

City Council
Agenda Memo



City Council
Meeting Date: 12/20/2012

TO: Larry D. Gilley, City Manager

FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading of an ordinance for Case No. Z-2012-31, a request from LKC Group LLC, agent Harris Acoustics, to rezone property from AO (Agricultural Open Space) to GC (General Commercial), located at the northeast corner of Highway 83-84 and Beltway South; and setting a public hearing for January 10, 2013.

GENERAL INFORMATION

The property is zoned AO and is vacant. The surrounding area is developed with a mix of residential and retail uses. There is an existing convenience store with fuel sales to the south and a retail building to the west across Highway 83-84. The remaining area is developed with single-family residential properties. The applicant is proposing to develop the property with a coffee shop. The applicant is requesting the GC (General Commercial) zoning to match the other corners of the intersection. Due to the adjacent residential uses, staff feels GR (General Retail) zoning would be more appropriate.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a Gateway/Mixed Use entrance to the City of Abilene. This area remains under-developed with increasing activity occurring, primarily for non-residential development. However, there are existing residential uses surrounding the property to the north and east. Rezoning to GR would not have a negative impact on the surrounding properties and would be compatible with the City's plans for this area, while still allowing for the proposed use.

STAFF RECOMMENDATION

Staff recommends approval of GR zoning.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of GC zoning by a vote of 6 in favor (Famble, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 7, 2012

Item No. 6.1

Disposition by City Council

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

City Secretary

ORDINANCE NO. _____

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

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

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

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

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

PASSED ON FIRST READING this 20th day of December, A.D. 2012.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 16th day of November, 2012, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 10th day of January, 2013 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 10th day of January, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to GC (General Commercial) District.

Legal Description:

A1694 SUR 22 L A L N/2 & SW/4, ACRES 2.52



Location:

The northeast corner of Highway 83-84 and Beltway South

-END-

ZONING CASE Z-2012-31

STAFF REPORT



APPLICANT INFORMATION:

LKC Group, LLC
Agent: Harris Acoustics

HEARING DATES:

Planning & Zoning Commission: December 3, 2012
City Council 1st Reading: December 20, 2012
City Council 2nd Reading: January 10, 2013

LOCATION:

Northeast corner of Highway 83-84 and Beltway South

REQUESTED ACTION:

Rezone property from AO to GC



SITE CHARACTERISTICS:

The subject property is approximately 2.52 acres and is currently zoned AO (Agricultural Open Space). The property is currently undeveloped. The adjacent properties have AO zoning to the north and east, GC (General Commercial) zoning to the south, and GC zoning across Highway 83-84.

ZONING HISTORY:

The property was annexed in 1980 and was zoned AO sometime after.

ANALYSIS:

- Current Planning Analysis

The property is zoned AO and is vacant. The surrounding area is developed with a mix of residential and retail uses. There is an existing convenience store with fuel sales to the south and a retail building to the west across Highway 83-84. The remaining area is developed with single-family residential properties. The applicant is proposing to develop the property with a coffee shop. The applicant is requesting the GC (General Commercial) zoning to match the other corners of the intersection. Due to the adjacent residential uses, staff feels GR (General Retail) zoning would be more appropriate.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as part of a Gateway/Mixed Use entrance to the City of Abilene. This area remains underdeveloped with increasing activity occurring, primarily for non-residential development. However, there are existing residential uses surrounding the property to the north and east. Rezoning to GR would not have a negative impact on the surrounding properties and would be compatible with the City's plans for this area, while still allowing for the proposed use.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of GR.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

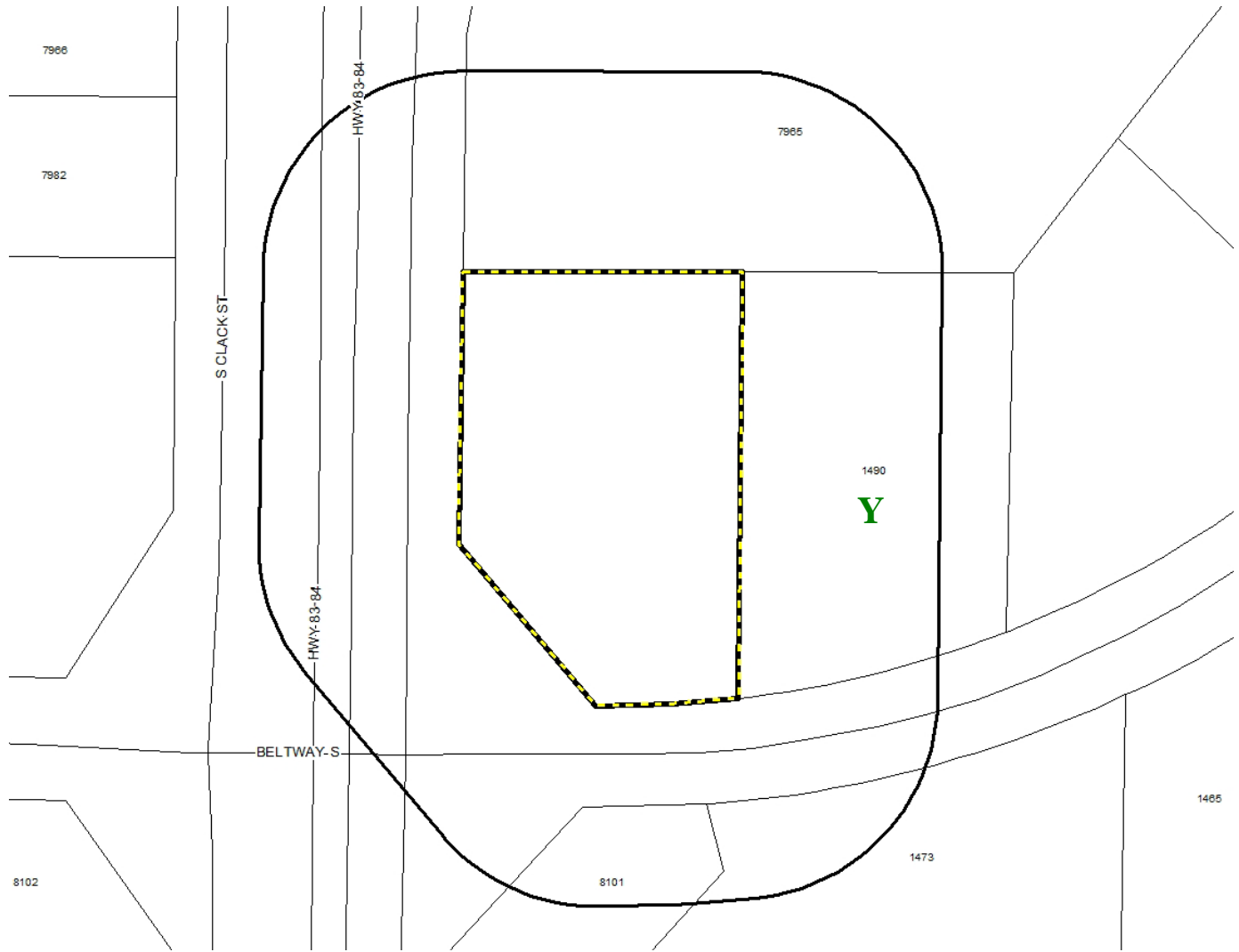
The Planning and Zoning Commission recommends approval of GC zoning by a vote of 6 in favor (Famble, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
GOWDY JERRY L & GEORGIA F		
SKINNYS INC	8101 HWY 83-84	
JENKINS TONY & JULIE	7965 HWY 83-84	
GOWDY JERRY L	1490 BELTWAY S	In Favor
CENTRO REAL ESTATE LP	1473 BELTWAY S	

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







City Council
Agenda Memo



City Council
Meeting Date: 12/20/2012

TO: Larry D. Gilley, City Manager

FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading on an ordinance amendment to amend the Land Development Code to allow active outdoor recreation as a conditional use in residential districts; and setting a public hearing for January 10, 2013.

GENERAL INFORMATION

Many of the swimming pools associated with residential subdivisions were developed as an amenity and accessory to the development. Over time, several of these swimming pools have become unmaintained, under-utilized or even unused. A request has been made to convert a neighborhood swimming pool to a commercial pool that would allow for anyone to use after payment of an entrance fee. This use is not permitted currently by the Land Development Code.

Commercial swimming pools are considered as 'Recreation – Outdoors (active)'. This includes activities that take place outdoors and use athletic fields (such as baseball diamonds), play courts (such as tennis courts), swimming pools, carnival-type games and rides, go-carts, golfing facilities, campgrounds and other similar uses. These may include accessory structures for restrooms, concessions, dressing, offices, and associated ticket/equipment purchase or rental. These uses are not permitted in any residential zoning districts.

Staff is proposing to allow 'Recreation – Outdoors (active)' with approval of a Conditional Use Permit in the residential zoning districts. The use would allow the possibility for conversion of neighborhood swimming pools that currently exist and are not being used, but with an individualized review by the Commission and City Council as a Conditional Use Permit. The section proposed for amendment is Section 2.4.2.1 – Land Use Matrix.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Famble, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

ATTACHMENTS

Ordinance

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 7, 2012

Item No. 6.2

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 20th day of December A.D. 2012.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 16th day of November, 2012, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 10th day of January, 2013, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 10th day of January, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT “A”

AMEND: Section 2.4.2.1 The Land Use Matrix

ADD: Add the Conditional Use Permit designation to residential districts for the “Recreation – Outdoors (active)” use to the Land Use Matrix

LEGEND: P-Permitted, Blank-Not Permitted, C-Conditional Use Permit, TP-Requires a Temporary Permit, IZ-Conditions Apply See Ch.2 Art.5 Div.3

Permitted Uses	Agricultural Open Space	Rural Residential RR-5 & RR1	Residential Single-Family	Residential Single-Family Patio Home	Residential Townhouse	Residential Medium Density	Residential Multi-Family	Manufactured/Mobile Home	College & University	Neighborhood Office	Office	Neighborhood Retail	General Retail	Medical Use	Central Business	Mixed Use	General Commercial	Heavy Commercial	Light Industrial	Heavy Industrial	Parking Requirements (also refer to Chapter 4, Article 2, Division 1)
	AO	RR	RS	PH	TH	MD	MF	MH	CU	NO	O	NR	GR	MU	CB	MX	GC	HC	LI	HI	
Cultural & Recreation Uses																					
Recreation – Outdoors (active)	<input checked="" type="checkbox"/>	C	C	C	C	C	C	C	C	P				C	C		C	P	P		1/8 seating capacity

-END-

City Council
Agenda Memo



City Council
Meeting Date: 12/20/2012

TO: Larry D. Gilley, City Manager

FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading on an ordinance amendment to amend the Land Development Code related to regulations pertaining to child-care as a home occupation; and setting a public hearing for January 10, 2013.

GENERAL INFORMATION

“Day Care Operations – Home-Based” are specifically identified in the Land Use Matrix of local zoning regulations, under the heading of “Accessory and Incidental Uses.” Home-based day care operations are permitted in all zoning districts where detached single-family homes are also allowed.

The particular provisions of the Land Development Code proposed to be amended are those which define and describe the type of day-care operations that are allowed in a caregiver’s home. The existing language has caused some confusion and misunderstanding about what is and is not allowed as home-based day care. Some have interpreted these standards as allowing no more than 6 children to be provided day care at a residence.

The State of Texas, however, has long regulated practically all types of day care for children, including those which are home-based. The State of Texas has several categories of home-based day care and in certain circumstances allows as many as 12 children to be provided care in a home. These include the caregiver’s own children. The actual number of children allowed to be provided care, in a home, is based on sliding-scale formulas that reflect:

- the age of children provided care; and
- whether children are provided all-day care or only after-school care.

Proposed amendments to the Land Development Code recognize the State of Texas’ significant role in regulating home-based day care. Proposed amendments generally allow home-based day care to the degree and intensity allowed by the State of Texas, while also recognizing that ordinary zoning limitations for home occupations are also applicable. These include limitations on signage and the outside appearance of homes where such business activity occurs.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Famble, Glenn, Rosenbaum, Todd, Yungblut, & McClarty) and none opposed.

ATTACHMENTS

Ordinance

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 7, 2012

Item No. 6.3

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 20th day of December A.D. 2012.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 16th day of November, 2012, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 10th day of January, 2013, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 10th day of January, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT "A"

AMEND: Section 2.4.3.3 – All Other Uses With Specific Requirements

REVISE: Revise the language for regulations pertaining to “Day Care Operation – Home Based” uses.

Chapter 2 – Zoning Regulations

Article 4 -- Use Regulations

Division 3 – Requirements Applicable to Specific Land Uses

Section 2.4.3.3 -- All Other Uses With Specific Requirements

~~(13) **DAY CARE OPERATION – HOME BASED:** Child day care operations for more than six (6) children shall meet all requirements for Day Care Operation – Center Based specified in Subsection 2.4.3.3.a(12) above.~~

(13) **DAY CARE OPERATION -- HOME BASED:** Child day care operations allowed as accessory to a residence shall include only those specifically listed, registered or licensed by the Texas Department of Family and Protective Services (or other applicable state agency) to be undertaken in the caregiver’s home and shall, furthermore, be subject to all standards and limitations relevant to such listing, registration or licensing. These include but are not limited to restrictions on the number and age of children for whom care is provided. Home-based day care operations shall also be subject to all limitations applicable to other home occupations, as stipulated in Section 2.4.5.2 of this Land Development Code.

AMEND: Section 5.1.1.3 – Land Use Definitions

REVISE: Revise the definition for home-based operation under the “Child Day-Care Operation” land use.

Chapter 5 – Definitions

Article 1 – Definitions

Division 1 – Definitions

Section 5.1.1.3 – Land Use Definitions

(36) **CHILD DAY-CARE OPERATION:** This is a general definition that means the care, supervision, training or education of an unrelated child or children under fourteen (14) years old for less than twenty-four (24) hours pe day that occurs in a place other than the child’s own home. This definition includes child day care provided to school-age children before and/or after the customary school day.

a. Center-Based Operation.

1. Child-Care Center. An operation providing care for seven or more children under 14 years of age for less than 24 hours per day at a location other than the permit holder’s home.

2. Kindergarten and Nursery School. An operation that provides an educational program that is four hours or less per day and mnore than two days a week for children two through six years.

b. Home-Based Operation.

1. ~~Listed Family Home.~~ A caregiver at least 18 years old that provides care in her own home for compensation, for three or fewer children unrelated to the to the caregiver, birth through 13 years, for at least 4 hours a day, three or more days a week, and more than nine consecutive weeks. The total number of children in care, including children related to the caregiver, may not exceed 12.
2. ~~Registered or Licensed Child Care Home.~~ The primary caregiver provides care in the caregiver's own residence from birth through 13 years. The total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

Child care operations allowed as an accessory to a residence shall include only those specifically listed, registered or licensed by the Texas Department of Family and Protective Services (or other applicable state agency) to be undertaken in the caregiver's home and shall, furthermore, be subject to all standards and limitations relevant to such listing, registration or licensing. These include but are not limited to restrictions on the number and age of children for whom care is provided.

-END-

City Council
Agenda Memo



City Council
Meeting Date: 12/20/2012

TO: Larry D. Gilley, City Manager

FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading on an ordinance amendment to amend the Land Development Code to allow digital conversion of billboards in the Buffalo Gap Corridor Overlay; and setting a public hearing for January 10, 2013.

GENERAL INFORMATION

Digital billboards are an emerging trend for off-site advertising. Several new digital billboards and conversions of existing billboards have been installed in the City of Abilene. A request has been made to convert an existing billboard at the southeast corner of Buffalo Gap Road and Highway 83-84. This billboard falls within the Buffalo Gap Corridor Overlay which prohibits new off-site signs within the boundaries of the overlay district, with the exception of off-site group signs. Such conversion requires a permit and is considered a new sign.

Staff is proposing to allow digital conversion of billboards in the Buffalo Gap Corridor Overlay. The amendment would only allow for the conversion of existing billboards and would not permit new billboard locations in the Buffalo Gap Corridor Overlay. The Sign Regulations provide standards for the display of the images as well as the brightness of the signs. The section proposed for amendment is Section 2.3.4.1 – Corridor Overlay (COR) District.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Famble, Glenn, Rosenbaum, Todd, and Yungblut) and 1 opposed (McClarty).

ATTACHMENTS

Ordinance

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 7, 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 20th day of December A.D. 2012.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 16th day of November, 2012, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 10th day of January, 2013, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 10th day of January, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT "A"

AMEND: Section 2.3.4.1 Corridor Overlay (COR) District

REVISE: Revise the language in the Prohibited Signs section (letter 'b') to allow for digital conversion of an existing billboard.

(e) **Signage Requirements.**

4. Prohibited Signs

~~b. No new off-site signs shall be permitted within the boundaries of the overlay district with the exception of off-site group signs.~~

- b. No new off-site signs shall be permitted within the boundaries of the overlay district with the exception of:
- off-site group signs;
 - digital conversion of an existing billboard

-END-



**City Council
Agenda Memo**



**City Council
Meeting Date: December 20, 2012**

TO: Larry D. Gilley, City Manager
FROM: Administrative Staff
SUBJECT: Richard J. Leidl, P.C.

GENERAL INFORMATION

In 2005, the City of Abilene began using the professional services of Richard J. Leidl, a Washington D.C. area legislative and regulatory consultant, to assist in identifying sources of federal funding for City projects. With his assistance the City has received funding for use in projects ranging from paratransit vehicles to law enforcement training facility improvements. Mr. Leidl proposes to assist the City in seeking funding through agency grants, as well as continuing to assist with other on-going projects that involve Federal funding and oversight. Those efforts include assistance with the Cedar Ridge Reservoir Project, and the City's application to the US Army Corps of Engineers for a 404 construction permit.

FUNDING/FISCAL IMPACT

Estimated annual cost will not exceed \$72,000, plus expenses, and will be funded from various sources.

STAFF RECOMMENDATION

Staff recommends that the City Council, by oral resolution, approve a contract with Richard J. Leidl, P.C. for an estimated annual amount of \$72,000, plus expenses, to cover the period January 1 through December 31, 2013, and authorize the City Manager to execute the contract.

Prepared by: Name: Larry D. Gilley <i>LG</i> Title: City Manager	Item No. <u>6.6</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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RICHARD J. LEIDL, P.C.

5335 WISCONSIN AVENUE, N.W.

SUITE 440

WASHINGTON, D.C. 20015

TEL. 202.686.4847

rleidl@rjleidlpc.com

CELL 202.306.3253

FAX 202.686.2877

December 4, 2012

Mr. Larry Gilley
City Manager
City of Abilene
555 Walnut Street
Abilene, TX 79601

Re: Proposal for Representation in 2013

Dear Mr. Gilley:

Based on our discussions, we submit this proposal to continue to assist the City of Abilene ("City") during 2013 by providing legal services, including law-related services such as legislative lobbying, concerning (1) efforts to obtain Federal funding and Federal support for various City projects, such as the proposed Cedar Ridge Reservoir, and (2) the City's initiatives on Federal legislative and regulatory issues. Our efforts will include working with the City's Congressional delegation for support on legislation and matters with Federal agencies and working with Federal agencies to obtain funding or approvals through their programs.

For 2013, we propose to continue our efforts in seeking Federal funding for the City through agency grants. This will include advising the City of grant programs, meetings with Federal agencies at the headquarters level here in Washington, D.C., and seeking Congressional support for the City's grant applications.

In 2012, we completed our ongoing efforts to have the Federal Aviation Administration ("FAA") build a new control tower at the Abilene Regional Airport ("Airport"), with the tower becoming operational in April 2012. We propose to continue to support the City's efforts to improve the Airport's infrastructure and to maintain and increase the levels of air service. We also supported the City's efforts on several legislative and regulatory issues, including the extension of the New Markets Tax Credits. For 2013, we propose to continue to assist the City on Federal legislative and regulatory issues that are of concern.

During 2012 we also assisted on the City's efforts to construct a new water reservoir, known as the Cedar Ridge Reservoir, and to explore other water supply opportunities. Our

efforts included extensive meetings here in Washington, D.C., in May with Members and staff of the Congressional delegation and officials at several Federal agencies, including the Army Corps of Engineers and the Environmental Protection Agency. The goals of these meetings have been to advise Federal officials about the reservoir's importance to the City and other communities in the region, to explore Federal funding opportunities, and to lay the foundation for support for this significant, long-term project. We propose that City officials continue this process in 2013, particularly with the planned filing of the section 404 permit application with the Army Corps of Engineers.

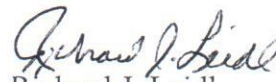
In 2012, as in prior years, we arranged and participated in meetings in Washington with Members and staff of the Congressional delegation and with Federal officials at various agencies. We recommend that City officials continue their practice of visiting Washington for these types of meetings, which can be arranged during trips to Washington on the reservoir project or during a separate trip. Based on developments, we will advise the City whether additional visits are necessary to address specific issues.

It has been our practice to work very closely with the City as part of its team and we will be in regular contact through telephone calls and emails with City officials to keep you apprised of developments. If you wish, we will also provide written reports updating the City on developments.

We propose to assist the City on the foregoing matters for a retainer of \$72,000 plus expenses for the period January 1, 2013 through December 31, 2013, which would be \$6,000 per month plus expenses. Our Billing and Payment Policies are attached. Since we will be in contact on a regular basis and since we will send invoices each month, the City will be able to track our efforts. If this proposal is acceptable, please confirm the City's agreement by executing a copy of this letter in the space provided and returning it to me.

It continues to be a privilege to be a part of the City's team here in Washington and we appreciate the opportunity to be of assistance.

Sincerely,



Richard J. Leidl
President

The foregoing is agreed to:

The City of Abilene

By: _____
Larry D. Gilley
City Manager

Dated:

Richard J. Leidl, P.C.

Billing and Payment Policies

Non-Fee Charges.

Non-fee charges are set forth below. In cases where costs incurred for outside materials or services exceed \$200, we may forward the vendor's statement directly to you for payment with the understanding that the payment will be made promptly. As a result of billing delays by outside vendors, some charges may be billed later than the period in which the corresponding services are rendered.

Photocopying	No charge, except for large volumes handled by a vendor, in which case the photocopying would be billed at the rate charged by the vendor.
Facsimile	No charge.
Postage	No charge, except for unusually large mailings which are billed at U.S. Postal Service rates.
Overtime Secretarial Services	\$39.00 per hour.
Telephone	Long distance call and conference call charges are billed at cost.
Computerized Legal Research	Billed at rates charged by computerized research vendors (e.g., Lexis, Westlaw).
Mileage	Internal Revenue Service standard mileage rates.
Airfare	Coach class.
Other Travel Expenses	At cost.
Other Third Party Charges	All other third party charges, including overnight delivery services, are billed at the rates charged by these third parties.

Monthly Statements Due Upon Receipt.

Our statements will generally be prepared and mailed during the month following the end of the month in which the services are rendered. Statements are due upon receipt.

Termination of Services.

Our clients have the right to terminate our services at any time. We will have the same right, subject to any professional obligation to give the client reasonable time to arrange alternative representation and subject to the rules of any applicable court or tribunal. In the event of a termination of our services, the client will be obligated to pay for our fees and other non-fee charges incurred prior to the delivery of the notice of termination.

**City Council
Agenda Memo**



**City Council
Meeting Date: Dec 20, 2012**

TO: Larry D. Gilley, City Manager

FROM: Rodney Taylor, Assistant Director of Water Utilities

SUBJECT: Oral Resolution Awarding Bid for the Vogel Avenue and Mimosa Drive Sewer Line Project

GENERAL INFORMATION

On November 20, 2012 the City of Abilene received bids for the Vogel Avenue and Mimosa Drive Sewer Line Project (Project). The Project was advertised in the Abilene Reporter News on November 4th and 11th, 2012. Only one bid was received. The lone bid was submitted by Starks Construction Company (Starks) of Abilene, TX in the amount of \$119,860.50. City staff did verify that competitive bidding requirements were followed. The Engineer, after evaluating the bid submittal, does recommend awarding the bid to Starks. The bid value is within the Engineer's cost estimate for the Project.

There is an existing sewer main that collects domestic wastewater flows from a north Abilene apartment community. That same sewer main continues east within a public alley located between Sherry Lane and Melinda Lane. The single family residential homes along the alley are also connected to that same sewer main. Due to the large volume and the nature of the sewer flows in that sewer main, the City's Wastewater Collection personnel must spend an excessive amount of time and resources clearing and maintaining that section of sewer main.

The Project will intercept and reroute the wastewater discharge from the apartment community into a new sewer main that will transport those flows to a nearby collector main. Approximately 1,355 feet of new main is to be constructed at and near the intersection of Mimosa Drive and Vogel Avenue. The existing six inch sewer main will continue to serve only those single family residences along the alley.

FUNDING/FISCAL IMPACT

The Project will be funded using encumbered funds from the FY 2012 Water Department Operating Budget Division 8060 and identified as **5008060610-64235-9310**.

STAFF RECOMMENDATION

Staff recommends that the City Council award the bid for the Vogel Avenue and Mimosa Drive Sewer Line Project to Starks in the amount of \$119,860.50, and to authorize the City Manager or his designee to execute all necessary documents related to the contract.

ATTACHMENTS

Engineer's letter of recommendation
Bid Tab Sheet CB-1310

Prepared by:

Name Rodney Taylor

Title Asst. Water Director

Item No. _____

Disposition by City Council

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

City Secretary

 **JACOB & MARTIN, LTD.**
CONSULTING ENGINEERS
Firm No. 2448

3485 Curry Lane
Abilene, Texas 79606
325-895-1070
www.jacobmartin.com

1508 Santa Fe Drive
Suites 204-205
Weatherford, Texas 78088
817-594-9880

November 29, 2012

Mr. Rodney Taylor, Assistant DWU
City of Abilene
P.O. Box 60
Abilene, Texas 79604

Re: Vogel Ave and Mimosa Dr Sewer Line
Letter of Recommendation

Via Email

Dear Mr. Taylor:

On November 20, 2012 the City opened bids for the Vogel Avenue and Mimosa Drive Sewer Line project. One bid was received for this project at a price of \$119,860.50. The bid was submitted by Starks Construction Co. A bid tabulation is attached as part of this letter, which summarizes the breakdown of the bid. The engineer's estimate for the project was approximately \$120,000 (see attached cost estimate). I have checked references of the low bidder and have found no reason to disqualify the Contractor. Based on the bid received and the budget for the project, I recommend awarding the contract to Starks Construction Co. for the bid of \$119,860.50. Assuming the city council and water department concur with awarding of the project, we will prepare documents for execution by the Contractor and the City. Feel free to contact me if you have any questions.

Sincerely,

JACOB & MARTIN, LTD.



Kirt Harle, P.E.

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

DEPARTMENT: WATER
 BID NO.: CB-1310
 TIME OF OPENING: 2:00 P.M.
 DATE OF OPENING: NOVEMBER 20, 2012

STARKS CONSTRUCTION
 CO.
 ABILENE, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	VOGEL AVENUE & MIMOSA DRIVE SEWER LINE				119,860.50										
	BASE BID				119,860.50										
	DISCOUNT														
	TOTAL BID				119,860.50										

*NOTES: INDICATES RECOMMENDED AWARD

**City Council
Agenda Memo**



TO: Larry D. Gilley, City Manager

**City Council
Meeting Date: 12-20-12**

FROM: Stan Standridge, Chief of Police

SUBJECT: Abilene Police Department Rifle Program Upgrade and Bid Award

GENERAL INFORMATION

The Abilene Police Department has a long-standing Rifle Program wherein officers are authorized to carry standardized rifles of .223 caliber. Rifles have been recognized as an enhancement to officer safety during high-risk calls for service, as seen throughout the nation on many occasions. Policies and training standards govern the Department's Rifle program. The Department seeks approval for an upgrade to the Rifle program whereby replacement rifles will be procured for officers to ensure current equipment is deployed for the officers' use in the program. The officers will, after proper federal firearm license transfers have occurred and full reimbursement is made to the City, own and maintain the new rifles. This program upgrade is modeled after one successfully implemented by the City of San Angelo's Police Department.

SPECIAL CONSIDERATIONS

Accreditation standards require professional police agencies to adopt Use of Force policies and review and examine weapons use to ensure they are in conformance with the law, departmental policies and community expectations. The Police Department has a comprehensive Use of Force Policy as outlined in Operating Procedures D-4 and D-19.

FUNDING/FISCAL IMPACT

The City of Abilene will purchase the rifles initially. After a federal firearms transfer license is completed by each police officer, the City will be reimbursed by the officers via payroll deduction over 24 bi-weekly pay periods. There will ultimately be no cost to the City as the purchase price and sales tax for each rifle will be reimbursed by the officers to whom the rifle ownership is transferred over 24 pay periods.

STAFF RECOMMENDATION

Staff recommends City Council approval of the bid award for the rifle procurement and the correlated upgrade to the Rifle Program.

ATTACHMENTS:

Summary of competitive bids for the procurement of the rifles

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