

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 July, 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 June, 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 9th day of August, 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 9th day of August, A.D. 2012.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from RS-8 (Single-Family Residential) to RS-8/H (Single-Family Residential/Historic Overlay) zoning

Legal Description:

BELMONT ADDN, BLOCK 16, LOT 2, CONT

Location:

1826 Belmont Blvd

-END-

ZONING CASE Z-2012-14

STAFF REPORT



APPLICANT INFORMATION:

Shirley Kay Yates

HEARING DATES:

Planning & Zoning Commission: July 9, 2012

City Council 1st Reading: July 26, 2012

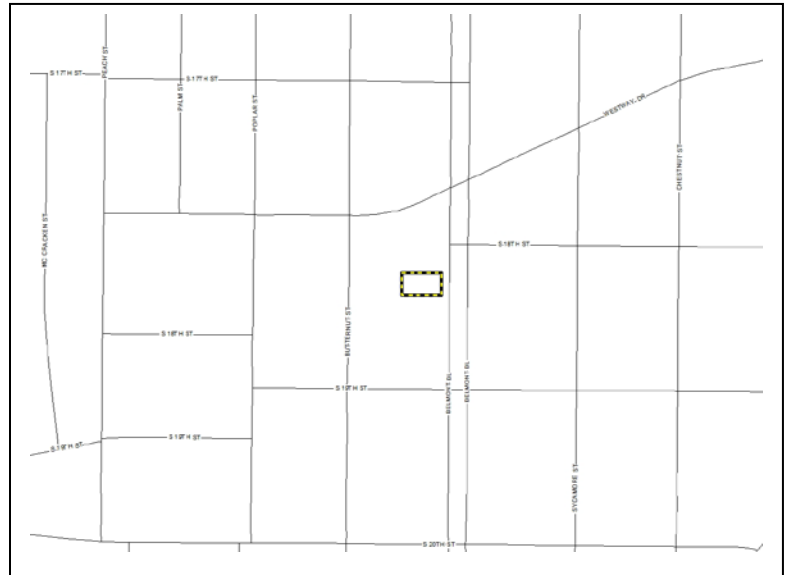
City Council 2nd Reading: August 9, 2012

LOCATION:

1826 Belmont Boulevard

REQUESTED ACTION:

Rezone property from RS-8 to RS-8/H



SITE CHARACTERISTICS:

The subject property is approximately 0.24 acres and is currently zoned RS-8 (Single Family Residential). The property has been developed with a residential dwelling unit. The adjacent properties have RS-8 zoning to the north, south, east and HC zoning to the west.

ZONING HISTORY:

The property was annexed in 1927 and was zoned RS-8 sometime after it was annexed.

ANALYSIS:

- Current Planning Analysis

The property is zoned RS-8 and has been developed with a residential dwelling unit. The Ranch Bungalow was built in 1948 and represents the architectural style that transitioned from Victorian, Craftsman, and Prairie to a modern ranch style that started in California. The long, low ranch has a cousin, however, that can be described as a Ranch Bungalow due to its smaller size and interior configuration. The bungalow has a private side for bed and bath and a public side for living and dining, which this house clearly exhibits. The ranch features include, single-story, long, low roofline, side gable and cross-gabled roof, simple open floor plan, sliding glass patio door, large picture window and the exterior siding materials are wood and stone.

- Comprehensive Planning Analysis

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

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

LANDMARKS COMMISSION RECOMMENDATION:

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

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will hear this item at their July 9, 2012 meeting.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
WRIGHT CLELL	1858 BELMONT BL	
KING JAMES & SHARON	1850 BELMONT BL	
SUMRALL CALVIN L	1849 BUTTERNUT ST	In Favor
SUMRALL CALVIN L	1857 BUTTERNUT ST	In Favor
GRAVES DOUGLAS	1741 BELMONT BL	
RICE CHARLES E	1833 BELMONT BL	
HARRIS LAWAYNE	1801 BELMONT BL	
SHERENCO YANNICK	1825 BELMONT BL	
ADAMS TERRY J & CANDACE K	1818 BELMONT BL	
RAILSBACK PATRICK A & TONYA R	1817 BELMONT BL	
MOSS PAIGE M	1834 BELMONT BL	
KRIEBEL KATY M	1809 BELMONT BL	
WHITE JERRY MARCUS & LISA JANELL	1825 BUTTERNUT ST	In Favor
YATES SHIRLEY KAY	1826 BELMONT BL	
DAVIS JOHN & MARISSA	1802 BELMONT BL	
SUMRALL CALVIN L	1831 BUTTERNUT ST	In Favor
SMITH LORRAINE & DONALD CO TR	1801 BUTTERNUT ST	

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







**City Council
Agenda Memo**



**City Council
Meeting Date: 7/26/2012**

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-2012-15, a request from Betty & Jerry Gayden, to rezone property from RS-12 (Single-Family Residential) to RS-12/H (Single-Family Residential/Historic Overlay), located at 1102 Sayles Blvd; and setting a public hearing for August 9, 2012.

GENERAL INFORMATION

The property is zoned RS-12 and has been developed with a residential dwelling unit. The brick home built in 1926 by owner, Barney Duffy, was designed by architect Jerry M. Schaefer who created an eclectic home incorporating the styles of the European Renaissance with the basic American Craftsman. When the home was first constructed it had a red clay tile roof, characteristic of both Italian and Spanish architecture. The arched multi-pane windows and an arched front door with transom and side lights reflect the Italian Renaissance Revival style. Classical Greek columns embellish the porch between the massive brick pillars that support the corners. The Craftsman design elements include, a low-pitched side-gabled roof with cross-gables facing the front facade and featuring a clipped-gable over the porch entry and deep overhanging eaves with exposed rafter tails. The house is also elevated above ground level similar to Acadian style homes along the Gulf of Mexico and British Colonial homes in the West Indies. The double-stairway design can be seen in both of these places on homes that are elevated due to their locations near the ocean. The clay tile roof had been replaced earlier (1950's) with the current metal roof that is unique and no longer produced by any manufacturers.

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

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

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

The Planning and Zoning Commission recommended approval by a vote of four (4) in favor (Famble, Glenn, Todd, and McClarty) and none (0) opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> July 13, 2012	Item No. <u>6.2</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 July, 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 June, 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 9th day of August, 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 9th day of August, A.D. 2012.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

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

Legal Description:

HIGHLAND ADDN, BLOCK 23, LOT 1-2

Location:

1102 Sayles Blvd

-END-

ZONING CASE Z-2012-15

STAFF REPORT



APPLICANT INFORMATION:

Betty & Jerry Gayden

HEARING DATES:

Planning & Zoning Commission: July 9, 2012

City Council 1st Reading: July 26, 2012

City Council 2nd Reading: August 9, 2012

LOCATION:

1102 Sayles Boulevard

REQUESTED ACTION:

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



SITE CHARACTERISTICS:

The subject property is approximately 0.30 acres and is currently zoned RS-12 (Single Family Residential). The property has been developed with a residential dwelling unit. The adjacent properties have RS-12 zoning to the north, south, east and RS-6 zoning west.

ZONING HISTORY:

The property was annexed in 1895 and was zoned RS-12 sometime after it was annexed.

ANALYSIS:

- Current Planning Analysis

The property is zoned RS-12 and has been developed with a residential dwelling unit. The brick home built in 1926 by owner, Barney Duffy, was designed by architect Jerry M. Schaefer who created an eclectic home incorporating the styles of the European Renaissance with the basic American Craftsman. When the home was first constructed it had a red clay tile roof, characteristic of both Italian and Spanish architecture. The arched multi-pane windows and an arched front door with transom and side lights reflect the Italian Renaissance Revival style. Classical Greek columns embellish the porch between the massive brick pillars that support the corners. The Craftsman design elements include, a low-pitched side-gabled roof with cross-gables facing the front facade and featuring a clipped-gable over the porch entry and deep overhanging eaves with exposed rafter tails. The house is also elevated above ground level similar to Acadian style homes along the Gulf of Mexico and British Colonial homes in the West Indies. The double-stairway design can be seen in both of these places on homes that are elevated due to their locations near the ocean. The clay tile roof had been replaced earlier (1950's) with the current metal roof that is unique and no longer produced by any manufacturers.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect

the underlying residential zoning and would be compatible with the surrounding land uses. Recently, other properties in the area have received Historic Overlay Zoning, and this request could encourage other properties to do the same.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

LANDMARKS COMMISSION RECOMMENDATION:

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

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will hear this item at their July 9, 2012 meeting.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
SKINNER MACK C & DEBORA	1117 SAYLES BL	
FITZGERALD CLAYTON A & MELISSA L	1025 SAYLES BL	
HASTEN RICHARD N II & SUSAN E	1125 SAYLES BL	
KUCIEMBA DONALD R & CINDY D	1041 SAYLES BL	
FROST ANNA KAREN	1109 SAYLES BL	
GALLOWAY PAUL R JR	1101 SAYLES BL	In Favor
BURKETT JOE W JR	1042 SAYLES BL	
BOYD RICHARD & TANYA	1102 HIGHLAND AV	
WALLACE ROBERT W & ROSEMARY K	1118 SAYLES BL	
WELCH HUBERT H JR & CHARLOTTE W	1126 HIGHLAND AV	In Favor
GAYDEN JERRY L & BETTY F	1102 SAYLES BL	
AKERS IRA R & KRISTINA	1141 HIGHLAND AV	
FITZHUGH JAMES G & STELLA	1018 SAYLES BL	
BROWDER TERRY L & LAURA H	1033 HIGHLAND AV	In Favor
MAJORS STEVEN C & JUDY L	1041 HIGHLAND AV	
PRITCHETT NATHANIEL & JESSICA	1118 HIGHLAND AV	
HALEY CYNTHIA LEE	1109 HIGHLAND AV	
HORN KRISTINA ELYSIA	1135 HIGHLAND AV	In Favor
PARKS CHARLES M	1101 HIGHLAND AV	
MC LEAN MITCHELL & JENNIFER	1126 SAYLES BL	

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







City Council
Agenda Memo



City Council
Meeting Date: 7/26/2012

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-2012-16, a request from Southern Storage & Warehousing, agent Royce G. (Pete) Peterson, to rezone property from LI (Light Industrial) to GC (General Commercial), located at 1910 Industrial Blvd; and setting a public hearing for August 9, 2012.

GENERAL INFORMATION

Currently the property is zoned LI and has been developed with a commercial building complex. The surrounding properties have been developed with a mixed group of uses ranging from contractor services, to retail, and auto related uses. An application for a Certificate of Occupancy was submitted for a use that is not allowed in the LI zoning district. The purpose of the zoning request is to allow for Personal Service uses.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating out of the existing building. Industrial Blvd is transitioning into more of a commercial/retail area. The requested zoning would be compatible with the surrounding uses, and would be more appropriate with the development trends along Industrial Blvd. The requested zoning would allow for a proposed Personal Service use to the building.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval by a vote of four (4) in favor (Famble, Glenn, Todd, and McClarty) and none (0) opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

July 13, 2012

Item No. 6.3

Disposition by City Council

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

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING this 26th day of July, 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 June, 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 9th day of August, 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 9th day of August, A.D. 2012.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

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

Legal Description:

ABILENE INDUSTRIAL DISTRICT SEC 1, BLOCK F, LOT W314 OF 102, REP OF
W416

Location:

1910 Industrial Blvd

-END-

ZONING CASE Z-2012-16

STAFF REPORT



APPLICANT INFORMATION:

Southern Storage & Warehousing
Agent: Royce G. (Pete) Peterson

HEARING DATES:

Planning & Zoning Commission: July 9, 2012
City Council 1st Reading: July 26, 2012
City Council 2nd Reading: August 9, 2012

LOCATION:

1910 Industrial Blvd

REQUESTED ACTION:

Rezone property from LI to GC



SITE CHARACTERISTICS:

The subject property is approximately 1.00 acres and is currently zoned LI (Light Industrial). The property is currently developed with 2 buildings designed with lease spaces. The adjacent properties have LI zoning to the west, north, and south, and HC (Heavy Commercial) & LI to the south across Industrial Blvd.

ZONING HISTORY:

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

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned LI and has been developed with a commercial building complex. The surrounding properties have been developed with a mixed group of uses ranging from contractor services, to retail, and auto related uses. An application for a Certificate of Occupancy was submitted for a use that is not allowed in the LI zoning district. The purpose of the zoning request is to allow for Personal Service uses.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating out of the existing building. Industrial Blvd is transitioning into more of a commercial/retail area. The requested zoning would be compatible with the surrounding uses, and would be more appropriate with the development trends along Industrial Blvd. The requested zoning would allow for a proposed Personal Service use to the building.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

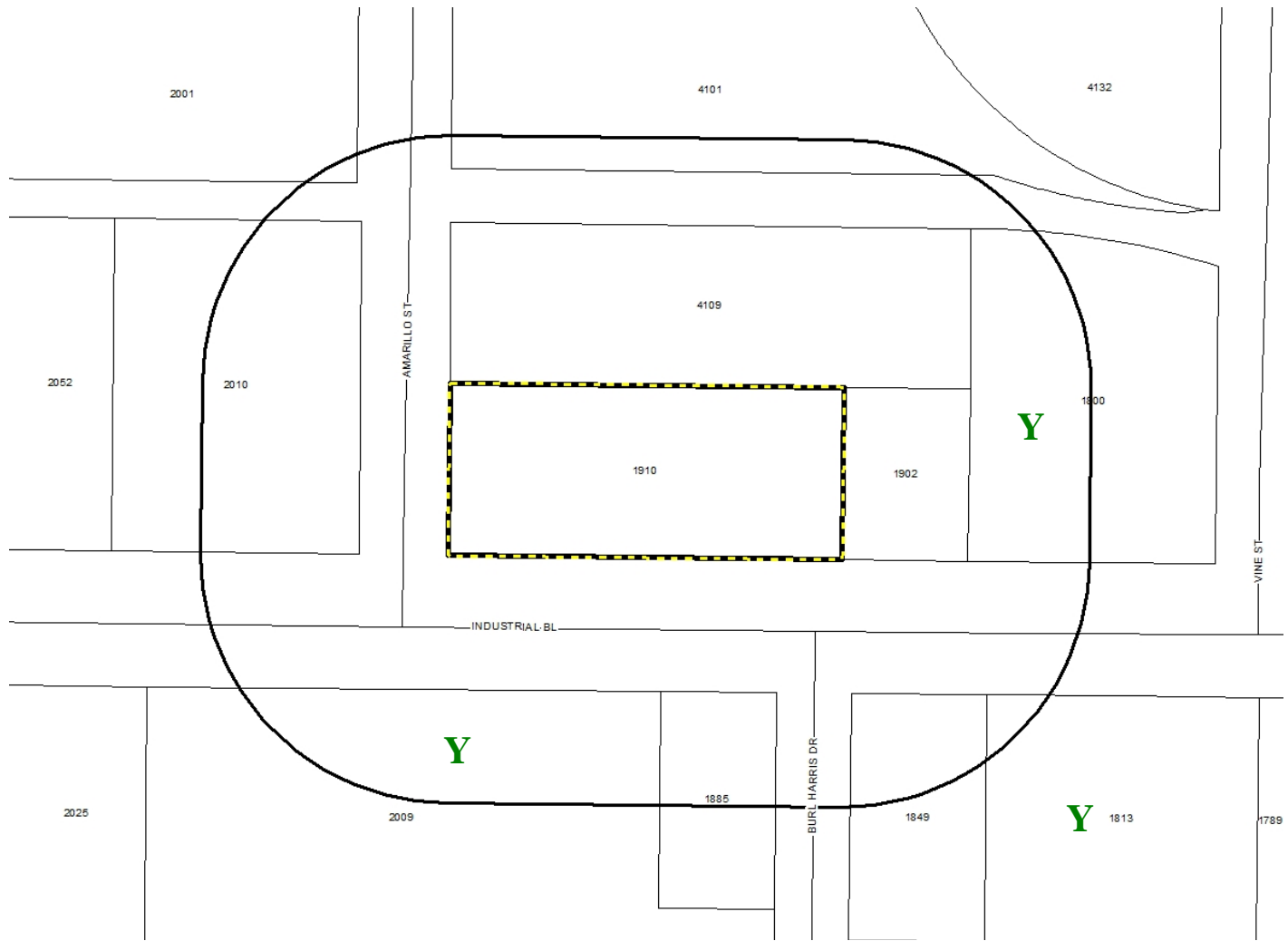
The Planning and Zoning Commission will hear this item at their July 9, 2012 meeting.

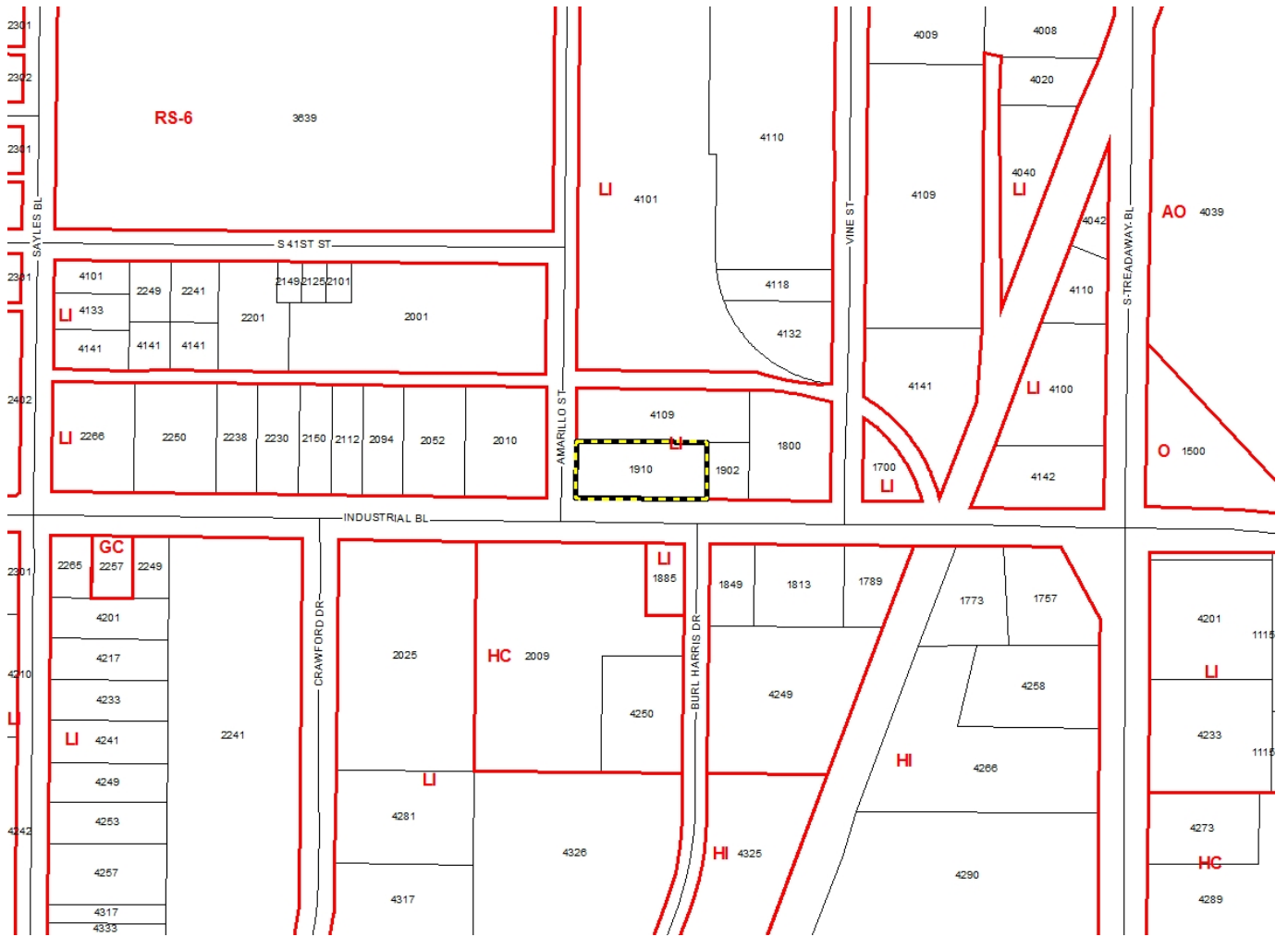
NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
FAIN TOMMY	2010 INDUSTRIAL BL	
BILL REED DISTRIBUTING	4101 AMARILLO ST	
PETERSON ROYCE G & JOANN	4109 AMARILLO ST	
PETERSON ROYCE G & JOANN	1910 INDUSTRIAL BL	
AA ALPINE STORAGE - ABILENE SOUTH 41ST LLC	2001 S 41ST ST	
OHRE DAVID E & EDGAR E	1902 INDUSTRIAL BL	
CHAPPELL JOHN	1885 INDUSTRIAL BL	
BLENDED INVESTMENTS LLC	1849 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	2009 INDUSTRIAL BL	In Favor
PAK HARRIS ENTERPRISES LTD	1813 INDUSTRIAL BL	In Favor
GLENN RANDAL DAVID	1800 INDUSTRIAL BL	In Favor

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









City Council
Agenda Memo



City Council
Meeting Date: 7/26/2012

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-2012-17, a request from PAK Harris, agent Harris Acoustics, to rezone property from HC (Heavy Commercial) to GC (General Commercial), located at 1813 Industrial Blvd; and setting a public hearing for August 9, 2012.

GENERAL INFORMATION

Currently the property is zoned HC and has been developed with a commercial building complex. The surrounding properties have been developed with a mixed group of uses ranging from contractor services, to retail, and auto related uses. An application for a Certificate of Occupancy was submitted for a use that is not allowed in the HC zoning district. The purpose of the zoning request is to allow for Personal Service uses.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating out of the existing building. Industrial Boulevard is transitioning into a commercial/retail area. The requested zoning would be compatible with the surrounding uses, and would be more appropriate with the development trends along Industrial Boulevard. The requested zoning would allow for a proposed Personal Service use to the building.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval by a vote of four (4) in favor (Famble, Glenn, Todd, and McClarty) and none (0) opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

July 13, 2012

Item No. 6.4

Disposition by City Council

Approved Ord/Res# _____

Denied _____

Other _____

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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PASSED ON SECOND AND FINAL READING THIS 9th day of August, A.D. 2012.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from HC (Heavy Commercial) to GC (General Commercial) zoning

Legal Description:

INDUSTRIAL TRADE CENTER, BLOCK B, LOT 202-203 REP, ACRES 1.0

Location:

1813 Industrial Blvd

-END-

ZONING CASE Z-2012-17

STAFF REPORT



APPLICANT INFORMATION:

PAK Harris
Agent: Harris Acoustics

HEARING DATES:

Planning & Zoning Commission: July 9, 2012
City Council 1st Reading: July 26, 2012
City Council 2nd Reading: August 9, 2012

LOCATION:

1813 Industrial Blvd

REQUESTED ACTION:

Rezone property from HC to GC



SITE CHARACTERISTICS:

The subject property is approximately 1.00 acres and is currently zoned HC (Heavy Commercial). The property is currently developed with a building designed with lease spaces. The adjacent properties have HC zoning to the west, south, and east, and LI (Light Industrial) to the north across Industrial Blvd.

ZONING HISTORY:

The property was annexed in 1957 and was zoned HC sometime after.

ANALYSIS:

- Current Planning Analysis
Currently the property is zoned HC and has been developed with a commercial building complex. The surrounding properties have been developed with a mixed group of uses ranging from contractor services, to retail, and auto related uses. An application for a Certificate of Occupancy was submitted for a use that is not allowed in the HC zoning district. The purpose of the zoning request is to allow for Personal Service uses.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating out of the existing building. Industrial Boulevard is transitioning into a commercial/retail area. The requested zoning would be compatible with the surrounding uses, and would be more appropriate with the development trends along Industrial Boulevard. The requested zoning would allow for a proposed Personal Service use to the building.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

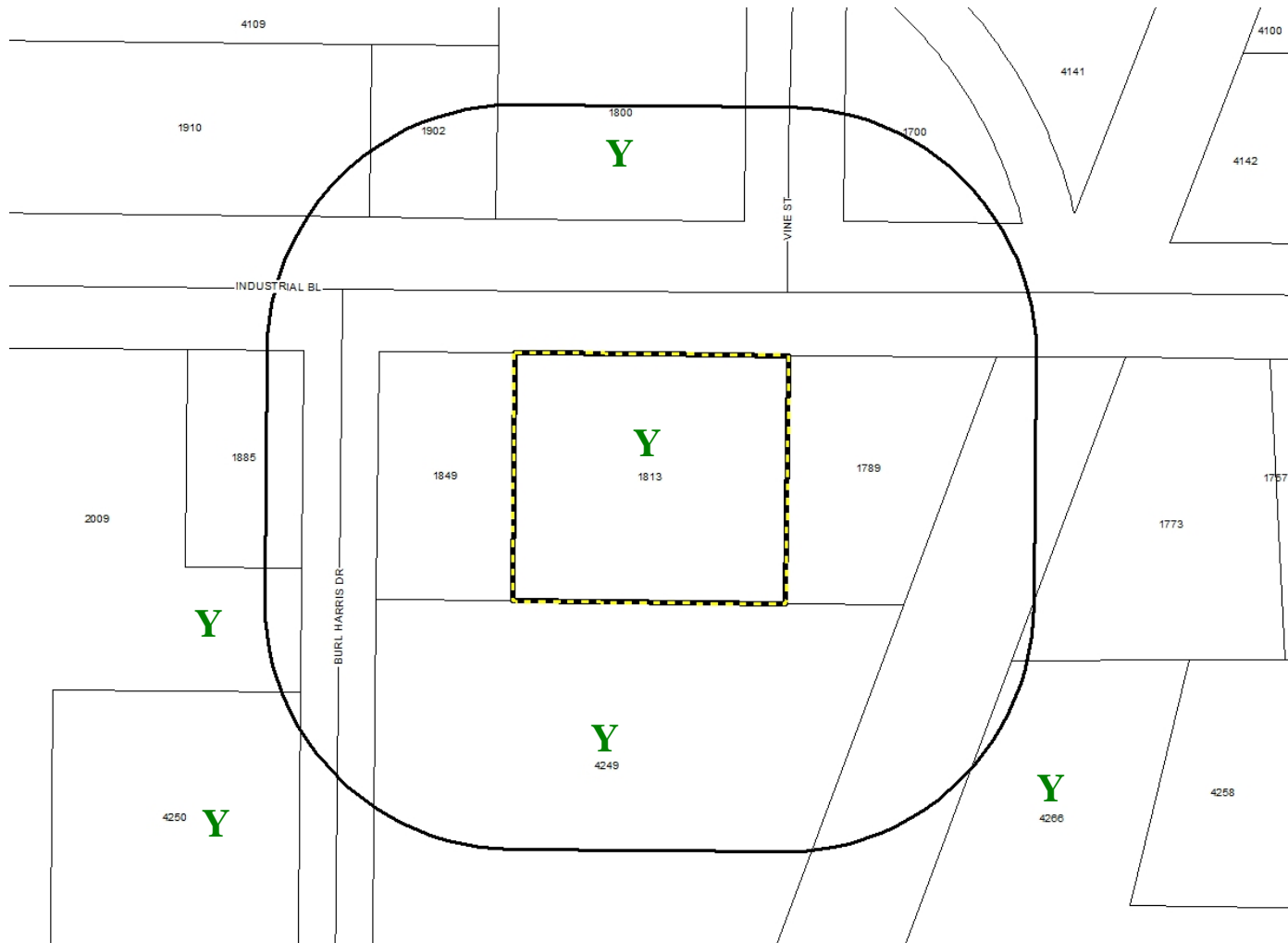
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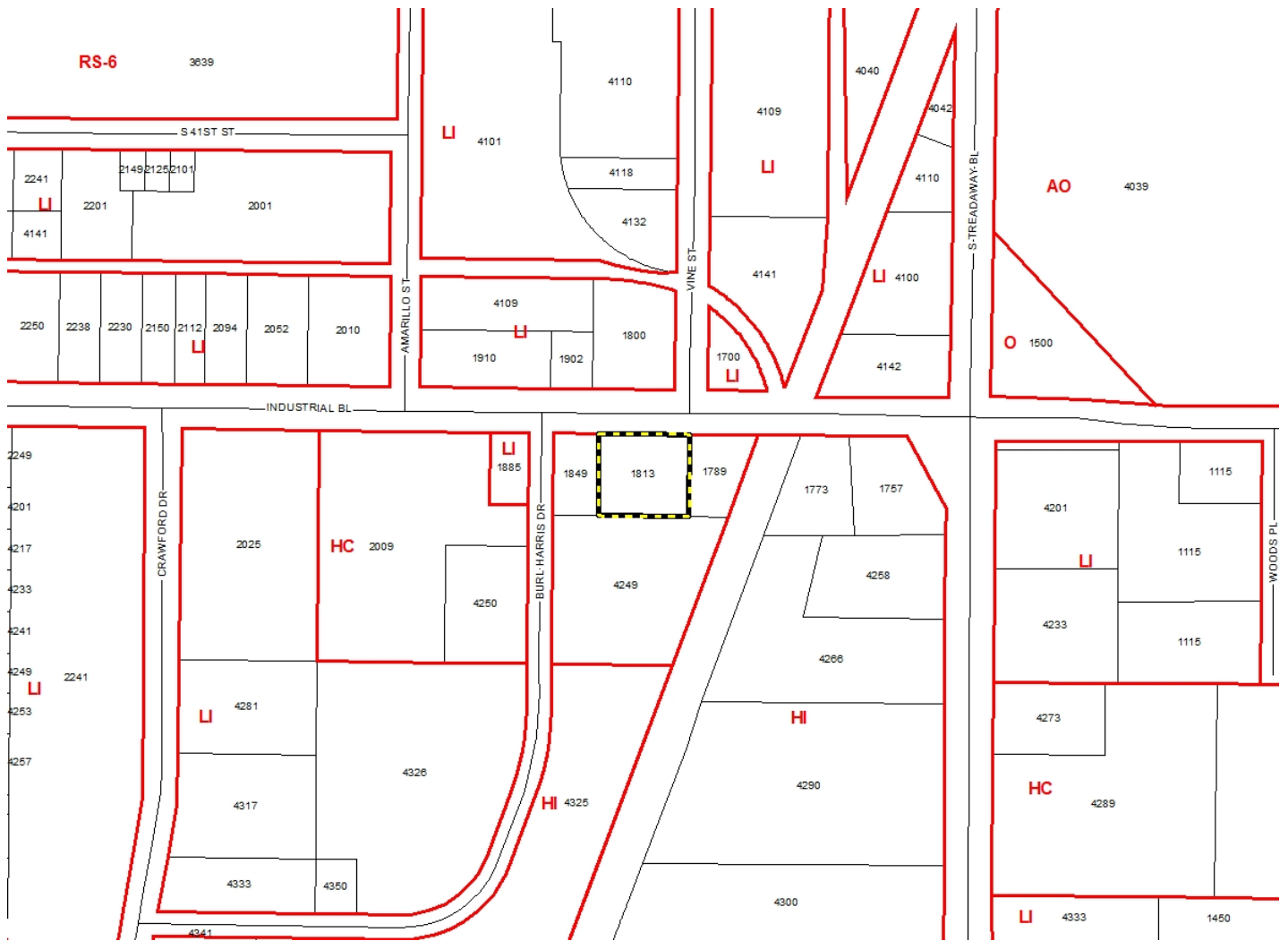
NOTIFICATION:

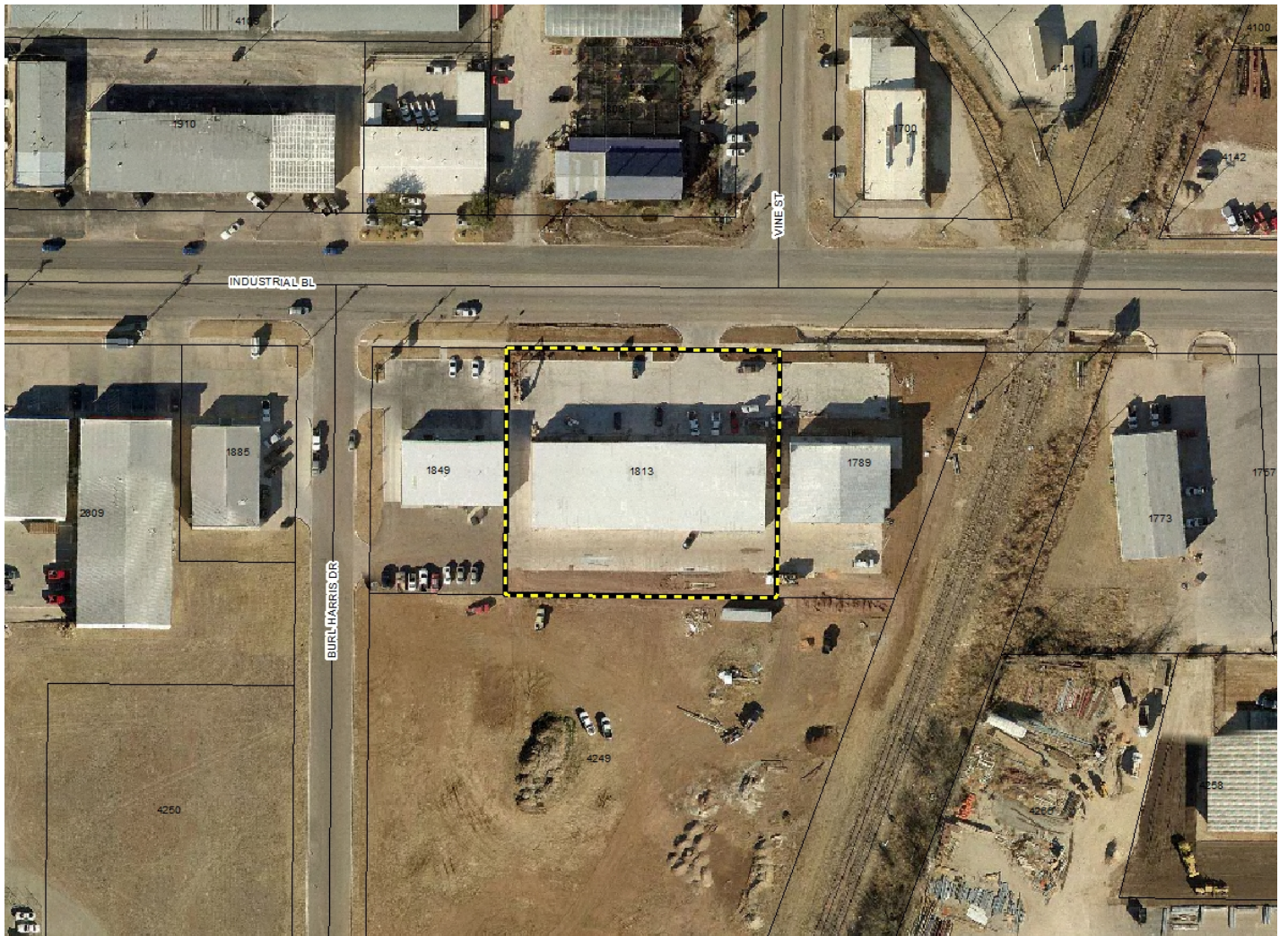
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
PETERSON ROYCE G & JOANN	1910 INDUSTRIAL BL	
OHRE DAVID E & EDGAR E	1902 INDUSTRIAL BL	
HOEMKE ROBERT P & HOLLY L	1700 INDUSTRIAL BL	
CHAPPELL JOHN	1885 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	4249 BURL HARRIS DR	In Favor
BLENDED INVESTMENTS LLC	1849 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	4250 BURL HARRIS DR	In Favor
MAC DONALD JAMES & KELLY & DBA BIKE TOWN	1789 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	2009 INDUSTRIAL BL	In Favor
R G P ENTERPRISES INC	1773 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	4266 S TREADAWAY BL	In Favor
PAK HARRIS ENTERPRISES LTD	1813 INDUSTRIAL BL	In Favor
GLENN RANDAL DAVID	1800 INDUSTRIAL BL	In Favor
UNION PACIFIC SYSTEM		

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








City Council
Agenda Memo



City Council
Meeting Date: 07/26/2012

TO: Larry D. Gilley, City Manager

FROM: Ronnie C. Kidd, Managing Director for Administration 

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

GENERAL INFORMATION

Current computers in use in police patrol and fire vehicles are five years old, at the end of their life cycle, and are increasingly beginning to fail. The previous computer provider, L-3, is no longer in business and replacement computers and/or parts are unavailable. We are ready to implement the third phase of a project to replace the vehicle computers with Panasonic "Tough Book" laptop computers that will be leased/purchased over a three year period. The third phase addresses replacing thirty-five (35) of the computers. The entire project will encompass replacing approximately eighty (80) computers that are deployed in public safety vehicles, both police and fire. The new computers will increase bandwidth and allow use of web based data sources for intelligence led policing, which is not currently available in patrol units. Additionally, these computers will provide access from the vehicle to the Police Department's records management system. The computers will be purchased from Toner Tiger, a local vendor that meets bidding requirements as a member of the State of Texas Department of Information Resources Cooperative Purchasing Program for state and local governments. The lease financing will be accomplished through DivLend Equipment Leasing.

SPECIAL CONSIDERATIONS

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

FUNDING/FISCAL IMPACT

Funding for this lease purchase agreement first year's payment of \$64,715.29 is included in the FY 2012 Technology Fund previously approved by Council in September 2011. Two additional payments of \$64,615.29 will be budgeted for and made in FY 2013 and FY 2014.

STAFF RECOMMENDATION

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

ATTACHMENTS

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

Prepared by: Name: <u>Mark L. Hoover</u> Title: Assistant Director for Administrative Services	Item No. <u>6.5</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ _____ City Secretary
---	---------------------	--

RESOLUTION NO. _____

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

WHEREAS, the City of Abilene (the "Lessee") desires to enter into that certain Lease-Purchase Agreement dated as of 07/26/2012 by and between the Lessee and DivLend Equipment Leasing L.L.C. for the purpose of procuring personal property (computers); and

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

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

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

- PART 1. The City of Abilene (the "Lessee") enters into a Lease Purchase Agreement with DivLend Equipment Leasing, L.L.C. for the purpose of procuring computers.
- PART 2. That the Lease Purchase agreement dated as of 07/26/2012, by and between the Lessee and DivLend Equipment Leasing, L.L.C. is designated by the Lessee as a "qualified tax exempt obligation" for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.
- PART 3. That the Lessee designates Ronnie Kidd, Managing Director for Administration, and Danette Dunlap, City Secretary, as authorized signers of the Lease Purchase Agreement dated as of 07/26/2012, by and between the Lessee and DivLend Equipment Leasing, L.L.C.

ADOPTED this 26th day of July, 2012.

ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED:

City Attorney

**City Council
Agenda Memo**



TO: Larry D. Gilley, City Manager

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

FROM: Rodney Taylor, Assistant Director of Water Utilities

SUBJECT: Authorize the Purchase of Inductively Coupled Plasma Optical Emission Spectrometer Instrument for the Abilene Environmental Laboratory.

GENERAL INFORMATION

The City of Abilene Water Department is requesting that by oral resolution the City Council authorize the Purchase of an Inductively Coupled Plasma Optical Emission Spectrometer (ICP) instrument from PerkinElmer Health Sciences Inc. (PerkinElmer) in the amount of \$114,006.74. The ICP is for the Abilene Environmental Laboratory (AEL).

The ICP will be purchased using the Texas Multiple Award Schedule (TXMAS) program developed by Texas Procurement and Support Services (TPASS) of the State of Texas. The program involves obtaining “best value” pricing on a multitude of items typically purchased by TPASS for various state agencies. The City of Abilene is a member of the TPASS cooperative. The program satisfies the competitive bidding requirements.

The ICP will replace an existing similar instrument that is about eleven years old. The existing unit requires excessive maintenance and it is not reliable. The ICP instrument is used for compliance monitoring for water, wastewater, and industrial waste purposes. It is routinely used to test water for trace levels of metal constituents associated with water quality such as aluminum, arsenic, chromium, lead, and copper. These and other constituents are monitored and/or regulated by the Texas Commission on Environmental Quality and the USEPA. The ICP instrument is used for Abilene Water Department sample analysis and for fee-based analysis of water samples submitted by other municipalities and water suppliers from throughout the region.

FUNDING/FISCAL IMPACT

Funds for the purchase of the ICP instrument would come from Water Department Annual Operating Budget object 5008080-64360.

STAFF RECOMMENDATION

Water Department Staff recommends that the City Council authorize, by oral resolution, the purchase of an ICP instrument from PerkinElmer in the amount of \$114,006.74 as described above, and to authorize the City Manager and/or his designee to execute all necessary documents related to the purchase.

ATTACHMENTS

Quotation

Prepared by:

Name__Rodney Taylor_____

Title__Asst. Water Director_____

Item No.____6.6_____

Disposition by City Council

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

City Secretary



Quotation

PerkinElmer Health Sciences Inc.
710 Bridgeport Avenue
Shelton, CT 06484-4794

Phone: 1-800-762-4000
Fax: (203) 944-4914

To: MR. MICHAEL MICHAUD
CITY OF ABILENE
ENVIRONMENTAL
P O BOX 60
ABILENE TX 79604-0060

QUOTE NO.: 20498302
QUOTE VALID TO: 08/31/2012
QUOTE DATE: 07/11/2012
PAY. TERMS: Net 30 Days
FREIGHT TERMS: FOB Destination - Frt Free
ULTIMATE DEST.: UNITED STATES OF AMERICA

TELEPHONE NO. (325) 676-6041
FAX NO. (915) 676-6044
YOUR REFERENCE

ITEM	MATERIAL	DESCRIPTION	QTY/EA	UNIT PRICE	TOTAL
1	N0780014	OPTIMA 8300 CONCENTRIC TX State Discount Optima 8300 ICP-OES with concentric sample introduction system Optima 8300 ICP Optical Emission Spectrometer <input type="checkbox"/> Cyclonic spray chamber / Concentric nebulizer system. <input type="checkbox"/> Wavelength Range 163-782nm The Optima 8300 Inductively Coupled Plasma Optical Emission Spectrometers (ICP-OES) is based on an echelle polychromator with a Segmented-array Charge-coupled-device Detector (SCD). Each silicon-based detector consists of over 200 discreet subarrays which have between 20 and 80 photosensitive pixels per subarray. The subarrays are strategically placed to take advantage of almost all of the useable emission lines measurable by ICP. With this unique optical design, thousands of emission lines can be read between 165 nm and 782 nm without the requirement for conventional photomultiplier tubes. The benefit to the user is the flexibility of a sequential spectrometer combined with the high throughput of a simultaneous system. Optima 8300 spectrometers include Dual View, the capability of viewing the plasma radially and axially under computer control. Viewing the plasma axially improves ICP detection limits approximately an order of magnitude over the radial view plasma. While both plasmas have about the same linear concentration range, radially viewing the plasma can extend this range to higher concentrations because of the reduction in sensitivity. <input type="checkbox"/> Optical Design The PerkinElmer designed echelle grating, combined with a Schmidt cross-	1	94,600.00	94,600.00 17,028.00-

SEND PURCHASE ORDERS TO:
PerkinElmer Health Sciences, Inc.
710 Bridgeport Ave.
Shelton, CT 06484-4794
Phone: 1-800-762-4000
Fax: (203) 944-4914
Email: USInstrumentOrders@perkinelmer.com

SALES REPRESENTATIVE: CARL HARRISON
PREPARED BY: Elisa Puga



PerkinElmer Health Sciences Inc.
710 Bridgeport Avenue
Shelton, CT 06484-4794

Phone: 1-800-762-4000
Fax: (203) 944-4914

Quotation

To: MR. MICHAEL MICHAUD
CITY OF ABILENE

QUOTE NO.: 20498302
QUOTE VALID TO: 08/31/2012
QUOTE DATE: 07/11/2012

ITEM	MATERIAL	DESCRIPTION	QTY/EA	UNIT PRICE	TOTAL
		<p>disperser in the ultraviolet and a prism in the visible region of the spectrum. This totally unique optical design offers the following advantages:</p> <ul style="list-style-type: none"> Simultaneous analyte line and background measurement for maximum sample throughput Resolution of better than 0.007 nm in the UV region for spectrally complex samples High UV quantum efficiency ensuring excellent detection limits Wide photometric dynamic range for ppb up to percentage concentrations Random access readout, which addresses subarrays individually for maximum flexibility The detector is cooled to -40°C to produce very low dark current resulting in better detection limits Excellent wavelength stability resulting in excellent long-term stability □ Sample Introduction System <p>The sample introduction system has been designed with accessibility and ease of maintenance in mind. The Optima 8300 uses an external quick-change sample introduction module available in a variety of configurations. An optional accessory (N077-0589) is available that will maintain stability in the sample compartment area via a computer controlled thermostat. The external torch module can be adjusted for optimum performance in any matrix. The module can be quickly removed and replaced without using tools. This is very useful when changing from one sample matrix to another (e.g., organics to aqueous).</p> <ul style="list-style-type: none"> □ Patented Flat Plate# plasma generation technology <p>The Optima 8300 features maintenance-free Flat Plate plasma generation technology. Flat Plate induction generates a transversely symmetrical plasma while using approximately half the argon of traditional helical coil systems.</p> <ul style="list-style-type: none"> □ Rugged, reliable power <p>Fourth-generation, free-running, solid-state RF power supply to provide exceptional ruggedness and reliability, eliminating the need for costly power tubes. Solid-state design makes the power supply exceptionally compact.</p> <ul style="list-style-type: none"> □ PlasmaCam# viewing <p>Enables continuous viewing of the plasma for simpler method development and remote diagnostic capabilities from within the WinLab32 for ICP software</p> <p>A fully configured Optima 8300 system also requires a controller assembly (consisting of a suitably configured computer, printer and</p>			



PerkinElmer Health Sciences Inc.
710 Bridgeport Avenue
Shelton, CT 06484-4794

Phone: 1-800-762-4000
Fax: (203) 944-4914

Quotation

To: MR. MICHAEL MICHAUD
CITY OF ABILENE

QUOTE NO.: 20498302
QUOTE VALID TO: 08/31/2012
QUOTE DATE: 07/11/2012

ITEM	MATERIAL	DESCRIPTION	QTY/EA	UNIT PRICE	TOTAL
		WinLab 32 for ICP software), a chiller and, optionally, an autosampler.			
2	N0775345	SeaSpray nebulizer, 2mL/min uptake SeaSpray nebulizer, 2mL/min uptake for Optima 3000XL/DV, 2000/4000/5000 Nebulizers with 0.7L/min Ar flow	1	725.00	725.00
3	N0770631	SOLUTIONS KIT-OPTIMA 8300 INSTALLATION Mat'l Disc Excursiv	1	765.00	765.00- 765.00-
4	N0772046	CHILLER-1HP 230V/60HZ TP QUIET Sales Discount	1	3,957.00	3,957.00 652.11-
5	N0770452	CONTROLLER-ICP WINLAB32 W/MON Sales Discount	1	5,500.00	5,500.00 906.40-
<p>Model: Lenovo ThinkCentre® M81, 3.1 GHz Intel® Core i5-2400, 1333 MHz Front Side Bus (FSB), 6M cache with Microsoft® Windows® 7 Professional Memory: 4 GB PC3-10600, Four DIMM slots Hard Drive: 1 TB, 7200 RPM Networking: Integrated Gigabit Ethernet External I/O Ports: 8 USB 2.0 (2 front, 6 rear), 1 Ethernet (RJ45), 2 serial (9-pin), 1 VGA (DB-15, Display Port) out Media: DVD-Recordable Video: Integrated video Mouse: Lenovo USB Optical Wheel Mouse Keyboard: Preferred Pro USB Keyboard Audio: Integrated High Definition Audio Monitor: 24" LCD flat-panel widescreen display</p> <p>Warranty: Next Business Day parts and labor, on-site response for three years. (PerkinElmer reserves the right to supply equivalent or enhanced versions of products resold by PerkinElmer, such as computers, in response to model changes by the manufacturer.)</p> <p>Includes software and parallel printer cable.</p> <p>The 32-bit multitasking WinLab32 for ICP software is designed to offer</p>					



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Shelton, CT 06484-4794

Phone: 1-800-762-4000
Fax: (203) 944-4914

Quotation

To: MR. MICHAEL MICHAUD
CITY OF ABILENE

QUOTE NO.: 20498302
QUOTE VALID TO: 08/31/2012
QUOTE DATE: 07/11/2012

ITEM	MATERIAL	DESCRIPTION	QTY/EA	UNIT PRICE	TOTAL
		<p>the maximum amount of flexibility combined with ease of set up and routine operation. This unique software design enables the advanced user to develop an optimum method, but still allows the new user or beginner to run routine methods. Some of the features of the ICP WinLab32 software are:</p> <ul style="list-style-type: none"> *Easy-to-use Windows-based graphical user interface. *Extensive, context-sensitive on-line help *The ability to display, store and recall spectra for every sample analyzed *Data display and reprocessing, without the need to rerun samples. (Original data are unchanged.) *Comprehensive data storage using an industry-standard database *High resolution graphics *On-line library for wavelength selection and identification *Automated plasma shutdown and warmup *Automated alignment of transfer optics *The use of multiple internal standards *The ability to use stored calibration curves to permit semiquantitative analysis with qualitative speed *Auto integration feature, which selects the optimum integration time for each line for each sample, depending on the analyte concentration *The ability to mathematically compensate for spectral interferences using Multicomponent Spectral Fitting (MSF) *Interfering Element Corrections (IECs) *On-line system diagnostics. 			
6	09421085	PRINTER LASER BROTHER HL-5340D 120V	1	473.00	473.00
7	N0205010	ICP-OPTIMA ICP New Inst Train Disc 3 day course conducted at a PerkinElmer Technical Center.	1	1,999.00	1,999.00 1,999.00-
8	N0205010	ICP-OPTIMA ICP Sales Discount 3 day course conducted at a PerkinElmer Technical Center.	2	1,999.00	3,998.00 399.80-
9	N0777534	ASXpress Aqueous Full w/ASX-520 Sales Discount	1	18,600.00	18,600.00 3,065.28-
10	AIGCONSUMABLESPOS	Consumables on Contract	1	2,500.00	2,500.00



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CITY OF ABILENE

QUOTE NO.: 20498302
QUOTE VALID TO: 08/31/2012
QUOTE DATE: 07/11/2012

ITEM	MATERIAL	DESCRIPTION	QTY/EA	UNIT PRICE	TOTAL
11	N0780607	Quick-Change Torch Mod Cyclonic Optima 8 Sales Discount	1	2,000.00	2,000.00 329.60-
12	N0770609	TORCH MOUNT SUPPORT STAND 2000/4000	1	112.00	112.00
13	N0777605	COMPRESSOR/TANK/DRYER/ENCL 115V/60HZ Sales Discount	1	4,697.00	4,697.00 774.07-
Total Net Price in USD:					114,006.74

Customized Financing Solutions are available - We offer competitive rates with a wide range of structures to assist in acquiring your PerkinElmer technology - Speak to your Sales Engineer us at 1-800-559-2755 ext. 69608

Did you know that you can order selected products online at www.perkinelmer.com/shop?

The amount displayed does not include tax.
These charges will be added to the invoice if applicable.
*
Includes installation and one year warranty (parts, labor and travel).
*
Terms subject to credit approval.

CARL HARRISON



City Council
Agenda Memo

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

City Council
Meeting Date: 07/26/12

SUBJECT: Abilene-Taylor County Events Venue District Revised FY 2012 and Approved FY 2013 Budget

GENERAL INFORMATION

In accordance with the bylaws, attached is the budget of the Abilene-Taylor County Events Venue District. The Board approved this funding at their July 11, 2012 meeting. Board members are Mayor Norm Archibald, County Judge Downing Bolls, Jr., Councilman Robert Briley, County Commissioner Stan Egger, and Glenn Dromgoole.

Fiscal Year 2012:

Collections for FY 2012 are expected to exceed the original estimate. Therefore, each entity will receive additional funds.

Fiscal Year 2013:

The Board approved distributing all funds after the debt payment and the administrative expenses are paid based on the newly approved allocation of 60% for Frontier Texas! and 40% for Expo Center. A portion will go toward payment on the bonds issued for improvements to the Expo Center and Abilene Independent School District's Shotwell Stadium. This amount is deducted prior to distributing any balance.

FUNDING/FISCAL IMPACT

All funds are generated from the 2% hotel/motel venue tax. No City or County funds go to the District.

STAFF RECOMMENDATION

Staff recommends acknowledging receipt of this budget by Oral Resolution.

ATTACHMENTS

- 1) Abilene-Taylor County Events Venue District Budget for Revised FY 2012 and Approved FY 2013

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

**ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT
INTEREST AND SINKING FUND
STATEMENT OF REVENUES & EXPENDITURES
2012-13 BUDGET**

	ACTUAL 2010-11	ESTIMATED REVISED 2011-12	APPROVED 2012-13
Designated Balance	\$26,425	\$26,479	\$26,509
<u>REVENUE</u>			
Venue Tax	\$106,568	\$104,340	\$106,975
Interest on Investments	55	30	30
Total Revenue	<u>\$106,622</u>	<u>\$104,370</u>	<u>\$107,005</u>
Total Resources	<u>\$133,047</u>	<u>\$130,849</u>	<u>\$133,514</u>
<u>EXPENDITURES</u>			
Principal	\$55,000	\$55,000	\$60,000
Interest	51,568	49,340	46,975
Total Expenditures	<u>\$106,568</u>	<u>\$104,340</u>	<u>\$106,975</u>
Designated Balance	<u><u>\$26,479</u></u>	<u><u>\$26,509</u></u>	<u><u>\$26,539</u></u>

Note:			
AISD-Shotwell - Parking Lot Debt - 76.74%	\$81,780	\$80,071	\$82,093
Expo Debt - 23.26%	24,788	24,269	24,882
Total	<u>\$106,568</u>	<u>\$104,340</u>	<u>\$106,975</u>

**ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT
VENUE PROJECT FUND
STATEMENT OF REVENUES & EXPENDITURES
2012-13 BUDGET**

	ACTUAL 2010-11	ESTIMATED REVISED 2011-12	APPROVED 2012-13
Undesignated Balance	\$5,000	\$5,000	\$5,000
<u>REVENUE</u>			
Venue Tax	\$739,513	\$775,000	\$775,000
Penalty on Late Filing	651	60	0
Interest on Investments	36	40	40
	<u>\$740,200</u>	<u>\$775,100</u>	<u>\$775,040</u>
Total Revenue	<u>\$740,200</u>	<u>\$775,100</u>	<u>\$775,040</u>
Total Resources	<u>\$745,200</u>	<u>\$780,100</u>	<u>\$780,040</u>
<u>EXPENDITURES</u>			
Transfer to Debt Service	\$106,568	\$104,340	\$106,975
Frontier Texas! Operating Funds	384,460	409,536	391,539
Expo Center Operating Funds	192,831	245,722	261,026
Reserve for AISD-Shotwell Improvements	41,537	0	0
Administrative Fee	14,804	15,502	15,501
	<u>\$740,200</u>	<u>\$775,100</u>	<u>\$775,040</u>
Total Expenditures	<u>\$740,200</u>	<u>\$775,100</u>	<u>\$775,040</u>
Undesignated Balance	<u>\$5,000</u>	<u>\$5,000</u>	<u>\$5,000</u>

**City Council
Agenda Memo**



**City Council
Meeting Date: 7/26/12**

TO: Larry D. Gilley, City Manager

FROM: Lesli Andrews, Assistant Director for Community Services

SUBJECT: Oral resolution authorizing the City Manager to enter into an agreement between the City of Abilene and the Abilene Zoological Society for the construction of a giraffe facility on the grounds of the Abilene Zoo.

GENERAL INFORMATION

The Abilene Zoological Society would like to build a giraffe holding facility as a place for the giraffes to live during the remodel of the current giraffe facility and yard. When looking into alternative locations for the giraffes to live during the remodel it became apparent that it was going to be very expensive. Building a holding facility on the Abilene Zoo premises is the most cost effective alternative, easiest on the animals, and the facility can be used many times in the future for other hoofed animals. The facility will not be seen by the public. It will have heating and air conditioning so it can be used year around. The Society will be responsible for the construction of the facility. Once construction is complete the facility will be dedicated to the City of Abilene. After the dedication, the City of Abilene will be responsible for the upkeep and maintenance of the structure. It is recommended the City Council authorize the City Manager to execute an agreement between the City of Abilene and the Abilene Zoological Society for the construction of a giraffe facility on the grounds of the Abilene Zoo.

FUNDING/FISCAL IMPACT

The Abilene Zoological Society is responsible for 100% of the cost of this project.

STAFF RECOMMENDATION

Staff recommends the City Council authorize the City Manager to execute an agreement between the City of Abilene and the Abilene Zoological Society for the construction of a giraffe facility on the grounds of the Abilene Zoo.

BOARD OR COMMISSION RECOMMENDATION

Abilene Zoological Society approved July 3, 2012
Abilene Parks and Recreation Board approved July 10, 2012

ATTACHMENTS

Agreement

Prepared by:

Name Lesli Andrews

Title Assistant Director of Community Services

Item No. _____

Disposition by City Council

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

City Secretary

AGREEMENT BETWEEN THE CITY OF ABILENE AND THE ABILENE ZOOLOGICAL SOCIETY FOR THE CONSTRUCTION OF A GIRAFFE FACILITY ON THE GROUNDS OF THE ABILENE ZOO.

WHEREAS, the Abilene Zoological Society, Inc. ("Society"), a non-profit corporation, will finance the construction of the Giraffe House ("Project"); and

WHEREAS, the grounds of the Abilene Zoo are under the jurisdiction and control of the Parks and Recreation Board; and

WHEREAS, on DATE , the Parks and Recreation Board approved building a new Giraffe Facility; and

WHEREAS, the Director of Community Services was designated by the Parks and Recreation Board to review and finally approve all designs and construction plans for any permanent structure; and

WHEREAS, once the Giraffe Facility is constructed, the Society will dedicate it to the City of Abilene; and

WHEREAS, after the dedication, the City of Abilene will be responsible for the upkeep and maintenance of structure.

NOW THEREFORE, it is hereby agreed between the City of Abilene and Society that:

1. The design and construction plans for the Giraffe Facility will be approved by the Director of Community Services and the City of Abilene Maintenance Services Manager.
2. **Society will indemnify and hold harmless the City of Abilene, its officers, agents, and employees, from and against liability for any and all claims, liens, suits, demands, and/or actions for damages, injuries to persons (including death), property damage (including loss of use), and expenses, including court costs and attorney's fees and other reasonable costs arising out of or resulting from Society's activities conducted in connection with or incidental to this Agreement and from any liability arising out of or resulting from the intentional acts or negligence, including all causes of action based upon common, constitutional, or statutory law, or based in part thereon of Society, including but not limited to its officers, agents, employees, contractors, licensees, invitees, and other persons.**
3. Society will at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of its officers, agents, contractors,

invitees, and other persons as well as their property, while in the vicinity of its activities at the Abilene Zoo. It is expressly understood and agreed that the City shall not be liable or responsible for the negligence of Society, including but not limited to its officers, agents, members, participants, invitees, and other persons.

4. City and Society will provide each other with prompt and timely notice of any event, covered by the indemnity section of this Agreement. In the event a claim or action is filed with respect to the indemnity section, the City may employ attorneys of its own choosing to appear and defend the claim or action on behalf of the City.
5. Society will insure this agreement by obtaining public liability insurance in the amounts and with the terms set forth in Attachment A to this agreement.
6. Society will provide a builders warranty to the City of Abilene with a term of no less than one year.
7. Upon completion and acceptance of the building the City will be responsible for the care and maintenance of the facility.

IN WITNESS WHEREOF, THE CITY AND SOCIETY have entered into this Agreement on the ___ day of _____, 2012.

CITY OF ABILENE

ATTEST:

City Manager

City Secretary

Approved:

City Attorney

SOCIETY

ATTEST:

President

Secretary

ATTACHMENT A

INSURANCE

A. GENERAL REQUIREMENTS

The Society agrees to maintain the type and amounts of insurance required in this contract throughout the term of the agreement. The Society is solely responsible for providing the required certificates of insurance. The City may terminate this agreement if the Society fails to timely comply with the insurance requirements.

The required insurance must be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies are subject to examination and approval by the City's Office of Risk Management for their adequacy as to content, form of protection, and providing company.

The required insurance naming the City as additional insured must be primary insurance and not contributing with any other insurance available to City, under any third party liability policy.

Before the City executes the notice to proceed with any work under this agreement, the Society must provide the Director of Community Services with either an original certificate of insurance or a certified copy of the insurance policy evidencing the required insurance. Thereafter, the Society must furnish new certificates or copies of the policy before the expiration date.

B. ADDITIONAL REQUIREMENTS

The required liability insurances and their certificates shall:

1. Name the City as an additional insured with respect to operations for which this agreement is made.
2. Provide for 30-day advance written notice of cancellation or material change.

C. TYPES AND AMOUNT OF INSURANCE

The types of insurance required in this contract are those indicated by initials. If no initials appear on any of items 1 through 6, items 1 through 4 shall be required.

<u>Type</u>	<u>Amount</u>
___ 1. Workers' Compensation Employer's Liability	Statutory \$100,000 per occurrence
___ 2. Commercial (Public) Liability including but not limited to: . Premises/Operations . Independent Contractors . Products/Completed Operations . Contractual Liability (Insuring above indemnity) and where the exposures exist . Explosion Collapse and Underground	\$500,000 combined single limit for bodily injury and property damage (per occurrence)
___ 3. Business Automobile Liability to include coverage for: . Owned/Leased Autos . Non-Owned Autos . Hired Cars	\$500,000 combined single limit for bodily injury and property damage (per occurrence)
___ 4. Professional Liability	\$500,000 combined single limit (per occurrence)
___ 5. See Addendum for Special Coverages and/or revisions	
___ 6. No Insurance Required	

**City Council
Agenda Memo**



TO: Larry D. Gilley, City Manager

**City Council
Meeting Date: 7/26/12**

FROM: Jim Frazier, Deputy Chief

SUBJECT: Purchase of Personal Protective Equipment – Bid #CB-1227

GENERAL INFORMATION

This purchase will provide for the acquisition of approximately 40 sets of personal protective equipment (PPE) for the Fire Department.

Advertisements were published on May 20, 2012 and May 27, 2012. Bids were opened on June 12, 2012 at 11:00 A.M. Three (3) bid invitations were requested with three (3) vendors submitting bids.

SPECIAL CONSIDERATIONS

This purchase will continue the Fire Department's goal to upgrade its current inventory of protective clothing. Also, this purchase will ensure the department's continued responsibility to comply with the National Fire Protection Association's (NFPA) standards on protective equipment.

Bids from Daco Fire Equipment and Casco Industries did not meet specifications. Ferrara Fire Apparatus met all specifications.

FUNDING/FISCAL IMPACT

The Fire Department's general operating budget will fund this purchase.

STAFF RECOMMENDATION

Staff recommends that Bid #CB-1227 be awarded to Ferrara Fire Apparatus, Inc. on a per unit price of \$1,792.00. This price is for a one (1) year period with the option to renew up to three (3) additional one (1) year periods under the same terms and conditions with the agreement of all parties.

ATTACHMENTS

Bid Tabulation.

Prepared by:

Name Jim Frazier

Title Deputy Chief

Item No. 6.9

Disposition by City Council

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

City Secretary

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

DEPARTMENT: FIRE
 BID NO.: CB-1227
 TIME OF OPENING: 11:00 A.M.
 DATE OF OPENING: JUNE 12, 2012

FERRARA FIRE APPARATUS,
 INC.
 GRAHAM, TX

DACO FIRE EQUIPMENT
 LUBBOCK, TX

CASCO INDUSTRIES
 GRAND PRAIRIE, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	PERSONAL PROTECTIVE EQUIPMENT (PPE)	40	EA	*1,792.00			DOES NOT MEET SPECS		DOES NOT MEET SPECS						
BASE BID															
DISCOUNT															
TOTAL BID															

*NOTES: INDICATES RECOMMENDED AWARD



City Council
Agenda Memo

TO: Larry D. Gilley, City Manager **City Council Meeting Date: 07-26-2012**
FROM: Mindy Patterson, Director of Finance
SUBJECT: Award of Bid – Mini-Bus For Senior Citizens Services

GENERAL INFORMATION

Fleet Management seeks approval to purchase one (1) Mini-Bus for Senior Citizens Services. The unit is to replace a mini-bus that is worn out and no longer cost-effective to maintain. The mini-bus will be utilized in transporting supplies, meals and participating citizens in the Senior Services program.

The unit is to be purchased through the Houston Galveston Area Council Cooperative (HGAC).

BID TABULATION

<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
Alliance Bus Group	Eldorado National Aerotech 220 HGAC contract # BT01-11	\$64,862.00

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 HGAC.

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 # _____ _____ <p style="text-align: center;">City Secretary</p>
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City Council
Agenda Memo

TO: Larry D. Gilley, City Manager **City Council Meeting Date: 07-26-2012**
FROM: Mindy Patterson, Director of Finance
SUBJECT: Award of Bid – Tracked Excavator For Stormwater

GENERAL INFORMATION

Fleet Management seeks approval to purchase one (1) Tracked Excavator for the Stormwater division of Public Works. The unit is to replace a Walking Excavator that is worn out and no longer cost-effective to maintain. The excavator will be utilized in cleaning, dredging and maintaining creek beds throughout the city.

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

BID TABULATION

<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
Warren Cat	Caterpillar 314 D LCR BuyBoard contract # 345-10	\$198,000.00

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.

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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