

**City Council
Agenda Memo**



**City Council
Meeting Date: May 21, 2012**

TO: Larry D. Gilley, City Manager
FROM: Danette Dunlap, City Secretary
SUBJECT: Resolution Canvassing Returns and Declaring the Results of the May 12th 2012 City Election.

GENERAL INFORMATION

The City Council Election was held Saturday, May 12, 2012 for the purpose of electing Council members to Place 1 and Place 2. The returns were processed immediately following the General Election; and it appears that Joe Spano received the majority of the votes cast in the General Election for the office of Place 2 Candidate running unopposed is Councilman Shane Price Place 1.

STAFF RECOMMENDATION – Adopt the Resolution canvassing the returns and declaring the results of the May 12, 2012 General.

ATTACHMENT

Resolution
Exhibit A – Precinct Returns

Prepared by:

Name: Danette Dunlap

Title: City Secretary

Disposition by City Council

Approved Ord/Res#

Denied _____

Other

Item No. 4.0

City Secretary

RESOLUTION # _____
_____ De la RESOLUCIÓN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS CANVASSING RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION, HELD ON MAY 12, 2012.

(UNA RESOLUCION DEL CONSEJO DE LA CIUDAD DE ABILENE TEXAS, REVISANDO LA RESPUESTA Y DECLARANDO LOS RESULTADOS DE LA ELECCION GENERAL EL 12 DE MAYO DEL 2012.)

WHEREAS, on the 9th day of February, A.D. 2012, the City Council of the City of Abilene, by proper resolution, ordered a General election to be held in said City on the 12th day of May, 2012, in accordance with the provisions of the Charter of said city, for the purpose of electing persons to serve in Council Places 1 & 2; and

(PORTANTO, el 9 de Febrero del 2012, el Consejo de la Ciudad de Abilene, por justa resolucion, ordeno una eleccion General que se llevara a cabo el dia 12 de Mayo del 2012, de acuerdo con las medidas de la Carta Constitucional de dicha Ciudad, con el proposito de elegir personas para servir en el Consejo para el lugar 1 y 2; y)

WHEREAS, the City Council has duly canvassed the returns of such elections and has ascertained the results thereof; and therefore:

(PORTANTO, el Consejo de la Ciudad ha arduamente revisado el resultado de dicha eleccion:)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:
SEA RESULTO POR EL CONSEJO DE LA CIUDAD DE ABILENE, TEXAS

PART 1: That the City Council of the City of Abilene finds and declares the results of such elections as per the attached Exhibit "A".

PARTE 1: El Consejo de la Ciudad de Abilene encuentra y declara los resultados de dicha eleccion como lo muestra la prueba "A" adjunta.

PART 2: Running unopposed Shane Price received the majority of votes cast in said General election for the office of Council Place 1; and

PARTE 2: *Ejecutando sin oposicion Shane Price recibio la mayoria de votos en dichas elecciones generales para la Oficina del Consejo lugar 1; y*

PART 3: It appearing that Joe Spano received the majority votes cast in said General Election for the office of Council Place 2; and

PARTE 3: *Lo que aparece que Joe Spano recibio la mayoria de votos en dichas elecciones generales para la Oficina del Consejo lugar 2; y*

That this Resolution shall take effect immediately from and after its passage, as indicated below.
(Que esta resolucion tomara efecto inmediatamente y despues de su paso, segun lo indicado abajo.)

ADOPTED by the City Council of the City of Abilene on the 21st day of May, 2012.
(ADOPTADO por el Consejo de Ciudad de Abilene, este dia de Mayo 21 del 2012.)

ATTEST:

CITY SECRETARY
(Secretaria de la Ciudad)

MAYOR
(Alcade)

APPROVED:

CITY ATTORNEY
(Abogado de la Ciudad)

**City Council
Agenda Memo**



**City Council
Meeting Date: May 21, 2012**

TO: Larry D. Gilley, City Manager

FROM: Tommy O'Brien, Director of Water Utilities

SUBJECT: Written Resolution Authorizing Execution of Amendment No. 6 to the Professional Engineering Services Agreement with Enprotec/Hibbs & Todd to Continue Permitting and Other Activities Associated with the Regional Water Supply Project's Cedar Ridge Reservoir

GENERAL INFORMATION

On June 26, 2008, the City Council passed Resolution No. 24-2008 resolving that it is in the City's best interest to pursue securing the permits, certification, and authorization necessary for the development of Cedar Ridge Reservoir.

On August 11, 2011 the City Council passed Resolution No. 14-2011 resolving that it is in the City's best interest to secure state and federal authorizations for the development of Cedar Ridge Reservoir, including applications to the Texas Commission on Environmental Quality (TCEQ) and the U.S. Army Corps of Engineers (Corps) for the proposed Cedar Ridge Reservoir. The Water Rights application was filed with the TCEQ on August 17, 2011.

Staff seeks to continue the work associated with permitting Cedar Ridge Reservoir. The next part of this work (Phase 2- 2012) involves continued work on the environmental studies which is intended to provide information necessary to support the filing of the applications for the Clean Water Act §401 certification and Clean Water Act §404 permit. Work also includes addressing issues associated with the filed Water Rights Permit application.

FUNDING/FISCAL IMPACT

The proposed engineering services will be funded from the Water Department Water and Sewer Funds.

STAFF RECOMMENDATION

Staff recommends approval

ATTACHMENTS

Written Resolution

Prepared by: Name <u>Tommy O'Brien</u> Title <u>Director of Water Utilities</u>	Item No.808_	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ City Secretary
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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 6 TO A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD TO CONTINUE PERMITTING AND OTHER ACTIVITIES ASSOCIATED WITH THE REGIONAL WATER SUPPLY PROJECT'S CEDAR RIDGE RESERVOIR.

WHEREAS, the City of Abilene, Texas (the "City") serves as a major water supplier for its citizens and for surrounding communities in and near Taylor and Jones Counties, Texas; and,

WHEREAS, the City projects that its water supply demands and those of this region of the state will continue to grow and may exceed available supplies in the future; and,

WHEREAS, the City desires to ensure that it has adequate water supplies to meet future demands and attract new business development to this region of the state; and,

WHEREAS, after extensive investigation and assessment by Enprotec/Hibbs & Todd, on June 26, 2008 the City Council passed a written resolution asserting that it is in the best interest of the City of Abilene to pursue securing permits, certification, and authorization necessary for the development of Cedar Ridge Reservoir ("Reservoir"); and

WHEREAS, on August 11, 2011 the City Council passed a written resolution authorizing and directing the preparation, execution, filing, prosecution and amending all applications to obtain the necessary water rights, certifications and permits under Chapter 11 of the Texas Water Code, §401 of the Clean Water Act, and §404 of the Clean Water Act; and

WHEREAS, in order to pursue construction of the Cedar Ridge Reservoir it is necessary for the City to apply to the Texas Commission on Environmental Quality ("TCEQ") and the U.S. Army Corps of Engineers (the "Corps") for a water rights permit, a Clean Water Act §404 permit, a Clean Water Act §401 water quality certification, and to secure such other permits, authorizations, and certifications, as necessary; and

WHEREAS, the continued work Amendment No. 6 (Phase 2 - 2012), for the Reservoir permitting process involves continuation of environmental work and coordination with federal and state regulatory agencies and landowners impacted by the Cedar Ridge Reservoir; and

WHEREAS, the work under this Amendment No. 6 (Phase 2 - 2012) is intended to provide information necessary to provide technical support in addressing issues presented by TCEQ and other state regulatory agencies; to provide technical support in addressing issues presented by the Corps; and to allow regulatory agency staff to review

and assess the potential impacts of the proposed Cedar Ridge Reservoir on the natural resources of Texas;

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

PART 1: The City Manager or his designee is hereby authorized to execute Amendment No. 6 to the Professional Services Agreement with Enprotec/Hibbs & Todd in an amount not to exceed \$2,080,000 for the purpose of continuing the work associated with Cedar Ridge Reservoir including: (1) addressing issues presented by TCEQ and other state regulatory agencies related to the water rights permit application; (2) preparation and filing of the applications for the necessary §401 water quality certification and the §404 Permit; and (3) any other work associated with filing and securing the appropriate permits from TCEQ and the Corps for the Cedar Ridge Reservoir project.

PART 2: The City Manager or his designee shall periodically provide updates to the City Council regarding the status of Amendment No. 6 (Phase 2 - 2012), as well as any other matters related to the permits, filing of the applications, certifications and authorizations, as well as any subsequent consultant reports or studies, challenges or disputes arising out of such application processes, or other matters related to the filling and permitting process that may require City Council authorization.

ADOPTED this _____ day of _____, 2012.

ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED:

T. Daniel Santee II, City Attorney

City Council
Agenda Memo



City Council
Meeting Date: 5/21/2012

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-2012-11, a request from Village Investment Partners, LP, Agent Dunaway Associates, LP, to amend PD-33 concerning allowable building height, located at 5550 S. Clack St. and 2225 Covenant Dr; and setting a public hearing for June 14, 2012.

GENERAL INFORMATION

The property is zoned PD-33. The west half of the PD area is developed with a retirement community. The east half of the property is currently undeveloped. The applicant is proposing to develop the property with a Sam's Club store. The PD allows for GC uses in the area within 400 feet Highway 83/84. The remaining area to the west allows for HC uses. However, a regulation was included restricting the maximum height of all structures to twenty-five (25) feet. The proposed Sam's Club will be approximately 40 feet in height. The applicant is proposing to amend the PD to allow for a maximum height of forty-five (45) feet. No other changes are proposed to the PD.

The Future Land Use section of the Comprehensive Plan designates this general area as business/industrial. This area is just to the north of a Special Activity Area that includes Abilene Regional Hospital. There are existing residential subdivisions to the west. The existing retirement community serves as a transition from the allowed commercial uses along the highway to those residential uses to the west. 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 of the amendment for the eastern lot only within the PD boundary by a vote of five (5) in favor (Yungblut, Famble, Bixby, Todd and McClarty) and none (0) opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

May 10, 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, CONCERNING PD-33 AND ORDINANCE NO. 64-1985, A PLANNED DEVELOPMENT DISTRICT; 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 Ordinance No. 64-1985, as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 21st day of May 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 20th day of April, 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 14th day of June, 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 14th day of June, A.D. 2012.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

1st Amendment to Ordinance No. 64-1985

PART 5: Z-06285

AMEND: TRACT 2 (regarding maximum height of structures)

The maximum height of all structures on the site shall be twenty-five (25) feet except that the maximum height of structures on the eastern lot (Lot 2) shall be forty-five (45) feet.

-END-

ZONING CASE Z-2012-11

STAFF REPORT



APPLICANT INFORMATION:

Village Investment Partners, LP
Agent: Dunaway Associates, LP

HEARING DATES:

Planning & Zoning Commission: May 7, 2012
City Council 1st Reading: May 21, 2012
City Council 2nd Reading: June 14, 2012

LOCATION:

5550 S. Clack St. and 2225 Covenant Dr.

REQUESTED ACTION:

Amend PD-33 concerning allowable building height



SITE CHARACTERISTICS:

The property within the PD boundary is approximately 27.03 acres and is currently zoned PD-33 (Planned Development). The west half of the property is developed with a retirement community. The east half of the property is currently undeveloped. The adjacent properties have RS-12 (Single-Family Residential) zoning to the west, PD (Planned Development) zoning to the north and south, and a small portion of GC (General Commercial) to the south as well. Highway 83/84 bounds the property to the east.

ZONING HISTORY:

The property was annexed in 1978. It was rezoned to PD-33 in 1985.

ANALYSIS:

• Current Planning Analysis

The property is zoned PD-33. The west half of the PD area is developed with a retirement community. The east half of the property is currently undeveloped. The applicant is proposing to develop the property with a Sam's Club store. The PD allows for GC uses in the area within 400 feet Highway 83/84. The remaining area to the west allows for HC uses. However, a regulation was included restricting the maximum height of all structures to twenty-five (25) feet. The proposed Sam's Club will be approximately 40 feet in height. The applicant is proposing to amend the PD to allow for a maximum height of forty-five (45) feet. No other changes are proposed to the PD.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as business/industrial. This area is just to the north of a Special Activity Area that includes Abilene Regional Hospital. There are existing residential subdivisions to the west. The existing retirement community serves as a transition from the allowed commercial uses along the highway to those residential uses to the west. 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:

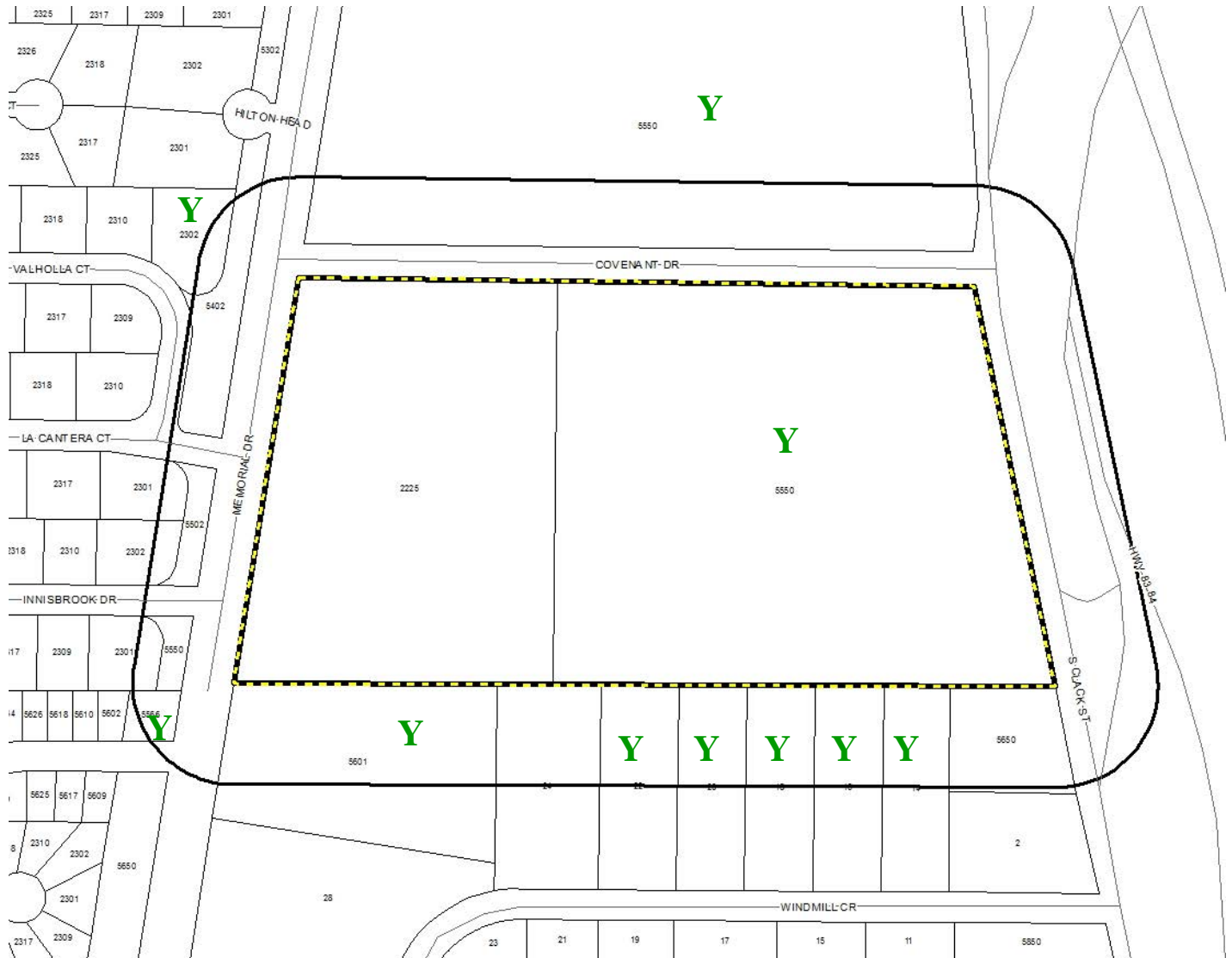
The Planning and Zoning Commission recommended approval of the amendment for the eastern lot only within the PD boundary by a vote of five (5) in favor (Yungblut, Famble, Bixby, Todd and McClarty) and none (0) opposed.

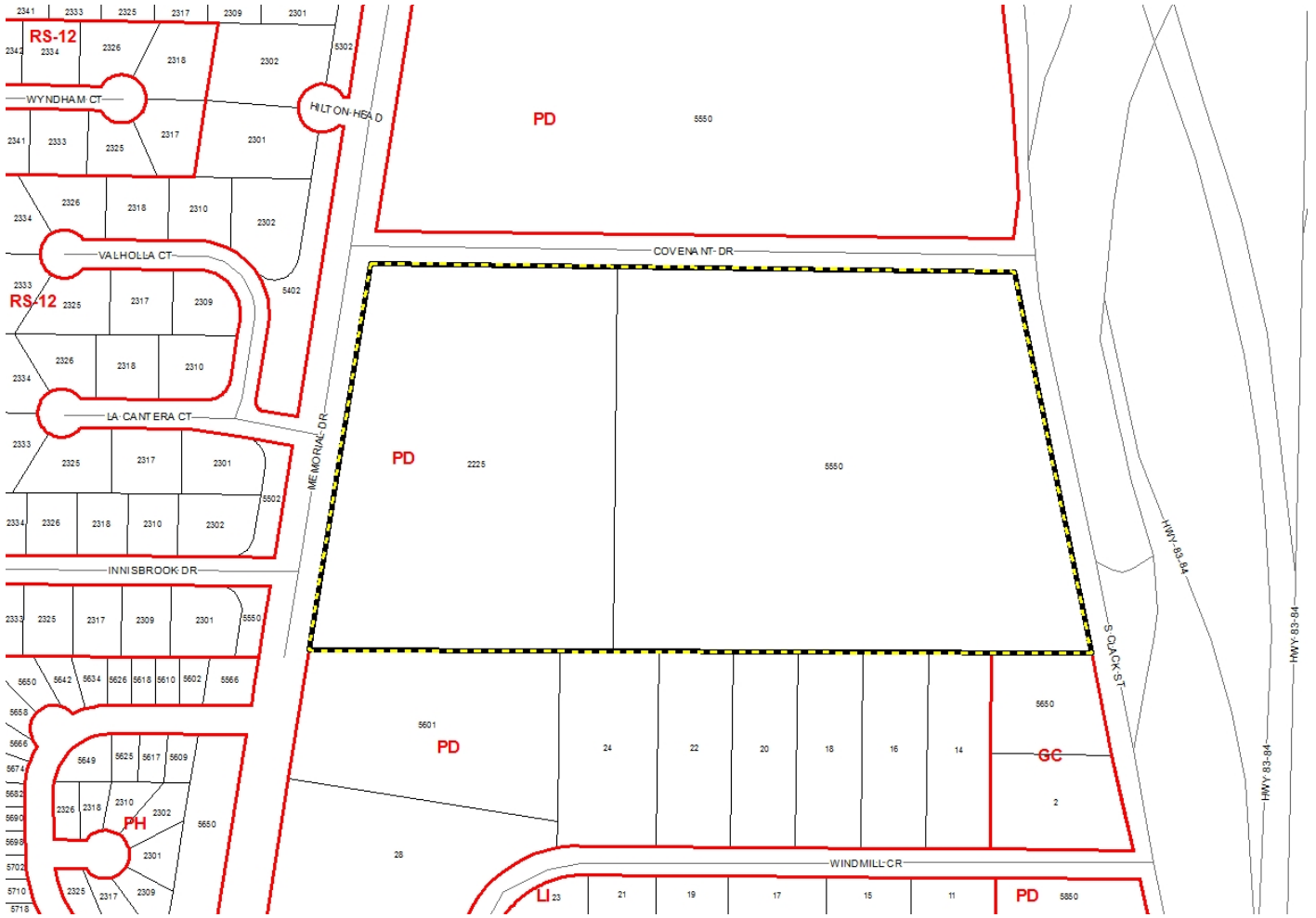
NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
PRZYBYSZ EDWARD & WLADZIA	2302 INNISBROOK DR	
OLSON SCOTT	2302 VALHOLLA CT	In Favor
VILLAGES OF ABILENE MEADOWS LP	5502 MEMORIAL DR	
WINDMILL CIRCLE PARTNERS LP	20 WINDMILL CR	In Favor
WINDMILL CIRCLE PARTNERS LP	18 WINDMILL CR	In Favor
WINDMILL CIRCLE PARTNERS LP	22 WINDMILL CR	In Favor
VILLAGE INVESTMENT PARTNERS LP	5550 S CLACK ST	In Favor
WINDMILL CIRCLE PARTNERS LP	16 WINDMILL CR	In Favor
WINDMILL CIRCLE PARTNERS LP	14 WINDMILL CR	In Favor
WHITEHEAD DONALD R	2301 LA CANTERA CT	
ABILENE CHARGER PROPERTIES LP	2225 COVENANT DR	
WHITEHEAD DONALD R	2301 INNISBROOK DR	
VILLAGES OF ABILENE MEADOWS LP	5402 MEMORIAL DR	
WINDMILL CIRCLE PARTNERS LP	5601 MEMORIAL DR	In Favor
SHERROD PAUL BLAKE JR & CINDY M	24 WINDMILL CR	
VILLAGE INVESTMENT PARTNERS LP	5550 S CLACK ST	In Favor
STATE OF TEXAS PUBLIC TRANS	5650 S CLACK ST	
VILLAGES OF ABILENE MEADOWS LP	5550 MEMORIAL DR	
WALDROP C AARON	5566 MEMORIAL DR	In Favor

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







P&Z Recommendation



City Council
Agenda Memo



City Council
Meeting Date: 5/21/2012

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-2012-12, a request from Abilene Bone & Joint Clinic, LLP, to rezone property from MD (Medium Density) to GR (General Retail) zoning, located at 1549, 1557, 1601, 1609, 1617, & 1633 Cottonwood St; and setting a public hearing for June 14, 2012.

GENERAL INFORMATION

The property is zoned MD. The property was rezoned in 2008 to develop a series of duplexes on the property. That development did not happen and the property is currently undeveloped with the exception of a house on the northern lot of the proposed area. The surrounding area is developed with industrial and heavy commercial uses both across Cottonwood St on the properties along N. Treadaway Blvd to the west and the properties to the east across the railroad right-of-way. The applicant is proposing to develop the property with a medical office as well as a physical fitness & training facility. The applicant is requesting the GR (General Retail) zoning to allow for the proposed uses.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. This area is just to the east of the N. Treadaway Boulevard commercial corridor and is bounded by a railroad right-of-way on the east. The residential uses in this area were originally zoned for industrial uses. While there are existing residential uses in this area, staff believes the proximity to N. Treadaway Blvd and the railroad would lend itself for commercial development throughout this area. However, this assumes that the larger area will continue to transition to non-residential uses. If this area is instead to be protected as a residential neighborhood from commercial encroachment, this request should be denied.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval of the amendment for the eastern lot only within the PD boundary by a vote of five (5) in favor (Yungblut, Famble, Bixby, Todd and McClarty) and none (0) opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Letter

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

May 10, 2012

Item No. 6.3

Disposition by City Council

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

City Secretary

ORDINANCE NO.

Comment [RGG1]: Page: 1
To be filled in by the City Secretary's office.

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 21st day of May, 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 20th day of April, 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 14th day of June, 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 14th day of June, A.D. 2012.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from MD (Medium Density) to GR (General Retail) zoning

Legal Description:

Lots 8 – 12 & Pt of Lot 13, Block 31, College Drive Replat

Location:

1549, 1557, 1601, 1609, 1617, & 1633 Cottonwood St.

-END-

ZONING CASE Z-2012-12

STAFF REPORT



APPLICANT INFORMATION:

Abilene Bone & Joint Clinic, LLP

HEARING DATES:

Planning & Zoning Commission: May 7, 2012
City Council 1st Reading: May 21, 2012
City Council 2nd Reading: June 14, 2012

LOCATION:

1549, 1557, 1601, 1609, 1617, & 1633
Cottonwood St

REQUESTED ACTION:

Rezone property from MD to GR



SITE CHARACTERISTICS:

The subject property is approximately 5.91 acres and is currently zoned MD (Medium Density). The majority of the property is currently undeveloped. A house currently exists on the northern lot of the proposed area. The adjacent properties have MD zoning to the north and south, HC (Heavy Commercial) zoning to the west across Cottonwood St, and LI (Light Industrial) to the east.

ZONING HISTORY:

The property was annexed in 1911. The property was zoned LI sometime after. It was rezoned to RM-3 in 2008. The zoning was re-designated to MD with adoption of the LDC in 2010.

ANALYSIS:

- Current Planning Analysis

The property is zoned MD. The property was rezoned in 2008 to develop a series of duplexes on the property. That development did not happen and the property is currently undeveloped with the exception of a house on the northern lot of the proposed area. The surrounding area is developed with industrial and heavy commercial uses both across Cottonwood St on the properties along N. Treadaway Blvd to the west and the properties to the east across the railroad right-of-way. The applicant is proposing to develop the property with a medical office as well as a physical fitness & training facility. The applicant is requesting the GR (General Retail) zoning to allow for the proposed uses.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. This area is just to the east of the N. Treadaway Boulevard commercial corridor and is bounded by a railroad right-of-way on the east. The residential uses in this area were originally zoned for industrial uses. While there are existing residential uses in this area, staff believes the proximity to N. Treadaway Blvd and the railroad would lend itself for commercial development throughout this area. However, this assumes that the larger area will continue to transition to non-residential

uses. If this area is instead to be protected as a residential neighborhood from commercial encroachment, this request should be denied.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

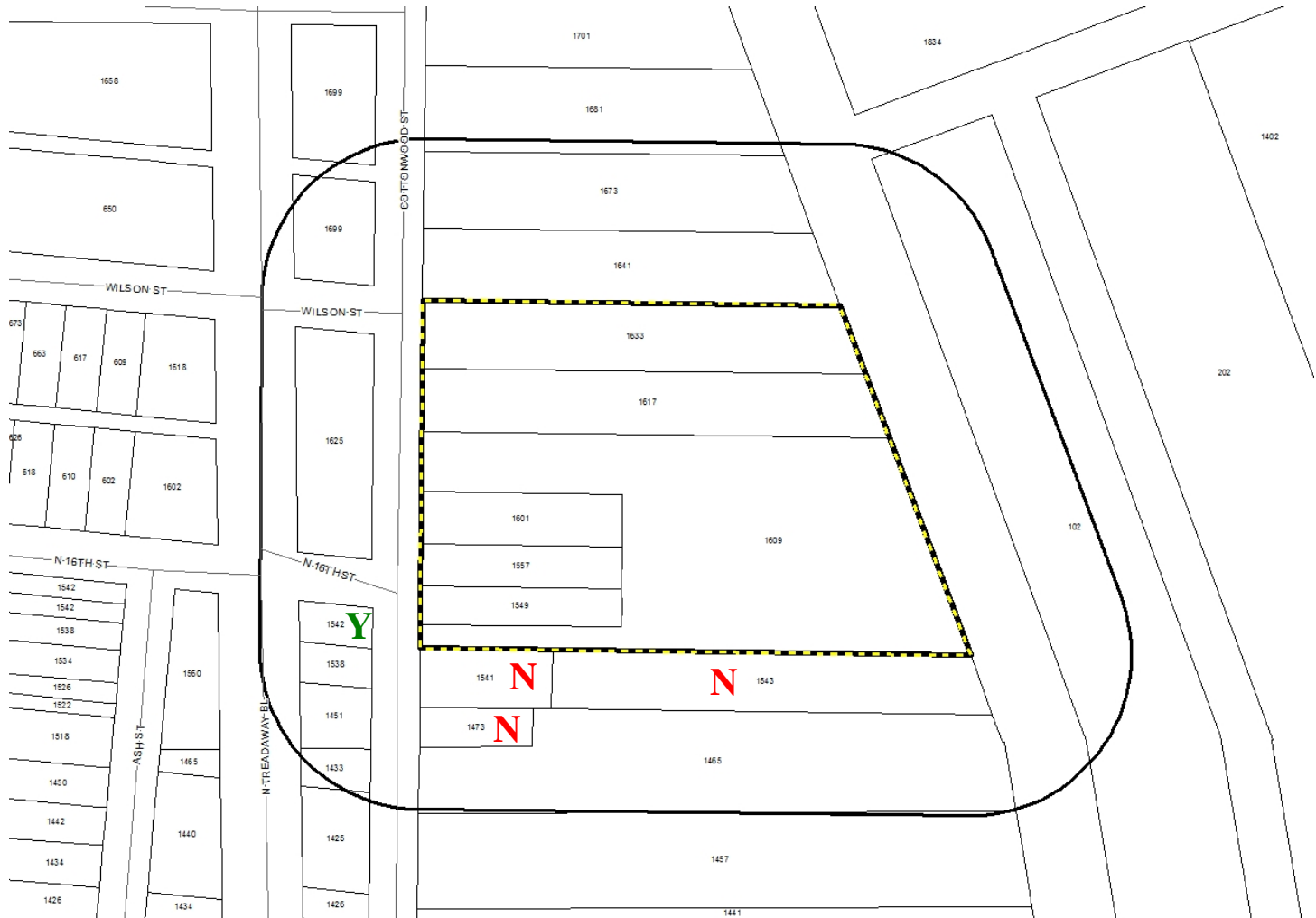
The Planning and Zoning Commission recommended approval by a vote of five (5) in favor (Yungblut, Famble, Todd, Bixby and McClarty) and none (0) opposed.

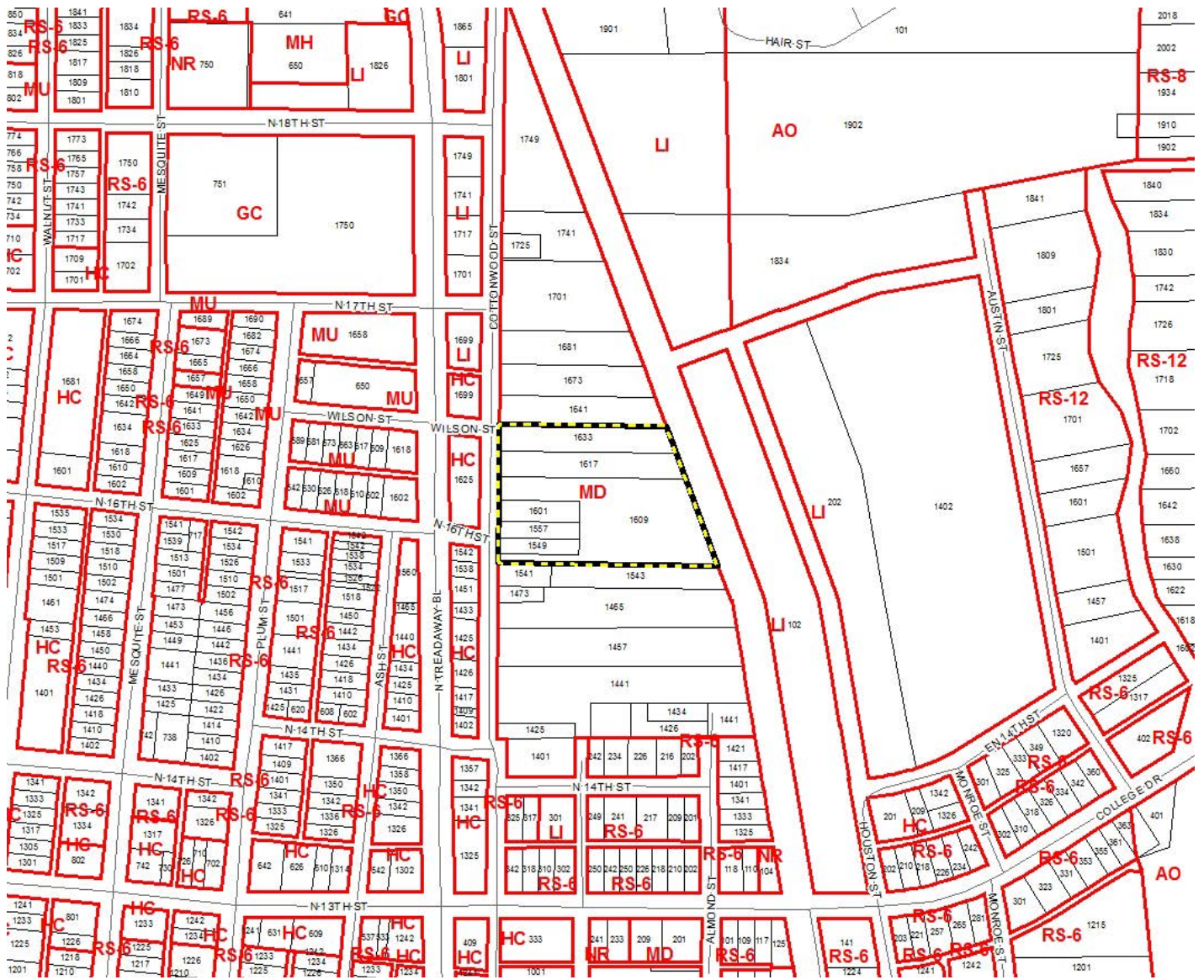
NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
MARINES JULIO TREVINO & ELIZABETH ANN	1681 COTTONWOOD ST	
STOCKDELL CAROLYN R	1673 COTTONWOOD ST	
TALBOT SCOTT MILLER	1549 COTTONWOOD ST	
TALBOT SCOTT MILLER	1557 COTTONWOOD ST	
KINCAID JOEY	1538 COTTONWOOD ST	
RAINS BOBBY GLEN & JUANITA MAE	1457 COTTONWOOD ST	
KARNES DORIS MRS	1465 COTTONWOOD ST	
JOHNSON BOB WAYNE	1542 COTTONWOOD ST	In Favor
LEAL LUPE T	1699 N TREADAWAY BL	
TALBOT SCOTT MILLER	1601 COTTONWOOD ST	
NELSON DWALAH JANE	1451 N TREADAWAY BL	
CARRION DIANE	1473 COTTONWOOD ST	Opposed
BORREGO SARAH	1541 COTTONWOOD ST	Opposed
HALL TROY DBA HALL MOTORS	1625 N TREADAWAY BL	
CARRION LEONARD ALLEN	1543 COTTONWOOD ST	Opposed
RAMIREZ JESSE	1617 COTTONWOOD ST	
BAWCOM TERRY B DDS	1433 N TREADAWAY BL	
JUSTICE ALBERT D SR & MARTHA G	1425 N TREADAWAY BL	
TALBOT MILLER & DEANNA	1609 COTTONWOOD ST	
RAMIREZ JESSE	1633 COTTONWOOD ST	
BONTKE BROTHERS CONST CO	102 COLLEGE DR	
TAVAREZ JAMES	1641 COTTONWOOD ST	
LEAL LUPE T	1699 N TREADAWAY BL	

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









City Council
Agenda Memo



City Council
Meeting Date: 5/21/2012

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. CUP-2012-02, a request from Robert Krieger, Agent C-Tex Heating, Cooling, & Electrical, for a Conditional Use Permit to allow a Rehabilitation Facility on property zoned GC (General Commercial), located at 1133 S. 27th St.; and setting a public hearing for June 14, 2012.

GENERAL INFORMATION

Currently the property is zoned GC and has been developed with a rehabilitation center, the Substance Abuse Center of CSCD of Taylor, Callahan, & Coleman Counties. Prior to approval of the Land Development Code (LDC), the use was permitted in the GC zoning district. The use now requires a conditional use permit (CUP) in the GC zoning district. The facility has been expanded in the past. The request for a CUP is to bring the site into conformance and allow for expansion of the facility again. The property to the north has been developed as a jail. The properties to the west and south are developed with commercial and industrial uses.

The Future Land Use section of the Comprehensive Plan designates this general area as commercial and identifies S. 27th Street as an enhancement corridor. The applicant plans to add a building to the site to increase the scope of the services provided. Based on the information provided, staff believes a CUP at this location will be compatible with the surrounding uses.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval by a vote of five (5) in favor (Yungblut, Famble, Bixby, Todd and McClarty) and none (0) opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

May 10, 2012

Item No. 6.4

Disposition by City Council

Approved Ord/Res# _____

Denied

Other

City Secretary

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

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

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

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

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

PASSED ON FIRST READING this 21st day of May 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 20th day of April, 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 14th day of June, 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 14th day of June, A.D. 2012.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Approve a Conditional Use Permit for a Rehabilitation Facility on property zoned GC (General Commercial) zoning.

Location:

1133 S. 27th St.

Legal Description:

COUNTRY CLUB, BLOCK 14, LOT 3

With the following conditions:

- none

-END-

ZONING CASE CUP-2012-02

STAFF REPORT



APPLICANT INFORMATION:

Robert Krieger
Agent: C-Tex Heating, Cooling, & Electrical

HEARING DATES:

Planning & Zoning Commission: May 7, 2012
City Council 1st Reading: May 21, 2012
City Council 2nd Reading: June 14, 2012

LOCATION:

1133 S. 27th St

REQUESTED ACTION:

Conditional Use Permit to allow a Rehabilitation Facility on property zoned GC



SITE CHARACTERISTICS:

The subject property is approximately 1.16 acres and is zoned GC (General Commercial). The surrounding properties have GC zoning to the west, LI (Light Industrial) zoning to the south, HI (Heavy Industrial) to the north, and AO (Agricultural Open Space) zoning to the east.

ZONING HISTORY:

The area was annexed in 1959 and was zoned GC sometime after it was annexed.

ANALYSIS:

• Current Planning Analysis

Currently the property is zoned GC and has been developed with a rehabilitation center, the Substance Abuse Center of CSCD of Taylor, Callahan, & Coleman Counties. Prior to approval of the Land Development Code (LDC), the use was permitted in the GC zoning district. The use now requires a conditional use permit (CUP) in the GC zoning district. The facility has been expanded in the past. The request for a CUP is to bring the site into conformance and allow for expansion of the facility again. The property to the north has been developed as a jail. The properties to the west and south are developed with commercial and industrial uses.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as commercial and identifies S. 27th Street as an enhancement corridor. The applicant plans to add a building to the site to increase the scope of the services provided. Based on the information provided, staff believes a CUP at this location will be compatible with the surrounding uses.

PLANNING STAFF RECOMMENDATION:

Case # CUP-2012-02
Updated: May 10, 2012

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will hear this item on their May 7, 2012 agenda.

NOTIFICATION:

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

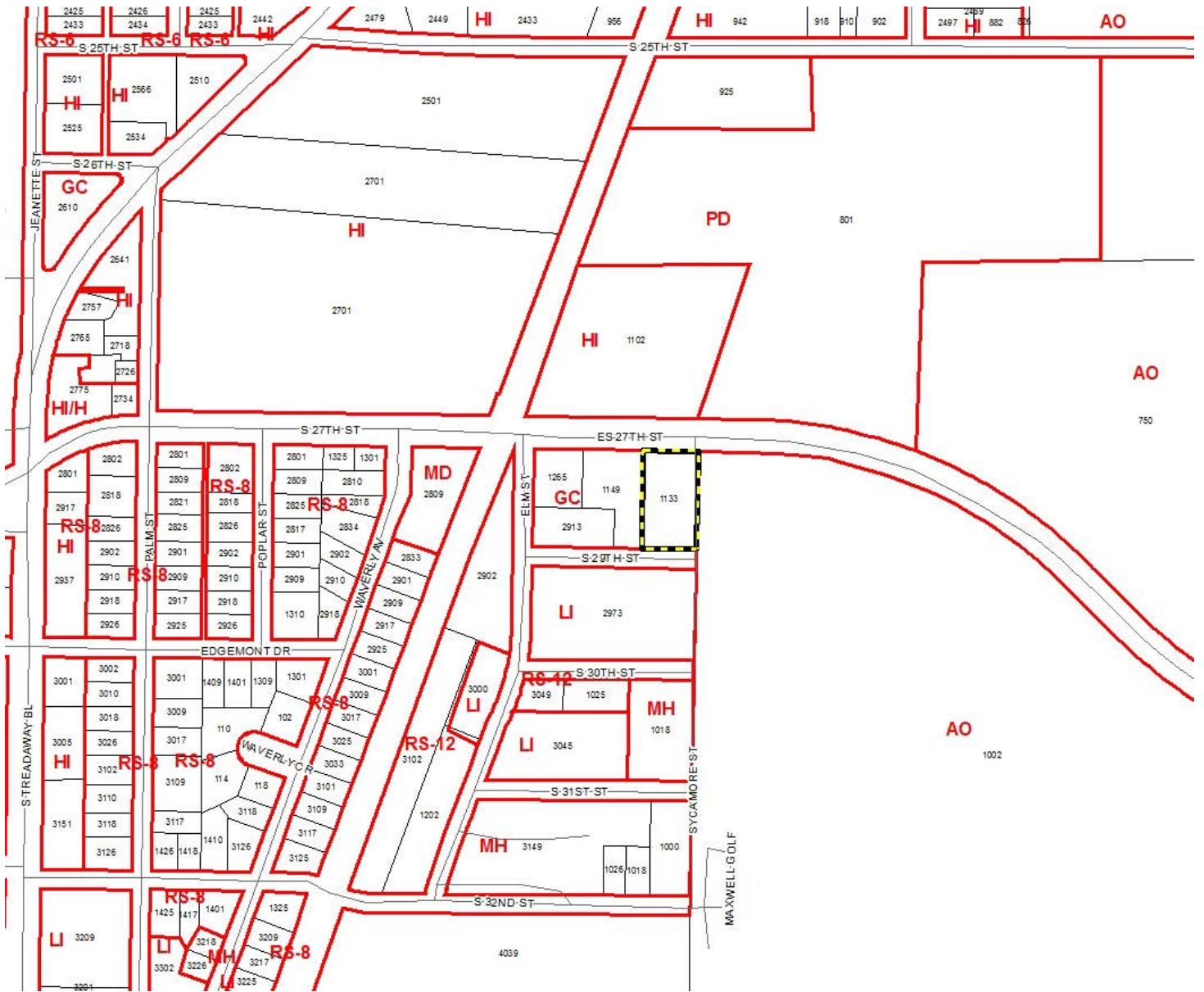
OWNER	ADDRESS	RESPONSE
FAIN CECIL A & JANE A	2973 ELM ST	
KRIEGER ROBERT E & MAUREEN	1133 S 27TH ST	
MEYER TOMMY R & SANDRA	1265 S 27TH ST	
OLSON BOB	1149 S 27TH ST	
STILLS RICHARD TAYLOR	2913 ELM ST	
CITY OF ABILENE	1002 S 32ND ST	
TAYLOR COUNTY	1102 S 27TH ST	
TAYLOR COUNTY	801 S 25TH ST	

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

Y

2









**City Council
Agenda Memo**



**City Council
Meeting Date: May 21, 2012**

TO: Larry D. Gilley, City Manager

FROM: Don Green, Director of Aviation

SUBJECT: Change Order 1 to Rehabilitation of Taxiway EASI Contract with Epic Construction

GENERAL INFORMATION

Epic Construction has the contract to rehabilitate Taxilane EASI. This project has resulted in the potential for additional water flow through a ditch between two hangars occupied by Eagle Aviation Services. Change Order 1 will make improvements to the ditch and replace a pre-existing walkway over the ditch to allow for better water flow capacity.

FUNDING/FISCAL IMPACT

This change order will add \$34,000 to the contract. Although the original contract is funded by AIP grant and city match funds, CO 1 will be funded by 2007 General Obligation bond money dedicated to Terminal Area Drainage. The GO balance is currently approximately \$47,742.

STAFF RECOMMENDATION

Staff recommends that City Council authorize the City Manager to execute Change Order 1 with Epic Construction

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board voted to recommend approval of the contract at its May 9 meeting.

Prepared by:

Name: Don Green

Title: Director of Aviation

Item No. 6.5

Disposition by City Council

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

City Secretary

**City Council
Agenda Memo**



TO: Larry D. Gilley, City Manager
FROM: Don Green, Director of Aviation
SUBJECT: Amendment 2 to URS Task Order 28

**City Council
Meeting Date: May 21, 2012**

GENERAL INFORMATION

URS Corporation is the Aviation Department's airside engineering firm and is currently managing Taxiway C and Taxilane EASI Reconstruction projects. The Taxiway C project contractor, Duinick, Inc., has exceeded its contract days for the project and is now being assessed liquidated damages (LDs) of \$500 per day as stated in the contract. Duinick projects an additional 120 days to complete the project. The extended contract period requires URS to incur additional daily costs for construction management and inspection, which LDs are designed to help cover.

FUNDING/FISCAL IMPACT

Amendment 2 adds 120 days and \$88,166.23 to Task Order 28. LDs will cover approximately \$60,000 of this increased cost and the remaining \$28,166.23 will be covered by AIP Grant 41 and the City's 5% match of \$1,408.31.

STAFF RECOMMENDATION

Staff recommends that City Council authorize the City Manager to execute Amendment 2 to Task Order 28 with URS.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board voted to recommend approval of the contract at its May 9 meeting.

Prepared by:

Name: Don Green

Title: Director of Aviation

Item No. 6.6

Disposition by City Council

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

City Secretary

**City Council
Agenda Memo**



**City Council
Meeting Date: 05/21/2012**

TO: Larry D. Gilley, City Manager

FROM: Megan R. Santee, Director of Public Works

SUBJECT: Award of Annual Street Division Material Requirement

GENERAL INFORMATION

The City of Abilene Street Department is requesting that by oral resolution the City Council award bids for materials to be used in the maintenance and rehabilitation of the street and alley system. Notices were published in the Abilene Reporter News on April 8th and April 15th, and the bid opening date was April 24, 2012. The following table lists the individual chemicals bid, the staff recommended bidder, and the unit price for that bid.

<u>Item:</u>	<u>Company</u>	<u>Unit Price</u>
Limestone Rock Asphalt, Type CC	Vulcan Const. Materials	\$ 78.20/Per Ton
Hot Mix, Type D-Delivered	J.H. Strain & Sons	\$ 67.00/ Per Ton
Hot Mix-Type D	Vulcan Const. Materials	\$ 68.00/ Per Ton
A-1 Flex Base-Delivered	Vulcan Const. Materials	\$ 10.72/ Per Ton
A-1 Flex Base	Vulcan Const. Materials	\$ 6.00 / Per Ton
Portland Cement, 7-Sack	Ingram Concrete	\$ 105.00 /Per Cubic Yd.
Portland Cement, 5-Sack	Ingram Concrete	\$ 105.00/Per Cubic Yd.
Portland Cement, Type I	Abilene Lumber	\$ 9.75/Per Sack
Polymer Modified Crack Sealant	Crafco Texas	\$ 0.63/Per Pound
HPPM	Unique Paving Materials	\$ 107.25/ Per Ton
CBS-1	Envirotex	\$ 3.95/Per Gal

FUNDING/FISCAL IMPACT

Funding for the materials is available in the 2012/2013 general operating budget for Street Services.

STAFF RECOMMENDATION

It is recommended that the City Council award, by oral resolution, the bulk material supply contracts as listed above and recommended by the Street Department Staff, and to authorize the City Manager or his designee to execute all necessary documents related to the contracts.

ATTACHMENTS

Bid Tab Sheet for Bid # CB-1221

Prepared by: Name <u>Rodney Abila</u> Title <u>Program Administrator</u>	Item No. <u>6.7</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ City Secretary
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**CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS**

DEPARTMENT: STREETS
 BID NO.: CB-1221
 TIME OF OPENING: 11:00 A.M.
 DATE OF OPENING: APRIL 24, 2012

VULCAN MATERIALS
 COMPANY
 ABILENE, TX

J.H. STRAIN & SONS, INC.
 TYE, TX

INGRAM CONCRETE
 ABILENE, TX

ABILENE LUMBER/BMC
 ABILENE, TX

CRAFCO TEXAS, INC.
 SAN ANTONIO, TX

CRAFCO INC.
 CHANDLER, AZ

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	LIMESTONE ROCK ASPHALT, TYPE CC	250	TON	78.20											
2.	HOT MIX, TYPE D – DELIVERED	2,000	TON	73.35		67.00									
3.	HOT MIX, TYPE D	700	TON	68.00		62.50									
4.	A-1 FLEX BASE – DELIVERED	18,000	TON	10.72		12.75									
5.	A-1 FLEX BASE	2,000	TON	6.00		8.00									
6.	PORTLAND CEMENT, 7-SACK	100	CY					105.00							
7.	PORTLAND CEMENT, 5-SACK	200	CY					95.00							
8.	PORTLAND CEMENT, TYPE I	1,620	SK							9.75					
9.	POLYMER MODIFIED CRACK SEALANT	100,000	LB									.63		.6354	
10.	HPPM	125	TON												
11.	CBS-1	10,000	GAL												
	BASE BID														
	DISCOUNT														
	TOTAL BID														

*NOTES: INDICATES RECOMMENDED AWARD

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

DEPARTMENT: STREETS
 BID NO.: CB-1221
 TIME OF OPENING: 11:00 A.M.
 DATE OF OPENING: APRIL 24, 2012

UNIQUE PAVING
 MATERIALS
 CLEVELAND, OH

ENVIROTEX
 GRAHAM, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	LIMESTONE ROCK ASPHALT, TYPE CC	250	TON												
2.	HOT MIX, TYPE D – DELIVERED	2,000	TON												
3.	HOT MIX, TYPE D	700	TON												
4.	A-1 FLEX BASE – DELIVERED	18,000	TON												
5.	A-1 FLEX BASE	2,000	TON												
6.	PORTLAND CEMENT, 7-SACK	100	CY												
7.	PORTLAND CEMENT, 5-SACK	200	CY												
8.	PORTLAND CEMENT, TYPE I	1,620	SK												
9.	POLYMER MODIFIED CRACK SEALANT	100,000	LB												
10.	HPPM	125	TON			107.25									
11.	CBS-1	10,000	GAL			3.95									
	BASE BID														
	DISCOUNT														
	TOTAL BID														

*NOTES: INDICATES RECOMMENDED AWARD