

City Council
Agenda Memo



City Council
Meeting Date: 11/17/2011

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-2011-29, a request from Sharon Riley to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 849 and 875 E. HWY 80.; and setting a public hearing for December 1, 2011.

GENERAL INFORMATION

Currently the properties are zoned LI and have been developed with commercial buildings. The properties are currently being used as a restaurant and an event center. The surrounding properties have been developed with a mixed group of uses ranging from hotel/motel, to retail, and auto related uses.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. The subject properties are also along an Enhancement Corridor. An application for a building permit was submitted for a use that is not allowed in LI. The request would correct the legal non-conforming uses on the subject properties. HC zoning is a more appropriate zoning along an Enhancement corridor as it does not allow some of the more intensive industrial uses. The requested zoning would be compatible with the surrounding uses, and would be more appropriate with the intentions of Enhancement Corridors.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

November 7, 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 17th day of November 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 19th day of October, 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 1st day of December, 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 1st day of December, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

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

Legal Description:

RADFORD HILLS SEC 3 CONT 1, BLOCK 3, LOT 6 & W20 OF LT 7
RADFORD HILLS SEC 3 CONT 1, BLOCK 3, LOT E210 OF 7

Location:

849 and 875 E. HWY 80

-END-

ZONING CASE Z-2011-29

STAFF REPORT



APPLICANT INFORMATION:

Sharon Riley

HEARING DATES:

Planning & Zoning Commission: November 7, 2011

City Council 1st Reading: November 17, 2011

City Council 2nd Reading: December 1, 2011

LOCATION:

849 and 875 E HWY 80

REQUESTED ACTION:

Rezone property from LI (Light Industrial) to HC (Heavy Commercial)



SITE CHARACTERISTICS:

The subject parcels total approximately 1.5 acres and are currently zoned LI. The properties have been developed with commercial buildings. The adjacent properties have LI zoning to the south, east, and west and HC zoning to the north across E HWY 80.

ZONING HISTORY:

The properties were annexed in 1957 and were zoned AO, they were later rezoned to LI sometime after.

ANALYSIS:

- Current Planning Analysis

Currently the properties are zoned LI and have been developed with commercial buildings. The properties are currently being used as a restaurant and an event center. The surrounding properties have been developed with a mixed group of uses ranging from hotel/motel, 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. The subject properties are also along an Enhancement Corridor. An application for a building permit was submitted for a use that is not allowed in LI. The request would correct the legal non-conforming uses on the subject properties. HC zoning is a more appropriate zoning along an Enhancement corridor as it does not allow some of the more intensive industrial uses. The requested zoning would be compatible with the surrounding uses, and would be more appropriate with the intentions of Enhancement Corridors.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

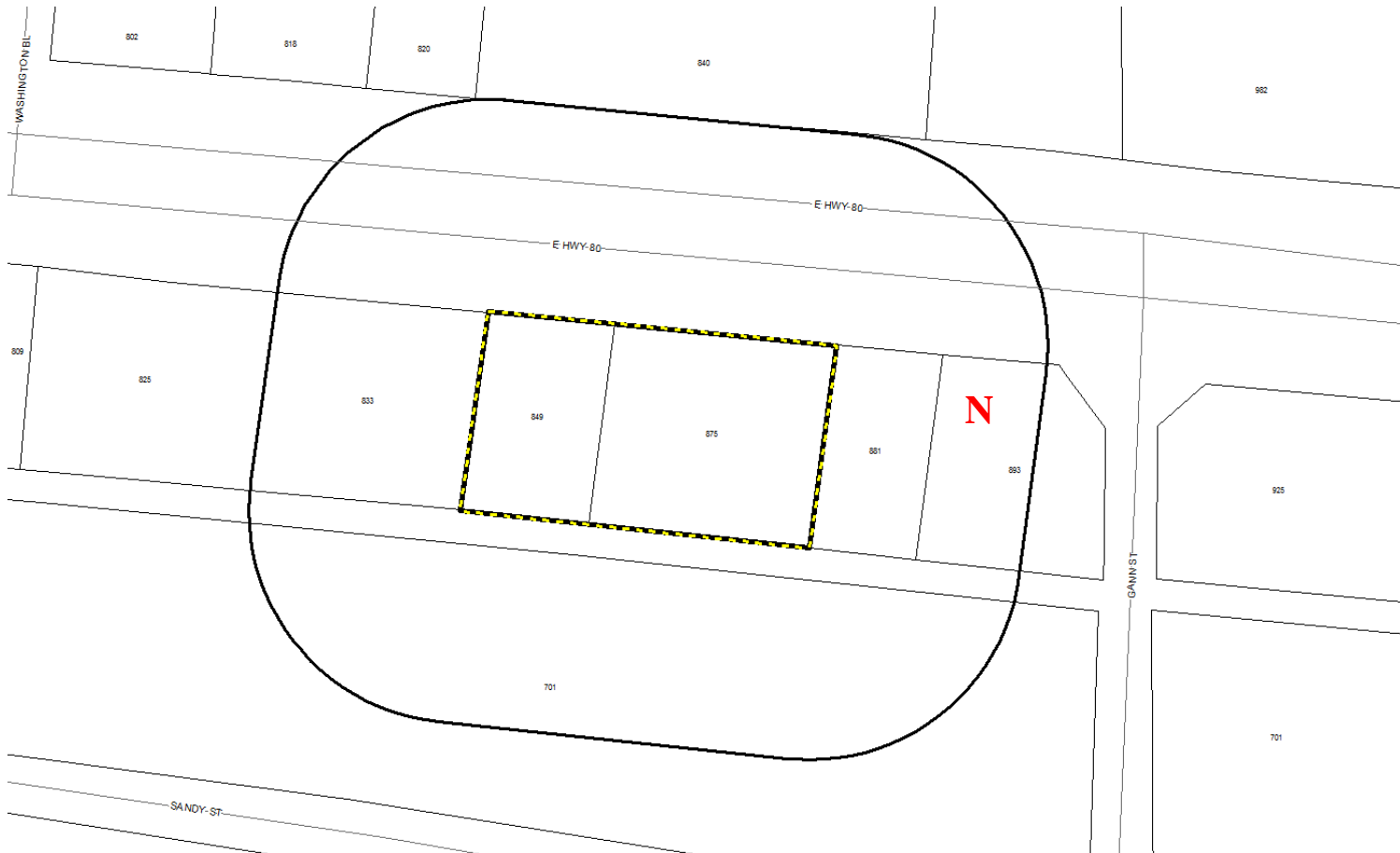
The Planning and Zoning Commission recommended approval of the request by a vote of six (6) in favor to none (0) opposed.

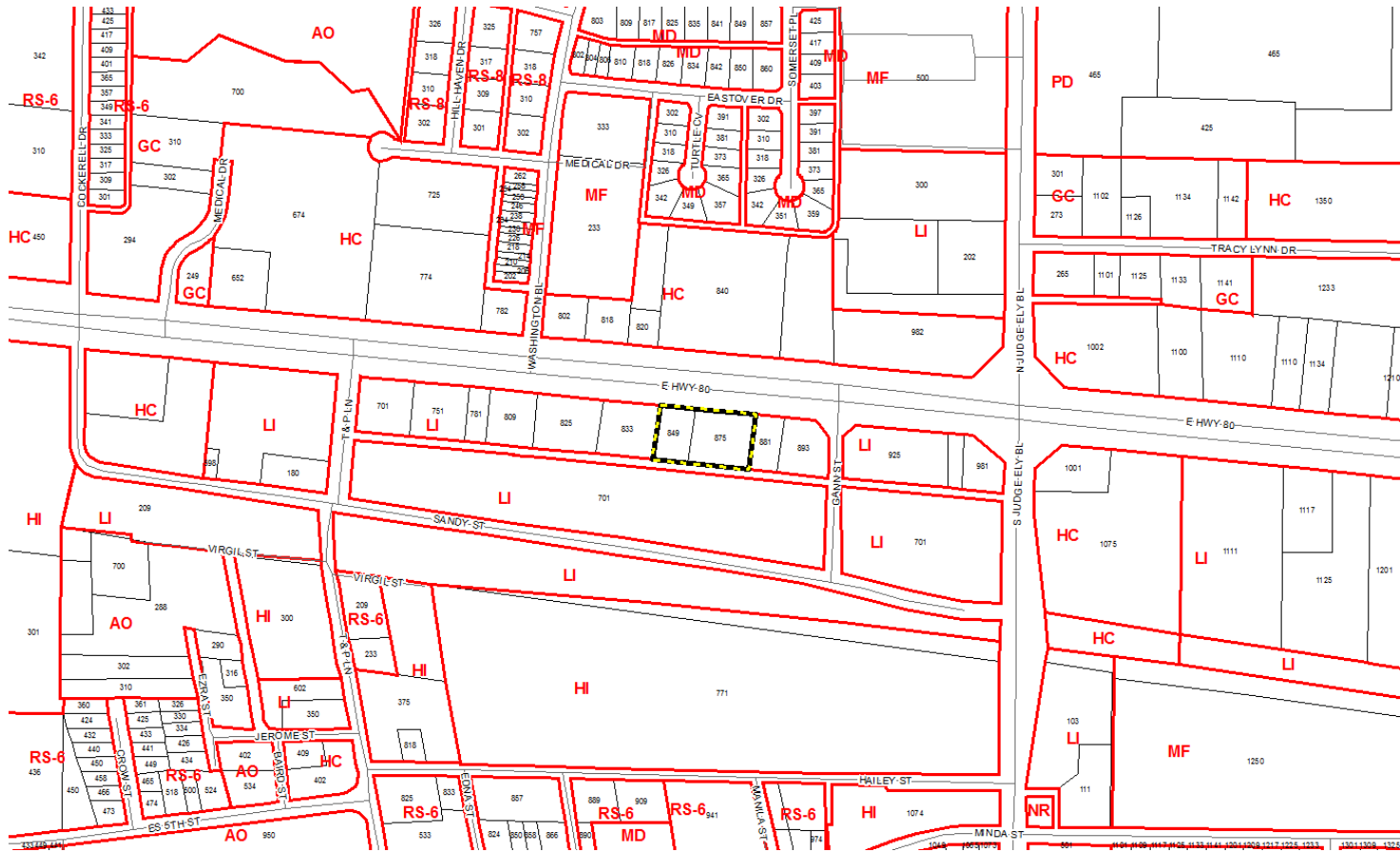
NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
WALKER KYLE ALLEN &	833 E HWY 80	
NANCE FELIX	820 E HWY 80	
ABILENE TRAVELODGE LTD	840 E HWY 80	
ALLEN SHARON SAYRE	849 E HWY 80	
HENDRICK MEDICAL CENTER FNDN	881 E HWY 80	
CITY OF ABILENE	701 E HWY 80	
RILEY SHARON	875 E HWY 80	
TEXAS TIERRA III LTD	893 E HWY 80	Opposed
WTG FUELS INC	825 E HWY 80	

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









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 17th day of November 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 19th day of October, 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 1st day of December, 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 1st day of December, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

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

Legal Description:

FAIR PARK EXTENSION, LOT 15 & S/2 OF 14, OUTLOT 1

Location:

3434 S. 9th St.

-END-

ZONING CASE Z-2011-31

STAFF REPORT



APPLICANT INFORMATION:

Sharon Yost

HEARING DATES:

Planning & Zoning Commission: November 7, 2011
City Council 1st Reading: November 17, 2011
City Council 2nd Reading: December 1, 2011

LOCATION:

3434 S. 9th Street

REQUESTED ACTION:

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



SITE CHARACTERISTICS:

The subject property is approximately 0.23 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 and east with RS-12 (Single Family Residential) zoning to the west and south.

ZONING HISTORY:

The property was annexed in 1927 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 house, Jones/Yost House, was built in 1949 by Morgan Jones Jr. and owned for several years by an architect who was employed by the David Castle Architecture & Engineering Firm. The style of the home exemplifies the Ranch style of architecture that was prominent during the 1950's. The ranch house is noted for its long, close-to-the-ground profile and minimal use of exterior and interior decoration creating an informal living style. This house embodies many ranch style features: single-story, long, low roofline with a side gable, L-shaped plan, large windows, with shutters, and deep overhanging eaves. Interior features characteristic of the style have also been preserved.

• 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, but this request could encourage other properties to seek the Historic Overlay zoning.

PLANNING STAFF RECOMMENDATION:

Case # Z-2011-31
Updated: November 7, 2011

Staff recommends approval as requested.

LANDMARKS COMMISSION RECOMMENDATION:

The Landmarks Commission recommended approval by a vote of six (6) in favor to none (0) in opposition.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

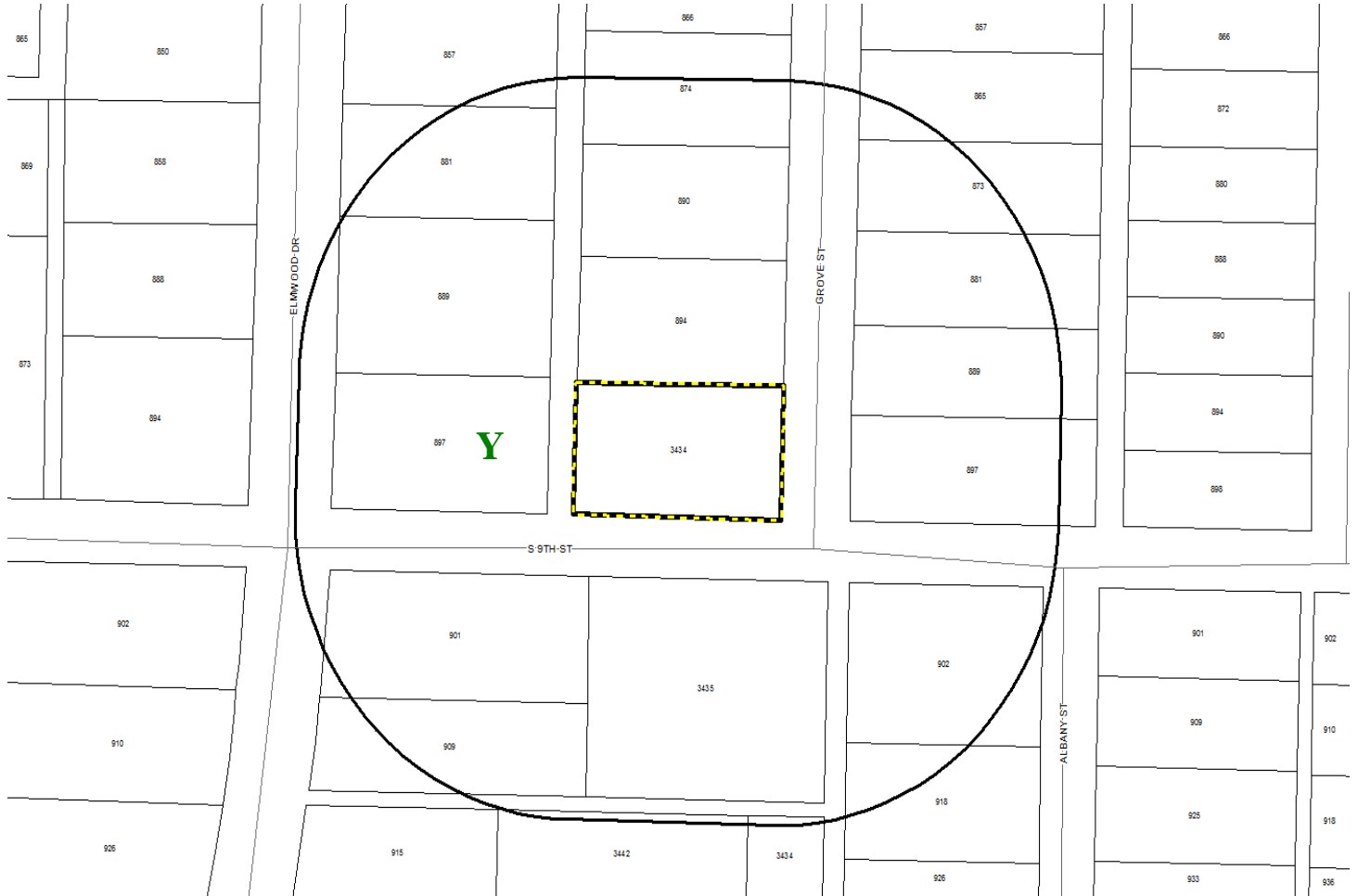
The Planning and Zoning Commission recommended approval by a vote of six (6) in favor to none (0) opposed.

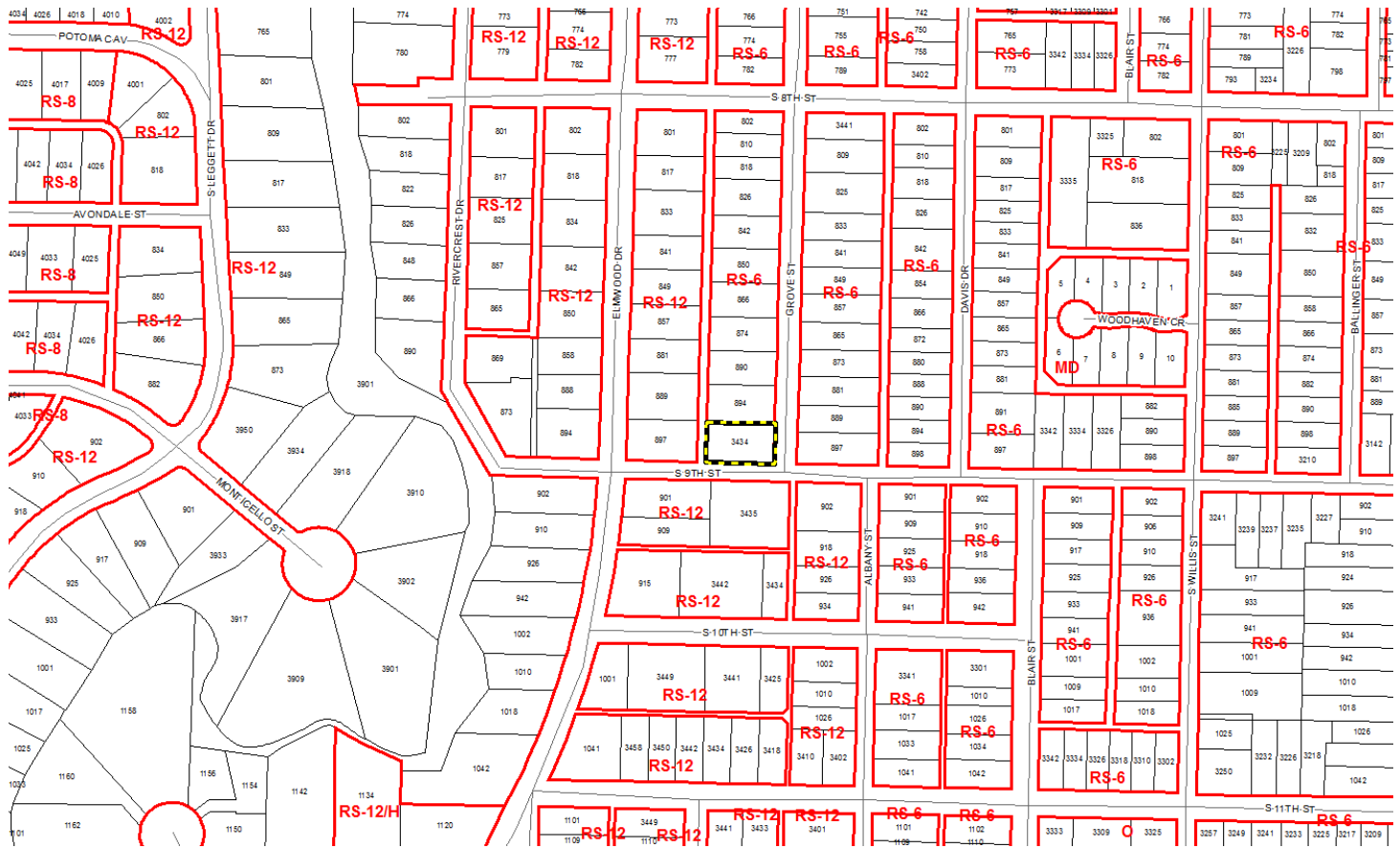
NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
MAYFIELD LARRY K JR	857 ELMWOOD DR	
WELLHAUSEN LARRY D	873 GROVE ST	
JONES MARY WHATLEY ESTATE	3435 S 9TH ST	
CARROLL MARCUS T & AMANDA M	918 ALBANY ST	
SMITH THOMAS G & PATRICIA E	881 ELMWOOD DR	
PROPST JEFFREY & APRIL	881 GROVE ST	
RADCLIFFE JUSTIN C & DARCY J	901 ELMWOOD DR	
RIOS MICHAEL & RUTH	902 ALBANY ST	
DUBOSE MALVOLENE M	909 ELMWOOD DR	
YOST SHARON	3434 S 9TH ST	
VICK KAREN MANLY	874 GROVE ST	
ARMSTRONG E L	890 GROVE ST	
BROWDER TERRY L & LAURA H	897 ELMWOOD DR	In Favor
WADDELL DAVID & KIMBERLY	865 GROVE ST	
EYSEN TIMOTHY D	3434 S 10TH ST	
BARR JAMES A	889 ELMWOOD DR	
KENDRICK WILLIAM R	894 GROVE ST	
ZINN PAUL M & JUANITA	897 GROVE ST	
SUNIGA SUSAN M & RUBEN	889 GROVE ST	
WILEY ROBERT D & ANGIE	3442 S 10TH ST	

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









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

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

PART 1: That Chapter 23, Subpart B, "Land Development Code," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 17th day of November 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 19th day of October, 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 1st day of December, 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 1st day of December, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Approve a Conditional Use Permit for a Bed and Breakfast in RS-12 (Single Family Residential) zoning.

Location:

642 Sayles Blvd.

Legal Description:

HIGHLAND ADDN, BLOCK 9, LOT E16' LT A & ALL LTS B & C

With the following conditions:

- No parking will be allowed between the building and the public ROW and should remain as landscape area.
- A sidewalk will be required along S. 7th St. prior to the issuance of a Certificate of Occupancy.
- A solid 6' fence will be provided to shield parking from adjacent residential properties.

-END-

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested with the following conditions:

- 1. No parking will be allowed between the building and the public ROW and should remain as landscape area.
- 2. A sidewalk will be required along S. 7th St. prior to the issuance of a Certificate of Occupancy.
- 3. A solid 6’ fence will be provided to shield parking from adjacent residential properties.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

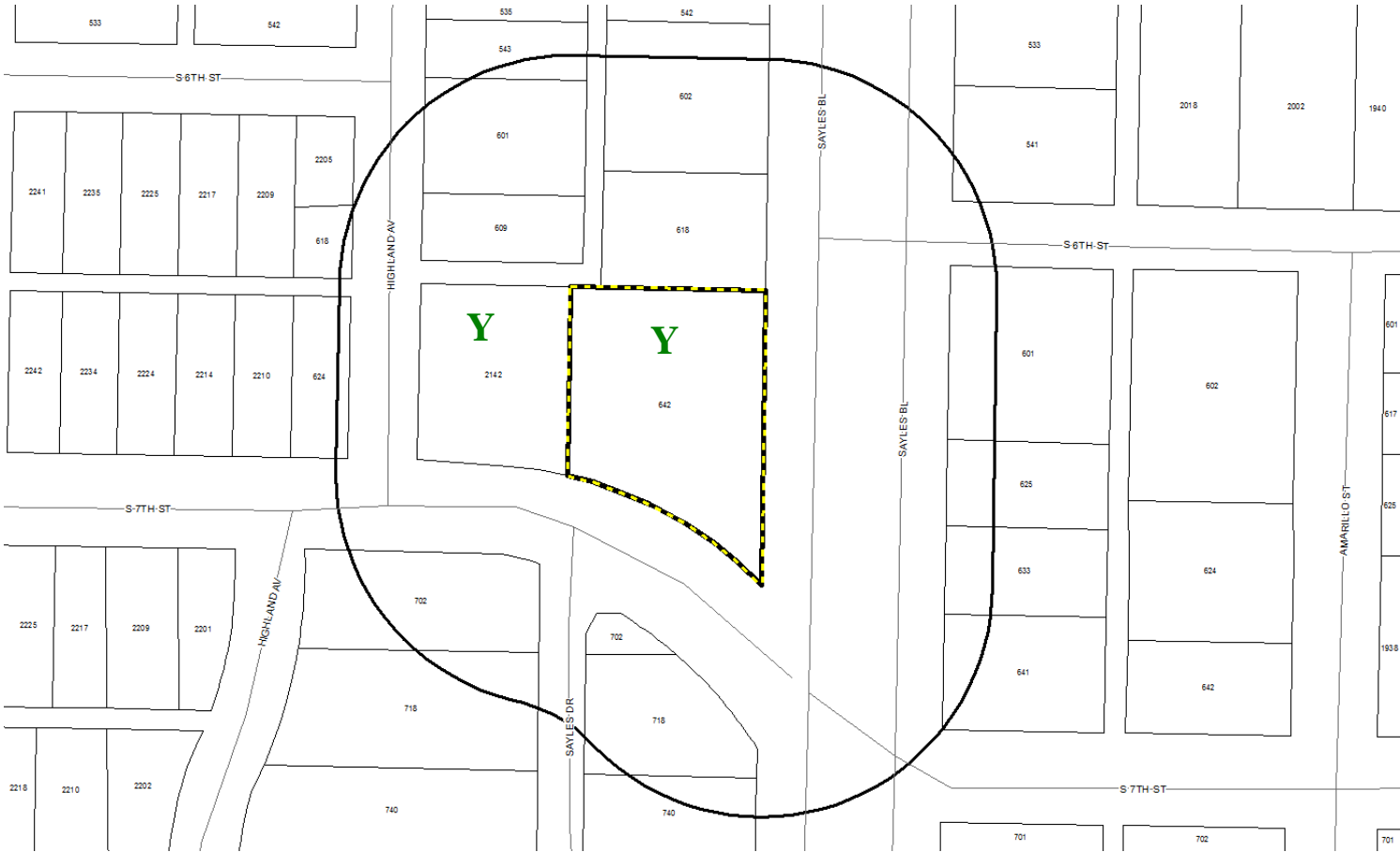
The Planning and Zoning Commission recommended approval of the request with the conditions provided by City Staff by a vote of six (6) in favor to none (0) opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
KING AUSTIN I & SUSAN L	702 SAYLES DR	
HALL GLEN D & CAROL K	740 SAYLES DR	
KING AUSTIN I & SUSAN L	702 SAYLES DR	
KAPPEL MARK T & JANA S	718 SAYLES DR	
KAPPEL MARK T & JANA S	718 SAYLES DR	
FORRESTER DANNY A	625 SAYLES BL	
VANDENHOUTEN WALTER & SHARON	601 SAYLES BL	
HISCOCK CAREY C & SLINA M	641 SAYLES BL	
CONLEY EDWARD A &	633 SAYLES BL	
TEMPLIN JERRY DON	541 SAYLES BL	
CIEZKI EVA B &	624 HIGHLAND AV	
PUGH PEGGY S	601 HIGHLAND AV	
LEHRER CLINTON RUSSELL	543 HIGHLAND AV	
MILLER BILLY	618 HIGHLAND AV	
BURSON DALE	609 HIGHLAND AV	
HALL MICHAEL	618 SAYLES BL	
HOLT EDWARD L & LEA SCHAFFER	602 SAYLES BL	
FULLER CHARLIE J	2142 S 7TH ST	In Favor
BROWDER TERRY L & LAURA H	642 SAYLES BL	In Favor

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









City Council
Agenda Memo

TO: Larry D. Gilley, City Manager

City Council
Meeting Date: 11/17/2011

FROM: Ken Dozier, Fire Chief

SUBJECT: Purchase of Emergency Medical Dispatch Software

GENERAL INFORMATION

In August 2010, the Abilene City Council appointed an EMS Committee and gave them the task to make recommendations regarding EMS services in Abilene. One of the recommendations that resulted from the EMS review is the desire to prioritize our EMS calls through an Emergency Medical Dispatch System (EMD). EMD is a system in which dispatchers with training in medical care are allowed to use predetermined medical protocols to both dispatch correct resources to an emergency scene and to give instructions to victims and bystanders prior to the arrival of first responders.

SPECIAL CONSIDERATIONS

In researching software products in today's market, we found no two products had the same features. The product chosen is physician backed, requires much less development and configuration, and the creator assumes most of the liability.

FUNDING/FISCAL IMPACT

Funding was approved by the City Council in FY11 revised budget. The written bid is attached. Breakdown of cost by Department:

AFD AU1005505515 Account 64400 \$93,449.50 (Software & 1-Year Maintenance)

APD AU1005005035 Account 62410 \$33,630 (Employee Training)

STAFF RECOMMENDATION

Staff recommends purchase of this equipment in the amount of \$127,079.50 from Priority Dispatch Corp.

ATTACHMENTS

Written Bid

Prepared By: Name <u>Ken Dozier</u> Title <u>Fire Chief</u>	Item No. <u>6.4</u>	Disposition by City Council <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Other Ord/Res # _____
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Priority Dispatch Corp.
 139 E. South Temple, 5th Floor
 Salt Lake City, Utah 84111
 United States of America
 800-363-9127 x. 113

Name	Abilene FD, TX	Attn	Greg Goettsch	Date	10/31/11
Phone	325-676-6436	Fax		By	Tim Martin
				Title	Acct Mang
				Dept.	Client Svcs.

Qty	Description	Unit Price	TOTAL
27	Medical ProQA Software Stations CAD NAE Back-Up Center Discount	3,300.00	89,100.00 (19,800.00)
1	Client Server Software Application	6,000.00	6,000.00
2	AQUA Quality Improvement Software	1,900.00	3,800.00
2	EMD Module	800.00	1,600.00
15	MPDS Manual Dispatch Back-Up Card Sets NAE	395.00	5,925.00
2	MPDS Quality Assurance Guides	45.00	90.00
37	EMD Protocol Training and Certification (3 days)	295.00	10,915.00
2	ProQA Software Training Days (plus 1500 per trip)	1,500.00	4,500.00
1	AQUA Training Days (+1500 per trip)	1,500.00	1,500.00
2	Software Develop/Install Days (+1500 per trip)	1,500.00	4,500.00
7	Implement/QIU Training Days (+1500 per trip)	1,500.00	12,000.00
1	Annual CDE Series (Renewable)	150.00	150.00
1	SEND CDE	65.00	65.00
1	Year 1 Annual Software Maintenance (ESP)**		13,342.00
1	Year 1 Annual Card Set Maintenance (ESP)**		592.50
<p>** ESP (Extended Service Plan) adds additional technical telephone support, free updates to current version, and additional discounts on new versions (editions).</p> <p>All Amounts are in U.S. Dollars</p>			

QuoteYear 1

Signature	Expires	180 Days	Delivery	Upon Request
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Total	\$ 134,279.50
Discount if by 11/18/11	\$ (7,200.00)
State Tax	0.00%
Local Tax	0.00%
Total	\$ 127,079.50

**City Council
Agenda Memo**



**City Council
Meeting Date: 11/17/2011**

TO: Larry D. Gilley, City Manager

FROM: Ronnie C. Kidd, Managing Director for Administration

SUBJECT: Resolution approving a Lease Purchase Agreement for the purpose of Procuring Computers for Public Safety Vehicles

GENERAL INFORMATION

Current computers in use in patrol vehicles are five years old, at the end of their life cycle, and are increasingly beginning to fail. The previous computer provider, L-3, is no longer in business and replacement computers and/or parts are unavailable. We are ready to implement the first phase of a project to replace the vehicle computers with Panasonic "Tough Book" laptop computers that will be leased/purchased over a three year period. The first phase addresses replacing twenty (20) of the computers. The entire project will encompass replacing approximately eighty (80) computers that are deployed in public safety vehicles. The new computers will increase bandwidth and allow use of web based data sources for intelligence led policing, which is not currently available in patrol units. Additionally, these computers will provide access from the vehicle to the Police Department's records management system. The computers will be purchased from Toner Tiger, a local vendor that meets bidding requirements as a member of the State of Texas Department of Information Resources Cooperative Purchasing Program for state and local governments. The lease financing will be accomplished through DivLend Equipment Leasing.

SPECIAL CONSIDERATIONS

Public Safety personnel will be unable to perform critical operational functions of their job if these computers are not replaced, which in turn will significantly increase radio traffic and limit field access to information.

FUNDING/FISCAL IMPACT

Funding for this lease purchase agreement first year's payment of \$36,926.24 is included in the FY 2012 Technology Fund previously approved by Council in September 2011. Two additional payments of \$36,926.24 will be budgeted for and made in FY 2013 and FY 2014.

STAFF RECOMMENDATION

Staff recommends approval of this lease purchase agreement to acquire the laptops for public safety vehicles.

ATTACHMENTS

Resolution authorizing the City Manager or his designee to enter into the Governmental Lease-Purchase Agreement with DivLend Equipment Leasing, L.L.C.

Prepared by:
Name: Mark L. Hoover

Title: Assistant Director for
Administrative Services

Item No. 6.6

Disposition by City Council
 Approved Ord/Res#
 Denied _____

City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY OF ABILENE TO ENTER INTO A LEASE PURCHASE AGREEMENT WITH DIVLEND EQUIPMENT LEASING, L.L.C. FOR THE PURPOSE OF PROCURING COMPUTERS; DESIGNATING THE AGREEMENT AS A QUALIFIED TAX EXEMPT OBLIGATION; AND DESIGNATING AUTHORIZED SIGNERS OF THE AGREEMENT

WHEREAS, the City of Abilene (the “Lessee”) desires to enter into that certain Lease-Purchase Agreement dated as of 11/17/2011 by and between the Lessee and DivLend Equipment Leasing L.L.C. for the purpose of procuring personal property (computers); and

WHEREAS, as part of the Agreement the Lessee desires to designate this Agreement as a “qualified tax exempt obligation” of the Lessee for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the Lessee desires to designate Ronnie Kidd, Managing Director for Administration and Danette Dunlap, City Secretary, as authorized signers of the Agreement.

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

- PART 1. The City of Abilene (the “Lessee”) enters into a Lease Purchase Agreement with DivLend Equipment Leasing, L.L.C. for the purpose of procuring computers.
- PART 2. That the Lease Purchase agreement dated as of 11/17/2011, by and between the Lessee and DivLend Equipment Leasing, L.L.C. is designated by the Lessee as a “qualified tax exempt obligation” for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.
- PART 3. That the Lessee designate Ronnie Kidd, Managing Director for Administration, and Danette Dunlap, City Secretary, as authorized signers of the Lease Purchase Agreement dated as of 11/17/2011, by and between the Lessee and DivLend Equipment Leasing, L.L.C.

ADOPTED this 17th day of November 2011.

ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED:

City Attorney



City Council
Agenda Memo

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

City Council
Meeting Date: 11-17-11

SUBJECT: Resolution Expressing Official Intent to Reimburse Costs

GENERAL INFORMATION

The City of Abilene Fire Department is proposing to purchase one fire engine to replace one that was damaged and placed out of service in July 2010. To be able to proceed with this award of bid prior to the sale of the certificates of obligation, the attached resolution needs to be approved by the City Council. The Resolution allows us to enter into a contract prior to the delivery of the certificates of obligation funds.

FUNDING/FISCAL IMPACT

The certificates of obligation to support any cost associated with this purchase are expected to be sold early next year. Funding for this purchase will be paid out of the Fire Apparatus Replacement Fund. The cost to the fund will be reimbursed upon delivery of the certificates of obligation funds.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution.

ATTACHMENTS

Resolution

Prepared By: Name <u>Mindy Patterson</u> Title <u>Director of Finance</u>	Item No. <u>6.7</u>	Disposition by City Council <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Other Ord/Res # _____ _____ City Secretary
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RESOLUTION NO. _____

RESOLUTION EXPRESSING OFFICIAL INTENT
TO REIMBURSE COSTS OF PROJECTS

THE STATE OF TEXAS §
COUNTIES OF TAYLOR AND JONES §
CITY OF ABILENE §

WHEREAS, the City of Abilene, Texas (the "Issuer") is a home-rule municipality and political subdivision of the State of Texas;

WHEREAS, the Issuer expects to pay, or have paid on its behalf, expenditures in connection with the design, planning, acquisition and construction of the projects described on Exhibit "A" hereto (the "Projects") prior to the issuance of tax-exempt obligations, tax-credit obligations and/or obligations for which a prior expression of intent to finance or refinance is required by Federal or state law (collectively and individually, the "Obligations") to finance the Projects;

WHEREAS, the Issuer finds, considers, and declares that the reimbursement for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the Issuer and, as such, chooses to declare its intention to reimburse itself for such payments at such time as it issues Obligations to finance the Projects;

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

Section 1. The Issuer reasonably expects to incur debt, as one or more series of Obligations, with an aggregate maximum principal amount equal to \$553,000 for the purpose of paying the costs of the Projects.

Section 2. All costs to be reimbursed pursuant hereto will be capital expenditures. No Obligations will be issued by the Issuer in furtherance of this Statement after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

Section 3. The foregoing notwithstanding, no Obligation will be issued pursuant to this Statement more than three years after the date any expenditure which is to be reimbursed is paid.

Section 4. The foregoing Sections 2 and 3 notwithstanding, all costs to be reimbursed with qualified tax credit obligations shall not be paid prior to the date hereof and no tax credit obligations shall be issued after 18 months of the date the original expenditure is made.

Section 5. This Resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED this November 17, 2011.

ATTEST:

City Secretary

Mayor

APPROVED:

City Attorney

[CITY SEAL]

Exhibit "A"

Acquisition of a fire truck.