October 14, 2011

Item No. 6.8

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 E, "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 27th day of October, 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 15th day of September, 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 3rd day of November, 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 3rd day of November, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from MD (Medium Density Residential) to MD/H (Medium Density Residential with Historic Overlay) zoning.

Legal Description:

OT ABILENE, BLOCK 157, LOT 4, 5, 6 & 10 SFT OF LT 3

Location:

340 and 342 Palm Street

-END-

ZONING CASE Z-2011-27

STAFF REPORT



APPLICANT INFORMATION:

David & Kirsten Keel

HEARING DATES:

Planning & Zoning Commission: October 3, 2011
City Council 1st Reading: October 27, 2011
City Council 2nd Reading: November 3, 2011

LOCATION:

340 & 342 Palm St.

REQUESTED ACTION:

Rezone property from MD to MD/H

SITE CHARACTERISTICS:

The subject property is approximately 0.32 acres and is currently zoned MD (Medium Density Residential). The property has been developed with a residential dwelling unit. The adjacent properties have MD zoning to the north, south, east and west.



ZONING HISTORY:

The property was annexed in 1895 and was zoned MD sometime after it was annexed.

ANALYSIS:

- Current Planning Analysis
Currently the property is zoned MD and has been developed with a residential dwelling unit. The Tandy House was built in 1901. It is an eclectic blend of vernacular American Foursquare, Colonial and Classical Revival style. This house represents a move toward the blending of historic architectural styles prevalent after WWI. The surrounding properties have all been developed with residential dwelling units.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. No other properties in the area have received the overlay and this request could encourage other properties to seek the Historic Overlay zoning.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

LANDMARKS COMMISSION RECOMMENDATION:

The Landmarks Commission recommended approval by a vote of five (5) in favor to none (0) in opposition.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

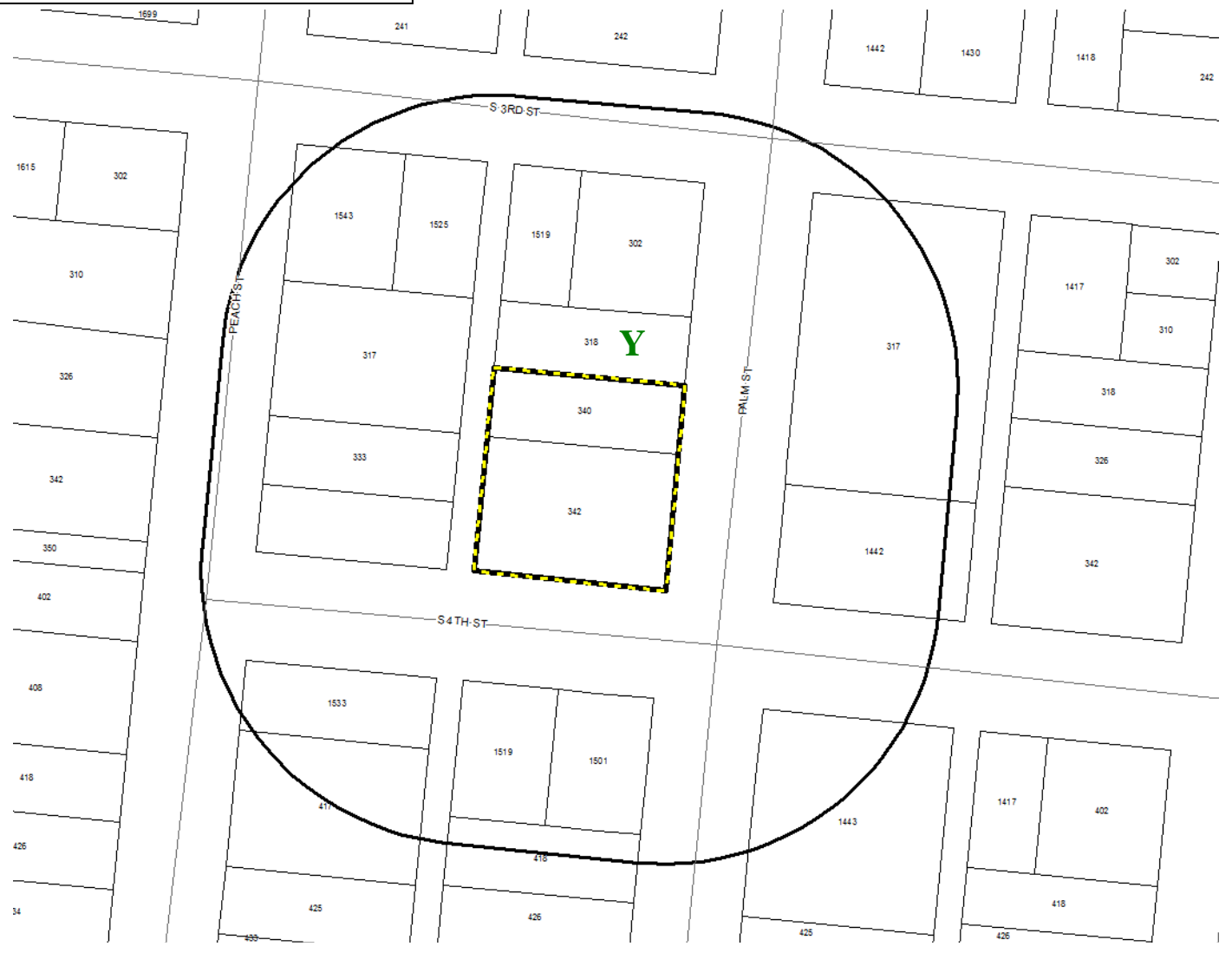
The Planning and Zoning Commission recommended approval by a vote of seven (7) in favor (Bixby, Famble, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) to none (0) opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
VILLARREAL JOEL S	1525 S 3RD ST	
LOPEZ REBECCA	1519 S 3RD ST	
SIMPKINS HARRY L JR & TAMMY L	333 PEACH ST	
MORSE BYRON ROOD & ANGELICA	1501 S 4TH ST	
VICTOR E HUDMAN	1533 S 4TH ST	
PIONEER DRIVE BAPTIST CHURCH	317 PALM ST	
PATTERSON ARCHIE T & MARY E	418 PALM ST	
VILLARREAL JOEL & SOFIA G	302 PALM ST	
SIMPKINS TAMMY LYNN		
KEEL DAVID & KIRSTEN	342 PALM ST	
RAMIREZ ROBERT D & MARIE E	317 PEACH ST	
DODSON FOREMAN D & JEWELL E	1519 S 4TH ST	
KEEL DAVID & KIRSTEN	340 PALM ST	
SMITH MARY LOU	1543 S 3RD ST	
HORTON JOWELL DEAN & DIANA D	318 PALM ST	In Favor
PIONEER DRIVE BAPTIST CHURCH	1442 S 4TH ST	
CORDRY DELBERT & KAREN	1443 S 4TH ST	
RUIZ EDUARDO F & ISABEL	417 PEACH ST	

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









City Council
Agenda Memo



City Council
Meeting Date: 10/27/2011

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-2011-28, a request from the City of Abilene to rezone property from MD (Medium Density Residential) to PD (Planned Development) zoning, located at 1699 S. 1st St.; and setting a public hearing for November 3, 2011.

GENERAL INFORMATION

Currently the property is zoned MD and has been developed with the old Lincoln Middle School. The property is located on the S. 1st Street corridor. It is also adjacent to the South Downtown Area. There are residential properties to the west and south. The other adjacent properties are a mix of office and retail uses that are consistent with the area.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. However, the location is directly adjacent to the South Downtown Area. Under the current zoning, the subject property can be developed for residential uses and for educational and civic uses. The proposed PD zoning proposes to modify the permitted uses to be consistent with those on the S. 1st Street corridor and within the South Downtown area. The proposed PD also identifies specific uses that have been deemed incompatible with the area. Additionally, the PD proposes specific regulations that would discourage major alteration or demolition of the building.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

October 13, 2011

Item No. 6.9

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, CONCERNING PD-136 A PLANNED DEVELOPMENT; 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 B, 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.

PASSED ON FIRST READING this 27th day of October 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 15th day of September, 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 3rd day of November, 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 3rd day of November, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

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 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, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Land Development Code of the City of Abilene except as otherwise specifically provided herein.

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

PART 4: Zoning. That Chapter 23, Subpart B, Abilene Municipal Code, known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From MD (Medium Density Residential) to PD (Planned Development).

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 PD is as follows:

Old Town Abilene, Block 184, Lots 1, 2 & 3

Location: 1699 S. 1st Street

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for commercial development and related activities for re-use of a building, while maintaining the general historic appearance of the main building as viewed from South First and Grape Streets.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the GC (General Commercial) zoning district, except as modified below.

A. PERMITTED USES:

All uses permitted in the GC (General Commercial) zoning district listed in the Land Development Code, to include the following as permitted uses:

- Drive Thru Facility, not in main building
- Dwelling – Multiple-Family
- Dwelling – Institutional
- Recreation Building, Multipurpose
- Swimming Pool, private
- Tennis Court, private
- Personal Care Facility

The following uses are not permitted:

- Drive Thru Facility, in main building
- Fuel Sales
- Kennel
- Repair and Maintenance Services – Automobile/Small Truck (Major)
- Repair and Maintenance Services – Automobile/Small Truck (Minor)
- Retail Sales/Rental of vehicles, including automobile and small truck and large truck and other large vehicles and equipment)
- Taxidermist

B. SITE DEVELOPMENT

The development shall comply with the requirements of the Land Development Code with the following exceptions and additions:

1. The property owner shall acquire City approval before seeking to demolish the main building. The Landmarks Commission shall be the approval organization for such request through the processes and procedures outlined for Historic Overlay zoned properties.
2. The property owner shall be responsible for preservation of the visibility of the front façade from Grape Street by preserving the terminating vista visible from Grape Street. No buildings shall be allowed between South 1st and the main Lincoln Middle School building that would affect this visibility.
3. The existing window openings must be preserved either with windows or the appearance of windows on the front and side façades of the main building.
4. The property owner shall not alter or remove significant architectural features of the front or side façades, including but not limited to gargoyles, cornices, and other such features without approval by the City's Landmarks Commission.

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 4

5. If painted, the bricks on visible façades must be painted neutral, earth-tone colors.
6. Any signs attached to the main building shall require a Certificate of Appropriateness from the Landmarks Commission.

-END-

ZONING CASE Z-2011-28

STAFF REPORT



APPLICANT INFORMATION:

City of Abilene, Abilene I.S.D.

HEARING DATES:

Planning & Zoning Commission: October 3, 2011
City Council 1st Reading: October 27, 2011
City Council 2nd Reading: November 3, 2011

LOCATION:

1699 S. 1st Street

REQUESTED ACTION:

Rezone property from MD (Medium Density) to PD (Planned Development)



SITE CHARACTERISTICS:

The subject parcel totals approximately 7.8 acres and is currently zoned MD (Medium Density). The property has been developed with the old Lincoln Middle School. The adjacent properties have MD and O (Office) to the west, MD zoning to the south, and MD, NR (Neighborhood Retail), GC (General Commercial), and CB (Central Business) zoning to the east.

ZONING HISTORY:

The property was annexed in 1895 and was zoned MD sometime after it was annexed.

ANALYSIS:

- Current Planning Analysis
Currently the property is zoned MD and has been developed with the old Lincoln Middle School. The property is located on the S. 1st Street corridor. It is also adjacent to the South Downtown Area. There are residential properties to the west and south. The other adjacent properties are a mix of office and retail uses that are consistent with the area.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. However, the location is directly adjacent to the South Downtown Area. Under the current zoning, the subject property can be developed for residential uses and for educational and civic uses. The proposed PD zoning proposes to modify the permitted uses to be consistent with those on the S. 1st Street corridor and within the South Downtown area. The proposed PD also identifies specific uses that have been deemed incompatible with the area. Additionally, the PD proposes specific regulations that would discourage major alteration or demolition of the building.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval as requested by a vote of seven (7) in favor, to none (0) opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
VILLARREAL JOEL S	1525 S 3RD ST	
CORPIAN GARY LEE & MARILU LEE	1526 S 2ND ST	
CORTEZ ALFREDO & BLANCA	1703 S 3RD ST	
CORPIAN GARY LEE & MARILU LEE	1534 S 2ND ST	
ABILENE IND SCHOOL DIST	1699 S 1ST ST	
PATTERSON ARCHIE T & MARY E	310 PEACH ST	
HERMAN HELEN A	318 JEANETTE ST	
DESHAZO GARY L	1631 S 3RD ST	
HARRELL MARY EVA	1615 S 3RD ST	
LYND COBY & JACQUELINE	309 JEANETTE ST	
MICHAEL JULIUS L	1549 S 1ST ST	
CORPIAN GARY LEE & MARILU LEE		
HERNANDEZ JOSE LUIS & HERNANDEZ ARTEMIO	317 JEANETTE ST	
CORTEZ ALFREDO & BLANCA	310 JEANETTE ST	
ACKER PAMELA	302 PEACH ST	
ALMAGUER RIVERA MARIA PATRICIA	225 PEACH ST	
LIME TREE MARKETING & RENTAL	1583 S 1ST ST	
RAMIREZ ROBERT D & MARIE E	317 PEACH ST	
SMITH MARY LOU	1543 S 3RD ST	
AVILA EUSTOLIO	1541 S 2ND ST	
CORPIAN GARY LEE & MARILU LEE	117 PEACH ST	
ADAMS PAULA J	241 PEACH ST	
FIRST NATIONAL BANK BAIRD-ABILENE	108 VINE ST	
CHRISTIAN COMMUNITY DEV CO	142 VINE ST	In Favor
FIRST NATIONAL BANK BAIRD	1849 S 1ST ST	
SMITH ALTON H JR	226 VINE ST	
FIRST NATIONAL BANK BAIRD-ABILENE	134 VINE ST	
PACHICANO JUAN & ROSALINDA	1802 S 3RD ST	
CHRISTIAN COMMUNITY DEVELOPMENT	202 VINE ST	
MALLORY JOY LLC	1705 S 3RD ST	
WARFORD THOMAS E	1702 S 3RD ST	

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









**City Council
Agenda Memo**



**City Council
Meeting Date: 10/27/2011**

TO: Larry D. Gilley, City Manager

FROM: Kelley K. Messer, Asst. City Attorney

SUBJECT: First Reading on an Ordinance allowing Golf Carts on Public Streets with restrictions; and setting a public hearing for November 3, 2011.

GENERAL INFORMATION

In years past UPS has utilized a golf cart with an attached trailer to make parcel deliveries in the Fairway Oaks neighborhood during the holiday season. There is currently nothing in state law or city ordinances that permits such use of golf carts. However, state law allows municipalities to legalize the operation of golf carts, for purposes unrelated to a golf course, if the operation is permitted pursuant to the limitations and requirements set out in state law.

This ordinance allows parcel delivery services, including but not limited to UPS, to utilize golf carts for the purpose of delivery during the holiday season, while limiting the operation of golf carts in a manner so as to promote public safety. Texas Transportation Code Section 551.404 provides that a governing body of a municipality may allow the operation of a golf cart on a street within the corporate boundaries of the municipality if the street has a posted speed limit of not more than 35 miles per hour and a golf cart so operated has headlamps, tail lamps, reflectors, a parking brake, and mirrors. This ordinance has been drafted to meet the requirements found in Chapter 551 of the Transportation Code.

FUNDING/FISCAL IMPACT

N/A

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS

Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
ALLOWING GOLF CARTS ON PUBLIC STREETS WITH RESTRICTIONS**

WHEREAS, golf carts have been used for delivery purposes by United Parcel Service of America, Inc. (“UPS”) during the holiday season in prior years on certain public streets; and

WHEREAS, Texas Transportation Code Section 551.403 allows a municipality to pass an ordinance authorizing the use of golf carts on public streets with certain restrictions; and

WHEREAS, it is in the best interest of the citizens to allow UPS and other parcel delivery services to operate golf carts for delivery services on certain public streets within the City of Abilene with certain restrictions;

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

PART 1: That the City Council of the City of Abilene authorizes the use of golf carts on public streets with certain restrictions as set forth in Exhibit “A”, attached hereto and made a part of this Ordinance for all purposes.

PART 2: That 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: That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.

PART 4: Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 27th day of October, 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 30th day of October, 2011, 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 3rd day of November, 2011, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 3rd day of November, 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Exhibit A

From November 1, 2011 until December 31, 2011, parcel delivery services, including but not limited to United Parcel Service of America, Inc. and FedEx Corp., may operate a golf cart on a portion of a public street within the City of Abilene that is:

- (1) within two miles of a golf course,
- (2) has a speed limit of not more than 35 miles per hour,
- (3) provides for no more than two lanes of vehicular traffic per direction,
- and
- (4) is not designated as part of the State or Federal highway system.

A golf cart operated pursuant to this ordinance must have headlamps, tail lamps, reflectors, a parking brake, and mirrors. Any employee of a parcel delivery service that operates a golf cart pursuant to this ordinance must possess a valid state license to operate a motor vehicle.

Texas Traffic Safety eGrants

Fiscal Year 2012

Organization Name: Safety City Abilene

Legal Name: City of Abilene

Payee Identification Number: 17560004404000

Project Title: Safety City - Building Safer Communities

ID: 2012-SafetyCi-G-1YG-0010

Period: 10/01/2011 to 09/30/2012

City of Abilene

Safety City - Building Safer Communities

TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT

THE STATE OF TEXAS

THE COUNTY OF TRAVIS

THIS AGREEMENT IS MADE BY and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the Department and the, **City of Abilene** hereinafter called the Subgrantee, and becomes effective then fully executed by both parties. For the purpose of this agreement, the Subgrantee is designated as a(n) **Local Government**.

AUTHORITY: Texas Transportation Code, Chapter 723, the Traffic Safety Act of 1967, and the Highway Safety Performance Plan for the Fiscal Year 2012.

Name of the Federal Agency: **National Highway Traffic Safety Administration**

Contract Number: **582EGF6138**

CFDA Number: **20.600**

CFDA Title: **State and Community Highway Safety Grant Program**

Funding Source: Section **402**

DUNS: **081078891**

Project Title: **Safety City - Building Safer Communities**

Description: To teach elementary age students traffic safety, pedestrian safety, bicycle safety, railroad safety, bus safety, seat belt safety and officers are their friends.

This project is **Not Research and Development**

Grant Period: This Grant becomes effective on **10/01/2011** or on the date of final signature of both parties, whichever is later, and ends on **09/30/2012** unless terminated or otherwise modified.

Total Awarded: **\$16,888.00**

Amount Eligible for Reimbursement by the Department: **\$15,174.00**

Match Amount provided by the Subgrantee: **\$1,714.00**

City of Abilene

Safety City - Building Safer Communities

TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT

The signatory of the Subgrantee hereby represents and warrants that she/he is an officer of the organization for which she/he has executed this agreement and that she/he has full and complete authority to enter into this agreement on behalf of the organization.

THE SUBGRANTEE

THE STATE OF TEXAS

City of Abilene

[Legal Name of Agency]

Executed for the Executive Director and
Approved for the Texas Transportation
Commission for the purpose and effect of
activating and/or carrying out orders, established
policies or work programs approved and
authorized by the Texas Transportation
Commission

By:

By:

[Authorized Signature]

[District Engineer Texas Department of
Transportation]

[Name]

[Name]

[Title]

[Title]

Date: _____

Date: _____

Under the authority of Ordinance or
Resolution Number (for local
government):
(If Applicable)

By:

Director, Traffic Operations Division Texas
Department of Transportation (Not required for
local project grants under \$100,000.00)

[Resolution Number]

Date: _____

GRANT AGREEMENT GENERAL TERMS AND CONDITIONS

ARTICLE 1. COMPLIANCE WITH LAWS

The Subgrantee shall comply with all federal, state, and local laws, statutes, codes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of this agreement, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, nondiscrimination laws and regulations, and licensing laws and regulations. When required, the Subgrantee shall furnish the Department with satisfactory proof of compliance.

ARTICLE 2. STANDARD ASSURANCES

The Subgrantee assures and certifies that it will comply with the regulations, policies, guidelines, and requirements, including 49 CFR Part 18; 49 CFR Part 19 (OMB [Office of Management and Budget] Circular A-110); 49 CFR Part 225 (OMB Circular A-87); OMB Circular A-102; OMB Circular A-21; OMB Circular A-122; OMB Circular A-133; and the Department's Traffic Safety Program Manual, as they relate to the application, acceptance, and use of federal or state funds for this project. Also, the Subgrantee assures and certifies that:

- A. It possesses legal authority to apply for the grant; and that a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained in the application, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide any additional information that may be required.
- B. It and its subcontractors will comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352), as amended, and in accordance with that Act, no person shall discriminate, on the grounds of race, color, sex, national origin, age, religion, or disability.
- C. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, as amended; 42 USC (United States Code) §§4601 et seq.; and United States Department of Transportation (USDOT) regulations, "Uniform Relocation and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR, Part 24, which provide for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs.
- D. It will comply with the provisions of the Hatch Political Activity Act, which limits the political activity of employees. (See also Article 25, Lobbying Certification.)

Safety City - Building Safer Communities

- E. It will comply with the federal Fair Labor Standards Act's minimum wage and overtime requirements for employees performing project work.
- F. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
- G. It will give the Department the access to and the right to examine all records, books, papers, or documents related to this Grant Agreement.
- H. It will comply with all requirements imposed by the Department concerning special requirements of law, program requirements, and other administrative requirements.
- I. It recognizes that many federal and state laws imposing environmental and resource conservation requirements may apply to this Grant Agreement. Some, but not all, of the major federal laws that may affect the project include: the National Environmental Policy Act of 1969, as amended, 42 USC §§4321 et seq.; the Clean Air Act, as amended, 42 USC §§7401 et seq. and sections of 29 USC; the Federal Water Pollution Control Act, as amended, 33 USC §§1251 et seq.; the Resource Conservation and Recovery Act, as amended, 42 USC §§6901 et seq.; and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 USC §§9601 et seq. The Subgrantee also recognizes that the U.S. Environmental Protection Agency, USDOT, and other federal agencies have issued, and in the future are expected to issue, regulations, guidelines, standards, orders, directives, or other requirements that may affect this Project. Thus, it agrees to comply, and assures the compliance of each contractor and each subcontractor, with any federal requirements that the federal government may now or in the future promulgate.
- J. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, 42 USC §4012a(a). Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where that insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any form of direct or indirect federal assistance.
- K. It will assist the Department in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470 et seq.), Executive Order 11593, and the Antiquities Code of Texas (National Resources Code, Chapter 191).

Safety City - Building Safer Communities

- L. It will comply with Chapter 573 of the Texas Government Code by ensuring that no officer, employee, or member of the Subgrantee's governing board or the Subgrantee's subcontractors shall vote or confirm the employment of any person related within the second degree of affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise that person. This prohibition shall not apply to the employment of a person described in Section 573.062 of the Texas Government Code.
- M. It will ensure that all information collected, assembled, or maintained by the applicant relative to this project shall be available to the public during normal business hours in compliance with Chapter 552 of the Texas Government Code, unless otherwise expressly provided by law.
- N. If applicable, it will comply with Chapter 551 of the Texas Government Code, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.

ARTICLE 3. COMPENSATION

- A. The method of payment for this agreement will be based on actual costs incurred up to and not to exceed the limits specified in the Project Budget. The amount included in the Project Budget will be deemed to be an estimate only and a higher amount can be reimbursed, subject to the conditions specified in paragraph B of this Article. If the Project Budget specifies that costs are based on a specific rate, per-unit cost, or other method of payment, reimbursement will be based on the specified method.
- B. All payments will be made in accordance with the Project Budget.
 - 1. The Subgrantee's expenditures may overrun a budget category (I, II, or III) in the approved Project Budget without a grant (budget) amendment, as long as the overrun does not exceed a total of five (5) percent per year of the maximum amount eligible for reimbursement (TxDOT) in the attached Project Budget for the current fiscal year. This overrun must be off-set by an equivalent underrun elsewhere in the Project Budget.
 - 2. If the overrun is five (5) percent or less, the Subgrantee must provide written notification to the Department, through the TxDOT Electronic Grants Management System (*eGrants*), prior to the Request for Reimbursement being approved. The notification must indicate the amount, the percent over, and the specific reason(s) for the overrun.
 - 3. Any overrun of more than five (5) percent of the amount eligible for reimbursement (TxDOT) in the attached Project Budget requires an amendment of this Grant Agreement.

Safety City - Building Safer Communities

4. The maximum amount eligible for reimbursement shall not be increased above the Grand Total TxDOT Amount in the approved Project Budget, unless this Grant Agreement is amended, as described in Article 5 of this agreement.
 5. For Selective Traffic Enforcement Program (STEP) grants *only*: In the Project Budget, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or B, "PI&E Activities," to exceed the TxDOT amount listed in Subcategory C, "Other." Also, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or C, "Other," to exceed the TxDOT amount listed in Subcategory B, "PI&E Activities." The TxDOT amount for Subcategory B, "PI&E Activities," or C, "Other," can only be exceeded within the five (5) percent flexibility, with underrun funds from Budget Categories II or III.
- C. To be eligible for reimbursement under this agreement, a cost must be incurred in accordance with the Project Budget, within the time frame specified in the Grant Period of this Grant Agreement, attributable to work covered by this agreement, and which has been completed in a manner satisfactory and acceptable to the Department.
- D. Federal or TxDOT funds cannot supplant (replace) funds from any other sources. The term "supplanting," refers to the use of federal or TxDOT funds to support personnel or an activity already supported by local or state funds.
- E. Payment of costs incurred under this agreement is further governed by one of the following cost principles, as appropriate, outlined in:
1. OMB Circular A-21, Cost Principles for Educational Institutions;
 2. 49 CFR Part 225 (OMB Circular A-87), Cost Principles for State, Local, and Indian Tribal Governments; or,
 3. OMB Circular A-122, Cost Principles for Nonprofit Organizations.
- F. The Subgrantee agrees to submit monthly or quarterly Requests for Reimbursement, as designated in this Grant Agreement, within thirty (30) days after the end of the billing period. The Request for Reimbursement and appropriate supporting documentation must be submitted through *eGrants*.
- G. The Subgrantee agrees to submit the final Request for Reimbursement under this agreement within forty-five (45) days of the end of the grant period.
- H. Payments are contingent upon the availability of appropriated funds.
- I. Project agreements supported with federal or TxDOT funds are limited to the length of this Grant Period specified in this Grant Agreement. If the Department determines

Safety City - Building Safer Communities

that the project has demonstrated merit or has potential long-range benefits, the Subgrantee may apply for funding assistance beyond the initial agreement period. Preference for funding will be given to those projects for which the Subgrantee has assumed some cost sharing, those which propose to assume the largest percentage of subsequent project costs, and those which have demonstrated performance that is acceptable to the Department.

ARTICLE 4. LIMITATION OF LIABILITY

Payment of costs incurred under this agreement is contingent upon the availability of funds. If at any time during this Grant Period, the Department determines that there is insufficient funding to continue the project, the Department shall notify the Subgrantee, giving notice of intent to terminate this agreement, as specified in Article 11 of this agreement. If at the end of a federal fiscal year, the Department determines that there is sufficient funding and performance to continue the project, the Department may notify the Subgrantee to continue this agreement.

ARTICLE 5. AMENDMENTS

This agreement may be amended prior to its expiration by mutual written consent of both parties, utilizing the Grant Agreement Amendment in *eGrants*. Any amendment must be executed by the parties within the Grant Period, as specified in this Grant Agreement.

ARTICLE 6. ADDITIONAL WORK AND CHANGES IN WORK

- A. If the Subgrantee is of the opinion that any assigned work is beyond the scope of this agreement and constitutes additional work, the Subgrantee shall promptly notify the Department in writing through *eGrants*. If the Department finds that such work does constitute additional work, the Department shall advise the Subgrantee and a written amendment to this agreement will be executed according to Article 5, Amendments, to provide compensation for doing this work on the same basis as the original work. If performance of the additional work will cause the maximum amount payable to be exceeded, the work will not be performed before a written grant amendment is executed.
- B. If the Subgrantee has submitted work in accordance with the terms of this agreement but the Department requests changes to the completed work or parts of the work which involve changes to the original scope of services or character of work under this agreement, the Subgrantee shall make those revisions as requested and directed by the Department. This will be considered as additional work and will be paid for as specified in this Article.
- C. If the Subgrantee submits work that does not comply with the terms of this agreement, the Department shall instruct the Subgrantee to make any revisions that are necessary to bring the work into compliance with this agreement. No additional compensation shall be paid for this work.

Safety City - Building Safer Communities

- D. The Subgrantee shall make revisions to the work authorized in this agreement that are necessary to correct errors or omissions, when required to do so by the Department. No additional compensation shall be paid for this work.
- E. The Department shall not be responsible for actions by the Subgrantee or any costs incurred by the Subgrantee relating to additional work not directly associated with or prior to the execution of an amendment.

ARTICLE 7. REPORTING AND MONITORING

- A. Not later than thirty (30) days after the end of each reporting period, the Subgrantee shall submit a performance report through *eGrants*. For short-term projects, only one report submitted by the Subgrantee at the end of the project may be required. For longer projects, the Subgrantee will submit reports at least quarterly and preferably monthly. The frequency of the performance reports is established through negotiation between the Subgrantee and the program or project manager. For Selective Traffic Enforcement Programs (STEPS), performance reports must be submitted monthly.
- B. The performance report will include, as a minimum: (1) a comparison of actual accomplishments to the objectives established for the period, (2) reasons why established objectives and performance measures were not met, if appropriate, and (3) other pertinent information, including, when appropriate, an analysis and explanation of cost underruns, overruns, or high unit costs.
- C. The Subgrantee shall promptly advise the Department in writing, through *eGrants*, of events that will have a significant impact upon this agreement, including:
 - 1. Problems, delays, or adverse conditions, including a change of project director or other changes in Subgrantee personnel, that will materially affect the ability to attain objectives and performance measures, prevent the meeting of time schedules and objectives, or preclude the attainment of project objectives or performance measures by the established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any Department or federal assistance needed to resolve the situation.
 - 2. Favorable developments or events that enable meeting time schedules and objectives sooner than anticipated or achieving greater performance measure output than originally projected.
- D. The Subgrantee shall submit the Final Performance Report through *eGrants* within thirty (30) days after completion of the grant.

ARTICLE 8. RECORDS

Safety City - Building Safer Communities

The Subgrantee agrees to maintain all reports, documents, papers, accounting records, books, and other evidence pertaining to costs incurred and work performed under this agreement (called the "Records"), and shall make the Records available at its office for the time period authorized within the Grant Period, as specified in this Grant Agreement. The Subgrantee further agrees to retain the Records for four (4) years from the date of final payment under this agreement, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

Duly authorized representatives of the Department, the USDOT, the Office of the Inspector General, Texas State Auditor, and the Comptroller General shall have access to the Records. This right of access is not limited to the four (4) year period but shall last as long as the Records are retained.

ARTICLE 9. INDEMNIFICATION

- A. To the extent permitted by law, the Subgrantee, if other than a government entity, shall indemnify, hold, and save harmless the Department and its officers and employees from all claims and liability due to the acts or omissions of the Subgrantee, its agents, or employees. The Subgrantee also agrees, to the extent permitted by law, to indemnify, hold, and save harmless the Department from any and all expenses, including but not limited to attorney fees, all court costs and awards for damages incurred by the Department in litigation or otherwise resisting claims or liabilities as a result of any activities of the Subgrantee, its agents, or employees.
- B. To the extent permitted by law, the Subgrantee, if other than a government entity, agrees to protect, indemnify, and save harmless the Department from and against all claims, demands, and causes of action of every kind and character brought by any employee of the Subgrantee against the Department due to personal injuries to or death of any employee resulting from any alleged negligent act, by either commission or omission on the part of the Subgrantee.
- C. If the Subgrantee is a government entity, both parties to this agreement agree that no party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.

ARTICLE 10. DISPUTES AND REMEDIES

This agreement supercedes any prior oral or written agreements. If a conflict arises between this agreement and the Traffic Safety Program Manual, this agreement shall govern. The Subgrantee shall be responsible for the settlement of all contractual and administrative issues arising out of procurement made by the Subgrantee in support of work under this agreement. Disputes concerning performance or payment shall be submitted to the Department for settlement, with the Executive Director or his or her designee acting as final referee.

Safety City - Building Safer Communities

ARTICLE 11. TERMINATION

- A. This agreement shall remain in effect until the Subgrantee has satisfactorily completed all services and obligations described in this agreement and these have been accepted by the Department, unless:
1. This agreement is terminated in writing with the mutual consent of both parties; or
 2. There is a written thirty (30) day notice by either party; or
 3. The Department determines that the performance of the project is not in the best interest of the Department and informs the Subgrantee that the project is terminated immediately.
- B. The Department shall compensate the Subgrantee for only those eligible expenses incurred during the Grant Period specified in this Grant Agreement that are directly attributable to the completed portion of the work covered by this agreement, provided that the work has been completed in a manner satisfactory and acceptable to the Department. The Subgrantee shall not incur nor be reimbursed for any new obligations after the effective date of termination.

ARTICLE 12. INSPECTION OF WORK

- A. The Department and, when federal funds are involved, the USDOT, or any of their authorized representatives, have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed under this agreement and the premises in which it is being performed.
- B. If any inspection or evaluation is made on the premises of the Subgrantee or its subcontractor, the Subgrantee shall provide and require its subcontractor to provide all reasonable facilities and assistance for the safety and convenience of the inspectors in the performance of their duties. All inspections and evaluations shall be performed in a manner that will not unduly delay the work.

ARTICLE 13. AUDIT

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under this agreement or indirectly through a subcontract under this agreement. Acceptance of funds directly under this agreement or indirectly through a subcontract under this agreement acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

ARTICLE 14. SUBCONTRACTS

Safety City - Building Safer Communities

A subcontract in excess of \$25,000 may not be executed by the Subgrantee without prior written concurrence by the Department. Subcontracts in excess of \$25,000 shall contain all applicable terms and conditions of this agreement. No subcontract will relieve the Subgrantee of its responsibility under this agreement.

ARTICLE 15. GRATUITIES

- A. Texas Transportation Commission policy mandates that employees of the Department shall not accept any benefit, gift, or favor from any person doing business with or who, reasonably speaking, may do business with the Department under this agreement. The only exceptions allowed are ordinary business lunches and items that have received the advanced written approval of the Department's Executive Director.
- B. Any person doing business with or who reasonably speaking may do business with the Department under this agreement may not make any offer of benefits, gifts, or favors to Department employees, except as mentioned here above. Failure on the part of the Subgrantee to adhere to this policy may result in termination of this agreement.

ARTICLE 16. NONCOLLUSION

The Subgrantee warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Subgrantee, to solicit or secure this agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this agreement. If the Subgrantee breaches or violates this warranty, the Department shall have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement price or consideration, or otherwise recover the full amount of such fee, commission, brokerage fee, contingent fee, or gift.

ARTICLE 17. CONFLICT OF INTEREST

The Subgrantee represents that it or its employees have no conflict of interest that would in any way interfere with its or its employees' performance or which in any way conflicts with the interests of the Department. The Subgrantee shall exercise reasonable care and diligence to prevent any actions or conditions that could result in a conflict with the Department's interests.

ARTICLE 18. SUBGRANTEE'S RESOURCES

- A. The Subgrantee certifies that it presently has adequate qualified personnel in its employment to perform the work required under this agreement, or will be able to obtain such personnel from sources other than the Department.

Safety City - Building Safer Communities

- B. All employees of the Subgrantee shall have the knowledge and experience that will enable them to perform the duties assigned to them. Any employee of the Subgrantee who, in the opinion of the Department, is incompetent or whose conduct becomes detrimental to the work, shall immediately be removed from association with the project.
- C. Unless otherwise specified, the Subgrantee shall furnish all equipment, materials, supplies, and other resources required to perform the work.

ARTICLE 19. PROCUREMENT AND PROPERTY MANAGEMENT

The Subgrantee shall establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of any property furnished to it by the Department or purchased pursuant to this agreement in accordance with its own procurement and property management procedures, provided that the procedures are not in conflict with (1) the Department's procurement and property management standards and (2) the federal procurement and property management standards provided by:

- A. 49 CFR, Part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," or
- B. 49 CFR, Part 19 (OMB Circular A-110), "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations."

ARTICLE 20. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Upon completion or termination of this Grant Agreement, whether for cause or at the convenience of the parties, all finished or unfinished documents, data, studies, surveys, reports, maps, drawings, models, photographs, etc. prepared by the Subgrantee, and equipment and supplies purchased with grant funds shall, at the option of the Department, become the property of the Department. All sketches, photographs, calculations, and other data prepared under this agreement shall be made available, upon request, to the Department without restriction or limitation of their further use.

- A. Intellectual property consists of copyrights, patents, and any other form of intellectual property rights covering any databases, software, inventions, training manuals, systems design, or other proprietary information in any form or medium.
- B. All rights to Department. The Department shall own all of the rights (including copyrights, copyright applications, copyright renewals, and copyright extensions), title and interests in and to all data, and other information developed under this contract and versions thereof unless otherwise agreed to in writing that there will be joint ownership.
- C. All rights to Subgrantee. Classes and materials initially developed by the Subgrantee without any type of funding or resource assistance from the Department remain the

Safety City - Building Safer Communities

Subgrantee's intellectual property. For these classes and materials, the Department payment is limited to payment for attendance at classes.

ARTICLE 21. SUCCESSORS AND ASSIGNS

The Department and the Subgrantee each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of the other party in respect to all covenants of this agreement. The Subgrantee shall not assign, sublet, or transfer interest and obligations in this agreement without written consent of the Department through *eGrants*.

ARTICLE 22. CIVIL RIGHTS COMPLIANCE

- A. Compliance with regulations: The Subgrantee shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the USDOT: 49 CFR, Part 21; 23 CFR, Part 200; and 41 CFR, Parts 60-74, as they may be amended periodically (called the "Regulations"). The Subgrantee agrees to comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented by the U.S. Department of Labor regulations (41 CFR, Part 60).
- B. Nondiscrimination: The Subgrantee, with regard to the work performed during the period of this agreement, shall not discriminate on the grounds of race, color, sex, national origin, age, religion, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment.
- C. Solicitations for subcontracts, including procurement of materials and equipment: In all solicitations either by competitive bidding or negotiation made by the Subgrantee for work to be performed under a subcontract, including procurements of materials and leases of equipment, each potential subcontractor or supplier shall be notified by the Subgrantee of the Subgrantee's obligations under this agreement and the regulations relative to nondiscrimination on the grounds of race, color, sex, national origin, age, religion, or disability.
- D. Information and reports: The Subgrantee shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the USDOT to be pertinent to ascertain compliance with the Regulations or directives. Where any information required of the Subgrantee is in the exclusive possession of another who fails or refuses to furnish this information, the Subgrantee shall certify that to the Department or the USDOT, whichever is appropriate, and shall set forth what efforts the Subgrantee has made to obtain the requested information.

Safety City - Building Safer Communities

- E. Sanctions for noncompliance: In the event of the Subgrantee's noncompliance with the nondiscrimination provision of this agreement, the Department shall impose such sanctions as it or the USDOT may determine to be appropriate.

- F. Incorporation of provisions: The Subgrantee shall include the provisions of paragraphs A. through E. in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations or directives. The Subgrantee shall take any action with respect to any subcontract or procurement that the Department may direct as a means of enforcing those provisions, including sanctions for noncompliance. However, in the event a Subgrantee becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Subgrantee may request the Department to enter into litigation to protect the interests of the state; and in addition, the Subgrantee may request the United States to enter into such litigation to protect the interests of the United States.

ARTICLE 23. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

- A. The parties shall comply with the DBE Program requirements established in 49 CFR Part 26.

- B. The Subgrantee shall adopt, in its totality, the Department's federally approved DBE program.

- C. The Subgrantee shall set an appropriate DBE goal consistent with the Department's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Subgrantee shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.

- D. The Subgrantee shall follow all other parts of the Department's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity and attachments found at web address http://txdot.gov/business/business_outreach/mou.htm.

- E. The Subgrantee shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Subgrantee shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of USDOT-assisted contracts. The Department's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Subgrantee of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for

Safety City - Building Safer Communities

enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

- F. Each contract the Subgrantee signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.*

ARTICLE 24. DEBARMENT and SUSPENSION

- A. The Subgrantee certifies, to the best of its knowledge and belief, that it and its principals:
1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or agency;
 2. Have not within the three (3) year period preceding this agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local public transaction or contract under a public transaction; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 3. Are not presently indicted or otherwise criminally or civilly charged by a federal, state, or local governmental entity with commission of any of the offenses enumerated in paragraph A. 2. of this Article; and
 4. Have not, within the three (3) year period preceding this agreement, had one or more federal, state, or local public transactions terminated for cause or default.
- B. Where the Subgrantee is unable to certify to any of the statements in this Article, the Subgrantee shall attach an explanation to this agreement.
- C. The Subgrantee is prohibited from making any award or permitting any award at any tier to any party which is debarred or suspended or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, "Debarment and Suspension." By executing this agreement, the Subgrantee certifies that it is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order

Safety City - Building Safer Communities

12549 and further certifies that it will not do business with any party that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549.

- D. The Subgrantee shall require any party to a subcontract or purchase order awarded under this Grant Agreement to certify its eligibility to receive federal grant funds, and, when requested by the Department, to furnish a copy of the certification.

ARTICLE 25. LOBBYING CERTIFICATION

In executing this agreement, each signatory certifies to the best of that signatory's knowledge and belief that:

- A. No federally appropriated funds have been paid or will be paid by or on behalf of the Subgrantee to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the party to this agreement shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The Subgrantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 USC § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

ARTICLE 26. CHILD SUPPORT CERTIFICATION

Under Section 231.006, Texas Family Code, the Subgrantee certifies that the individual or business entity named in this agreement is not ineligible to receive the specified grant, loan, or payment and acknowledges that this agreement may be terminated and payment may be withheld if this certification is inaccurate. If the above certification is shown to be false, the Subgrantee is liable to the state for attorney's fees and any other damages provided by law or the agreement. A child support obligor or business entity ineligible to receive payments because of a payment delinquency of more than thirty

Safety City - Building Safer Communities

(30) days remains ineligible until: all arrearages have been paid; the obligor is in compliance with a written repayment agreement or court order as to any existing delinquency; or the court of continuing jurisdiction over the child support order has granted the obligor an exemption from Subsection (a) of Section 231.006, Texas Family Code, as part of a court-supervised effort to improve earnings and child support payments.

ARTICLE 27. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT REQUIREMENTS

- A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: <http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and <http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>.

- B. The Subgrantee agrees that it shall:
 - 1. Obtain and provide to the State a Central Contracting Registry (CCR) number (Federal Acquisition Regulation, Part 4, Sub-part 4.1100) if this award provides for more than \$25,000 in Federal funding. The CCR number may be obtained by visiting the CCR web-site whose address is: <https://www.bpn.gov/ccr/default.aspx>;

 - 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and

 - 3. Report the total compensation and names of its top five (5) executives to the State if:
 - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and

 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

ARTICLE 28. SINGLE AUDIT REPORT

- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in OMB Circular A-133.

- B. If threshold expenditures of \$500,000 or more are met during the Subgrantee's fiscal year, the Subgrantee must submit a Single Audit Report and Management Letter (if

Safety City - Building Safer Communities

applicable) to TxDOT's Audit Office, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at http://www.txdot.gov/contact_us/audit.htm.

- C. If expenditures are less than \$500,000 during the Subgrantee's fiscal year, the Subgrantee must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$500,000 expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the project remains open for federal funding expenditures, the Subgrantee will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

RESPONSIBILITIES OF THE SUBGRANTEE:

- A. Carry out the objectives and performance measures of this Grant Agreement by implementing all activities in the Action Plan.
- B. Submit all required reports to the Department (TxDOT) fully completed with the most current information, and within the required times, as defined in Article 3 (Compensation) and Article 7 (Reporting and Monitoring) of the General Terms and Conditions of this Grant Agreement. This includes reporting to the Department on progress, achievements, and problems in monthly Performance Reports and attaching necessary source documentation to support all costs claimed in Requests for Reimbursement (RFR).
- C. Attend Department-approved grant management training.
- D. Attend meetings according to the following:
 - 1. The Department will arrange for meetings with the Subgrantee to present status of activities and to discuss problems and schedule for the following quarter's work.
 - 2. The project director or other qualified person will be available to represent the Subgrantee at meetings requested by the Department.
- E. When applicable, all newly developed PI&E materials must be submitted to the Department for written approval, through the TxDOT Electronic Grants Management System (*eGrants*), prior to final production. Refer to the Traffic Safety Program Manual regarding PI&E procedures.
- F. For out of state travel expenses to be reimbursable, the Subgrantee must have obtained the written approval of the Department, through *eGrants*, prior to the beginning of the trip. Grant approval does not satisfy this requirement. For Department district-managed grants, the Subgrantee must have written Department district approval for travel and related expenses if outside of the Department district's boundaries.
- G. Maintain verification that all expenses, including wages or salaries, for which reimbursement is requested is for work exclusively related to this project.
- H. Ensure that this grant will in no way supplant (replace) funds from other sources. Supplanting refers to the use of federal funds to support personnel or an activity already supported by local or state funds.
- I. The Subgrantee should have a safety belt use policy. If the Subgrantee does not have a safety belt use policy in place, a policy should be implemented during the grant year.

RESPONSIBILITIES OF THE DEPARTMENT:

- A. Monitor the Subgrantee's compliance with the performance obligations and fiscal requirements of this Grant Agreement using appropriate and necessary monitoring and inspections, including but not limited to:
 - 1. review of periodic reports
 - 2. physical inspection of project records and supporting documentation
 - 3. telephone conversations
 - 4. e-mails and letters
 - 5. quarterly review meetings
 - 6. *eGrants*
- B. Provide program management and technical assistance.
- C. Attend appropriate meetings.
- D. Reimburse the Subgrantee for all eligible costs as defined in the project budget. Requests for Reimbursement will be processed up to the maximum amount payable as indicated in the project budget.
- E. Perform an administrative review of the project at the close of the grant period to:
 - 1. Ascertain whether or not the project objectives were met
 - 2. Review project accomplishments (performance measures completed, targets achieved)
 - 3. Document any progress towards self-sufficiency
 - 4. Account for any approved Program Income earned and expended
 - 5. Identify exemplary performance or best practices

Pedestrian and Bicyclist Safety

Select a goal:

X To reduce the number of motor vehicle-related pedestrian and bicyclist crashes, fatalities, and injuries

Select a strategy:

Increase public information and education efforts on pedestrian and bicyclist safety.

Problem Identification and Solution

I. Problem Identification

According to the National Highway Traffic Safety Administration in 2009:

- 1) traffic crashes were the leading cause of death for children ages 3-14
- 2) 630 bicyclist were killed and additional 51,000 were injured (8000 of those were under 14 years of age) in motor vehicle traffic crashes in the United States
- 3) 4092 pedestrians were killed with an estimated 59,000 injured (13,000 of those were under 14 years of age)

In Abilene for 2009-2010:

Motor Vehicle Accidents were down 6.5%, injuries down 9.7% and fatalities down 35.7%.

Pedestrian Accidents were down 13.9%, injuries down 41.2% and fatalities down 21.4%.

Bicycle Accidents percentages did not change for that time frame.

Since 1981, over 122,000 children have visited Abilene's Safety City to apply what they have learned in their school classroom with actual hands-on experiences. Our child-sized town allows students on opportunity to identify traffic safety situations while walking and cycling that enable them to make the correct choices in real life traffic situations. Their hands-on experience provides students with the confidence to know what to do as a pedestrian and cyclist.

Together we decrease traffic related fatalities in the 19 selected counties. Safety City is determined to provide continuing education to the youth of the 19 selected counties in bicycle safety, pedestrian safety, traffic safety, bus safety, railroad safety, seat belt, helmet usage and officer friendly.

II. Project Plan

Problem Solution

Traffic safety education is provided to elementary age students in the 19 selected counties with hands-on experience that give students the tools and knowledge they need to handle potentially hazardous situations in their community. With the completion of our new classroom facility and updated technology along with the hands-on experience, students build confidence along with the knowledge of basic pedestrian concepts, helmet safety, bicycle fundamentals and laws, rules of the road, railroad crossing safety and bus safety.

Teachers from 69 schools/ school districts spend approximately 6-10 hours educating

Safety City - Building Safer Communities

students in their classroom on basic traffic safety laws prior to their visit. This curriculum was developed in 1980 by teachers, administrators and police officers. Once at Safety City students receive a short review on what they have learned and what they can expect once they are outside n the course. Driving the miniature cars offers a realistic traffic environment for the bicycle and pedestrians while reinforcing the need for seat belts. Practicing bicycle and helmet safety, and participating in the pedestrian course are all part of the Safety City experience.

Safety City offers summer bicycle and pedestrian safety courses as a reminder to students of the traffic safety laws they may encounter during the peak time of year they are outside on the streets.

Safety City - Building Safer Communities

Objectives, PI&E, Performance Measures and Activities

Objectives indicate the specific purpose of the project. Objectives should follow the SMART principle - Specific, Measurable, Action-oriented, Realistic, and Time framed.

Objective statement:

Action Verb To Educate

Target Number 3600

Baseline Measure

Performance Measure School age children in pedestrian, bicycle, railroad, seat belt and traffic safety

Completion Date
(mm/dd/yyyy) By 8/31/2012

Activity	Responsible	Activity Completion Date (mm/dd/yyyy)
1. To educated 1st and 3rd grade students on bicycle and pedestrian safety, seat belt usage, & general traffic safety laws.	Subgrantee	5/31/2012
2. To educate children during our summer camp with activities revolving around bicycle, pedestrian, bus, railroad and traffic safety	Subgrantee	8/31/2012
3. Purchase and/or develop educational material and information to enhance our programs	Subgrantee	5/31/2012
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Safety City - Building Safer Communities

Budget Summary

Budget Category		TxDOT	Match	Program Income	Total
Category I - Labor Costs					
(100)	Salaries:	\$0	\$0	\$0	\$0
(200)	Fringe Benefits:	\$0	\$0	\$0	\$0
	Sub-Total:	\$0	\$0	\$0	\$0
Category II - Other Direct Costs					
(300)	Travel:	\$0	\$0	\$0	\$0
(400)	Equipment:	\$800.00	\$0	\$0	\$800.00
(500)	Supplies:	\$0	\$0	\$0	\$0
(600)	Contractual Services:	\$0	\$0	\$0	\$0
(700)	Other Miscellaneous:	\$14,374.00	\$1,714.00	\$0	\$16,088.00
	Sub-Total:	\$15,174.00	\$1,714.00	\$0	\$16,888.00
	Total Direct Costs:	\$15,174.00	\$1,714.00	\$0	\$16,888.00
Category III - Indirect Costs					
(800)	Indirect Cost Rate:	\$0	\$0	\$0	\$0
Summary					
	Total Labor Costs:	\$0	\$0	\$0	\$0
	Total Direct Costs:	\$15,174.00	\$1,714.00	\$0	\$16,888.00
	Total Indirect Costs:	\$0	\$0	\$0	\$0
	Grand Total:	\$15,174.00	\$1,714.00	\$0	\$16,888.00
	Fund Sources: (Percent Share)	89.85%	10.15%	0.00%	

Salary and cost rates will be based on the rates submitted by the Subgrantee in its grant application in eGrants.

**City Council
Agenda Memo**



TO: Larry D. Gilley, City Manager

**City Council
Meeting Date:**

FROM: Administration

SUBJECT: Purchase of Property at 750-782 Pine Street

October 27, 2011

GENERAL INFORMATION

The City of Abilene has been negotiating the purchase of property at 750-782 Pine Street, currently owned by Clark and Phillip Robinson and operated as Master Cleaners. The negotiated price of the property is \$500,000. This purchase will complete the acquisition by the City of all the property abutting the west side of Pine Street in the 700 Block, and is intended be used for future expansion of the parking facility at the Abilene Civic Center.

SPECIAL CONSIDERATIONS

N/A

FUNDING/FISCAL IMPACT

Funds for the acquisition of this property will come from project savings and interest earned on prior years Certificates of Obligation.

STAFF RECOMMENDATION

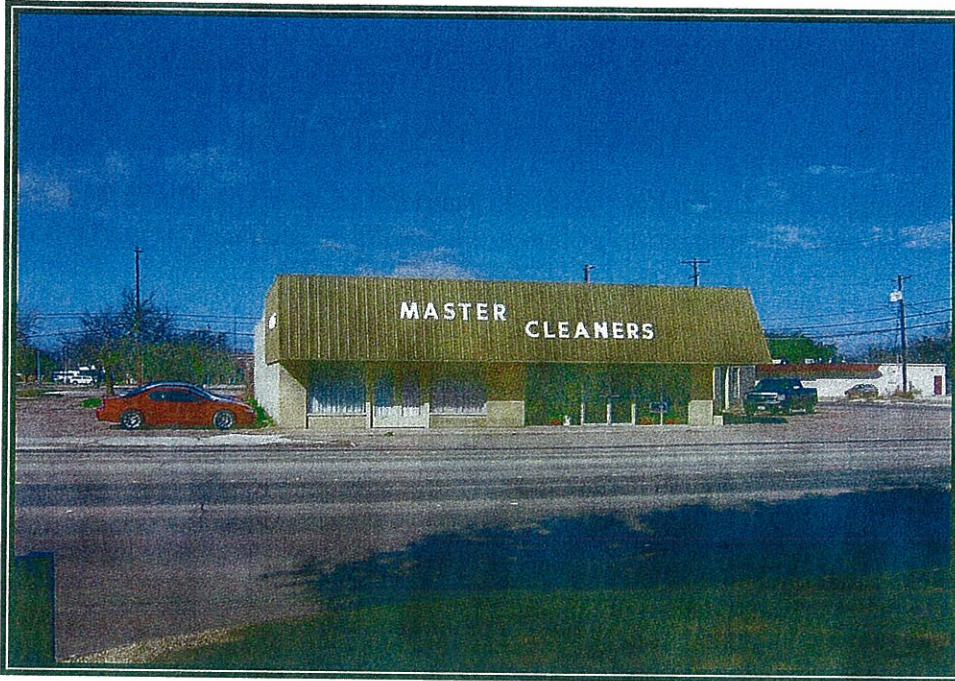
Staff recommends approval of the purchase of the property.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS

Prepared by: Name Larry D. Gilley Title City Manager	Item No. <u>6.12</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other <input type="checkbox"/> City Secretary
--	----------------------	---

Property Identification and Location



Location

The property which is the subject of this appraisal is the retail facility known as Master Cleaners, located at 750-782 Pine Street on the southwest corner of Pine Street and N. 8th Street, in the northWest quadrant of Abilene, Texas .

Description

The legal description of the subject property is:

Lots 1, 2, 3 and the north 16.25 feet of Lot 4 of the George L. Paxton's Subdivision of a part of Lot 1, Block 148, Original Town of Abilene, Taylor County, Texas, said property lying east of Cypress Street; and a certain 50' X 140' tract lying adjacent thereto and south thereof; more fully described in a Warranty Deed dated January 31, 1946, to O. C. Bloss and recorded in Volume 362, Page 120 Deed Records, Taylor County, Texas.

The subject site contains approximately 30,275 square feet (0.695 acres) and is improved with a retail building containing a total of 3,750 square feet.



**City Council
Agenda Memo**



**City Council
Meeting Date: Oct 27, 2011**

TO: Larry D. Gilley, City Manager

FROM: Rodney Taylor, Assistant Director of Water Utilities

SUBJECT: Award of Bid for Abilene Water Treatment Plant Improvements Project

GENERAL INFORMATION

The Water Master Plan (WMP) was completed by Jacob and Martin, Ltd. and Freese and Nichols, Inc. in March 2010. The WMP recognized a growing water demand in South Abilene and indicates the need to improve the pumping capacity from the second Pressure Plain (PP) into the third PP in the event the Hargesheimer Water Treatment Plant (HWTP) is out of service or should the Ivie raw pipeline system fail. The current extreme drought conditions have severely impacted the yield of the O.H. Ivie Reservoir which could eventually limit production from HWTP due to impaired water quality or lack of available water.

The Abilene Water Treatment Plant (AWTP) has been inactive since 1999. The HWTP came on line in 2003 and eliminated the need to restart the AWTP. The proposed AWTP Improvements Project (Project) designed by Jacob and Martin, Ltd. will allow the utilization of the AWTP as a remotely operated potable water storage and pumping facility that would increase pumping capacity from the second PP into the third PP. The AWTP Improvement Project is a cost-effective means of quickly addressing pumping needs into the third PP and it greatly improves the redundancy of the pumping systems in that area.

On September 20, 2011 the City of Abilene received bids for the AWTP Improvements Project. Three bids were received. The low bid was submitted by Texas Water and Soil of San Angelo, TX (TWS) in the amount of \$168,000. The Engineer, after evaluating the bid submittal and investigating TWS, does recommend awarding the bid to the low bidder. TWS did successfully complete a project in Abilene's fifth PP. This project will result in the AWTP being utilized as a remote pump station. Engineer's Recommendation of Award letter is attached.

FUNDING/FISCAL IMPACT

The AWTP Improvements Project will be funded using existing Water Department funds (Unrestricted, designated for capital projects).

STAFF RECOMMENDATION

Staff recommends that the City Council award the bid for AWTP Improvements Project to Texas Water and Soil in the amount of \$168,000.00, and to authorize the City Manager or his designee to execute all necessary documents related to the contract.

ATTACHMENTS

Engineer's Letter of Recommendation
Bid Tab Sheet CB-1144

Prepared by:

Name Rodney Taylor

Title Asst. Water Director

Item No. 6.13

Disposition by City Council

- Approved Ord/Res#
- Denied _____
- Other

City Secretary



3465 Curry Lane
Abilene, Texas 79606
325-695-1070
www.jacobmartin.com

1508 Santa Fe Drive
Suites 204-205
Weatherford, Texas 76086
817-594-9880

September 28, 2011

Mr. Rodney Taylor, Assistant DWU
City of Abilene
P.O. Box 60
Abilene, Texas 79604

Re: Abilene Water Treatment Plant Improvements

Via Email

Dear Mr. Taylor:

On September 20, 2011 the City received bids for the Abilene Water Treatment Plant Improvements project. Three bids were received for this project with a low bid of \$168,000 by Texas Water and Soil. A bid tabulation is attached as part of this letter, which summarizes the three bids. I have checked references of the low bidder on the Abilene Water Treatment Plant Improvements project and have found no reason to disqualify the Contractor. Based on the bids received, I recommend awarding the contract to Texas Water and Soil for the base bid of \$168,000. Assuming the city council and water department concur with awarding of the project, we will prepare documents for execution by the Contractor and the City. Feel free to contact me if you have any questions.

Sincerely,

JACOB & MARTIN, LTD.

Kirt Harle, P.E.

**City of Abilene
Water Treatment Plant Improvements**

Engineer: Jacob & Martin, Ltd.
Abilene, Texas

Bid Date: September 20, 2011 2:00 p.m.

	Qty	Unit	Texas Water & Soil 3022 West F.M. 2105 San Angelo, Texas 76901	Purcell Contracting 7978 State Hwy 22 Meridian, Texas 76665	Dowtech Specialty Contractors 4703 CR 527 Baird, Texas 79504
For all Labor, Materials, Equipment and Incidentals to Furnish and Install the Following					
1	1	LS	\$ 143,000.00	\$ 158,000.00	\$ 168,000.00
Abilene Water Treatment Plant Improvements					
Allowance for work directed and in writing by the City for Legitimate Project related issues.			\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
2	1	LS	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
TOTAL BASE BID			\$ 168,000.00	\$ 183,000.00	\$ 193,000.00

* Extension Error

**City Council
Agenda Memo**



TO: Larry D. Gilley, City Manager

**City Council
Meeting Date: Oct 27, 2011**

FROM: Rodney Taylor, Assistant Director of Water Utilities

SUBJECT: Award of Bid for Grimes Water Treatment Plant Improvements Project

GENERAL INFORMATION

On April 9, 2009 the Abilene City Council authorized the execution of a Professional Engineering Services Contract with Alan Plummer Associates, Inc. (APAI) to design improvements to the Grimes Water Treatment Plant (GWTP). On October 5, 2011 the City of Abilene received bids for the GWTP Improvements Project. Eight bids were received. The low bid was submitted by Purcell Contracting, Ltd. (Purcell) of Meridian, TX in the amount of \$2,529,100. The Engineer, after evaluating the bid submittal and investigating Purcell, does recommend awarding the bid to the low bidder. Purcell has successfully completed projects in the past for the City of Abilene.

The project includes filter bottom and media replacement and installation of an air scour system on four filters. The project also includes extensive improvements to the recycle system, which receives the filter-to-waste and spent backwash waters and the clarifier blow down.

This project is the second phase of renovation of the GWTP filters. On April 9, 2009 the Abilene City Council awarded a bid for the replacement of filter media in four filters and the installation of filter-to-waste piping and valves in eight filters. The previously completed filter repairs, along with the proposed project, will improve performance of all eight of the GWTP filters and resolve operational issues with the existing recycle system. It is necessary to continue to operate and maintain the current GWTP while City staff and consultants perform the work necessary to determine whether the capacity of the Grimes WTP should be relocated to the Northeast Water Treatment Plant or maintained at its current location; and to determine the appropriate schedule for implementing and designing the improvements.

FUNDING/FISCAL IMPACT

The GWTP Improvements Project was included in the CO's issued in 2009 for Capital Improvement Projects.

STAFF RECOMMENDATION

Staff recommends that the City Council award the bid for GWTP Improvements to Purcell Contracting, Inc. in the amount of \$2,529,100.00, and to authorize the City Manager or his designee to execute all necessary documents related to the contract.

ATTACHMENTS

Engineer's Letter of Recommendation
Bid Tab Sheet CB-1201

Prepared by:

Name Rodney Taylor

Title Asst. Water Director

Item No. 6.14

Disposition by City Council

- Approved Ord/Res#
- Denied _____
- Other

City Secretary



ALAN PLUMMER
ASSOCIATES, INC.

ENVIRONMENTAL
ENGINEERS AND SCIENTISTS

ROBERT F. ADAMS, DE, PE
JAMES L. ALTSTAETTER, PE
STEPHEN J. COONAN, PE
JOHN M. D'ANTONI, DE, PE
PEGGY W. GLASS, PhD
DAVID A. GUDAL, PE
REX H. HUNT, PE
BETTY L. JORDAN, PE
ELLEN T. McDONALD, PhD, PE
JOHN R. MINAHAN, PE
TIMOTHY J. NOACK, PE
ALAN H. PLUMMER, JR., PE, BCEE
WILLIAM C. RACKLEY, PE
ALAN R. TUCKER, PE

0456-022-02

October 6, 2011

Mr. Rodney Taylor
Grimes Water Treatment Plant
City of Abilene
209 East Highway 80
Abilene, Texas 79604

Re: Grimes Water Treatment Plant
Improvements Project
Recommendation of Award

Dear Mr. Taylor:

Eight bids were received and opened for the above-referenced project on Wednesday, October 05, 2011. Enclosed is a summary of the bids received. The low bid was submitted by Purcell Contracting, Ltd., in the amount of \$2,529,100. We have checked the bid and verified the bid bond company rating for the lower bidder and find it to be in conformance with the project requirements. In addition, Purcell has successfully completed projects in the past for the City of Abilene.

Based on the bids received and information submitted, we recommend the City award this contract to Purcell Contracting, Ltd., for the bid amount of \$2,529,100.

Please contact me if you have questions regarding this or need additional information.

Sincerely yours,

ALAN PLUMMER ASSOCIATES, INC.

James L. Naylor, PE
Project Manager

JLN/vlw

Enclosures

cc: Mr. Tommy O'Brien, PE, City of Abilene, Texas
Mr. Chad Purcell, Purcell Contracting, Ltd.
Mr. Scott Hibbs, PE, Enprotec/Hibbs & Todd, Inc.
Mr. Kirt Harle, PE, Jacob & Martin, Ltd.

1320 SOUTH UNIVERSITY DRIVE
SUITE 300
FORT WORTH, TEXAS 76107
PHONE 817.806.1700
FAX 817.870.2536
www.apainv.com
TBPE Firm No. 13



CITY OF ABILENE, TEXAS
 BID TABULATION

TABULATION OF BIDS FOR: Grimes Water Treatment Plant Improvements, City of Abilene, Texas
 BIDS RECEIVED: 10/05/2011

Item No.	Quantity	Unit	Item	PURCELL CONTRACTING, LTD		JS HAREN COMPANY		GRACON CONSTRUCTION		EAGLE CONTRACTING, LP		ASSOCIATED CONST. PARTNERS	
				Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
1	1	LS	Construction of Grimes WTP Improvements	\$ 2,373,500.00	\$ 2,373,500.00	\$ 2,522,100.00	\$ 2,522,100.00	\$ 2,557,000.00	\$ 2,557,000.00	\$ 2,672,000.00	\$ 2,672,000.00	\$ 2,682,000.00	\$ 2,682,000.00
2	1	LS	Excavation and Support Protection System	\$ 500.00	\$ 500.00	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00	\$ 1,600.00	\$ 1,600.00	\$ 1,000.00	\$ 1,000.00
3	1	LS	Allowance for SCADA, HMI and PLC	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00
4	1	LS	Allowance for Project Related Issues	\$ 110,000.00	\$ 110,000.00	\$ 110,000.00	\$ 110,000.00	\$ 110,000.00	\$ 110,000.00	\$ 110,000.00	\$ 110,000.00	\$ 110,000.00	\$ 110,000.00
5	10	CY	Contingency Bid Item 4,000-PSI Reinforced Concrete	\$ 400.00	\$ 4,000.00	\$ 140.00	\$ 1,400.00	\$ 600.00	\$ 6,000.00	\$ 400.00	\$ 4,000.00	\$ 600.00	\$ 6,000.00
6	20	CY	Contingency Bid Item 4,000-PSI Flowable Fill	\$ 250.00	\$ 5,000.00	\$ 60.00	\$ 1,200.00	\$ 110.00	\$ 2,200.00	\$ 150.00	\$ 3,000.00	\$ 175.00	\$ 3,500.00
7	20	CY	Contingency Bid Item Extra Crushed Stone Embankment	\$ 45.00	\$ 900.00	\$ 40.00	\$ 800.00	\$ 40.00	\$ 800.00	\$ 50.00	\$ 1,000.00	\$ 50.00	\$ 1,000.00
8	50	CF	Contingency Bid Item Extra Flexbase	\$ 4.00	\$ 200.00	\$ 30.00	\$ 1,500.00	\$ 2.00	\$ 100.00	\$ 8.00	\$ 400.00	\$ 5.00	\$ 250.00
TOTAL BASE BID PRICE (Items 1 thru 8)				\$ 2,528,100.00	\$ 2,528,100.00	\$ 2,677,000.00	\$ 2,677,000.00	\$ 2,714,100.00	\$ 2,714,100.00	\$ 2,827,000.00	\$ 2,827,000.00	\$ 2,838,450.00	\$ 2,838,450.00

Item No.	Quantity	Unit	Item	PURCELL CONTRACTING, LTD		JS HAREN COMPANY		GRACON CONSTRUCTION		EAGLE CONTRACTING, LP		ASSOCIATED CONST. PARTNERS	
				Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
A1	1	LS	Furnish Robert Filter Group/Severn Trent - Underdrains and Filter Media	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
TOTAL ALTERNATE DEDUCT BID PRICE (Item A1)				\$	\$	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID

Item No.	Quantity	Unit	Item	LEGACY CONTRACTING		RED RIVER CONSTRUCTION		BBB CONTRACTORS	
				Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
1	1	LS	Construction of Grimes WTP Improvements	\$ 2,870,000.00	\$ 2,870,000.00	\$ 2,900,000.00	\$ 2,900,000.00	\$ 3,182,555.00	\$ 3,182,555.00
2	1	LS	Excavation and Support Protection System	\$ 3,000.00	\$ 3,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00
3	1	LS	Allowance for SCADA, HMI and PLC	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00
4	1	LS	Allowance for Project Related Issues	\$ 110,000.00	\$ 110,000.00	\$ 110,000.00	\$ 110,000.00	\$ 110,000.00	\$ 110,000.00
5	10	CY	Contingency Bid Item 4,000-PSI Reinforced Concrete	\$ 870.00	\$ 8,700.00	\$ 330.00	\$ 3,300.00	\$ 400.00	\$ 4,000.00
6	20	CY	Contingency Bid Item Extra Flowable Fill	\$ 100.00	\$ 2,000.00	\$ 140.00	\$ 2,800.00	\$ 125.00	\$ 2,500.00
7	20	CY	Contingency Bid Item Extra Crushed Stone Embankment	\$ 43.00	\$ 860.00	\$ 40.00	\$ 800.00	\$ 58.00	\$ 1,160.00
8	50	CF	Contingency Bid Item Extra Flexbase	\$ 46.00	\$ 2,300.00	\$ 2.00	\$ 100.00	\$ 1.70	\$ 85.00
TOTAL BASE BID PRICE (Items 1 thru 8)				\$ 3,031,860.00	\$ 3,031,860.00	\$ 3,054,000.00	\$ 3,054,000.00	\$ 3,336,300.00	\$ 3,336,300.00

Item No.	Quantity	Unit	Item	LEGACY CONTRACTING		RED RIVER CONSTRUCTION		BBB CONTRACTORS	
				Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
A1	1	LS	Furnish Robert Filter Group/Severn Trent - Underdrains and Filter Media	\$	\$	\$ 5,000.00	\$ 5,000.00	\$ 22,000.00	\$ 22,000.00
TOTAL ALTERNATE DEDUCT BID PRICE (Item A1)				\$	\$	NO BID	NO BID	\$ 22,000.00	\$ 22,000.00

* Due to calculation error, Associated Construction Partners Bid is higher than what was read aloud at the Bid Opening.
 I, SCOTT F. HIBBS, P.E., 63462, DO HEREBY CERTIFY THAT THE ABOVE REFERENCED BIDS WERE RECEIVED, IN ACCORDANCE WITH THE ADVERTISED PROCEDURES, OPENED, AND READ ALOUD.
 THE BID TABULATION HEREIN IS A TRUE AND ACCURATE REPRESENTATION OF THE BIDS READ ALOUD.

Scott F. Hibbs
 SCOTT F. HIBBS, P.E., #63462



11/14/11



City Council
Agenda Memo

TO: Larry D. Gilley, City Manager **City Council Meeting Date: 10-27-2011**
FROM: Mindy Patterson, Director of Finance
SUBJECT: Award of Bid – Bucket Truck, Traffic Engineering

GENERAL INFORMATION

Fleet Management seeks approval to purchase a bucket truck to be assigned to the Traffic and Transportation Division of the Public Works Department. The bucket truck is to be utilized in the installation and maintenance of traffic signals throughout the city. This unit replaces a 2004 Cab and Chassis which is worn out and no longer cost effective to maintain. The hoist (the bucket portion) on the current truck is to be refurbished, recertified and transferred to the new Cab and Chassis as a cost savings to the City of Abilene and is included in the funding.

Advertisements were published on July 31, 2011 and August 7, 2011. Bids were opened on August 16, 2011 at 11:00 A.M. Thirteen (13) bid invitations were requested with two (2) vendors submitting a bid.

SPECIAL CONSIDERATIONS

Utility Truck Equipment Company, LLC was the low bidder.

FUNDING/FISCAL IMPACT

Funds for these purchases are to be provided by the Fleet Replacement Fund.

STAFF RECOMMENDATION

It is recommended that Bid CB-1137 be awarded to Utility Truck Equipment Company, LLC, in the amount of \$65,022.45.

BID TABULATION

See attached.

Prepared By: Name <u>Cheri Carter</u> Title <u>Fleet Analyst</u>	Item No. <u>6.15</u>	Disposition by City Council <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Other Ord/Res # _____ _____ City Secretary
---	-----------------------------	---

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

DEPARTMENT: FLEET MANAGEMENT			UTILITY TRUCK EQUIPMENT COMPANY		GRANDE FORD TRUCK SALES INC		
BID NO.: CB-1137			HEWITT, TX		SAN ANTONIO, TX		
TIME OF OPENING: 11:00 A.M.							
DATE OF OPENING: AUGUST 16, 2011							
DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	
CAB & CHASSIS FOR MOUNTING CITY-OWNED VERSALIFT BUCKET	1	EA		*65,022.45		65,469.00	
BASE BID				*65,022.45		65,469.00	
DISCOUNT							
TOTAL BID				*65,022.45		65,469.00	

*NOTES: INDICATES RECOMMENDED AWARD



City Council
Agenda Memo

TO: Larry D. Gilley, City Manager **City Council Meeting Date: 10-27-2011**
FROM: Mindy Patterson, Director of Finance
SUBJECT: Award of Bid – CB-1140 Small Wheel Loader for Streets Division

GENERAL INFORMATION

Fleet Management seeks approval to purchase a small wheel loader to be assigned to the Streets Division of the Public Works Department. The small wheel loader is to be utilized in the maintenance of city streets and alley ways. This unit replaces a 2003 small wheel loader which is worn out and no longer cost effective to maintain.

Advertisements were published on August 7, 2011 and August 14, 2011. Bids were opened on August 23, 2011 at 11:00 A.M. Eleven (11) bid invitations were requested with four (4) vendors submitting a bid.

SPECIAL CONSIDERATIONS

Abilene New Holland was low bid but failed to meet specifications in regards to net horsepower and left and right side foot pedals for the power operated braking system.

FUNDING/FISCAL IMPACT

Funds for these purchases are to be provided by the Fleet Replacement Fund.

STAFF RECOMMENDATION


It is recommended that Bid CB-1140 be awarded to ASCO, in the amount of \$136,381.32.

BID TABULATION

See attached.

Prepared By: Name <u>Cheri Carter</u> Title <u>Fleet Analyst</u>	Item No. <u>6.16</u>	<p align="center">Disposition by City Council</p> <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Other Ord/Res # _____ <p align="center">_____ City Secretary</p>
---	-----------------------------	--

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

DEPARTMENT: FLEET MANAGEMENT BID NO.: CB-1140 TIME OF OPENING: 11:00 A.M. DATE OF OPENING: AUGUST 23, 2011			ASCO ABILENE TX	YELLOWHOUSE ABILENE TX	WARREN CAT ABILENE TX	ABILENE NEW HOLLAND ABILENE TX	
DESCRIPTION	QTY	UNIT	EXTENSION	EXTENSION	EXTENSION	EXTENSION	
SMALL WHEEL LOADER	1		*\$136,381.32	\$138,265.70	\$140,197.00	 Does not specs	
BASE BID			*136,381.32	\$138,265.70	\$140,197.00		
DISCOUNT							
TOTAL BID			*136,381.32	\$138,265.70	\$140,197.00		

*NOTES: INDICATES RECOMMENDED AWARD



City Council
Agenda Memo

TO: Larry D. Gilley, City Manager **City Council Meeting Date: 10-27-2011**
FROM: Mindy Patterson, Director of Finance
SUBJECT: Award of Bid – CB-1139 Stake Trucks for Solid Waste Division

GENERAL INFORMATION

Fleet Management seeks approval to purchase two stake trucks to be assigned to the Solid Waste Division of the Public Works Department. These units are to be utilized in the recycling program. The units are to replace two 1993 trucks that are worn out and no longer cost effective to maintain.

Advertisements were published on August 7, 2011 and August 14, 2011. Bids were opened on August 23, 2011 at 11:00 A.M. Nine (9) bid invitations were requested with two (2) vendors submitting a bid.

SPECIAL CONSIDERATIONS

Roberts Truck Center was low bid and met all specifications.

FUNDING/FISCAL IMPACT

Funds for these purchases are to be provided by the Fleet Replacement Fund.

STAFF RECOMMENDATION

It is recommended that Bid CB-1139 be awarded to Roberts Truck Center, in the amount of \$132,644.00.

BID TABULATION

See attached.

Prepared By: Name <u>Cheri Carter</u> Title <u>Fleet Analyst</u>	Item No. <u>6.17</u>	Disposition by City Council <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Other Ord/Res # _____ _____ City Secretary
---	-----------------------------	---

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

DEPARTMENT: FLEET MANAGEMENT			Roberts Truck Center		Corley-Wetsel		
BID NO.: CB-1139			ABILENE TX		ABILENE TX		
TIME OF OPENING: 11:00 A.M.							
DATE OF OPENING: AUGUST 23, 2011							
DESCRIPTION	QTY	UNIT	Unit Price	EXTENSION	Unit Price	EXTENSION	
STAKE TRUCK	2	EA	*\$66,322.00	*132,644.00	\$66,586.00	\$133,172.00	
BASE BID				*\$132,644.00		\$133,172.00	
DISCOUNT							
TOTAL BID				*132,644.00		\$133,172.00	

*NOTES: INDICATES RECOMMENDED AWARD