

City Council
Agenda Memo



City Council
Meeting Date: 4/26/2012

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-2012-10, a request from the City of Abilene to rezone property from MD (Medium Density) to TH (Residential Townhouse) zoning, located on the north side of Independence Blvd being all even numbered addresses from 2302 through 2504 Independence Blvd; and setting a public hearing for May 10, 2012.

GENERAL INFORMATION

The property is zoned MD and is currently undeveloped. The applicant is proposing to develop the property with townhouses. The property was rezoned and platted a few years ago to allow for this type of single-family residential development. Townhouse development was permitted in Multiple-Family Dwelling District (RM) zoning. With the adoption of the Land Development Code (LDC), properties that had RM zoning, including this property, were reclassified to either MD or MF (Multi-Family Residential). Additionally, a new zoning district was created (TH – Townhouse) specifically to address townhouse development. Most recently, a plat has been submitted to modify the lot sizes. Upon review, staff determined that due to the changes created by the LDC the current zoning (MD) does not allow for the previously approved townhouse development. Therefore, staff has initiated a rezoning to the correct district to allow for the intended townhouse development.

The Future Land Use section of the Comprehensive Plan designates this general area as a low density residential. This area is part of an existing residential subdivision that includes single-family homes, duplexes, and patio homes. The request would not have a negative impact on the surrounding properties and would be compatible with the City's plans for this area.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Responses

Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> April 13, 2012	Item No. <u>6.1</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ City Secretary
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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 26th day of April, 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 16th day of March, 2012, 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 10th day of May, 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 10th day of May, A.D. 2012.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from MD (Medium Density) to TH (Residential Townhouse) zoning

Legal Description:

Lots 1 – 32, Block B, Heritage Parks Section 5

Location:

All even numbered addresses from 2302 through 2504 Independence Blvd

-END-

ZONING CASE Z-2012-10

STAFF REPORT



APPLICANT INFORMATION:

City of Abilene

HEARING DATES:

Planning & Zoning Commission: April 2, 2012

City Council 1st Reading: April 26, 2012

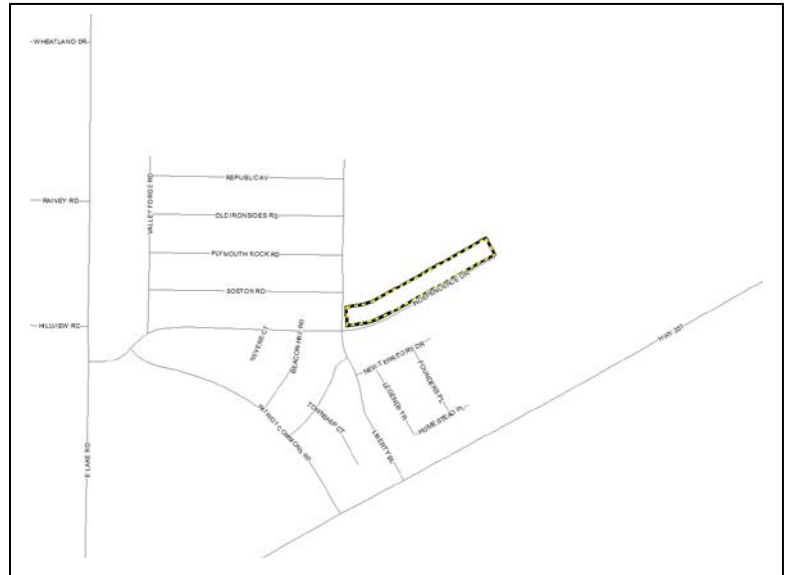
City Council 2nd Reading: May 10, 2012

LOCATION:

The north side of Independence Blvd being all even numbered addresses from 2302 through 2504 Independence Blvd

REQUESTED ACTION:

Rezone property from MD to TH



SITE CHARACTERISTICS:

The subject property is approximately 3.35 acres and is currently zoned MD (Medium Density). The property is currently undeveloped. The adjacent properties have AO (Agricultural Open Space) zoning to the north and east, MD zoning to the south, and RS-6 (Single-Family Residential) to the west.

ZONING HISTORY:

The property was annexed in 1982. It was rezoned to RM-3 a few years ago. The LDC reclassified the zoning to MD.

ANALYSIS:

- Current Planning Analysis

The property is zoned MD and is currently undeveloped. The applicant is proposing to develop the property with townhouses. The property was rezoned and platted a few years ago to allow for this type of single-family residential development. Townhouse development was permitted in Multiple-Family Dwelling District (RM) zoning. With the adoption of the Land Development Code (LDC), properties that had RM zoning, including this property, were reclassified to either MD or MF (Multi-Family Residential). Additionally, a new zoning district was created (TH – Townhouse) specifically to address townhouse development. Most recently, a plat has been submitted to modify the lot sizes. Upon review, staff determined that due to the changes created by the LDC the current zoning (MD) does not allow for the previously approved townhouse development. Therefore, staff has initiated a rezoning to the correct district to allow for the intended townhouse development.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as a low density residential. This area is part of an existing residential subdivision that

includes single-family homes, duplexes, and patio homes. The request would not have a negative impact on the surrounding properties and would be compatible with the City's plans for this area.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

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

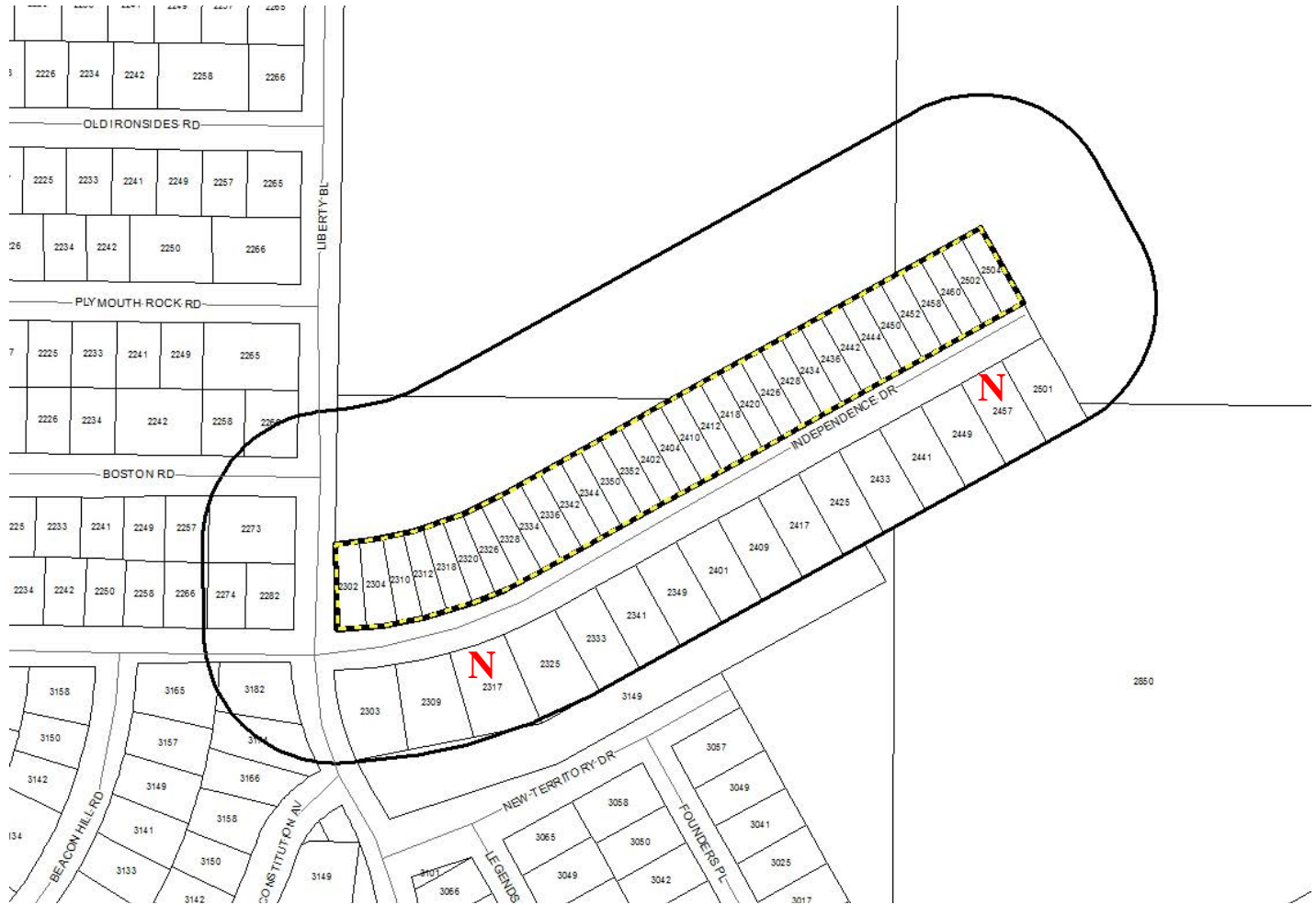
NOTIFICATION:

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

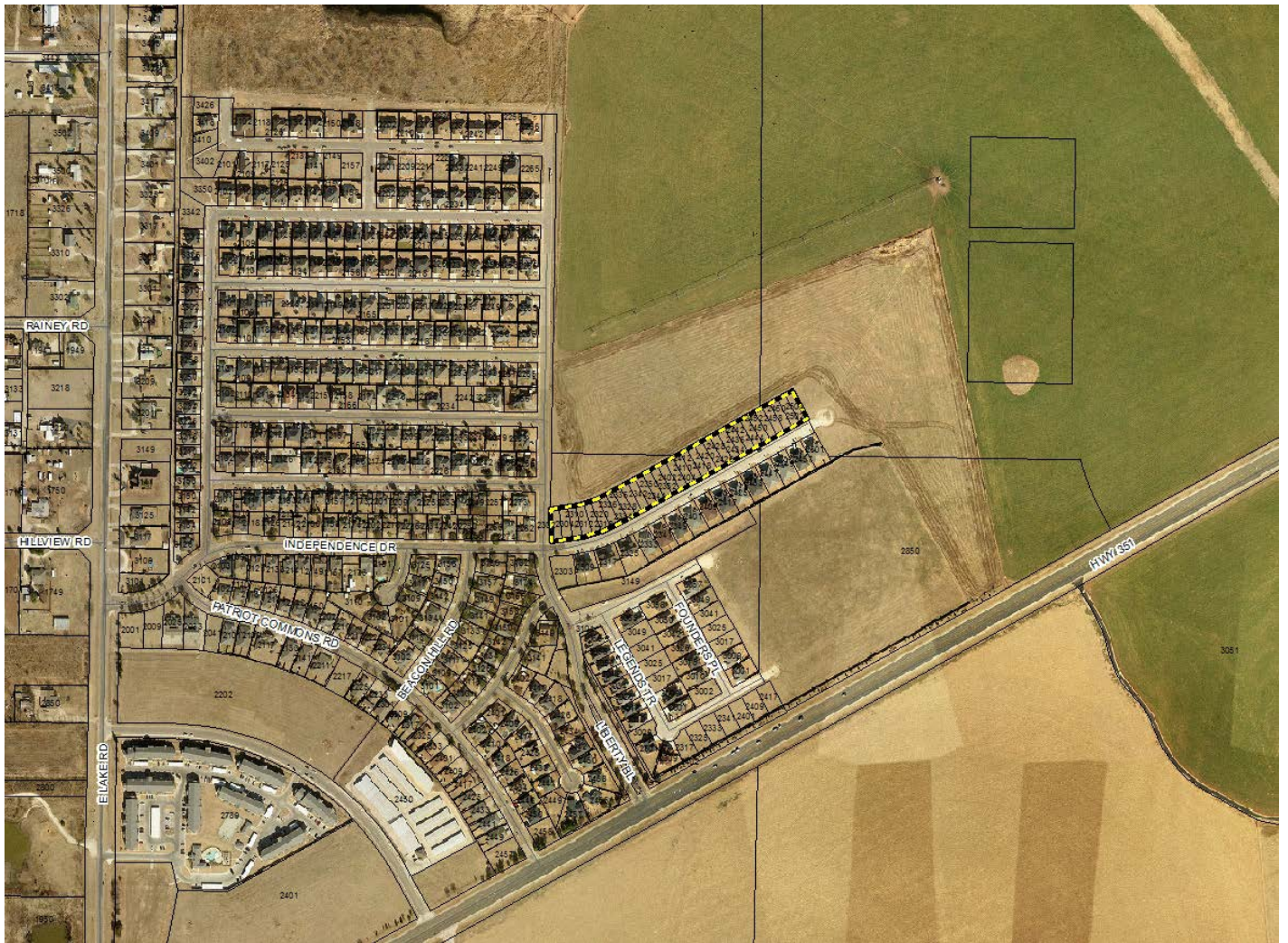
OWNER	ADDRESS	RESPONSE
Confidential Owner	3174 LIBERTY BLVD	
WILLIAMS DAVID C & MARGARET G	3182 LIBERTY BLVD	
HERNANDEZ DAVID A	2257 BOSTON RD	
MUSGRAVE & MUSGRAVE LLP	2420 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2428 INDEPENDENCE BLVD	
MTB PROPERTIES LLC - 2011	2417 INDEPENDENCE BLVD	
MTB PROPERTIES LLC - 2011	2333 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2342 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2412 INDEPENDENCE BLVD	
MTB PROPERTIES LLC - 2011	2401 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2426 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2434 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2442 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2444 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP		
MUSGRAVE & MUSGRAVE LLP		
MC GREW STACEY D	2266 BOSTON RD	
YORK CLARENCE F & ALICE J	2457 INDEPENDENCE BLVD	Opposed
ABBATE JAMES V & STACY L	2433 INDEPENDENCE BLVD	
MTB PROPERTIES LLC - 2011	2425 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2336 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2418 INDEPENDENCE BLVD	
WEBB FRANCES M	2258 BOSTON RD	
COOKE ROY DBA	2441 INDEPENDENCE BLVD	
MTB PROPERTIES LLC - 2011	2341 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2458 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2504 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2344 INDEPENDENCE BLVD	

MUSGRAVE & MUSGRAVE LLP	2350 INDEPENDENCE BLVD	
SHERRY MARY E	2501 INDEPENDENCE BLVD	
GIST HORACE B & KAREN A	2449 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2460 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2502 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2352 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2402 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2452 INDEPENDENCE BLVD	
WOOD BILL & NELL	2273 BOSTON RD	
KINGSTON JIMMIE D	2282 INDEPENDENCE BLVD	
MTB PROPERTIES LLC - 2011	2409 INDEPENDENCE BLVD	
MTB PROPERTIES LLC - 2011	2349 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2334 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2404 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2450 INDEPENDENCE BLVD	
LONG DERRICK	3165 BEACON HILL RD	
MUSGRAVE & MUSGRAVE LLP		
PAWELEK RYAN T	2266 INDEPENDENCE BLVD	
VARNER PAUL S & JEANINE B	2274 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP		
MUSGRAVE & MUSGRAVE LLP	2436 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2410 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2302 INDEPENDENCE BLVD	
QUALITY HOMES OF ABILENE LLC	2309 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	3149 LIBERTY BLVD	
MUSGRAVE & MUSGRAVE LLP	2320 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2328 INDEPENDENCE BLVD	
SHEPHERD GLEN A & DEBRA K	2317 INDEPENDENCE BLVD	Opposed
QUALITY HOMES OF ABILENE LLC	2325 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2326 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2310 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2312 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2304 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2318 INDEPENDENCE BLVD	
QUALITY HOMES OF ABILENE LLC	2303 INDEPENDENCE BLVD	
MUSGRAVE & MUSGRAVE LLP	2850 HWY 351	

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









For the PLANNING & ZONING COMMISSION

Ben Bryner, Planning Services Manager

Please call me at (325) 676-6237 if you have questions about this notice.

CASE #: Z - 2012-10

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the add
You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address
below. All correspondence must include your name and address.

Name: SHEPHERD GLEN A & DEBRA K
Address: 2317 INDEPENDENCE BL

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

For the PLANNING & ZONING COMMISSION

Ben Bryner, Planning Services Manager

Please call me at (325) 676-6237 if you have questions about this notice.

CASE #: Z - 2012-10

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the add
You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address
below. All correspondence must include your name and address.

Name: YORK CLARENCE F & ALICE J
Address: 2457 INDEPENDENCE BL

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

See attached letter

FRANK YORK
1702 FM 3036 APT 11101
ROCKPORT, TEXAS 78382
361-790-6600

April 8, 2012

Ben Bryner, Planning Services Manager
PO Box 60
Abilene, TX 78604
Ref: Z-2012-10

Dear Sir:

I own the property at 2459 Independence and am writing to oppose the application for rezoning the property on Independence Blvd referenced above.

My objection is related to parking and traffic on that street. The duplexes in that area are many times occupied by students at the Universities, and even if otherwise occupied the number of cars parked creates a hazard. Parking is a major issue. Cars are parked on both sides of the street as well as in the driveways. The mail carriers have difficulty getting to the mail boxes unless the cars are carefully spaced. Adding to that traffic by adding a number of townhouses would create a major problem. A survey of the traffic in the evenings would confirm this problem.

If the rezoning were to be approved, perhaps parking should be provided behind the townhouses.

Thanks for your consideration, and I hope you will check out the problem before approving this application. If I could be there for the meeting I would but am unable to make the trip.

Sincerely,


Frank York



City Council
Agenda Memo

TO: Larry D. Gilley, City Manager
FROM: H. Wayne Lisenbee, Asst. Director of Water Utilities
SUBJECT: Resolution Authorizing Application for Financial Assistance from the Texas Water Development Board

City Council
Meeting Date: 04-26-12

GENERAL INFORMATION

The City has been invited to apply for funding through the Texas Water Development Board’s State Revolving Fund (TWDB-SRF). In response to the invitations, the City would like to seek financial assistance from the Texas Water Development Board for these capital improvements in an amount not to exceed \$4,400,000. This will pay for the costs for improvements to the City’s water system including distribution line replacement, water storage tank rehabilitation, and other related improvements to the City’s water system.

To proceed with the application, the attached resolution needs approval by the City Council. This resolution approves: 1) the filing of an application to the Texas Water Development Board, 2) authorizes the City Manager to execute documents for the City, and 3) authorizes the following individuals/firms for assistance in the submission of documents on behalf of the City - George Williford with First Southwest Company, as financial advisor; Leroy Grawunder, Jr. with McCall, Parkhurst & Horton LLP, as bond counsel; and Kirt Harle, P.E with Jacob & Martin LTD, as engineer.

FUNDING/FISCAL IMPACT

If the applications are approved, the City will be able to finance these projects at an interest rate of 1.25% below the market rate. This could save considerable money in interest costs over other conventional financing options available to the City.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution.

ATTACHMENTS

Resolution & Application Affidavit (WRD-201)

Prepared By: Name <u>H. Wayne Lisenbee</u> Title <u>Asst. Director of Water Utilities</u>	Item No. <u>6.2</u>	Disposition by City Council <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Other Ord/Res # _____ _____ City Secretary
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RESOLUTION No. _____

AUTHORIZING APPLICATION FOR FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

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

WHEREAS, the City of Abilene, Texas (the "City") hereby finds and determines that there is an urgent need for the construction of improvements to the City's water system; and

WHEREAS, such capital improvements cannot be reasonably financed unless financial assistance is obtained from the Texas Water Development Board; and

WHEREAS, it is hereby officially found and determined that public notice of the time, place, and purpose of said meeting was given, all as required by Texas Government Code, Chapter 551.

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

1. An application is hereby approved and authorized to be filed with the Texas Water Development Board seeking financial assistance in an amount not to exceed \$4,400,000 to provide funds to pay the costs for improvements to the City's water system including distribution line replacement and water storage tank rehabilitation, and other related improvements to the City's water system.

2. The City Manager is hereby designated the authorized representative of the City for the purpose of furnishing such information and executing such documents as may be required in connection with the preparing and filing of such application for financial assistance and with complying with the rules of the Texas Water Development Board.

3. The following firms and individuals are hereby authorized and directed to aid and assist in the preparation and submission of such application and appear on behalf of and represent the City before any hearing held by the Texas Water Development Board on such application, to-wit:

Financial Advisor

George Williford
First Southwest Company
325 North St. Paul Street,
Suite 800
Dallas, Texas 75201

Bond Counsel

Leroy Grawunder, Jr.
McCall, Parkhurst & Horton L.L.P.
717 North Harwood, Suite 900
Dallas, Texas 75201

Engineer

Kirt Harle, P.E
Jacob & Martin, Ltd.
3465 Curry Lane
Abilene, Texas 79606

4. This Resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED this April 26, 2012.

ATTEST:

City Secretary

Mayor

APPROVED:

City Attorney

[CITY SEAL]

APPLICATION AFFIDAVIT (WRD-201)

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

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared _____, _____ of the City of Abilene, Texas, as the Authorized Representative of the City of Abilene, Texas, who being by me duly sworn, upon oath says that:

1. The decision by the City of Abilene, Texas ("City") to request financial assistance from the Texas Water Development Board ("Board") was made in a public meeting held in accordance with the Open Meetings Act (Government Code, §551.001, et seq.) and after providing all such notice as required by such Act as is applicable to the City;

2. The information submitted in the application is true and correct according to my best knowledge and belief;

3. The City has no pending, threatened, or ongoing litigation or other proceedings that would materially adversely affect the financial condition of the City or the ability of the City to issue debt;

4. The City has no pending, threatened, or outstanding judgments, orders, fines, penalties, taxes, assessment or other enforcement or compliance issue of any kind or nature by the Environmental Protection Agency, Texas Commission on Environmental Quality, Texas Comptroller, Texas Secretary of State, or any other federal, state or local government;

5. The City warrants compliance with the representations made in the application in the event that the Board provides the financial assistance; and

6. The City will comply with all applicable federal laws, rules, and regulations as well as the laws of the State of Texas and the rules and regulations of the Board.

_____, _____
City of Abilene, Texas

SWORN TO AND SUBSCRIBED BEFORE ME, by _____, _____ of the City of Abilene, Texas, this _____ day of _____, 2012.

Notary Public, State of Texas

(NOTARY SEAL)

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

WHEREAS, the City of Abilene is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the city; and

WHEREAS, the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and

WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings, affecting gas utility rates; and

WHEREAS, the City is a member of ACSC; and

WHEREAS, in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs;

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

I.

That the City is authorized to continue its membership with the Atmos Cities Steering Committee to protect the interests of the City of Abilene and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

II.

It is further authorized to pay its 2012 assessment to the ACSC in the amount of five cents (\$0.05) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

III.

A copy of this Resolution and approved assessment fee payable to “*Atmos Cities Steering Committee*” shall be sent to:

Mary Bunkley
Treasurer, Atmos Cities Steering Committee
c/o Arlington City Attorney’s Office, Mail Stop 63-0300
Post Office Box 90231
Arlington, Texas 76004-3231

PRESENTED AND PASSED on this the 26th day of April, 2012 at a regular meeting of the City Council of the City of Abilene, Texas.

Signature
Norm Archibald, Mayor

ATTEST:

Signature
Danette Dunlap, City Secretary

APPROVED AS TO FORM:

T. Daniel Santee, City Attorney

City Council
Agenda Memo



City Council
Meeting Date: 04/26/12

TO: Larry D. Gilley, City Manager
FROM: Megan R. Santee, Director of Public Works
SUBJECT: Street Use License Agreement with the Center for Contemporary Arts for "Dr. Seuss V.I.P. Preview Party" Event

GENERAL INFORMATION

The Center for Contemporary Arts has submitted a Street Use License (SUL) application to hold a public event entitled "Dr. Seuss V.I.P. Preview Party" within the public right-of-way on Cypress Street. The applicant wishes to close Cypress Street from the north right-of-way line of North 2nd Street to the south right-of-way line of North 3rd Street for this event. The event will take place on Friday, May 4th, 2012, and the applicant wishes to close the street between the hours of 5:00 p.m. and 10:30 p.m. on this date. The applicant has obtained the approval of all affected property owners and/or business tenants for this event.

STAFF RECOMMENDATION

Staff has reviewed this request and recommends that the City Council, by oral resolution, authorize the Mayor to execute the attached Street Use License Agreement with the Center for Contemporary Arts for the "Dr. Seuss V.I.P. Preview Party" event.

ATTACHMENTS

Street Use License Agreement, Short Term

Prepared by:

Name: Travis McClure

Title: Land Agent

Item No. 6.4

Disposition by City Council

- Approved Ord/Res# _____
 Denied
 Other

City Secretary

THE STATE OF TEXAS

**STREET USE LICENSE AGREEMENT
SHORT TERM**

COUNTY OF TAYLOR

THIS STREET USE LICENSE AGREEMENT, hereinafter referred to as "License", executed this ____ day of _____, A.D., 2012, by and between the CITY OF ABILENE, a municipal corporation situated in Taylor and Jones Counties, Texas, hereinafter referred to as "City", and The Center for Contemporary Arts hereinafter referred to as "Licensee".

WITNESSETH:

That City, pursuant to Chapter 29, "Streets and Sidewalks", Article V, "Street Use License", does hereby grant to Licensee the privilege of using the following described public property, to-wit:

Closure of Cypress Street from the north right-of-way line of North 2nd Street to the south right-of-way line of North 3rd Street.

for and in consideration of THREE HUNDRED AND NO/100 (\$300.00) DOLLARS, commencing the date of execution unless otherwise specified, and upon the conditions and covenants set forth in this License and in Exhibit A, incorporated by reference for all purposes herein.

I. Purpose:

The purpose of this License is to permit Licensee to:

Hold an event entitled "Dr. Seuss V.I.P. Preview Party".

II. Term of Agreement/Termination

I. This License shall be in effect only for the following time period:

From 5:00 p.m. to 10:30 p.m. on May 4th, 2012.

2. The City shall have the right to cancel this License at any time.

II. Indemnity:

A. Definitions

For the purpose of this section the following definitions apply:

“City” shall mean all officers, agents and employees of the City of Abilene.

“Claims” shall mean all claims, liens, suits, demands, accusations, allegations, assertions, complaints, petitions, proceedings and causes of action of every kind and description brought for damages.

“Licensee” includes the corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.

“Licensee’s employees” shall mean any employees, officers, agents, subcontractors, licensee and invitees of Licensee.

“Damages” shall mean each and every injury, wound, hurt, harm, fee, damage, cost, expense, outlay, expenditure or loss of any and every nature, including but not limited to:

injury or damage to any property or right

injury, damage, or death to any person or entity

attorneys fees, witness fees, expert witness fees and expenses, and

all other costs and expenses of litigation

“Premise Defects” shall mean any defect, real or alleged, which now exists or which may hereafter arise upon the premises.

“Proven” shall mean that a court of competent jurisdiction has entered a final unappealable judgment on a claim adjudging an entity or person liable for a monetary judgment.

“Sole negligence” shall mean negligence of a party that is unmixed with the fault of any other person or entity.

B. Indemnity

The Licensee agrees to indemnify, hold harmless, and defend the City from and against liability for any claims arising out of the Licensee's occupancy or use of the premises described above and/or activities conducted in connection with this License.

Licensee must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of Licensee's employees while in the vicinity where the work is being done. The City is not liable or responsible for the negligence or intentional acts or omissions of the Licensee or Licensee's employees.

The City assumes no responsibility or liability for damages which are directly or indirectly attributable to premise defects which may now exist or which may hereafter arise on the premises, whether or not caused in whole or in part by

improvements constructed by the Licensee. Responsibility for all such defects is expressly assumed by the Licensee.

The City and Licensee must provide the other prompt and timely notice of any covered event which in any way affects or might affect the Licensee or City. The City has the right to compromise and defend the same to the extent of its own interests.

BOTH CITY AND LICENSEE EXPRESSLY INTEND THIS LICENSE'S INDEMNITY PROVISION TO REQUIRE LICENSEE TO INDEMNIFY AND

PROTECT THE CITY FROM THE CONSEQUENCES OF THE CITY'S OWN NEGLIGENCE WHILE CITY IS PARTICIPATING IN THIS CONTRACT, WHERE THAT NEGLIGENCE IS A CONCURRING CAUSE OF THE DAMAGES. THIS CONTRACT'S INDEMNITY PROVISION DOES NOT APPLY TO ANY CLAIM WHERE DAMAGE IS PROVEN TO RESULT FROM THE SOLE NEGLIGENCE OF THE CITY.

IV. Insurance.

Licensee agrees to secure and maintain the following types and amount of insurance, for the term of this license:

<u>Type</u>	<u>Amount</u>
Comprehensive General Liability to include (but not limited to) the following:	\$250,000 - Per Person \$500,000 - Per Occurrence for Bodily Injury, and \$500,000 - Per Occurrence for Property Damage
a) Premises/Operations Coverage	
b) Contractual Liability Coverage (insuring above indemnity provision)	

The preceding insurance requirements notwithstanding, the City reserves the right to revise the types and amounts of insurance required by this License prior to approval of the License or if the License is already in effect, to be effective thirty (30) days after notice is sent to the address provided herein.

All insurance policies or certificates shall contain the following provisions:

- a. That the City of Abilene, Texas, is named as an additional insured.
- b. That such insurance shall not be cancelled or materially changed without a minimum of thirty (30) day's advance notice in writing to the City.

All insurance policies shall be subject to the examination and approval of the Office of Risk Management, City of Abilene, Texas, for their adequacy as to form and content, form of protection, and insurance company. Licensee shall furnish to City Secretary for her License file certificates or copies of the policies, plainly and clearly evidencing such insurance at the time of

application, and thereafter, new certificates prior to the expiration date of any prior certificate.

Licensee understands that it is its sole responsibility to provide this necessary information and that failure to timely comply with the requirements of this article shall be a cause for termination of this License.

IV. License Requirements and Restrictions:

1. During the term of this License, Licensee shall maintain the premises licensed herein in a good and safe condition at all times. If the street surface, parkway, or facilities in the parkway, including landscaping, are damaged or disturbed by any activity associated with this License, the Licensee shall at its expense restore the same to as good a condition as before the activity, to the satisfaction of the Director of Public Works or designee.

2. All traffic control signing and barricading in the public right-of-way shall comply with the Texas Manual On Uniform Traffic Control Devices.

3. In the performance or permitting of work consistent with its normal course of duty within the right-of-way, the City shall not be liable for any damages to the Licensee's facilities or equipment or injury to Licensee, all such claim for damage or injury being expressly waived by Licensee.

4. Control of the public right-of-way within the area included in this License shall not supersede the rights already granted by other permits and authorizations to other parties unless specifically stated herein.

5. The City Manager, Police Chief, Fire Chief, or a designee of such officials, shall have the authority to order immediate removal of any objects or materials placed on the premises by Licensee if, in the City's opinion, removal is necessary to protect the health, safety, and welfare of the public.

CITY OF ABILENE, TEXAS

Mayor

ATTEST:

City Secretary

APPROVED:



City Attorney

NAME OF LICENSEE:

CENTER for CONTEMPORARY
ARTS

By: Burgess Thomas
Signature

BURGESS "MIZD" THOMAS
Printed Name and Title

Business Address: 220 CYPRESS

ABILENE, TX

79601

**STREET USE LICENSE AGREEMENT
WITH THE CENTER FOR CONTEMPORARY ARTS FOR USE OF
CYPRESS STREET RIGHT-OF-WAY**

CONDITIONS AND COVENANTS

EXHIBIT A

The Street Use license Agreement is subject to the following conditions and covenants:

1. The Licensee may take control of the permitted portion of the street on Friday, May 4, 2012, as follows:
 - a. Control of the on-street parking spaces beginning at 5:00 p.m.
 - b. Control of the full width of the street beginning at 5:30 p.m.
2. **The Licensee shall submit a traffic control plan in compliance with the Texas Manual on Uniform Traffic Control Devices to the Traffic & Transportation Administrator (676-6279) for review NO LATER THAN FRIDAY, APRIL 27, 2012. FAILURE TO COMPLY WITH THIS PROVISION MAY RESULT IN CANCELLATION OF THIS LICENSE.**
3. The Licensee shall contact all property owners and/or business tenants of properties on Cypress Street from N. 2nd Street to N. 3rd Street that would normally be open any time between noon and midnight on May 4th, 2012 to advise them of the proposed street closure and to work out arrangements to accommodate their access needs.
4. The Licensee shall designate an event command center and an event contact person(s). This information, as well as contact phone numbers, shall be provided to the City Land Agent by Friday, April 27, 2012. During the event, an event contact person shall be on-site at all times.
5. The Licensee shall contact the Fire Marshal regarding a Fire Code outdoor carnival/fair permit, and obtain one if necessary. The Licensee shall insure that all food and beverage vendors associated with the event obtain a temporary food vendors permit from the City of Abilene Environmental Health office.
6. The Licensee shall insure that the event is conducted in conformance with all applicable laws and regulations, including City noise regulations and Texas Alcoholic Beverage Commission rules and regulations.
7. The Licensee shall prominently post notice at each entry into the controlled area that smoking is not permitted at the event and shall comply with the requirements of the City smoking ordinance.
8. The Licensee shall provide sufficient portable toilets to accommodate the needs of event attendees, invitees and participants, as determined by Licensee. The portable toilets shall

not be located within 10 feet of the door to any building nor shall they be located on the street side of any glass storefront.

9. The Licensee shall contact the Police Department to inform them of the event and shall provide sufficient security forces, as determined by the Chief of Police, for crowd control and protection of property.
10. The Licensee shall provide for collection and disposal of solid waste created by the event. This shall include an adequate number of waste receptacles, collection of litter after the event, and delivery of the waste to the landfill. At a minimum this shall include one waste receptacle within 50 feet of each food vendor or beverage vendor and one waste receptacle within each block of Cypress Street (within the permitted/closed area) that does not have a food or beverage vendor.
11. **The Licensee shall be responsible for obtaining, properly installing, and maintaining all necessary traffic control signs and barricades in compliance with the traffic control plan.**
12. The Licensee shall maintain free of obstructions a fire apparatus access lane at least 25 feet in width from end-to-end of all street segments and an access path at least 10 feet in width from the fire apparatus access lane to all fire service appliances (fire hydrants, fire service connections to buildings, etc.) at all times.
13. The Licensee shall make provisions for safe access to private property abutting Cypress Street to any party desiring to access that property.
14. The Licensee shall protect traffic signal control equipment and related facilities, signs, pavement markings, and other traffic control devices within the permitted area and shall be responsible for prompt repair of any damage. The Licensee shall be responsible for all costs associated with adjustments to the City's traffic control devices that are necessary for the permitted activity.
15. The Licensee shall clear the sidewalks and pavement area of obstructions to pedestrian and vehicular traffic before ending control of the area. The Licensee assumes all responsibility for warning and/or protecting pedestrians and motorists from obstructions and hazards if they are allowed to enter the controlled area before it is cleared of such obstructions and hazards.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/10/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

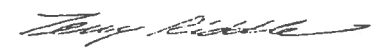
PRODUCER CBS Insurance, LLP 3005 South Treadaway Blvd Abilene TX 79602	CONTACT NAME: Teresa Netz, ACSR PHONE (A/C, No, Ext): (325) 695-0222 E-MAIL ADDRESS: tnetz@cbsins.com	FAX (A/C, No): (325) 695-0228
	INSURER(S) AFFORDING COVERAGE INSURER A: Great Divide Ins. Co. INSURER B: Travelers Cas. Ins. Co. of INSURER C: Texas Mutual Insurance Company 22945 INSURER D: INSURER E: INSURER F:	
INSURED Center for Contemporary Arts 220 Cypress Street Abilene TX 79601		

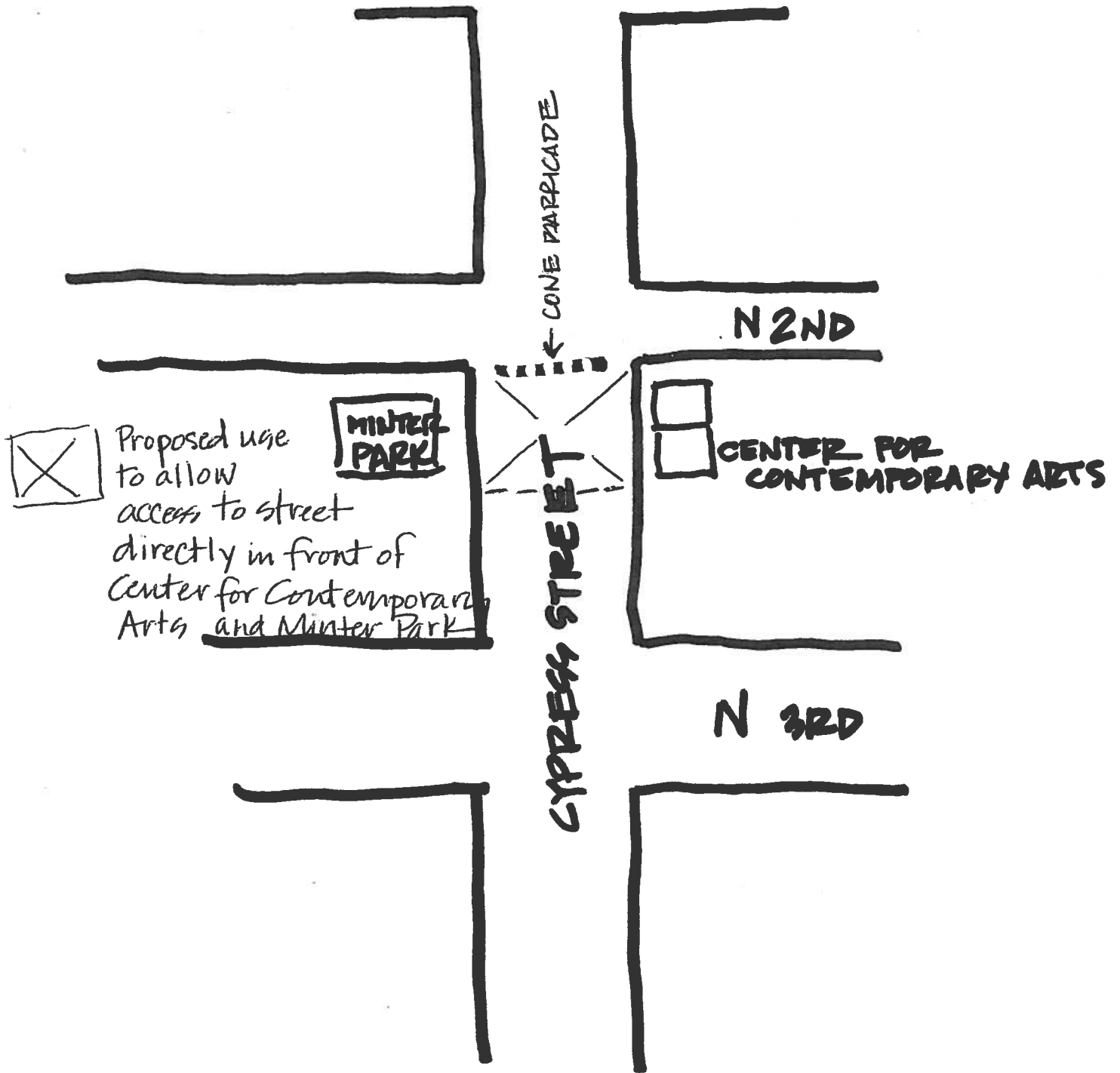
COVERAGES CERTIFICATE NUMBER: 12.13 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	GENERAL LIABILITY			CLA1027134-14	2/8/2012	2/8/2013	EACH OCCURRENCE \$ 1,000,000		
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000		
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ excluded		
	GEN'L AGGREGATE LIMIT APPLIES PER								
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						GENERAL AGGREGATE \$ 2,000,000		
B	AUTOMOBILE LIABILITY			BA1127P227-11	10/15/2011	10/15/2012	COMBINED SINGLE LIMIT (Ea accident) \$		
	<input type="checkbox"/> ANY AUTO ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per person) \$	
	<input checked="" type="checkbox"/> HIRED AUTOS	<input checked="" type="checkbox"/> NON-OWNED AUTOS						BODILY INJURY (Per accident) \$	
									PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB						Hired Combined Single Limit \$ 1,000,000		
	EXCESS LIAB						EACH OCCURRENCE \$		
	DED						AGGREGATE \$		
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			SBP0001184389	10/15/2011	10/15/2012	WC STATUTORY LIMITS		
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N	N/A						E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below								E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
									E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Re: Dr. Seuss Preview Party
 General & Liquor Liability policy includes "Blanket" Additional Insured per Company form SB146932B 03/2006.

CERTIFICATE HOLDER bird@center-arts.com City of Abilene P. O. Box 60 Abilene, TX 79604	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Terry Riddle/TNETZ 
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Fax to Mary McMahon 676 6460

Additional signatures for May 4th Street Closure of 200 block of Cypress Street

Business	Name	Phone	Signature
1. McKay's Bakery		672-4737	Audrey Riley
2. O'KELLY OFFICE		673-6422	[Signature]
3. Busch Jewelers			Stephanie Taylor
4. BBA Compass			Sally B. Sidwell

**City Council
Agenda Memo**



**City Council
Meeting Date: 4/26/12**

TO: Larry D. Gilley, City Manager

FROM: Lesli Andrews, Interim Assistant Director for Community Services

SUBJECT: Authorizing the City Manager to approve the purchase for the restroom for the splash pad at Nelson Park with CXT, Inc. through the City's TXMAS-5-560100 contract.

GENERAL INFORMATION

In February of 2012 Laura Moore informed Mr. Gilley that fundraising was nearly complete and Together 2011 was ready to move forward with the next steps for building a splash pad. February 23, 2012 the City Council approved a contract with Kraftsman Commercial Playground and Water Park Equipment, Inc. to build a splash pad at Nelson Park. It is recommend hiring CXT, Inc. to build and furnish a restroom at the splash pad at Nelson Park using the Local Government Purchasing Cooperative (TXMAS) contract #5-560100.

FUNDING/FISCAL IMPACT

The cost for this part of the splash pad project is \$69,479.44 which has been raised by Together 2011.

STAFF RECOMMENDATION

Staff recommends the City Council authorize the City Manager to execute an agreement for build and furnishing restrooms for the splash pad at Nelson Park with CXT, Inc. using the Local Government Purchasing Cooperative (TXMAS) contract #5-560100.

BOARD OR COMMISSION RECOMMENDATION

The Parks and Recreation Board approved the splash pad on Tuesday, November 15, 2011.

ATTACHMENTS

Restroom Design

Prepared by:

Name Lesli Andrews

Title Interim Assistant Director for
Community Services

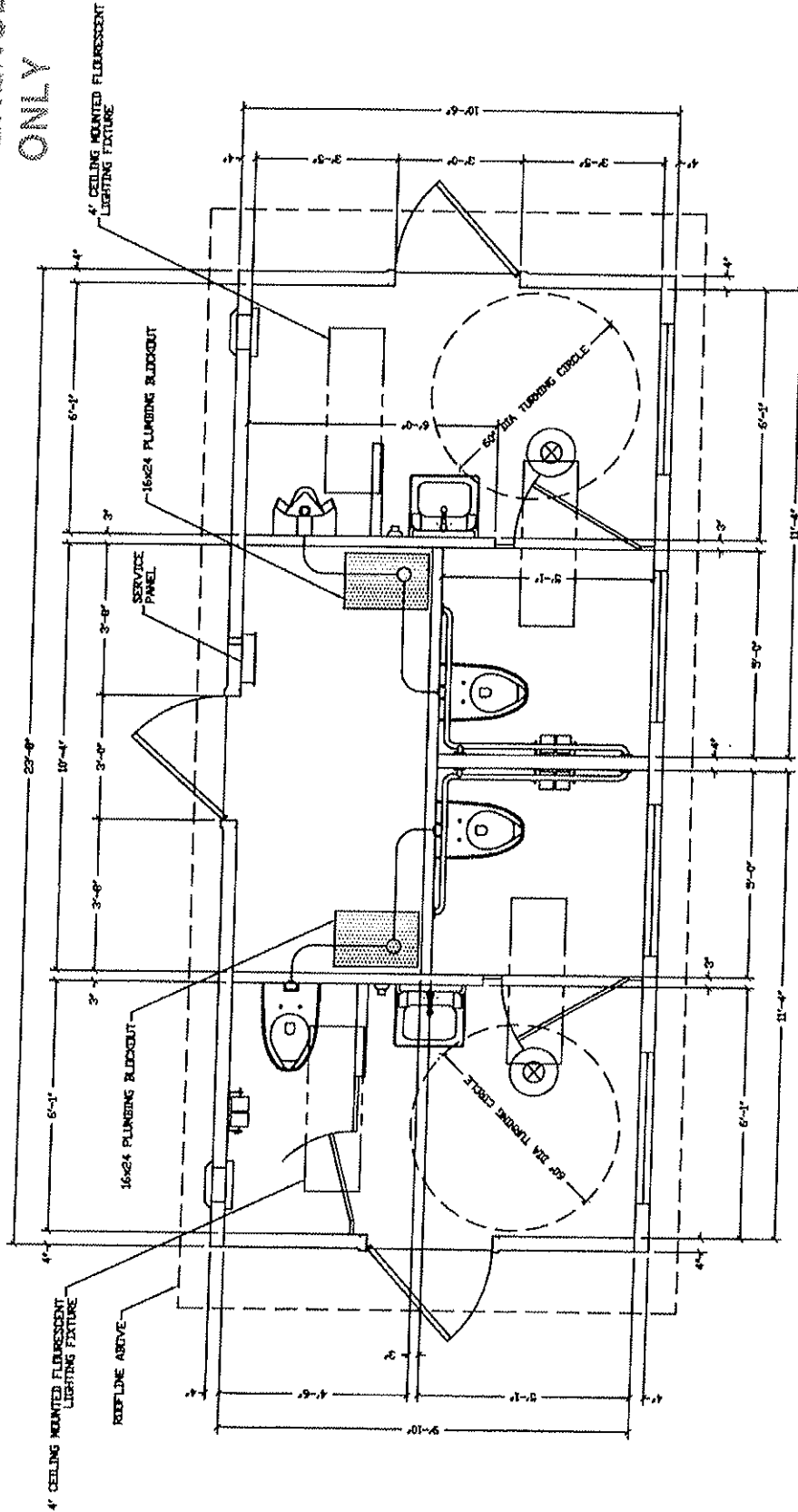
Item No. 6.5

Disposition by City Council

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

City Secretary

FOR
REFERENCE
ONLY



FLOOR PLAN

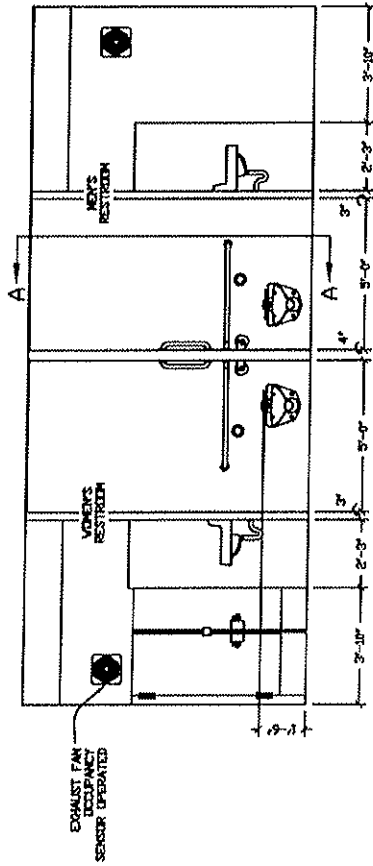
PC
 Precast Products
 261 N. Highway 77, Hickory, NC 28603
 PHONE: (704) 325-4000
 FAX: (704) 325-4001
 WWW: www.precastproducts.com

NO.	DATE	REVISION

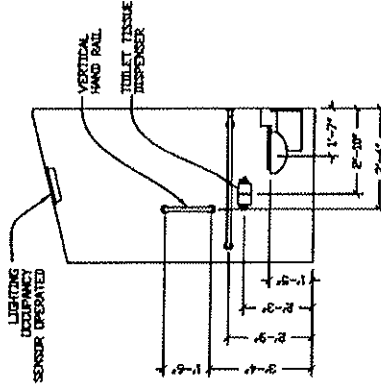
FLOOR PLAN

NO-03

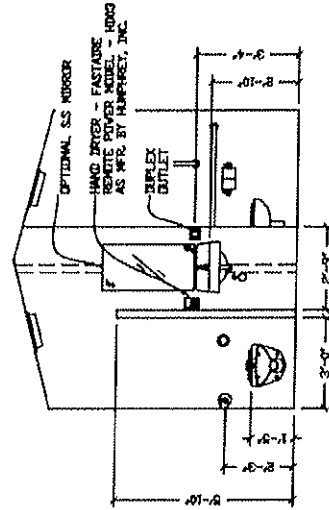
FOR
REFERENCE
ONLY



INTERIOR ELEVATION



SECTION VIEW A-A - MEN'S RESTROOM
WOMEN'S OPPOSITE



SECTION VIEW A-A - WOMEN'S RESTROOM
MEN'S OPPOSITE

PCIT
Precast Products
200 S. Wilson Ave., Ft. Worth, TX 76102
817.833.7777
www.precastproducts.com

COT STANDARD BEILING
10000K

NO.	DESCRIPTION	DATE

INTERIOR ELEVATIONS

KD-04

**City Council
Agenda Memo**



**City Council
Meeting Date: April 26, 2012**

TO: Larry D. Gilley, City Manager
FROM: Don Green, Director of Aviation
SUBJECT: Abilene Aero Ground Lease Amendment

GENERAL INFORMATION

Abilene Aero has requested that the parking lot associated with the current control tower be added to their ground lease for additional customer parking. This is a 10,508 square foot area that would be added at their current ground lease rate of \$.1752 per square foot annually. This will increase Abilene Aero's ground lease rent by \$1,841.

FUNDING/FISCAL IMPACT

The increased revenue was not budgeted in this FY, but will be reflected in the Revised FY12 Budget.

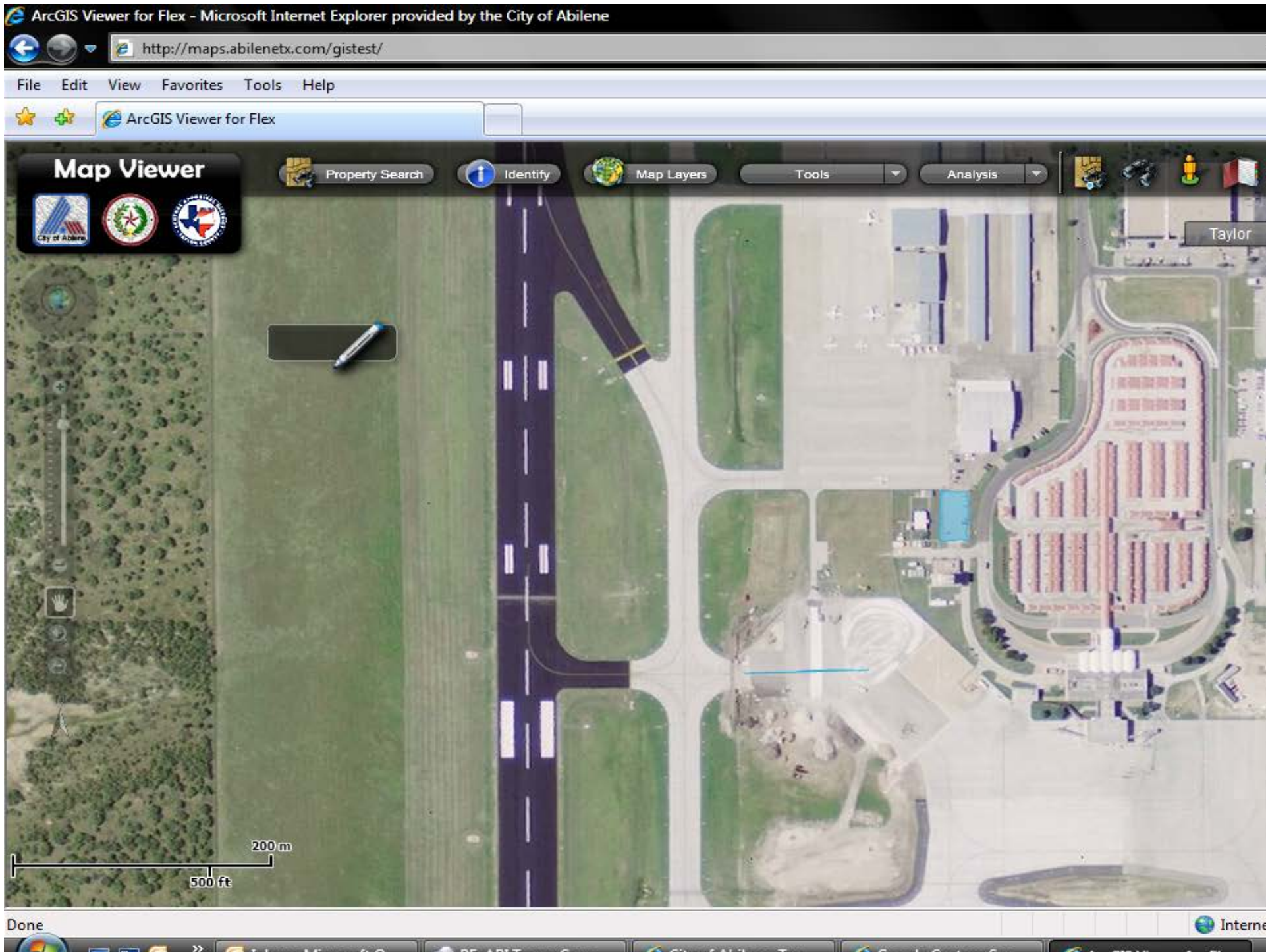
STAFF RECOMMENDATION

Staff recommends that City Council approve this ground lease amendment.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved a recommendation to City Council at its April 11 meeting.

<p>Prepared by: Name: <u>Don Green</u> Title: <u>Director of Aviation</u></p>	<p>Item No. <u>6.6</u></p>	<p>Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ _____ City Secretary</p>
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**City Council
Agenda Memo**



**City Council
Meeting Date: April 26, 2012**

TO: Larry D. Gilley, City Manager
FROM: Don Green, Director of Aviation
SUBJECT: Precision Process Design and Mechanical Ground Lease

GENERAL INFORMATION

Farid Gozashti with Precision Process Design and Mechanical has requested a ground lease on the northwest side of the airport on which to build a 10,000 square foot hangar. The ground lease area will be 22,500 square feet for a lease term of 20 years with two 5-year renewal options at a beginning lease rate of \$.185 per square foot for an initial annual rent of \$4,162.50. This rate will be adjusted with CPI every three years.

FUNDING/FISCAL IMPACT

The increased revenue was not budgeted in this FY, but will be reflected in the Revised FY12 Budget.

STAFF RECOMMENDATION

Staff recommends that City Council approve this ground lease amendment.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved a recommendation to City Council at its April 11 meeting.

<p>Prepared by: Name: <u>Don Green</u> Title: <u>Director of Aviation</u></p>	<p>Item No. <u>6.7</u></p>	<p>Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ _____ City Secretary</p>
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ArcGIS Viewer for Flex - Microsoft Internet Explorer provided by the City of Abilene

http://maps.abilenetx.com/gistest/

File Edit View Favorites Tools Help

ArcGIS Viewer for Flex

Map Viewer Property Search Identify Map Layers Tools Analysis Help

City of Abilene

Taylor Road Satellite

200 m
500 ft

Done Internet | Protected Mode: Off

Inbox - Microsoft O... RE: ABI Tower Com... City of Abilene, Tex... Google Custom Sea... ArcGIS Viewer for FI...

**City Council
Agenda Memo**



TO: Larry D. Gilley, City Manager
FROM: Stan Standridge, Chief of Police

**City Council
Meeting Date: 04-26-12**

SUBJECT: Oral Resolution Finding a Public Purpose and Approving a Bicycle Donation to the Kiwanis Club of Abilene.

GENERAL INFORMATION

The Police Department seeks approval to donate (10) bicycles to the Kiwanis Club of Abilene for their annual Pancake Supper, which will be held April 28, 2012. The bicycles will come from Property and Evidence. Every month the Department receives approximately (25) bicycles after having been turned in as found property. The Department maintains possession of the bicycles for (30) days or more to give owners the chance to reclaim their property. Bicycles that are never claimed are either sold in a City auction or donated to non-profit organizations.

The (10) donated bicycles that Kiwanis Club of Abilene seeks will be children's bicycles that will be sold during a silent auction by the Club, with all proceeds then going to local non-profits including but not limited to: Boys and Girls Club and Big Brothers Big Sisters.

SPECIAL CONSIDERATIONS

The Texas Constitution requires that before a City can make a donation to a private non-profit there must be a finding by City Council that such a donation constitutes a legitimate public purpose.

FUNDING/FISCAL IMPACT

Ten children's bicycles would likely be sold in a lot during an auction and potentially earn \$200. Therefore, the City would incur this loss if the bikes are donated instead.

STAFF RECOMMENDATION

Staff recommends the Council finds there is a legitimate public purpose in a donation of bicycles from Police Property to the Kiwanis Club and approve the donation.

Prepared by: Name ___ Stan Standridge _____ Title ___ Chief of Police _____	Item No. ___ 6.8 _____	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____
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City Secretary



City Council
Agenda Memo

TO: Larry D. Gilley, City Manager **City Council Meeting Date: 04-26-2012**
FROM: Mindy Patterson, Director of Finance
SUBJECT: Award of Bid – ZTR Mowers for Parks and Airport

GENERAL INFORMATION

Fleet Management seeks approval to purchase six (6) ZTR (Zero Turning Radius) Mowers to replace units that are worn out and no longer cost-effective to maintain. Five units are to be assigned to Parks and one mower will be in-service at the Airport. The ZTR Mowers for Parks are utilized in grounds keeping of parks and other city owned properties. The unit going to the Airport is to mow and maintain runway right-of-ways and surrounding grounds.

The units are to be purchased through the Houston/Galveston Area Council Cooperative (HGAC).

BID TABULATION

Vendor	Description	Amount
Kubota Tractor Corp.	Two (2) ZD331P-60 (60-inch) Mowers with mulch kits	\$27,056.80
Kubota Tractor Corp.	Two (2) ZD331LP-72 (72-inch) Mowers	\$27,383.20
Kubota Tractor Corp.	Two (2) ZD331LP-72 (72-inch) Mowers with mulch kits	\$27,908.70

FUNDING/FISCAL IMPACT

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

STAFF RECOMMENDATION

It is recommended all units be purchased through HGAC, Contract # GR01-12, in the amount of \$82,348.70.

Prepared By: Name <u>Cheri Carter</u> Title <u>Fleet Analyst</u>	Item No. <u>6.9</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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City Council
Agenda Memo

TO: Larry D. Gilley, City Manager **City Council Meeting Date: 04-26-2012**
FROM: Mindy Patterson, Director of Finance
SUBJECT: Award of Bid – Tractor Mower for Parks

GENERAL INFORMATION

Fleet Management seeks approval to purchase a Tractor Mower for the Parks Department to replace a unit that is worn out and no longer cost-effective to maintain. The Tractor Mower is utilized in grounds keeping of ball fields and parks.

The unit is to be purchased through the Local Government Purchasing Cooperative (BuyBoard).

BID TABULATION

Vendor	Description	Amount
Professional Turf Products	One (1) Toro Groundsmaster 5900 Tractor Mower	\$78,969.52

FUNDING/FISCAL IMPACT

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

STAFF RECOMMENDATION

It is recommended that the unit be purchased through BuyBoard, Contract # 373-11 in the amount of \$78,969.52.

Prepared By: Name <u>Cheri Carter</u> Title <u>Fleet Analyst</u>	Item No. <u>6.10</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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City Council
Agenda Memo

TO: Larry D. Gilley, City Manager **City Council Meeting Date: 04-26-2012**
FROM: Mindy Patterson, Director of Finance
SUBJECT: Award of Bid – Tandem Axle Dump Truck for Stormwater

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 February 5, 2012 and February 12, 2012. Bids were opened on February 21, 2012 at 11:00 A.M. Four (4) bid invitations were requested with three (3) vendors submitting a bid.

SPECIAL CONSIDERATIONS

All bidding vendors met specifications. Corley-Wetsel Freightliner was the lowest responsive bidder.

FUNDING/FISCAL IMPACT

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

STAFF RECOMMENDATION

It is recommended that Bid CB-1216 be awarded to Corley-Wetsel Freightliner of Abilene, Texas.

BID TABULATION

See attached.

Prepared By: Name <u>Cheri Carter</u> Title <u>Fleet Analyst</u>	Item No. <u>6.11</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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**CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS**

DEPARTMENT: FLEET MANAGEMENT
 BID NO.: CB - 1216
 TIME OF OPENING: 11:00
 DATE OF OPENING: FEBRUARY 21, 2012

CORLEY-WETSEL
 ABILENE, TX

ROBERTS TRUCK CENTER
 ABILENE, TX

BRUCKNER'S
 TYE, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	TANDEM AXLE DUMP TRUCK	1			\$130,232.00		\$133,202.00		\$135,586.00						
BASE BID															
DISCOUNT															
TOTAL BID					*\$130,232.00		\$133,202.00		\$135,586.00						

*NOTES: INDICATES RECOMMENDED AWARD