

**City Council  
Agenda Memo**



**City Council  
Meeting Date: 01/26/12**

**TO: Larry D. Gilley, City Manager**  
**FROM: Ronnie C. Kidd, Managing Director for Administration & Civil Service Director  
and Stan Standridge, Police Chief**  
**SUBJECT: First Reading of an Ordinance Amending Budget Ordinance No. 32-2011, part 7**

**GENERAL INFORMATION:**

Pursuant to Texas Local Government Code Chapter 143, the FY 2012 budget ordinance provides the number, classification, and designation of each position for the Police and Fire Departments. Regarding the Police Department, with the recent retirement of an assistant chief, the Police Chief desires to reduce the assistant chief positions by one (1) and add that position to the police officer rank. Additionally, the Chief is requesting to add five (5) additional police officer positions. This strategy will provide for dedicating an officer to serve as the department's public information officer, as well as continuing the Chief's desire to more fully implement intelligence-led policing and thereby reduce crime. This will result in a net increase of five (5) positions for the department as reflected below:

|                        | <u>Current</u> | <u>Proposed</u> | <u>Change</u> |
|------------------------|----------------|-----------------|---------------|
| Assistant Police Chief | 3              | 2               | (1)           |
| Police Lieutenant      | 11             | 11              | 0             |
| Police Sergeant        | 23             | 23              | 0             |
| Police Officer         | <u>147</u>     | <u>153</u>      | <u>6</u>      |
| Total                  | 184            | 189             | 5             |

Chief Standridge and I will be available for the second reading at the City Council meeting to further explain and answer questions.

**SPECIAL CONSIDERATIONS:**

Our hiring process for police officers, which is currently underway, will fulfill the overall staffing increase.

**FUNDING/FISCAL IMPACT:**

An estimated annualized net increase of approximately \$265,000 will be associated with the salary and benefits of the increased staffing level. Upon approval of this change, it will be addressed in the 2012 revised budget.

**STAFF RECOMMENDATION:**

Staff recommends amending the budget ordinance to designate the proposed positions reflected above and achieve 189 overall positions in the Police Department.

**ATTACHMENTS**

Proposed Amendment to the Budget Ordinance

|   |                     |   |
|---|---------------------|---|
| Prepared by:<br>Name <u>Ronnie C. Kidd</u><br>Title <u>Managing Director for Administration</u> | Item No. <u>6.1</u> | Disposition by City Council<br><input type="checkbox"/> Approved      Ord/Res#<br><input type="checkbox"/> Denied      _____<br><input type="checkbox"/> Other<br>_____<br>City Secretary |
|---|---------------------|---|

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

**AN ORDINANCE APPROVING A REVISION TO SECTION 7 OF ORDINANCE NUMBER 32-2011; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.**

WHEREAS, the City Council has adopted Ordinance Number 32-2011; and,

WHEREAS, said Ordinance established the number, classification, and designation of each position, as provided in Texas Local Government Code Ann., Chapter 143 (Vernon 1988), Municipal Civil Service, for the Police and Fire Departments; and,

WHEREAS, Section 7 of said Ordinance allows amendment by the City Council during the fiscal year the Ordinance is in effect; and,

WHEREAS, the Chief of the Abilene Police Department has requested changes and an overall increase in the number of approved positions within the ranks of the Abilene Police Department,

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

PART 1: That Ordinance Number 32-2011 is amended as set forth in Attachment A.

PART 2: That any ordinance, resolution, policy or any provision or section of the code of the City of Abilene, Texas, as amended, in conflict herewith, be, and the same is hereby repealed to the extent of any conflict.

PASSED ON FIRST READING on the \_\_\_\_\_ day of January, A.D. 2012.

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

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the \_\_\_\_\_ day of February, A.D. 2012.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

# ATTACHMENT A

**That Part 7 of Ordinance No. 32-2011 is hereby amended to read as follows:**

Part 7: That the number, classification, and designation of each position, as provided in Texas Local Government Code Ann., Chapter 143 (Vernon 1988), Municipal Civil Service, for the Police and Fire Departments, as set out below, are hereby created, established, and adopted as the official plan for the classified service of the Police and Fire Departments of the City of Abilene for the **remainder of the** fiscal year **October 1, 2011, through September 30, 2012, or as may be amended by the City Council**. Any position in the classified service of the Police and Fire Departments of the City of Abilene not below listed, is hereby abolished:

Police Department

|                        |                           |
|------------------------|---------------------------|
| Assistant Police Chief | <del>3</del> <b>2</b>     |
| Police Lieutenant      | 11                        |
| Police Sergeant        | 23                        |
| Police Officers        | <del>147</del> <b>153</b> |
|                        | <del>184</del> <b>189</b> |

Fire Department

|                   |                           |
|-------------------|---------------------------|
| Deputy Fire Chief | 1                         |
| Battalion Chief   | 5                         |
| Fire Captain      | 12                        |
| Fire Lieutenant   | 32                        |
| Fire Fighter      | <del>123</del> <b>173</b> |

City Council  
Agenda Memo



City Council  
Meeting Date: 1/26/2012

**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-2012-01, a request from Sandra Hernandez to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 4358 Sayles Blvd.; and setting a public hearing for February 9, 2012.

**GENERAL INFORMATION**

The property is zoned LI and has been developed with a restaurant. The restaurant had been operating until late 2010 until it was closed due to a fire. The LI zoning previously allowed for a restaurant. With the adoption of the LDC, the LI zoning district no longer allows a restaurant as a permitted use. The use was considered a legal, non-conforming use until it had ceased operation for more than 6 months. The surrounding properties have been developed with a mix of industrial and commercial uses.

The Future Land Use section of the Comprehensive Plan designates this general area as a commercial/industrial area. The area currently includes commercial uses, especially along the freeway frontage. The requested zoning would allow the restaurant to re-open and would in bring the intended use in conformance with the zoning on the property. The request would not have a negative impact on the surrounding properties and would be compatible with the existing land uses.

**STAFF RECOMMENDATION**

Staff recommends approval as requested.

**BOARD OR COMMISSION RECOMMENDATION**

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

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

January 13, 2012

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 26<sup>th</sup> day of January, A.D. 2012.

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 14<sup>th</sup> day of December, 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 9<sup>th</sup> day of February, 2012 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 9<sup>th</sup> day of February, A.D. 2012.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

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

Legal Description:

BUTTON WILLOW INDUSTRIAL SEC, BLOCK 2, LOT 113, REP OF 13-16

Location:

4358 Sayles Boulevard

-END-

# ZONING CASE Z-2012-01

## STAFF REPORT



### APPLICANT INFORMATION:

Sandra Hernandez

### HEARING DATES:

Planning & Zoning Commission: January 3, 2012  
City Council 1<sup>st</sup> Reading: January 26, 2012  
City Council 2<sup>nd</sup> Reading: February 9, 2012

### LOCATION:

4358 Sayles Boulevard

### REQUESTED ACTION:

Rezone property from LI to HC



### SITE CHARACTERISTICS:

The subject property is approximately 2.45 acres and is currently zoned LI (Light Industrial). The property has been developed with a restaurant. The adjacent properties have LI zoning to the north, east and west and GC zoning across the freeway to the south. One property to the east has HC zoning.

### ZONING HISTORY:

The property was annexed in 1957 and was zoned LI sometime after it was annexed.

### ANALYSIS:

- Current Planning Analysis

The property is zoned LI and has been developed with a restaurant. The restaurant had been operating until late 2010 until it was closed due to a fire. The LI zoning previously allowed for a restaurant. With the adoption of the LDC, the LI zoning district no longer allows a restaurant as a permitted use. The use was considered a legal, non-conforming use until it had ceased operation for more than 6 months. The surrounding properties have been developed with a mix of industrial and commercial uses.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as a commercial/industrial area. The area currently includes commercial uses, especially along the freeway frontage. The requested zoning would allow the restaurant to re-open and would bring the intended use in conformance with the zoning on the property. The request would not have a negative impact on the surrounding properties and would be compatible with the existing land uses.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

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

**NOTIFICATION:**

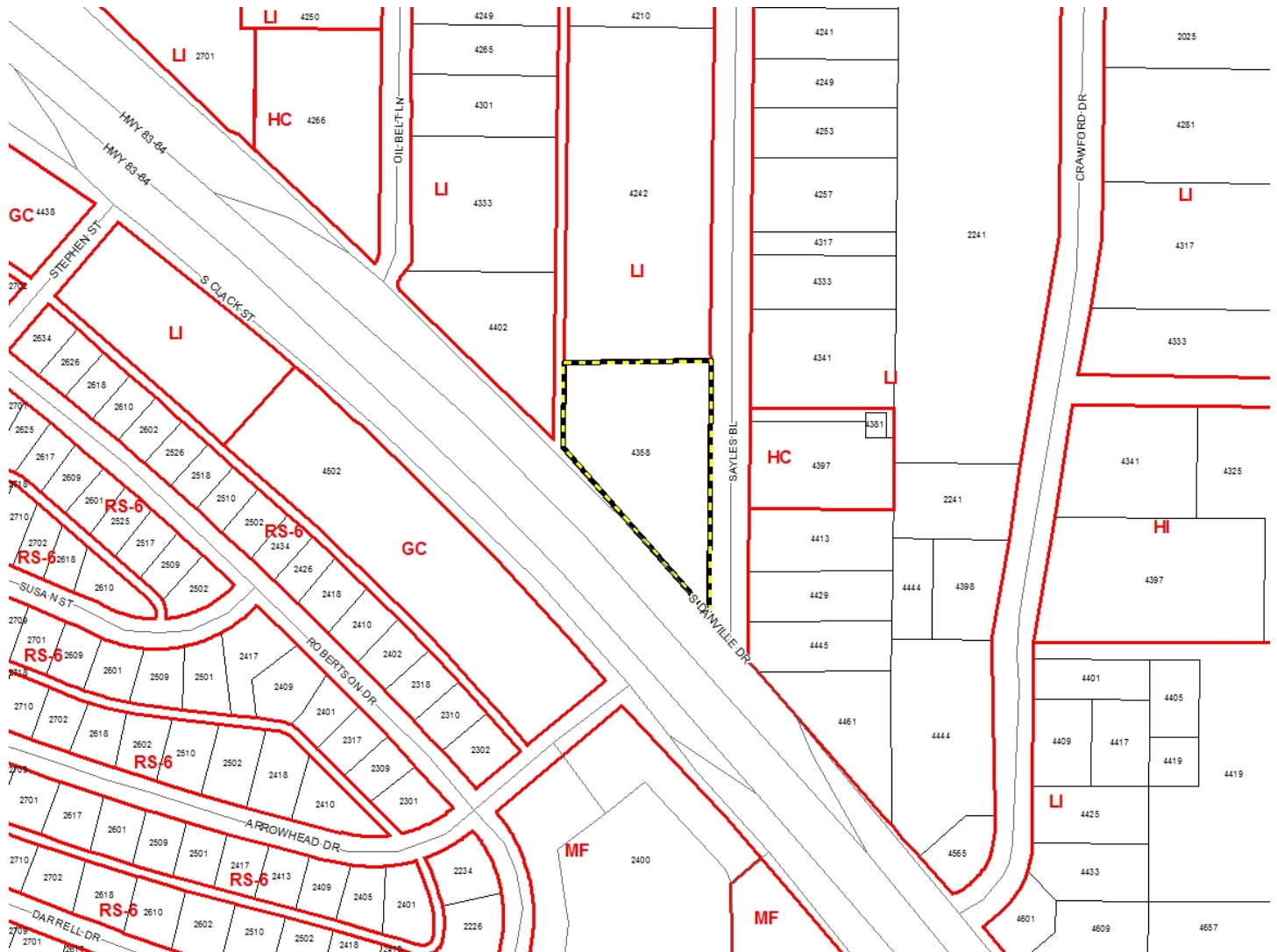
Property owners within a 200-foot radius were notified of the request.

| OWNER                                  | ADDRESS            | RESPONSE |
|--|--------------------|----------|
| HOGEDA HENRY & OFELIA                  | 4358 SAYLES BLVD   |          |
| FURNITURE ROW USA LLC                  | 4445 SAYLES BLVD   |          |
| FURNITURE ROW USA LLC                  | 4461 S DANVILLE DR |          |
| BILBO FRED                             | 4413 SAYLES BLVD   |          |
| ADAMS ALVIN JOE & LECIA R              | 4333 SAYLES BLVD   |          |
| ROY WILLIS ELECTRIC CO INC             | 4242 SAYLES BLVD   |          |
| BROWDER EDDIE & PRICILLA               | 4341 SAYLES BLVD   | In Favor |
| CHOJNOWSKI KRISTYNA & CHOJNOWSKI DEREK |                    |          |
| FURNITURE ROW USA LLC                  | 4429 SAYLES BLVD   |          |
| BHAI BEN REAL EST HOLDINGS LTD         | 4397 SAYLES BLVD   |          |
| HULL THOMAS LLC                        | 4333 OIL BELT LN   |          |
| RESTORATION RENTAL EQUIP LP            | 4402 S DANVILLE DR |          |



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

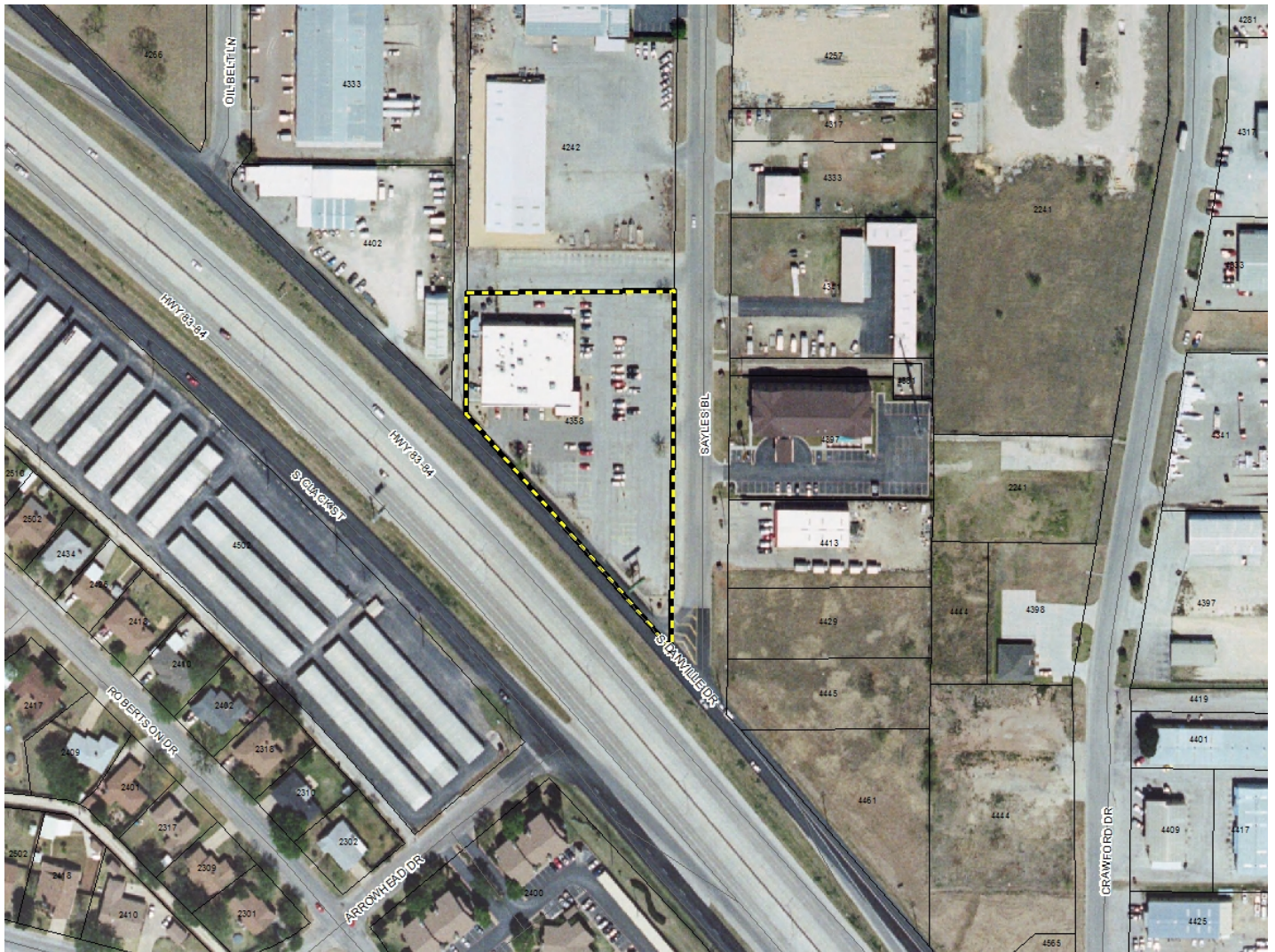












City Council  
Agenda Memo



City Council  
Meeting Date: 1/26/2012

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-2012-02, a request from Pebbles Lee to rezone property from RS-12 (Single Family Residential) to RS-12/H (Single Family Residential with Historic Overlay) zoning, located at 873 River Crest Dr.; and setting a public hearing for February 9, 2012.

**GENERAL INFORMATION**

The property is zoned RS-12 and has been developed with a residential dwelling unit. The house was built in 1928 by T.F. Grisham. The style of the home exemplifies the Spanish/Mission Revival style of architecture. The house exhibits elements of the classic hacienda, including stucco exterior, Mission-shaped roof parapet, arches, inset porch, metal roof in clay tile design, decorative wrought iron screens and gates at entrances. The home is in excellent condition.

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. Recently two other properties in the area have received Historic Overlay Zoning, and this request could encourage other properties to do the same.

**STAFF RECOMMENDATION**

Staff recommends approval as requested.

**BOARD OR COMMISSION RECOMMENDATION**

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

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

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

January 13, 2012

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 26<sup>th</sup> day of January, A.D. 2012.

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 14<sup>th</sup> day of December, 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 9<sup>th</sup> day of February, 2012 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 9<sup>th</sup> day of February, A.D. 2012.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

Rezone property from RS-12 (Single Family Residential) to RS-12/H (Single Family Residential with Historic Overlay) zoning.

Legal Description:

FAIR PARK EXTENSION, LOT 16-18 & SE/PT OF 19 & PT OF ALLEY OUTLOT 2

Location:

873 River Crest Drive

-END-

# ZONING CASE Z-2012-02

## STAFF REPORT



### APPLICANT INFORMATION:

Tom & Pebbles Lee

### HEARING DATES:

Planning & Zoning Commission: January 3, 2012

City Council 1<sup>st</sup> Reading: January 26, 2012

City Council 2<sup>nd</sup> Reading: February 9, 2012

### LOCATION:

873 River Crest Drive

### REQUESTED ACTION:

Rezone property from RS-12 to RS-12/H



### SITE CHARACTERISTICS:

The subject property is approximately 0.3961 acres and is currently zoned RS-12 (Single Family Residential). The property has been developed with a residential dwelling unit. The adjacent properties have RS-12 zoning to the north, south, east and west.

### ZONING HISTORY:

The property was annexed in 1927 and was zoned RS-12 sometime after it was annexed.

### ANALYSIS:

- Current Planning Analysis

The property is zoned RS-12 and has been developed with a residential dwelling unit. The house was built in 1928 by T.F. Grisham. The style of the home exemplifies the Spanish/Mission Revival style of architecture. The house exhibits elements of the classic hacienda, including stucco exterior, Mission-shaped roof parapet, arches, inset porch, metal roof in clay tile design, decorative wrought iron screens and gates at entrances. The home is in excellent condition.

- 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. Recently two other properties in the area have received Historic Overlay Zoning, and this request could encourage other properties to do the same.

### PLANNING STAFF RECOMMENDATION:

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:**

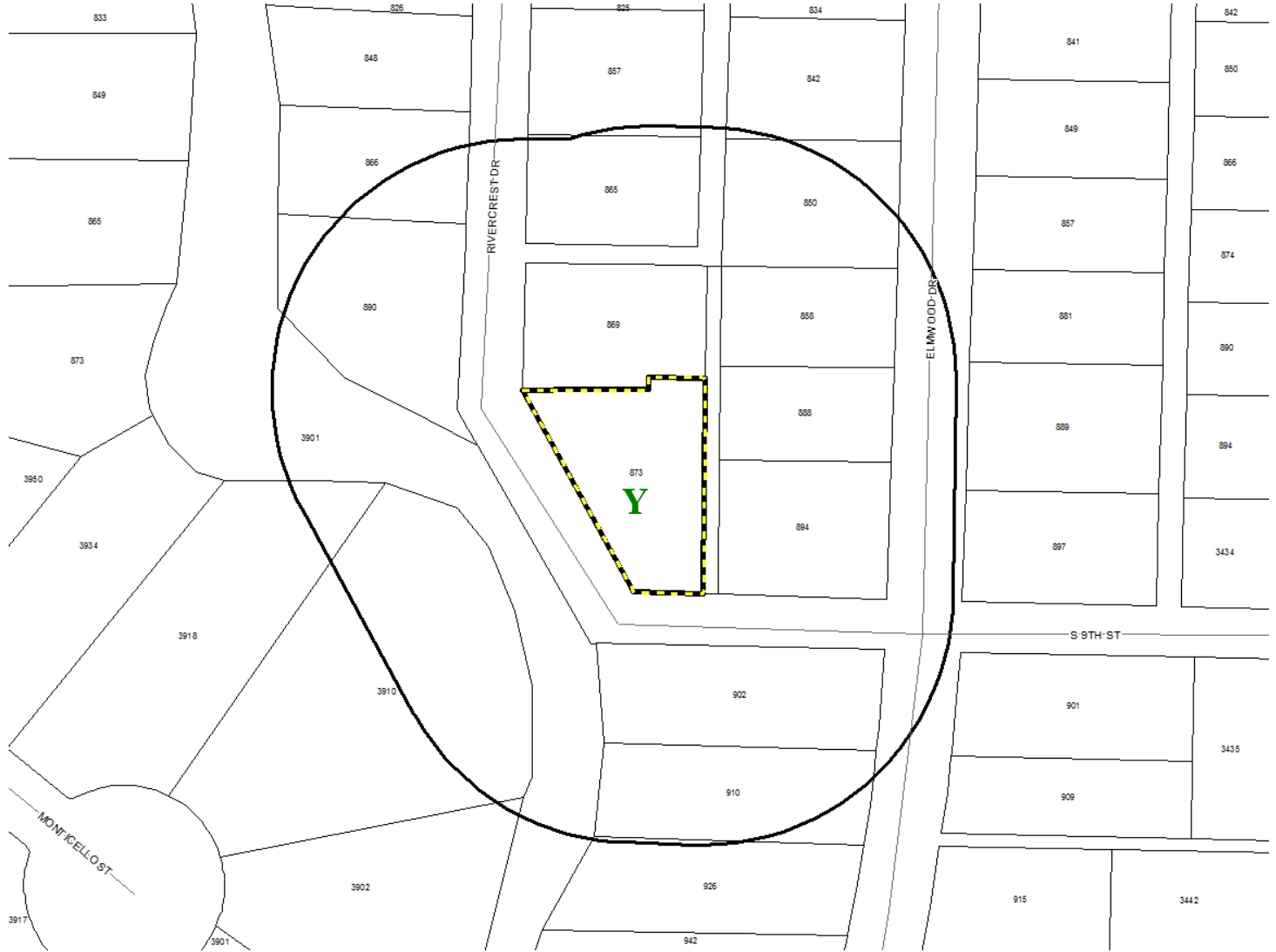
The Planning and Zoning Commission recommended approval by a vote of six (6) in favor (Bixby, Glenn, Rosenbaum, Todd, Yungblut, & McClarty) to none (0) opposed.

**NOTIFICATION:**

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

| OWNER                           | ADDRESS            | RESPONSE |
|---------------------------------|--------------------|----------|
| HALL CHANC D & THERESA M        | 865 RIVERCREST DR  |          |
| PILGRIM ANNE M                  | 857 RIVERCREST DR  |          |
| ALBUQUERQUE ANIL &              | 866 RIVERCREST DR  |          |
| WHITEHOREN MICHAEL A &          | 910 ELMWOOD DR     |          |
| SAVERANCE SIDNEY L              | 869 RIVERCREST DR  |          |
| NEWBERRY MERWIN R               | 926 ELMWOOD DR     |          |
| EDINGTON CARRICK T II & AMY     | 888 ELMWOOD DR     |          |
| WHEELER R MICHAEL & GAIL B      | 3918 MONTICELLO ST |          |
| LEE THOMAS EMMET JR & PEBBLES   | 873 RIVERCREST DR  | In Favor |
| SMITH TIMOTHY R & PAMELA K      | 842 ELMWOOD DR     |          |
| SIMMONS ROSE TESTAMENTARY TRUST | 902 ELMWOOD DR     |          |
| CAMP BRYAN C & LISA             | 850 ELMWOOD DR     |          |
| OWEN STEPHEN W                  | 894 ELMWOOD DR     |          |
| MATTINGLY GUY L JR & SANDRA J   | 858 ELMWOOD DR     |          |
| THACKER JOHN R & JANA           | 890 RIVERCREST DR  |          |
| Elm Creek                       | 3901 S 7TH ST      |          |
| DICKENSON JOAN BRINE            | 3902 MONTICELLO ST |          |
| GEE LOUIS S                     | 3910 MONTICELLO ST |          |

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











City Council  
Agenda Memo



City Council  
Meeting Date: 1/26/2012

**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-2012-03, a request from Don Bledsoe to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 620 Ambler Ave.; and setting a public hearing for February 9, 2012.

**GENERAL INFORMATION**

The property is zoned LI and had been developed with a convenience store. The applicant is proposing to locate his restaurant from across the street on N. Treadaway Blvd into the building. The LI zoning does not allow for a restaurant. The surrounding properties have been developed with primarily commercial uses with a few industrial uses close by.

The Future Land Use section of the Comprehensive Plan designates this general area as a Special Activity area that would include a mix of uses. The subject property is also along an Enhancement Corridor for Ambler Avenue. An application for a building permit was submitted for the restaurant use that is not allowed in LI. The area currently includes commercial uses, especially along the Ambler frontage. GC zoning is a more appropriate zoning along an Enhancement corridor as it does not allow some of the more intensive industrial uses. The request would not have a negative impact on the surrounding properties and would be compatible with the existing land uses.

**STAFF RECOMMENDATION**

Staff recommends approval as requested.

**BOARD OR COMMISSION RECOMMENDATION**

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

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

January 13, 2012

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 26<sup>th</sup> day of January, A.D. 2012.

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 14<sup>th</sup> day of December, 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 9<sup>th</sup> day of February, 2012 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 9<sup>th</sup> day of February, A.D. 2012.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

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

Legal Description:

MORNINGSIDE ADDN, BLOCK B, LOT S PT OF 103, REPLAT

Location:

620 Ambler Avenue

-END-



# ZONING CASE Z-2012-03

## STAFF REPORT



### APPLICANT INFORMATION:

Don Bledsoe

### HEARING DATES:

Planning & Zoning Commission: January 3, 2012  
City Council 1<sup>st</sup> Reading: January 26, 2012  
City Council 2<sup>nd</sup> Reading: February 9, 2012

### LOCATION:

620 Ambler Avenue

### REQUESTED ACTION:

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



### SITE CHARACTERISTICS:

The subject property is approximately 0.32 acres and is currently zoned LI (Light Industrial). The property has been developed with a convenience store. The adjacent properties have LI zoning to the north, south, and east and HC zoning across the street to the west.

### ZONING HISTORY:

The property was annexed in 1951 and was zoned LI sometime after it was annexed.

### ANALYSIS:

- Current Planning Analysis

The property is zoned LI and had been developed with a convenience store. The applicant is proposing to locate his restaurant from across the street on N. Treadaway Blvd into the building. The LI zoning does not allow for a restaurant. The surrounding properties have been developed with primarily commercial uses with a few industrial uses close by.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as a Special Activity area that would include a mix of uses. The subject property is also along an Enhancement Corridor for Ambler Avenue. An application for a building permit was submitted for the restaurant use that is not allowed in LI. The area currently includes commercial uses, especially along the Ambler frontage. GC zoning is a more appropriate zoning along an Enhancement corridor as it does not allow some of the more intensive industrial uses. The request would not have a negative impact on the surrounding properties and would be compatible with the existing land uses.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

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

**NOTIFICATION:**

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

| OWNER  | ADDRESS               | RESPONSE |
|--|-----------------------|----------|
| TETAJ LODOVIK DBA LITTLE ITALY ITALIAN GRILL | 2234 N TREADAWAY BLVD | In Favor |
| BURGERS & FRIES INC                          | 549 AMBLER AVE        |          |
| SKINNYS INC                                  | 2150 N TREADAWAY BLVD |          |
| GOLDSMITH PRODUCE CO                         | 642 AMBLER AVE        |          |
| GROMAX BUILDINGS LLC                         | 558 AMBLER AVE        |          |
| BLEDSON DON                                  | 620 AMBLER AVE        |          |
| MC CLUNG SHANE                               | 617 AMBLER AVE        |          |
| DON BLEDSOE MANAGEMENT CO LLC                | 2225 N TREADAWAY BLVD |          |
| MC GEE GARY BLANT                            | 634 AMBLER AVE        |          |
| DON BLEDSOE MANAGEMENT CO LLC                | 2329 N TREADAWAY BLVD |          |
| FARPOINT ABILENE LTD                         | 548 AMBLER AVE        |          |

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











**City Council  
Agenda Memo**



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

**FROM: Megan R. Santee, Director of Public Works**

**SUBJECT: Oral Resolution - Award of Transit Management Services Contract**

**City Council  
Meeting Date: 01/26/2012**

**GENERAL INFORMATION**

Since March, 1981, the city's public transit service, Abilene Transit System (aka CityLink), has been operated by the transit management firm McDonald Transit, Inc. One of the findings in our 2010 Federal Transit Authority (FTA) Triennial Review of CityLink was that the City had not gone through the re-compete process for a transit firm since that time. The necessary corrective action was for the City to put out a Request for Proposals (RFP) for transit management services. The RFP went out in May 2011 and two proposals were received: McDonald Transit, Inc. and First Transit, Inc. Both proposals were reviewed by representatives from Public Works, Finance, Administration and Legal and interviews were conducted in the fall of 2011. Based on the review of the proposals and the interviews, the review team determined that the firm that best meets the City's needs at this time is First Transit, Inc.

**FUNDING/FISCAL IMPACT**

Under a new contract with First Transit Inc., the proposed fees for management services will be \$9,980 per month for the first year, increasing approximately 2.7% annually to \$11,100 per month for the fifth year.

**STAFF RECOMMENDATION**

Staff recommends the City Council authorize the City Manager by oral resolution to enter into negotiations and execute a contract for transit management services with First Transit, Inc., for a five-year term with the option to renew for two additional five-year terms.

Prepared by:

Name: James Condry

Title: Traffic & Transportation  
Administrator

Item No. 6.5

Disposition by City Council

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

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

**City Council  
Agenda Memo**



**City Council  
Meeting Date: 01-26-12**

**TO: Larry D. Gilley, City Manager**  
**FROM: Megan R. Santee, Director of Public Works**  
**SUBJECT: Oral Resolution Approving a Commercial Lease Agreement with Gary Cheek, Ft. Phantom Lake Lots 492, 492 A, 492 B & 492 C**

**GENERAL INFORMATION**

Attached is a renewal of an existing Commercial Lease Agreement originally granted to Charollette Morris but now between the City of Abilene and Gary and Andrea Cheek (Lessee) for Ft. Phantom Lake Lots 492, 492 A, 492 B & 492 C. The Cheek's have completed the purchase of the commercial establishment and improvements that constituted Charollette's Cove. The purpose of this lease is to grant Lessee the non-exclusive right and privilege to operate a commercial business, which includes a fishing dock, bait stand, restaurant and concession stand, and campground for nightly rental, including rentals for weddings, receptions and family reunions. The term of this lease will be from the date of approval by the City Council and execution by the City until December 31<sup>st</sup> 2012, or until the Cheek's are able to purchase the leasehold. The rental payment for the initial term will be \$600.00.

**STAFF RECOMMENDATION**

Due the critical timing of the scheduled real estate closing and the necessary attendance at that closing of individuals, the lease has been fully executed. Staff has prepared and reviewed this lease agreement, and recommends that the City Council, by oral resolution, ratify the City Manager's execution of the attached Commercial Lease Agreement with Gary Cheek for Ft. Phantom Lake Lots 492, 492 A, 492 B & 492 C.

**SPECIAL CONSIDERATIONS**

Staff has met with the Cheek's and supports the work already underway and the final plans for the property. They have expressed a desire to purchase the land from the City as soon as that can be made available for sale in Phase II. The lease details specific improvements that must be made before the sale can happen and both sides are very confident those conditions will be met. Ratifying the lease will provide the Cheek's an opportunity to renovate this property and add a much needed resource to the lake community. Their plans comply with the Planned Development District zoning in place as well as the lake master plan.

**ATTACHMENTS**

A Copy of the Commercial Lease Agreement will be available at the City Council meeting.

|   |                     |  |
|---|---------------------|--|
| Prepared by:<br><br>Name: <u>Travis McClure</u><br><br>Title: <u>Land Agent</u> | Item No. <u>6.6</u> | Disposition by City Council<br><input type="checkbox"/> Approved          Ord/Res#<br><input type="checkbox"/> Denied                _____<br><input type="checkbox"/> Other<br><br>_____ City Secretary |
|---|---------------------|--|





City Council  
Agenda Memo

**TO:** Larry D. Gilley, City Manager                      **City Council Meeting Date: 01-26-2012**  
**FROM:** Mindy Patterson, Director of Finance  
**SUBJECT:** Award of Bid – CB 1208, Tandem Axle Dump Truck

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**GENERAL INFORMATION**

Fleet Management seeks approval to purchase a Tandem Axle Dump Truck to be assigned to the Stormwater Division of the Public Works Department. The unit is to replace a truck that was wrecked and totaled. The truck will be utilized to haul heavy material and to tow equipment to job sites.

Advertisements were published on November 20, 2011 and November 27, 2011. Bids were opened on December 6, 2011 at 11:00 A.M. Four (4) bid invitations were requested with three (3) vendors submitting a bid.

**SPECIAL CONSIDERATIONS**

Corley-Wetsel of Abilene, Texas did not meet specifications in regards to the rear tires while Roberts Truck Center of Abilene, Texas failed to meet the engine liter size.

**FUNDING/FISCAL IMPACT**

Funds for this purchase are to be provided by the Fleet Replacement Fund.

**STAFF RECOMMENDATION**

It is recommended that Bid CB-1208 be awarded to Bruckner Truck Sales, Tye, Texas, in the amount of \$145,697.00.

**BID TABULATION**

See attached.

|   |                            |   |
|---|----------------------------|---|
| <b>Prepared By:</b><br><b>Name</b> <u>Cheri Carter</u><br><b>Title</b> <u>Fleet Analyst</u> | <b>Item No.</b> <u>6.7</u> | <b>Disposition by City Council</b><br><input type="checkbox"/> Approved <input type="checkbox"/> Denied<br><input type="checkbox"/> Other <b>Ord/Res #</b> _____<br><br>_____ <b>City Secretary</b> |
|---|----------------------------|---|





**City Council  
Agenda Memo**

**TO:** Larry D. Gilley, City Manager **City Council**  
**FROM:** Megan R. Santee, Director of Public Works **Meeting Date: 01/26/2012**  
**SUBJECT:** Award of Bid No. CB-1210 – 95 gallon Automated Refuse Containers

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**GENERAL INFORMATION**

This bid is for annual purchase of 95-gallon automated refuse containers to replenish inventory due to new housing starts and to replace worn-out and damaged containers. The bid is for truckload quantities of 95-gallon automated Poly refuse containers. Advertisements were published on December 18, 2011 and December 25, 2011. The bids were opened on January 5, 2012. A tabulation of bids is attached.

**SPECIAL CONSIDERATIONS**

The bids provide that the City can extend the contract for one (1) additional year with concurrence of the successful bidder.

**FUNDING/FISCAL IMPACT**

Funding is available within the Solid Waste Services Division’s Enterprise Fund Budget.

**STAFF RECOMMENDATION**

The staff recommends that bids be awarded to: Toter Inc.

**ATTACHMENTS**

Bid Tabulation Sheet

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**Prepared By:**

Name David Jorgensen

Title Solid Waste Supervisor

Item No. 6.8

**Disposition by City Council**

Approved  Denied

Other  Ord/Res #

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

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

DEPARTMENT: SOLID WASTE SERVICES  
 BID NO.: CB - 1210  
 TIME OF OPENING: 11:00  
 DATE OF OPENING: JANUARY 5, 2012

TOTER INC.  
 STATESVILLE, NC

REHRIG PACIFIC CO  
 NOTTINGHAM, NH

| ITEM      | DESCRIPTION                     | QTY  | UNIT | UNIT PRICE | EXTENSION    | UNIT PRICE   | EXTENSION   | UNIT PRICE | EXTENSION | UNIT PRICE | EXTENSION |
|-----------|---------------------------------|------|------|------------|--------------|--------------|-------------|------------|-----------|------------|-----------|
| 1         | 95-GALLON FULLY AUTOMATED CARTS | 1500 |      | \$45.97    | *\$68,955.00 | \$47.46      | \$71,190.00 |            |           |            |           |
|           |                                 |      |      |            |              |              |             |            |           |            |           |
|           |                                 |      |      |            |              |              |             |            |           |            |           |
|           |                                 |      |      |            |              |              |             |            |           |            |           |
|           |                                 |      |      |            |              |              |             |            |           |            |           |
|           |                                 |      |      |            |              |              |             |            |           |            |           |
|           |                                 |      |      |            |              |              |             |            |           |            |           |
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|           |                                 |      |      |            |              |              |             |            |           |            |           |
|           |                                 |      |      |            |              |              |             |            |           |            |           |
|           |                                 |      |      |            |              |              |             |            |           |            |           |
|           |                                 |      |      |            |              |              |             |            |           |            |           |
| BASE BID  |                                 |      |      |            |              |              |             |            |           |            |           |
| DISCOUNT  |                                 |      |      |            |              |              |             |            |           |            |           |
| TOTAL BID |                                 |      |      |            |              | *\$68,955.00 |             |            |           |            |           |

\*NOTES: INDICATES RECOMMENDED AWARD