



City Council
Agenda Memo

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

City Council
Meeting Date: 04/25/13

SUBJECT: Financing by the Stamford Higher Education Facilities Corporation for
Hardin-Simmons University

GENERAL INFORMATION - Hardin-Simmons University (HSU) has requested financing by the Stamford Higher Education Facilities Corporation, which is a higher education finance corporation. HSU is issuing approximately \$8.0 million that will be used for financing and/or refinancing on a tax exempt basis, the cost of acquiring, constructing, renovating, remodeling and equipping education and housing facilities including: central plant and boilers, Anderson Hall, athletic fields, parking, Mabee RTOC Building, Ferguson Hall, Nix Hall, Abilene Hall, Moody Center, Van Ellis Theatre, University Place Apartments, Hunter Hall, Mabee Complex, Frost Art Center, Caldwell Hall, Behrens Hall, Blanche Lange Hall, Richardson Library, Holland Health Science Building, Mabee Hall, Johnson Building, and other improvements including sidewalks, ramps, grounds and lighting, all on or around the HSU campus at 2200 Hickory, Abilene, Texas. Financing for the project has been arranged by Frost Bank. The Frost Bank offer is conditioned upon the financing being "Bank Qualified" which means that the issuer and the City on whose behalf it was created may not issue more than \$10 million in tax-exempt securities in any year. For this reason, HSU has opted to have the Stamford Higher Education Facilities Corporation issue the obligation instead of the Abilene Higher Education Facilities Corporation (AHEFC) since it is unknown at this time if the City will issue certificates of obligation.

The Internal Revenue Code of 1986, Section 147(f), contains a provision that requires the chief elected officer of the City of Abilene to sign an approval of the financing and the project, since the project is located in the City.

SPECIAL CONSIDERATIONS - HSU held a public hearing on April 12, 2013, to discuss the issuance of the obligation. The hearing officer for HSU, Mr. Harold Preston, provided a copy of the certificate of public hearing.

FUNDING/FISCAL IMPACT - The City will have no liabilities for the payment of the obligation nor shall any of its assets be pledged to the payment of the obligation.

STAFF RECOMMENDATION - Staff recommends that the City Council approve the attached Resolution.

ATTACHMENT - Resolution without Exhibits

Prepared By:
Name Mindy Patterson
Title Director of Finance

Item No. 6.1

Disposition by City Council
 Approved Denied
 Other Ord/Res # _____

City Secretary

CERTIFICATE FOR RESOLUTION

(Project City)

THE STATE OF TEXAS §
COUNTY OF TAYLOR §
CITY OF ABILENE §

We, the undersigned officers of the City of Abilene, Texas (the "*City*"), hereby certify as follows:

1. The City Council of said City convened in regular meeting on April 25, 2012 (the "*Meeting*"), at the designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Norm Archibald	Mayor
Shane Price	Councilmember
Joe Spano	Councilmember
Anthony Williams	Councilmember
Robert O. Briley	Councilmember
Stormy Higgins	Councilmember
Kellie Miller	Councilmember

and all of said persons were present, except _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING FINANCING BY THE STAMFORD HIGHER EDUCATION FACILITIES CORPORATION FOR THE BENEFIT OF HARDIN-SIMMONS UNIVERSITY AND RELATED MATTERS.

(the "*Resolution*") was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said Resolution be adopted and, after due discussion, said motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: All members of the City Council shown present above voted "Aye," except as provided below:

NAYS: N/A

ABSTENTIONS: N/A

2. That a true, full and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Resolution has been duly recorded in said City Council's minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City

Council's minutes of said Meeting pertaining to the adoption of said Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for adoption at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

3. That the Mayor of said City has approved and hereby approves the aforesaid Resolution; that the Mayor and the City Secretary of said City have duly signed said Resolution; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Resolution for all purposes.

SIGNED AND SEALED April 25, 2013.

City Secretary

Mayor

(SEAL)

RESOLUTION # _____

**RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING
FINANCING BY THE STAMFORD HIGHER EDUCATION
FACILITIES CORPORATION FOR THE BENEFIT OF
HARDIN-SIMMONS UNIVERSITY AND RELATED MATTERS.**

**THE STATE OF TEXAS §
COUNTY OF TAYLOR §
CITY OF ABILENE §**

WHEREAS, the Stamford Higher Education Facilities Corporation ("*Corporation*") is a nonprofit corporation created by the City of Stamford, Texas pursuant to Section 53A.35(b) of the Higher Education Authority Act (Chapter 53A, Texas Education Code, as amended);

WHEREAS, the City of Abilene, Texas (the "*City*") has been informed that the Corporation has been requested by Hardin-Simmons University (the "*Borrower*") to assist it in financing and/or refinancing on a tax-exempt basis, the cost of acquiring, constructing, renovating, remodeling and equipping education and housing facilities, and facilities incidental, subordinate, or related thereto or appropriate in connection therewith, including: central plant and boilers, Anderson Hall, athletic fields, parking, Mabee RTOC Building, Ferguson Hall, Nix Hall, Abilene Hall, Moody Center, Van Ellis Theatre, University Place Apartments, Hunter Hall, Mabee Complex, Frost Art Center, Caldwell Hall, Behrens Hall, Blanche Lange Hall, Richardson Library, Holland Health Science Building, Mabee Hall, Johnson Building, and other improvements including sidewalks, ramps, grounds and lighting, all on or around the Borrower's campus at 2200 Hickory, Abilene, Texas 79698 (the "*Project*");

WHEREAS, the Corporation is authorized by the provisions of Chapter 53A of the Texas Education Code and the Texas Non-Profit Corporation Act, Article 1396, Tex. Rev. Civ. Stats. Ann. (collectively, "*State Law*"), to enter into contractual obligations in order to finance or refinance the cost of acquiring, constructing, renovating, remodeling and equipping education and housing facilities, and facilities incidental, subordinate, or related thereto or appropriate in connection therewith, including the Project;

WHEREAS, the Corporation is authorized by State Law to provide financing for educational and/or housing facilities by contractual arrangement, and the Loan Agreement (the "*Loan Agreement*") among the Borrower, the Corporation and Frost Bank (the "*Bank*") constitutes contractual arrangements in which the Corporation is authorized by State Law to participate in (the transactions set forth in the Loan Agreement, by which the Corporation will borrow up to \$8,000,000 from the Bank and then loan such amount to the Borrower for financing and/or refinancing the cost of acquiring, constructing, renovating, remodeling and equipping education and housing facilities, and facilities incidental, subordinate, or related thereto or appropriate in connection therewith, including the Project, as aforesaid, are hereinafter referred to as the "*Financing*");

WHEREAS, pursuant to the Loan Agreement, the Borrower has agreed to make payments in amounts sufficient to pay loan payments required to be made under the Loan Agreement (the “*Loan Payments*”);

WHEREAS, section 147(f) of the Internal Revenue Code of 1986, as amended (the "*Code*") requires that the issuance of any qualified 501(c)(3) obligations be approved by either the governing body of the City or the chief elected executive officer of the City after a public hearing following reasonable public notice;

WHEREAS, the publication of the Notice of Public Hearing (the "*Public Notice*") is evidenced by a Publisher's Affidavit (a copy of which is attached hereto as Exhibit A);

WHEREAS, attached hereto as Exhibit B is Certificate of Public Hearing regarding the conduct of the Public Hearing;

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

Section 1. The City hereby specifically approves the Financing and the Project (as defined in the Public Notice) solely for the purpose of satisfying the requirements of section 147(f) of the Code; provided that the City shall have no liabilities for the payment of any of the Loan Payments nor shall any of the City's assets be pledged to secure the payment of the Loan Payments.

Section 2. This Resolution shall become effective immediately upon its passage.

ADOPTED AND APPROVED this the 25th day of April, 2013.

ATTEST:

City Secretary

(City Seal)

Mayor

APPROVED:

City Attorney

**City Council
Agenda Memo**



**City Council
Meeting Date: April 25, 2013**

TO: Larry D. Gilley, City Manager

FROM: Tommy O'Brien, Director of Water Utilities

SUBJECT: Written Resolution Approving a Request to the Brazos G Regional Water Planning Group and the Texas Water Development Board Seeking to Continue to Evaluate the Supplies Available from Fort Phantom Hill Reservoir Based on a Two-year Safe Yield

GENERAL INFORMATION

The City is a member of the Brazos G Regional Water Planning Group. The Brazos G Regional Water Planning Group is currently developing its 2016 Regional Water Plan, which will become part of the 2017 State Water Plan, to be adopted by the Texas Water Development Board ("TWDB"). The 2016 Brazos G Regional Water Plan and 2017 State Water Plan will, in part, estimate the water supplies available to the City.

The City serves as a regional water supplier for many communities and industries located within West Central Texas, utilizing supplies available to the City from its Fort Phantom Hill Reservoir, West Central Texas Municipal Water District's Hubbard Creek Reservoir, and Colorado River Municipal Water District's O.H. Ivie Reservoir. In light of the current drought and uncertainties associated with future drought conditions and global climate change, the City's supplies should be conservatively evaluated so that adequate planning for future demands can be addressed.

Resolution 26-2009 adopted by the City Council, and subsequently approved by the Brazos G Regional Water Planning Group and the TWDB allowed evaluations of Abilene's Fort Phantom Hill Reservoir supply to be based on a two-year safe yield concept for the 2011 Brazos G Water Plan and 2012 State Water Plan. A two-year safe yield identifies the maximum annual diversions available from a water supply source that will allow two years of available diversions during the worst month in the drought of record.

The proposed resolution seeks to have the City Manager request that the Brazos G Regional Water Planning Group and TWDB evaluate the supplies available from Fort Phantom Hill Reservoir based on a two-year safe yield. Such evaluation will be used in adopting the 2016 Brazos G Regional Water Plan and the 2017 State Water Plan, and in subsequent planning cycles.

Hubbard Creek Reservoir is essentially operated based on a two-year safe yield by contracting with Member Cities (Abilene, Anson, Albany and Breckenridge) at 85% of the one-year safe yield. Inflows to O.H. Ivie Reservoir over the past ten years have reduced the one-year safe yield of the reservoir by over 27%, and will likely be reduced even further. Additionally, from 1993-2006, streams in the Abilene area experienced approximately a 18% reduction in stream flow from flows available during the previous drought of record lasting from 1943-1956. It appears the current drought will provide a new drought of record. Thus, it is prudent for the City's supplies to be evaluated based on a conservative approach so as to ensure the City's available supplies are not overestimated.

STAFF RECOMMENDATION

The Staff is requesting, through a written resolution, that the City Council direct the City Manager to request that the Brazos G Regional Water Planning Group and the Texas Water Development Board approve the evaluation of supplies available from Fort Phantom Hill Reservoir based on a two-year safe yield.

ATTACHMENTS

Written Resolution

Prepared by: Name <u>Tommy O'Brien, P.E.</u> Title <u>Director of Water Utilities</u>	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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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO REQUEST THAT THE BRAZOS G REGIONAL WATER PLANNING GROUP AND THE TEXAS WATER DEVELOPMENT BOARD CONTINUE TO AUTHORIZE THE EVALUATION OF THE WATER SUPPLIES AVAILABLE FROM THE FORT PHANTOM HILL RESERVOIR BASED ON A TWO-YEAR SAFE YIELD ESTIMATE.

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

WHEREAS, the City's major water supplies come from the City's Fort Phantom Hill Reservoir, the West Central Texas Municipal Water District's Hubbard Creek Reservoir, and the Colorado River Municipal Water District's O.H. Ivie Reservoir; and,

WHEREAS, the City is a member of the Brazos G Regional Water Planning Group; and,

WHEREAS, every five years, the Brazos G Regional Water Planning Group is charged with evaluating available supplies of water and demand for the City of Abilene as it develops the Brazos G Regional Water Plan; and,

WHEREAS, the City of Abilene and surrounding region have experienced a severe, prolonged drought that is forecasted to continue for several years; and

WHEREAS, inflows to O.H. Ivie Reservoir, Hubbard Creek Reservoir, and Fort Phantom Hill Reservoir have continued to lessen over the past decade; and

WHEREAS, it is uncertain as to what impacts future drought conditions and global climate change may have on the City's water supplies; and,

WHEREAS, in recognition of these conditions, and pursuant to Resolution No. 26-2009 adopted by the City Council and subsequent action by the Brazos G Regional Water Planning Group, Fort Phantom Hill Reservoir was evaluated by the Brazos G Regional Water Planning Group and the Texas Water Development Board (“TWDB”) based on a two-year safe yield concept in the 2011 Brazos Region G Water Plan and 2012 State Water Plan; and

WHEREAS, the City desires to have its supply available from Fort Phantom Hill Reservoir continue to be evaluated by the Brazos G Regional Water Planning Group and the TWDB based on a two-year safe yield estimate so as to ensure that the City is prepared and able to address water demands during a prolonged drought; and,

WHEREAS, the Brazos G Regional Water Planning Group is currently evaluating available supplies of water for the City as it develops the 2016 Brazos G Regional Water Plan; and,

WHEREAS, the Brazos G Regional Water Planning Group and the TWDB must each approve the evaluation of supplies from Ft. Phantom Hill Reservoir on a two-year safe yield estimate in order for such estimates to be included in the 2016 Brazos G Regional Water Plan; and

WHEREAS, the 2016 Brazos G Regional Water Plan will be part of the 2017 State Water Plan, to be adopted by the TWDB; and,

WHEREAS, the City Council wishes to authorize the City Manager or his designee to, as necessary, prepare, make, execute, file, amend, prosecute, negotiate, settle and compromise a request to the Brazos G Regional Water Planning Group and TWDB to continue to evaluate the water supplies available from Fort Phantom Hill Reservoir based on a two-year safe yield estimate for purposes of developing future Brazos G Regional Water Plans and State Water Plans, to employ the services of consultants to assist in making such request, and to negotiate, settle and compromise any challenges or disputes arising out of such request, all as he shall deem to be in the best interest of the City; and,

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

PART 1: The City Manager or his designee is hereby authorized to prepare, or cause to be prepared, a request to the Brazos G Regional Water Planning Group and TWDB to evaluate the water supplies available from Fort Phantom Hill Reservoir based on a two-year safe yield estimate for purposes of developing the 2016 Brazos G Regional Water Plan and 2017 State Water Plan, and for purposes of developing each Regional Water Plan and State Water Plan developed in subsequent planning cycles for the life of Fort Phantom Hill Reservoir, and to negotiate such requests as necessary.

PART 2: A certified copy of this resolution shall be provided to the Brazos G Regional Water Planning Group, TWDB, and to all persons interested in the subject matter hereof.

ADOPTED AND EFFECTIVE this _____ day of _____, A.D., 2013.

ATTEST:

Danette Dunlap

City Secretary

Norm Archibald
Mayor

APPROVED:

T. Daniel Santee
City Attorney

**City Council
Agenda Memo**



TO: Larry D. Gilley, City Manager

**City Council
Meeting Date: 4/25/13**

FROM: Megan R. Santee, Director of Public Works

SUBJECT: Resolution Approving Amendments to the Bylaws for Keep Abilene Beautiful, Inc.

GENERAL INFORMATION

On April 3, 2013, the Keep Abilene Beautiful, Inc. Board of Directors voted and approved changes to the Bylaws of Keep Abilene Beautiful, Inc., as amended September 2, 2009. The Bylaw amendments were developed and presented by the Executive Committee of the Keep Abilene Beautiful, Inc. Board. The amendments consist of a modified Advisory Members list, revised and clarified duties of the Treasurer and Parliamentarian, and an annual audit as required by law.

STAFF RECOMMENDATION

Staff recommends City Council approve by written resolution the amendments to Keep Abilene Beautiful, Inc., bylaws.

BOARD OR COMMISSION RECOMMENDATION

The Keep Abilene Beautiful, Inc., Board of Directors voted on Wednesday, April 3, 2013 to approve the recommended amendments to the bylaws.

ATTACHMENTS

Resolution and Exhibit "A" (Amended Redlined)

<p>Prepared by: Name <u>Nicole Eaves</u> Title <u>Keep Abilene Beautiful Coordinator</u></p>	<p>Item No. <u>6.3</u></p>	<p>Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ City Secretary</p>
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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING AMENDMENTS TO THE BYLAWS OF KEEP ABILENE BEAUTIFUL,
INC.**

WHEREAS, in May, 1986, the City Council adopted the bylaws of Abilene Clean and Proud, Inc., by way of City Council Resolution; and

WHEREAS, as stated in these bylaws, any alternation, amendment, or repeal shall not become effective nor have any force or effect whatsoever unless and until approved by written resolution passed by the city Council of Abilene, Texas; and,

WHEREAS, the bylaws were amended on November 11, 1999, March 3, 2004, and September 2, 2009; and,

WHEREAS, the purpose of the amendment is to modify the Advisory Members list, revise and clarify duties of the Treasurer and Parliamentarian, and address the annual audit.

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

PART 1: That the amended bylaws, attached as Exhibit “A”, be approved, as submitted.

PART 2: That the amended bylaws reflect the modification of the Advisory Members list, revision and clarification of the Treasurer and Parliamentarian duties and, addresses the annual audit.

PART 3: That a vote was taken on April 3, 2013 by the Board of Directors of Keep Abilene Beautiful, Inc. to amend the bylaws to provide for the amendments described herein.

PART 4: That the City Manager, or his designee, is authorized to sign the amended bylaws.

ADOPTED this 25th day of April, A.D. 2013.

ATTEST:

City Secretary

Mayor:

Approved:

City Attorney

BYLAWS

OF

KEEP ABILENE BEAUTIFUL, INC. AS AMENDED April 3, 2013

ARTICLE ONE

OFFICES

1.01 Registered Office and Registered Agent

The Corporation shall have and shall continuously maintain in the State of Texas a registered office, which is located at 555 Walnut Street, Abilene, Texas 79601, and whose mailing address is P.O. Box 60, Abilene, Texas 79604. The Corporation shall also have and continuously maintain a registered agent whose address will be that of the registered office. The registered agent's name is Larry Gilley. The Board of Directors may, from time to time, change the registered agent and/or the address of the registered office provided that such change complies with the Texas Business Corporation Act and is appropriately reflected in these Bylaws and in the Articles of Incorporation.

1.02 Principal Office

The principal office of the Corporation in the State of Texas shall be located in the City of Abilene, Taylor County, Texas, and it may be, but need not be, identical with the registered office of the Corporation. The Corporation may have such other offices either within or without the State of Texas as the Board of Directors may determine or as the affairs of the Corporation may require from time to time.

ARTICLE TWO

PURPOSE

2.01 Purposes

The purpose for which the Corporation is organized is to promote civic, cultural and educational awareness through informed and active participation of citizens in making Abilene a cleaner, safer, and more attractive place to live, work and play.

ARTICLE THREE

NO STOCK AND NO STOCKHOLDERS

3.01 No Stock and No Stockholders

The Corporation shall have no capital stock and no stockholders.

ARTICLE FOUR

BOARD OF DIRECTORS

4.01 Responsibility of Board of Directors

The business and affairs of the Corporation and all corporate powers shall be exercised by or under authority of the Board of Directors, subject to the Texas Non-Profit Corporation Act, the Articles of Incorporation, and these Bylaws. The Board of Directors shall have full charge of the property and business of the Corporation, with full power and authority to manage and to conduct the same.

The Board of Directors may, by contract, resolution, or otherwise, give general or limited or special power and authority to the officers and agents of the Corporation to transact the general business or any special business of the Corporation.

The Board of Directors will be responsible for making an annual report to the City Council of the year's activities.

4.02 Director Eligibility

Persons eligible for appointment to the Board of Directors shall either live or work within the City of Abilene.

4.03 Number of Directors

The Board of Directors shall be composed of thirteen (13) members, at least seven (7) of whom shall be a resident of the City of Abilene.

4.04 Attendance

All Directors must not miss more than three (3) meetings held in any fiscal year whether regular, special or emergency. In addition to the board meetings, all Directors must perform six (6) hours of service at a Keep Abilene Beautiful sponsored activity per quarter.

4.05 Term of Office

Terms of office for Directors begin October 1. The Directors of the Board shall be appointed by the Mayor with the approval of the City Council of Abilene, Texas, in September for terms beginning October 1 and shall hold their office for a term of three (3) years or until their successors are appointed.

4.06 Vacancies and Removal of Directors

Upon the death, resignation, removal, or vacancy of office of any of the Directors, the Mayor, with the approval of the City Council of the City of Abilene, Texas, shall nominate and appoint a successor Director, who shall hold office for the unexpired term of the Director he or she is appointed to succeed. If the best interests of the City of Abilene, Texas, require the removal of any Director, removal of such Director shall be effected by majority vote of the City Council of the City of Abilene, Texas. Failure to meet the attendance requirements may lead to removal if it is in the best interest of Keep Abilene Beautiful and the City of Abilene.

4.07 Advisory Members

The City Manager or designee, the Director of Planning and Development Services or designee, the City attorney or designee and the Executive Director of Keep Abilene Beautiful shall be advisory members to the Board without voting privileges. Advisory members must be employees of the City of Abilene and shall act only in an advisory capacity to the Corporation. The President may appoint other advisory members as necessary.

4.08 Community Partners

The President may appoint members of the Community who are not City of Abilene employees to act as Community Partners to Keep Abilene Beautiful. Community Partners shall act as advisory members to the Board without voting privileges.

4.09 Regular Meetings, Notice and Quorum

Regular meetings of the Directors shall be held on the first Wednesday of each month or as directed by the President and shall be held at such place as the President may determine. Notice of any meeting shall be given to the public in accord with the requirements of the Texas Open Meetings Act. A majority of the appointed Board of Directors shall constitute a quorum. There shall be a regular annual meeting of the Board of Directors during the Month of August to elect a President, President Elect, Secretary and Treasurer. It will be the responsibility of these officers to present the annual budget and program of work for approval no later than the September regularly scheduled Board meeting.

4.10 Special and Emergency Meetings

Special meetings of the Directors may be called by the President upon at least 72 hours notice, stating the purpose or purposes thereof, or such special meeting may be held at any time by request of at least three (3) of the Directors, giving at least 72 hours notice. Special meetings will be conducted in accordance with the provisions of the Texas Open Meetings Act.

An emergency meeting may be held if such meeting and notice thereof complies with the Texas Open Meetings Act.

4.11 No Compensation

No salary or compensation of any kind shall be paid to any Director on the Board, except for actual expenses upon proof and approval of the Board of Directors.

4.12 Rules of Procedure

All meetings, whether regular, special or emergency, shall be conducted in accordance with Robert's Rules of Order.

ARTICLE FIVE

OFFICERS

5.01 Composition of Officers

The officers of the Corporation shall be elected by the Directors and shall consist of a President, a President Elect, a Secretary and a Treasurer. Only Directors are eligible to hold an office.

5.02 Election of Officers

The Officers of the Corporation shall be elected annually by the Board of Directors at the annual meeting of the Board of Directors. Vacancies shall be filled at any meeting of the Board of Directors and any person who fills a vacancy shall serve until the next election of officers. Each officer shall hold office until his or her successor has been elected and qualifies, or until the death, resignation, or removal of the officer.

5.03 Removal of Officers

Any officer or agent elected or appointed by the Board of Directors may be removed at any time for any reason by the affirmative vote of a majority of the whole Board of Directors.

5.04 President

The President shall be the chief executive officer of the Corporation and, subject to the direction of the Board of Directors, shall supervise and control the business and affairs of the Corporation. The President shall preside at all meetings of the Board of Directors. The President shall see that all orders and resolutions of the Board are carried into effect, and shall perform all other duties that usually pertain to the office or are delegated to him by the Board of Directors.

5.05 President Elect

In the absence of the President or in the event of the President's inability or refusal to act, the President Elect shall perform the duties of the President and, as such, the President Elect shall have all the powers of, and be subject to all the restrictions upon, the President. The President Elect shall also have such powers and shall perform such other duties as may be assigned by the President or by the Board of Directors.

5.06 Secretary

The Secretary is responsible for keeping records of the proceedings of the Board of Directors, including the minutes of all meetings of the Board of Directors and shall perform all duties that usually pertain to the office of Secretary or which are delegated by the Board of Directors or by the President. The Secretary shall also be the custodian of the records and the seal of the Corporation and shall affix the seal to documents, the execution of which is duly authorized.

5.07 Treasurer

The Treasurer is responsible for seeing that regular books, records and books of account of the Corporation are kept, including using a bookkeeping service if approved by the Board, and shall deposit all monies and other valuable effects of the Corporation in a depository selected by the Directors, make such financial reports as directed by either the Board of Directors or the President, sign checks of the Corporation (said checks shall also be signed by either the President or the President Elect), render to the President and Directors at the regular meetings of the Board of Directors or whenever they may require it, an account of all transactions as Treasurer and of the financial condition of the Corporation. The Treasurer shall perform all other duties as may be prescribed by the Board of Directors or by the President. All records, books of account, etc., must be maintained at the registered office or principal office of the Corporation.

5.08 Parliamentarian

The Parliamentarian shall may by be appointed by the President to see that all rules of order are followed.

5.09 Salary of Officers

The officers and agents of the Corporation shall not receive any salary for their service to the Corporation.

ARTICLE SIX

FINANCIAL ADMINISTRATION

6.01 Fiscal Year

The fiscal year of the Corporation shall begin on the 1st day of October and end on the 30th day of September each year.

6.02 Operating Funds

No profit shall ever be realized by any person in the operation of this corporation. The Corporation will have the power to raise money, charge for memberships, accept gifts and donations, apply for and receive grants, and otherwise generate revenue for its expenses.

The funds that are raised will be used to carry out the charitable and educational purposes of the organization. Any funds of the Corporation which are not required immediately for the ongoing activities of the Corporation may be invested by the Board of Directors.

To maintain clean records for audit purposes, all bookkeeping and records concerning Corporation funds will be completely separate from bookkeeping and records concerning funds budgeted by the City, and funds will be deposited in separate accounts from the City's accounts.

Should the City withdraw financial support from the Corporation, any unexpended City budgeted funds at the end of the budget year shall revert to the City.

At no time shall funds held by the Corporation be paid to the City of Abilene unless it is a reimbursement for actual expenses, or unless a ¾ majority of the Board of Directors votes to disburse funds in this manner.

Should the City of Abilene's financial support be changed from direct budget support and employment of the KAB Coordinator to a single annual contribution, the contribution would be considered a contribution to the Corporation and could be spent as Corporate funds.

In the event that the Corporation should no longer be related to the City of Abilene, either by choice of the City Council by withdrawing financial support or by choice of the Board of Directors by majority vote of the Board and with City Council approval, then the City Council would thereby relinquish its responsibilities as set forth in these Bylaws to appoint members to the Board of Directors and to give final approval to Bylaws. Members serving on the Board at that time will remain on the Board until the completion of their terms, but new members will be

chosen in accordance with the procedure determined by the Board of Directors. At such time, the Corporation will no longer indemnify the City of Abilene according to Article 9, Section 9.01, Paragraph 2.

The Corporation shall not be required to return funds from sources other than to the City of Abilene. In the event of dissolution of this Corporation, all remaining funds or assets of said Corporation, after the payment of all corporate debts, shall vest in the City of Abilene for the purpose of maintaining a clean, safe, and attractive city.

6.03 Entering into Contracts

The Board of Directors may authorize any officer(s) or agent(s) to enter into any contract or to execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or may be confined to specific instances.

6.04 Annual Budget

An annual budget shall be submitted to the Board of Directors for approval no later than September's regularly scheduled Board meeting.

6.05 Annual Audit

The Board of Directors shall provide for an annual outside financial audit as required by law.

ARTICLE SEVEN

COMMITTEES

7.01 Executive Committee

The Executive Committee shall consist of the President, President Elect, Secretary, Treasurer and Executive Director. The duties of the Executive Committee shall be to function as the nominating committee for Board Officers, be the recommending committee for new Directors, and authorize and exercise all functions of the Board, subject to final approval by the Board.

7.02 Other Committees

The Committee Chair shall be nominated by the President and approved by the Board of Directors. All committees shall serve the objectives of the Organization.

ARTICLE EIGHT

EXECUTIVE DIRECTOR

8.01 Executive Director

The KAB Coordinator employed by the City of Abilene shall act as the Executive Director and shall be responsible for the day-to-day operations of the Organization. The Executive Director shall have charge of the business, property, and general programs, of the Organization, including the maintenance of records of the Board of Directors and minutes as recorded by the Secretary and approved by the Board of Directors. As set forth in the Organization's internal financial controls and accounting procedure, all checks will be prepared for payment of approved costs and shall be signed by two of the following President, President Elect, or Treasurer. The Executive Director shall give or cause to be given all notices required by law or by these Bylaws and shall be responsible for ensuring all meetings comply with the Texas Open Meetings Act.

ARTICLE NINE

AMENDMENTS TO BYLAWS

9.01 Amendments to Bylaws

These Bylaws shall be adopted by the Board of Directors of said Corporation. The power to alter, amend, or repeal the Bylaws or to adopt new Bylaws is vested in the Board of Directors. Any alteration, amendment or repeal requires at least seven (7) members of the Board of Directors to vote in favor of such alteration, amendment or repeal in a meeting called for that purpose. Furthermore, any alteration, amendment or repeal shall not become effective nor have any force or effect whatsoever unless and until same has been approved by a written resolution passed by the City Council of Abilene, Texas, except as otherwise stated in Article 6, Section 6.02, Paragraph 7.

ARTICLE TEN

INDEMNITY

10.01 Indemnity

Subject to Article 1396-2.22A of the Texas Civil Statutes, as amended, the Board of Directors shall authorize the Corporation to pay or reimburse any current or former Director or Officer of the Corporation for any costs, expenses, fines, settlements, judgments, and other amounts, actually and reasonably incurred by such person in any action, suit, or proceeding to which he is made a party by reason of holding such position as Officer or Director; provided, however, that such Officer or Director shall not receive such indemnification if he/she is finally adjudicated in such instance to be liable for negligence or misconduct in office. The

indemnification herein provided shall also extend to good faith expenditures incurred in anticipation of, or preparation for, threatened or proposed litigation. The Board of Directors may, in proper cases, extend the indemnification to cover the good faith settlement of any such action, suit, or proceedings, whether formally instituted or not.

Furthermore, the Corporation agrees to indemnify, hold harmless and defend the City of Abilene, its officers, agents, and its employees, from and against all claims and suits for damages, injuries to persons (including death), property damage (including loss of use), and expenses, including court costs and attorney's fees, arising out of or resulting from the Corporation's work and from any liability arising out of or in connection with the City of Abilene or its agents, officers, or employees entry upon said property, common, constitutional, or statutory law, or based in whole or in part upon the negligent or intentional acts or omissions of the Corporation, its officers, employees, agents, subcontractors, licensees, invitees, or trespassers or based in whole or in part upon the negligent acts or omissions of the City of Abilene, its officers, employees, agents, licensees, or invitees. The Corporation agrees to waive any and all claims it may have against the City of Abilene, connected with, resulting from, or arising out of, claims and suits covered by this indemnification provision and agrees that any insurance carrier involved shall not be entitled to subrogation under any circumstances against the City of Abilene, its officers, agents, and employees.

Director and Officer protection occurs through the City indemnification policy as set forth in Resolution #40-1997.

ARTICLE ELEVEN

MISCELLANEOUS

11.01 Miscellaneous

The Board of Directors shall provide a Corporate Seal which shall be in the form of a circle and shall have inscribed thereon the name of the Corporation, substantially as follows: Keep Abilene Beautiful, Inc., Abilene, Texas.

11.02 Table of Contents and Headings

The Table of Contents and Headings used in these Bylaws have been inserted for convenience only and do not constitute matter to be used in construing or interpreting them.

11.03 Construction

Whenever the context so requires, the use of a masculine pronoun shall include the feminine, and singular shall include plural and conversely.

If any portion of these Bylaws shall be invalid or inoperative, then, so far as is reasonable and possible:

- (a) The remainder of these Bylaws shall be considered valid and operative, and
- (b) Effect shall be given to the intent manifested by the portion held invalid or inoperative, in so far as not prohibited by law.

11.04 Relation to Articles of Incorporation

These Bylaws are subject to and are governed by the Articles of Incorporation of Keep Abilene Beautiful, Inc.

CERTIFICATE

This is to certify that the foregoing is a true and correct copy Amended Bylaws of Keep Abilene Beautiful, Inc. and that such Bylaws were duly adopted by the Board of Directors of said Corporation on April 3, 2013.

ATTEST:

E'Lisa Smetana, Secretary of the Corporation

**City Council
Agenda Memo**



**City Council
Meeting Date: April 25, 2013**

TO: Larry D. Gilley, City Manager
FROM: Jon James, AICP, Director of Planning and Development Services
SUBJECT: Oral Resolution authorizing annexation and directing staff to prepare a Service Plan for property located at 4009 Beltway South and being the southern portion of the Beltway Park Baptist Church property.

GENERAL INFORMATION

Staff received a petition for annexation from the property to the east of Beltway Park Baptist Church for 55.88 acres. The annexation is currently concluding and would cause the city limits to surround a portion of the property owned by the church. The land is the southern part of the land owned by the church located at 4009 Beltway South. The Local Government Code allows for the City to annex land.

The City Council may choose to either grant or deny the authorization for annexation. If the authorization is granted, an annexation calendar will be prepared that sets the dates for all public hearings and notifications for consideration of the annexation.

STAFF RECOMMENDATION

Staff recommends that the Council approve the authorization for annexation and direct staff to prepare a Service Plan and calendar that would consider this annexation.

ATTACHMENTS

Exhibit

Prepared by:

Name Ben Bryner

Title Development Services Manager

April 12, 2013

Item No. 6.4

Disposition by City Council

- Approved Ord/Res# _____
 Denied
 Other

City Secretary



**City Council
Agenda Memo**



**City Council
Meeting Date: April 25, 2013**

TO: Larry D. Gilley, City Manager
FROM: Don Green, Director of Aviation
SUBJECT: Approval of an Oral Resolution Authorizing the City Manager to Execute a Temporary Airport Use Agreement with Experimental Aircraft Association

GENERAL INFORMATION

Big Country AirFest was scheduled to occur May 4, 2013; however, it was cancelled due to resources restrictions associated with federal budget sequestration. The Experimental Aircraft Association's local chapter will now hold a Fly-in the same weekend. A Fly-in is a chance for general aviation pilots to gather at an airport and discuss aircraft and flying.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The City does not receive revenue from this Agreement. Airport staff support is from personnel scheduled on duty that day.

STAFF RECOMMENDATION

Staff recommends City Council approve an Oral Resolution authorizing the City Manager to execute the Temporary Airport Use Agreement with Experimental Aircraft Association.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved its recommendation at its April 10th meeting.

Prepared by:

Name: Don Green

Title: Director of Aviation

Item No. 6.5

Disposition by City Council

- Approved Ord/Res# _____
 Denied
 Other

City Secretary

**City Council
Agenda Memo**



**City Council
Meeting Date: April 25, 2013**

TO: Larry D. Gilley, City Manager

FROM: Ken Dozier, Fire Chief

SUBJECT: Oral Resolution the City Manager to enter into a Charitable Solicitation Agreement Between the Muscular Dystrophy Association and the City of Abilene for the Fill the Boot Campaign as required by Texas Transportation Code §552.0071.

GENERAL INFORMATION

The Muscular Dystrophy Association (“MDA”) has a yearly campaign in the City of Abilene (“City”) where volunteers solicit funds in the City right-of-ways as part of the MDA’s “Fill the Boot Campaign” (“Campaign”). The money raised during the event allows the MDA to provide services to over 400 clients in the City of Abilene that includes financial assistance for wheelchairs, leg braces, communication devices, support groups, summer camps for children, and research grants to find treatments and cures.

In order to utilize the City right-of-ways the City and the MDA enter into a Charitable Solicitation Agreement as required by Texas Transportation Code §552.0071 in which the City gives permission to the MDA to use designated portions of the City right-of-way to conduct the Campaign.

FUNDING/FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval.

ATTACHMENTS

Charitable Solicitation Agreement

Prepared by:

Name: Theresa James

Title: Assistant City Attorney

Item No. 6.6

Disposition by City Council

- Approved Ord/Res# _____
- Denied
- Other

City Secretary

CHARITABLE SOLICITATION AGREEMENT

The following is an agreement between the City of Abilene, Texas, a municipal corporation chartered under the laws of the State of Texas, ("City") and the Muscular Dystrophy Association, ("the MDA") for the purpose of allowing the MDA and its various volunteers and to solicit funds within the City owned/maintained public right-of-way for a specified period of time.

WHEREAS, the MDA is desirous of utilizing various sections of the public right-of-way owned/maintained by the City,

WHEREAS, the City finds that it is in the best interest of the community that that Association be allowed to use these sections of the public right-of-way,

THEREFORE, in consideration of the hereafter mentioned covenants, the parties agree as follows:

1.

That MDA may use those portions of the public right-of-way, designated by the City, for the purposes of conducting charitable solicitations. These solicitations may be conducted between the hours of 11:00 a.m. and 7:00 p.m. from May 9, 2013, through May 11, 2013, as agreed to by the MDA and the City.

2.

That charitable solicitations under this agreement may be conducted only at locations authorized as follows:

The intersection of South 27th Street and Clack not including any state maintained and controlled right-of-way, and

The intersection of North 10th and Judge Ely.

3.

That for all purposes hereunder, the MDA, their employees, agents, representatives, participants, volunteers, volunteer agencies and invitees, regardless of employment status with the City, shall not, with respect to their acts or omissions under this agreement, be deemed agents or employees of the City. Further, the MDA shall indemnify, hold harmless and defend the City from and against 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, attorney's fees, and other reasonable costs) arising out of or incidental to the MDA, their employees, agents, representatives,

participants, volunteers, volunteer agencies and invitees use of said public right-of-way as authorized in this agreement.

5.

That the MDA shall be solely responsible for the safety and health of all participants involved in solicitations. It is expressly understood and agreed that the MDA is solely responsible for any damages they may cause to the public right-of-way.

6.

That the MDA will provide all necessary equipment for solicitations, unless otherwise agreed to by the parties.

7.

That participants in these solicitations, including the MDA's employees, agents, representatives, participants, and volunteers, shall wear reflective vests while conducting solicitations.

8.

That during charitable solicitations under this agreement, the MDA will not infringe or solicit upon right-of-way owned/maintained by the State of Texas and accepts sole responsibility for any action taken by the State of Texas against such solicitation. The MDA further agrees to cease operations under this agreement if requested to do so by an officer of the City of Abilene Police Department.

9.

That the City may cancel this agreement at any time if the City determines that it is in its best interest to do so.

10.

That the MDA agrees to provide the City with a Certificate of Insurance showing that the Association has insurance or self-insurance coverage for General Liability in an amount not less than \$1,000,000. Said Certificate shall name the City of Abilene as an additional insured.

Entered into this ___16___ day of _____April_____, 2013.

For the MDA:

For the City of Abilene:

(Signature)

(Printed Name)

(Title)

(Signature)

(Printed Name)

(Title)

Approved as to form:

City Attorney

City Council
Agenda Memo



City Council
Meeting Date: 4/25/2013

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-2013-09, a request from the City of Abilene to rezone property from LI (Light Industrial) to either the GC (General Commercial) or HC (Heavy Commercial) zoning, located along Industrial Blvd between Buffalo Gap Rd and S. Treadaway Blvd; and setting a public hearing for May 9, 2013.

GENERAL INFORMATION

The City received 2 zoning change requests to rezone property from LI to GC at 2666 & 2701 Industrial Blvd. Industrial Blvd is transitioning into more of a commercial/retail area. Several properties have received a change of zoning recently and have prompted the City to review the zoning for the corridor. The scope of the zoning change requests has been enlarged to include the entire Industrial Blvd corridor between Buffalo Gap Rd and S. Treadaway Blvd. The surrounding area is developed generally with residential & school uses to the north and more traditional industrial uses to the south. Single-family residential homes exist to the north and west of the corridor.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating along the corridor ranging from personal service, office, retail, and commercial uses. 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.

STAFF RECOMMENDATION

Staff recommends approval of GC & HC zoning.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as presented except removing 6 properties identified in the meeting by a vote of 6 in favor (Bixby, Glenn, McClarty, Todd, Yungblut, and Famble), and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

April 12, 2013

Item No. 6.7

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 25th day of April, A.D. 2013.

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 14th day of March, 2013, 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 May, 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 9th day of May, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

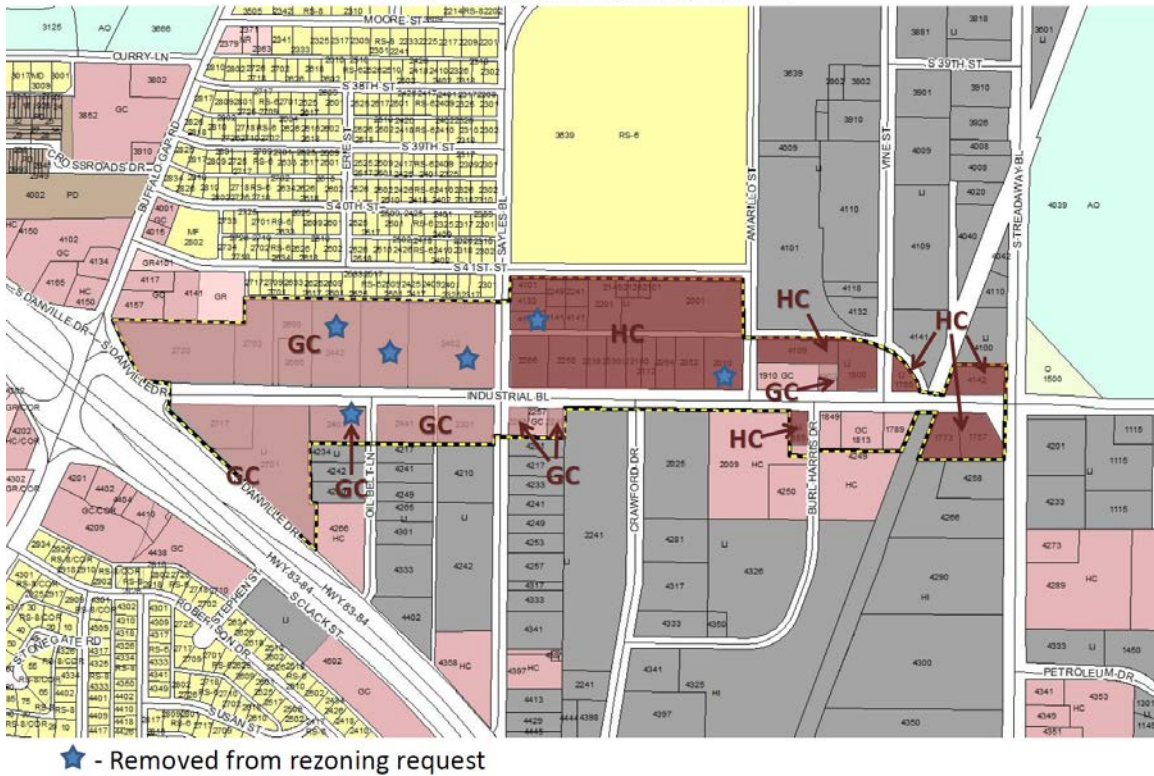
EXHIBIT "A"

Rezone property from LI (Light Industrial) to GC (General Commercial) & HC (Heavy Commercial) District.

Legal Description:

Being properties along Industrial Blvd between Buffalo Gap Rd and S. Treadaway Blvd.

P&Z Recommendation



Location:

Being properties along Industrial Blvd between Buffalo Gap Rd and S. Treadaway Blvd.

-END-

ZONING CASE Z-2013-09

STAFF REPORT



APPLICANT INFORMATION:

City of Abilene

HEARING DATES:

Planning & Zoning Commission: April 1, 2013

City Council 1st Reading: April 25, 2013

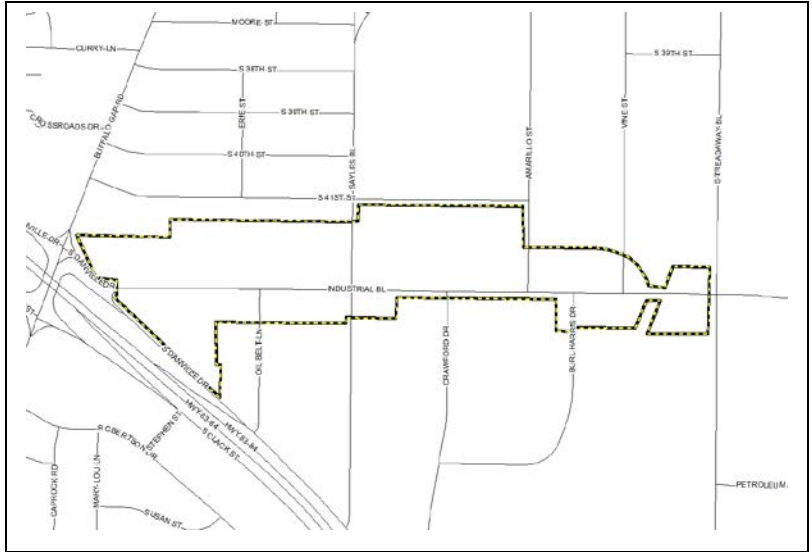
City Council 2nd Reading: May 9, 2013

LOCATION:

Industrial Blvd between Buffalo Gap Rd and S. Treadaway Blvd

REQUESTED ACTION:

Rezone property from LI to GC & HC



SITE CHARACTERISTICS:

The Industrial Blvd corridor between Buffalo Gap Rd and S. Treadaway Blvd is approximately 0.90 miles long and is currently zoned LI (Light Industrial), HC (Heavy Commercial), and GC (General Commercial). The corridor is currently transitioning from industrial uses to commercial and personal service uses.

ZONING HISTORY:

The property was annexed in 1957 and was zoned LI sometime after. Several properties have been rezoned to both HC & GC zoning in the recent past.

ANALYSIS:

• Current Planning Analysis

The City received 2 zoning change requests to rezone property from LI to GC at 2666 & 2701 Industrial Blvd. Industrial Blvd is transitioning into more of a commercial/retail area. Several properties have received a change of zoning recently and have prompted the City to review the zoning for the corridor. The scope of the zoning change requests has been enlarged to include the entire Industrial Blvd corridor between Buffalo Gap Rd and S. Treadaway Blvd. The surrounding area is developed generally with residential & school uses to the north and more traditional industrial uses to the south. Single-family residential homes exist to the north and west of the corridor.

• 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 along the corridor ranging from personal service, office, retail, and commercial uses. 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.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of GC & HC zoning.

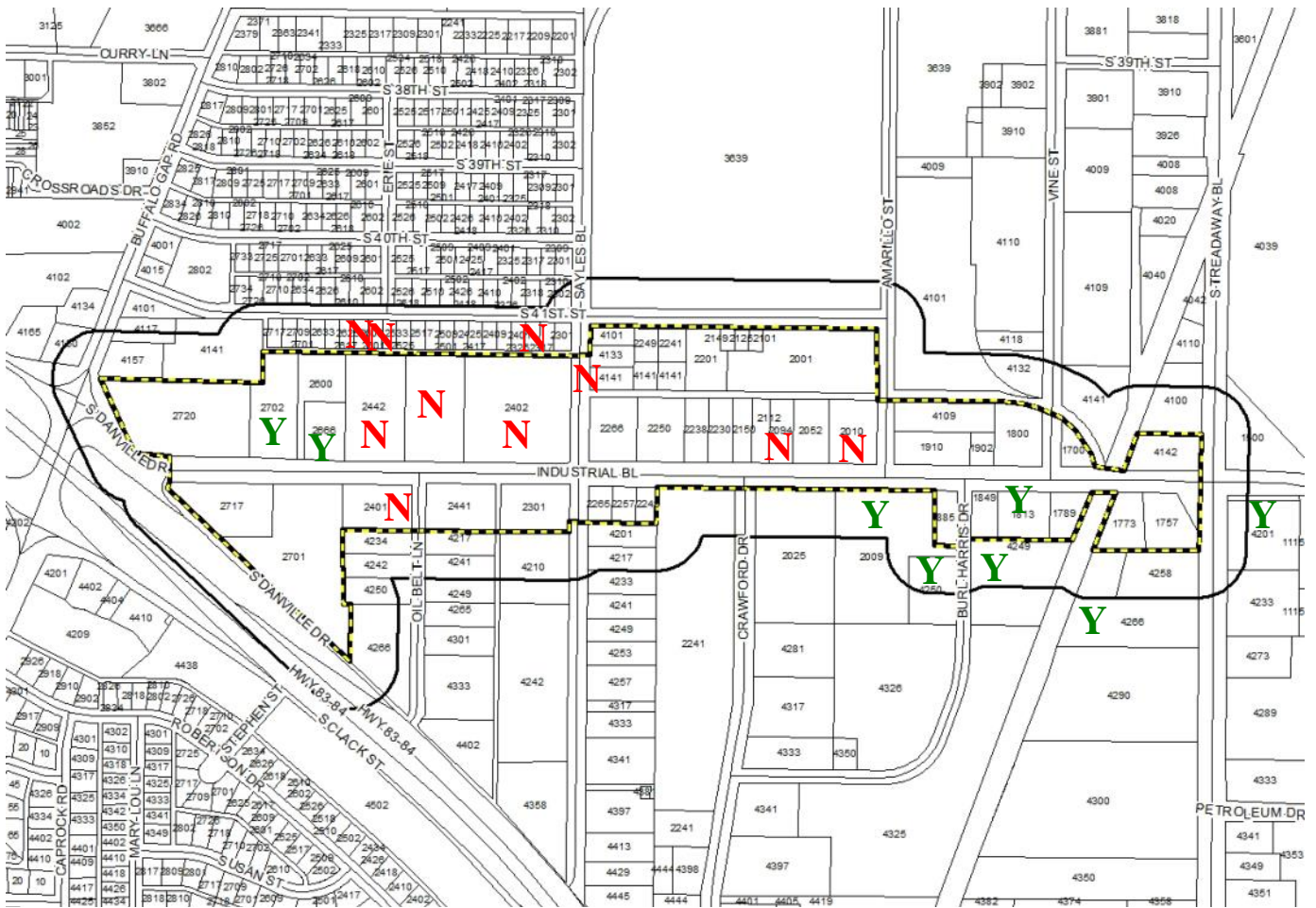
PLANNING AND ZONING COMMISSION RECOMMENDATION:

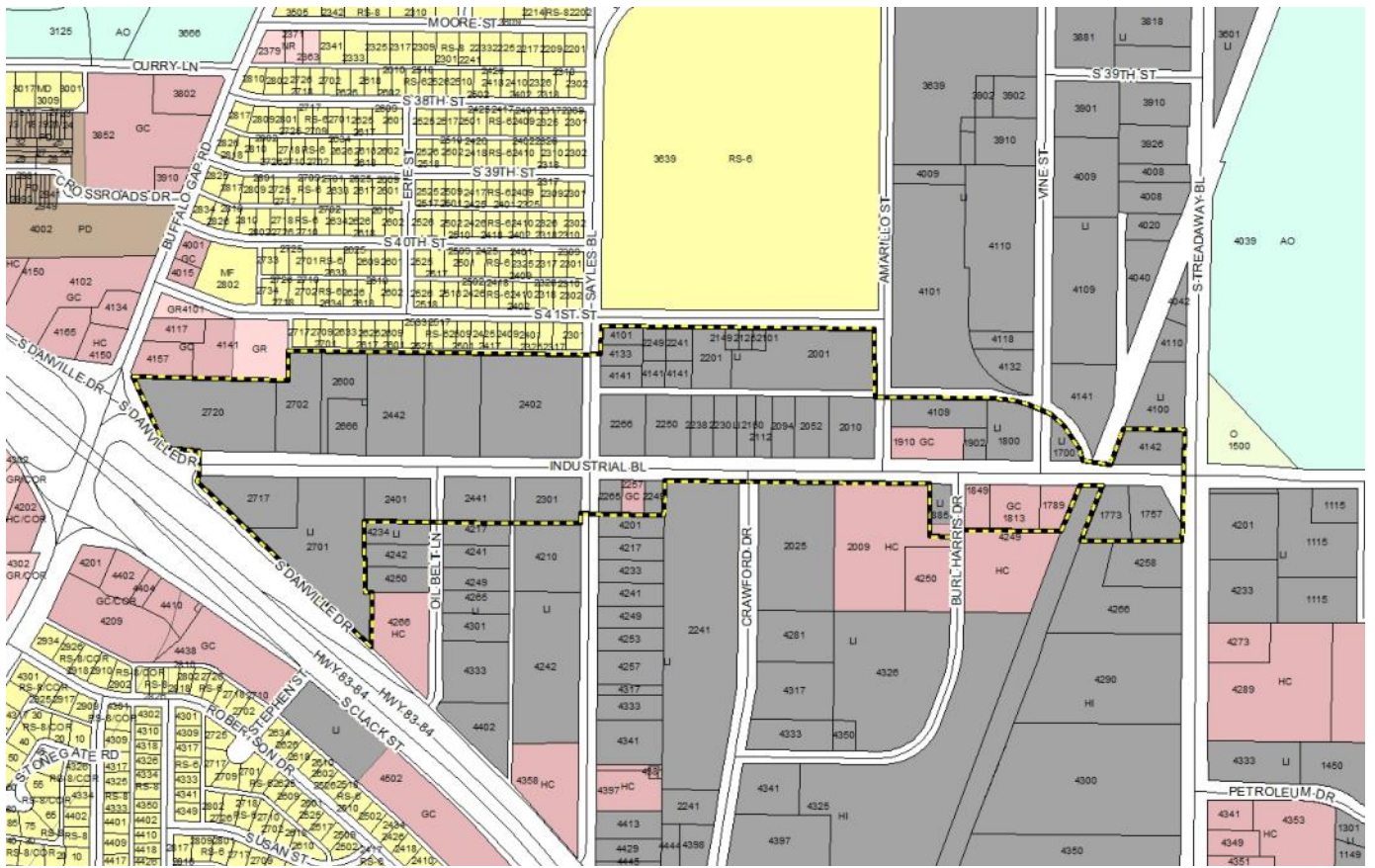
The Planning and Zoning Commission recommends approval as presented except removing 6 properties identified in the meeting by a vote of 6 in favor (Bixby, Glenn, McClarty, Todd, Yungblut, and Famble), and none opposed.

NOTIFICATION:

Notices were sent to 121 property owners along the corridor and within a 200-foot radius. Due to the number of affected properties, a listing is not provided.

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



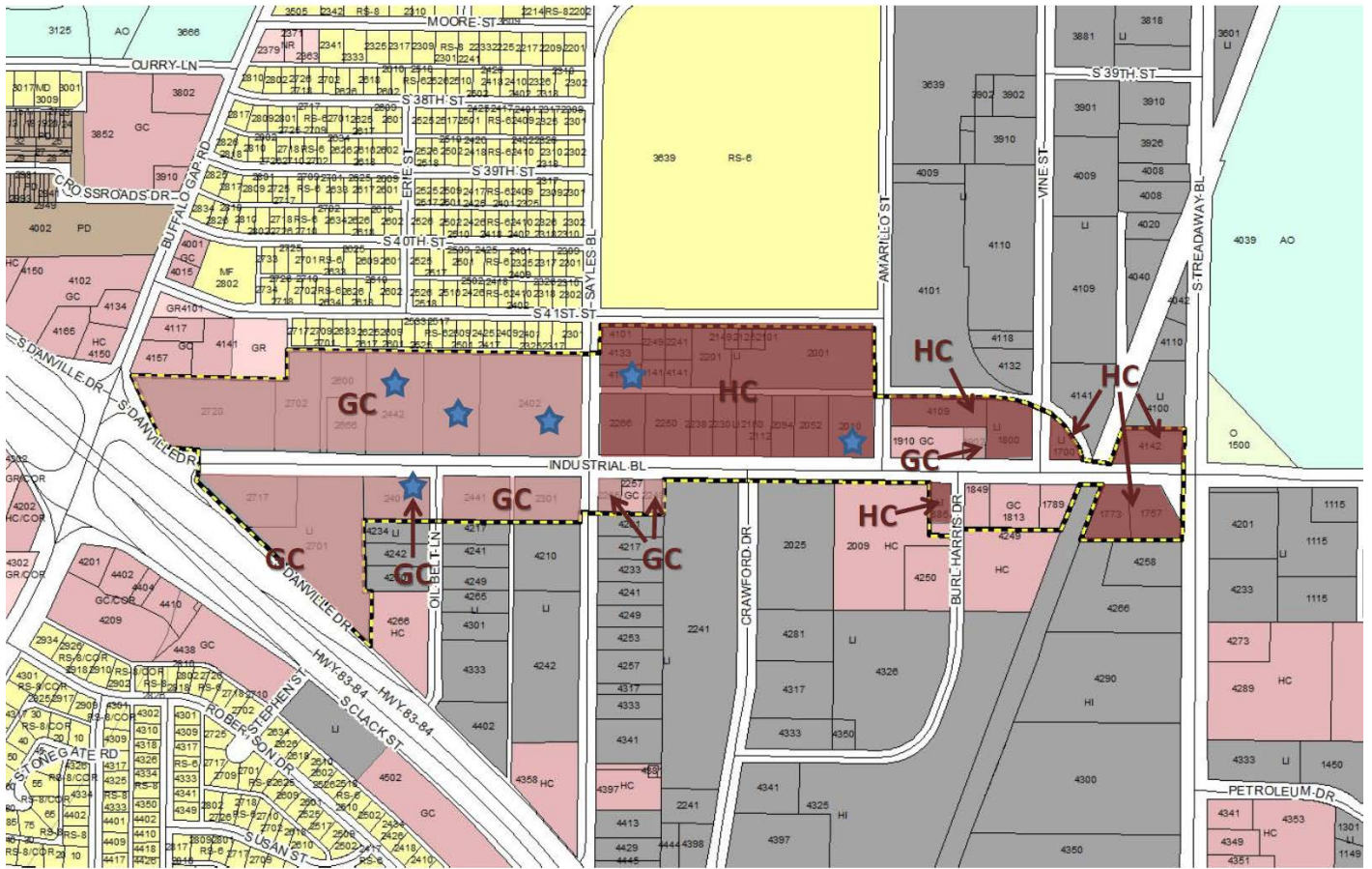






Proposed Rezoning Exhibit per P&Z Recommendation

P&Z Recommendation



★ - Removed from rezoning request

City Council
Agenda Memo



City Council
Meeting Date: 4/25/2013

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. TC-2013-03, a request from Paceline Collision Center, Agent Charles Williamson, to abandon Central Drive, being a 60-foot right-of-way measuring approximately 220 feet west of S. Clack St; and setting a public hearing for May 9, 2013.

GENERAL INFORMATION

The applicant is requesting to abandon the street right-of-way (ROW) to be able to utilize the area for expansion of his business. The business desires to add area to his lot for better circulation and temporary storage of vehicles being worked on. The street has not been fully improved and does not provide direct access for adjacent properties. The property to the west is a large, undeveloped property that has been acquired by the applicant. The applicant is requesting to abandon the street ROW in order to expand his business.

PLAT REVIEW COMMITTEE

The Plat Review Committee recommends approval of the requested street ROW closure with the following conditions:

- 1. Where existing utilities are located, the applicant is responsible for providing adequate easements for the maintenance of all utilities (60' utility easement) or the applicant will be responsible to move all of the utilities;
- 2. The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

STAFF RECOMMENDATION

Staff recommends approval of the requested street ROW abandonment, with the conditions suggested by the Plat Review Committee.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval per the conditions of the Plat Review Committee by a vote of six (6) in favor (Bixby, Glenn, McClarty, Todd, Yungblut, and Famble) and none (0) in opposition.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> April 12, 2013	Item No. <u>6.8</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ <p style="text-align: center;">_____</p> <p style="text-align: center;">City Secretary</p>
--	---------------------	--

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

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

PART 1: That the following described portion of a Public Right of Way, as described on Exhibit "A," attached hereto and made a part of this ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned, subject to conditions as stated in Exhibit A.

PART 2: That said portion of a Public Right of Way is not needed for public purposes and it is in the public interest of the City of Abilene to abandon said described portion of a Public Right of Way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tracts of land described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING this 25th day of April, A.D. 2013.

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 14th day of March, 2013, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final reading.

PASSED ON FINAL READING THIS 9th day of May, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons Central Drive, being a 60-foot right-of-way measuring approximately 220 feet west of S. Clack St.

All Public Right of Way as indicated and shown in the map below within the dashed area:



With the following conditions:

1. Where existing utilities are located, the applicant is responsible for providing adequate easements for the maintenance of all utilities (60' utility easement) or the applicant will be responsible to move all of the utilities;
2. The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

-END-

THOROUGHFARE CLOSURE CASE TC-2013-03

STAFF REPORT

APPLICANT INFORMATION:

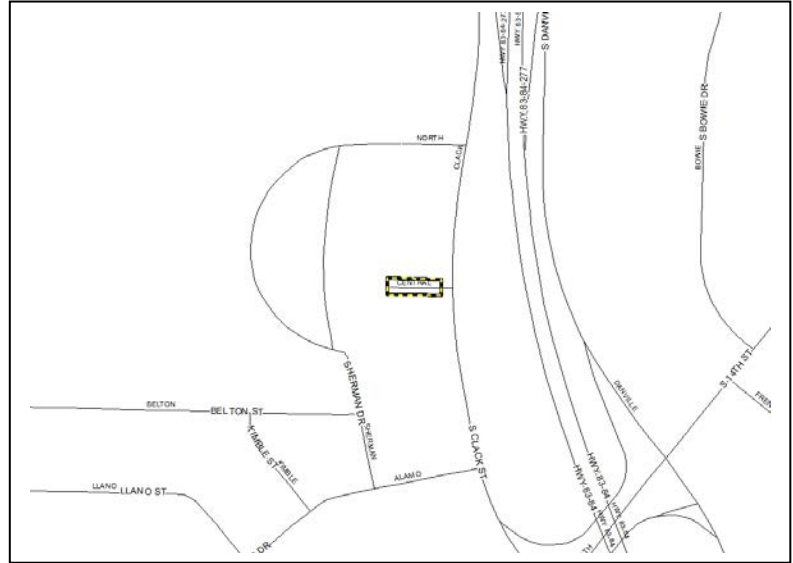
Paceline Collision Center
 Agent: Charles Williamson

HEARING DATES:

Planning & Zoning Commission: April 1, 2013
 City Council 1st Reading: April 25, 2013
 City Council 2nd Reading: May 9, 2013

REQUESTED ACTION:

Abandon Central Drive, being a 60-foot right-of-way measuring approximately 220 feet west of S. Clack St.



SITE CHARACTERISTICS:

An east-to-west street right-of-way (ROW) currently exists south of the property owned by Paceline Collision Center. The street improvements exist for about half of the length and do not extend to the west limits of the ROW.

REQUEST ANALYSIS:

The applicant is requesting to abandon the street right-of-way (ROW) to be able to utilize the area for expansion of his business. The business desires to add area to his lot for better circulation and temporary storage of vehicles being worked on. The street has not been fully improved and does not provide direct access for adjacent properties. The property to the west is a large, undeveloped property that has been acquired by the applicant. The applicant is requesting to abandon the street ROW in order to expand his business.

RECOMMENDATIONS:

Plat Review Committee: Approval of the requested street ROW closure with the following conditions:

1. Where existing utilities are located, the applicant is responsible for providing adequate easements for the maintenance of all utilities (60' utility easement) or the applicant will be responsible to move all of the utilities;
2. The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

Staff Recommendation: Approval of the requested street ROW abandonment, with the conditions suggested by the Plat Review Committee.

PLANNING AND ZONING COMMISSION:

Case # TC-2013-03
 Prepared: April 12, 2013

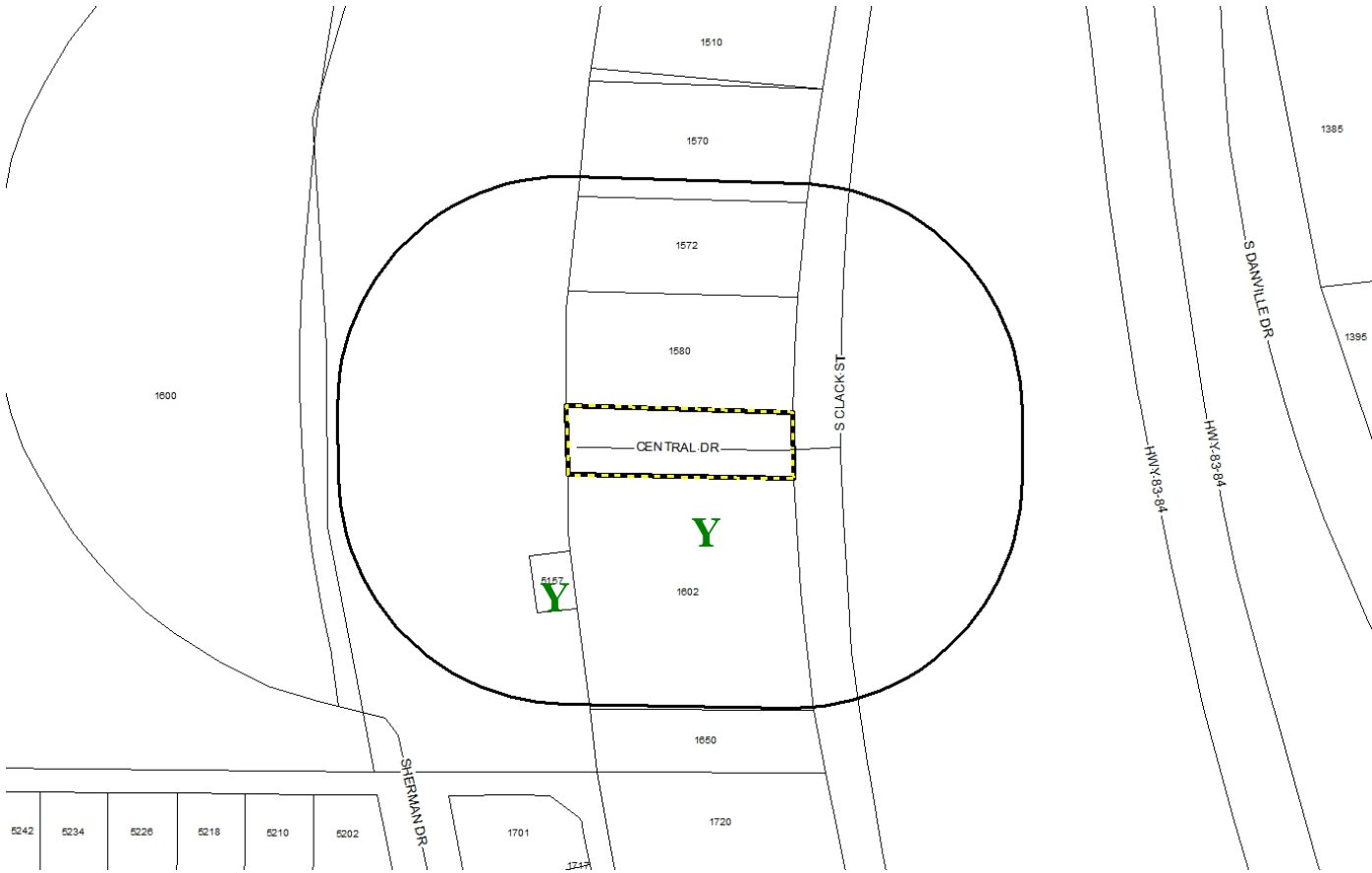
The Planning and Zoning Commission recommended approval per the conditions of the Plat Review Committee by a vote of six (6) in favor (Bixby, Glenn, McClarty, Todd, Yungblut, and Famble) and none (0) in opposition.

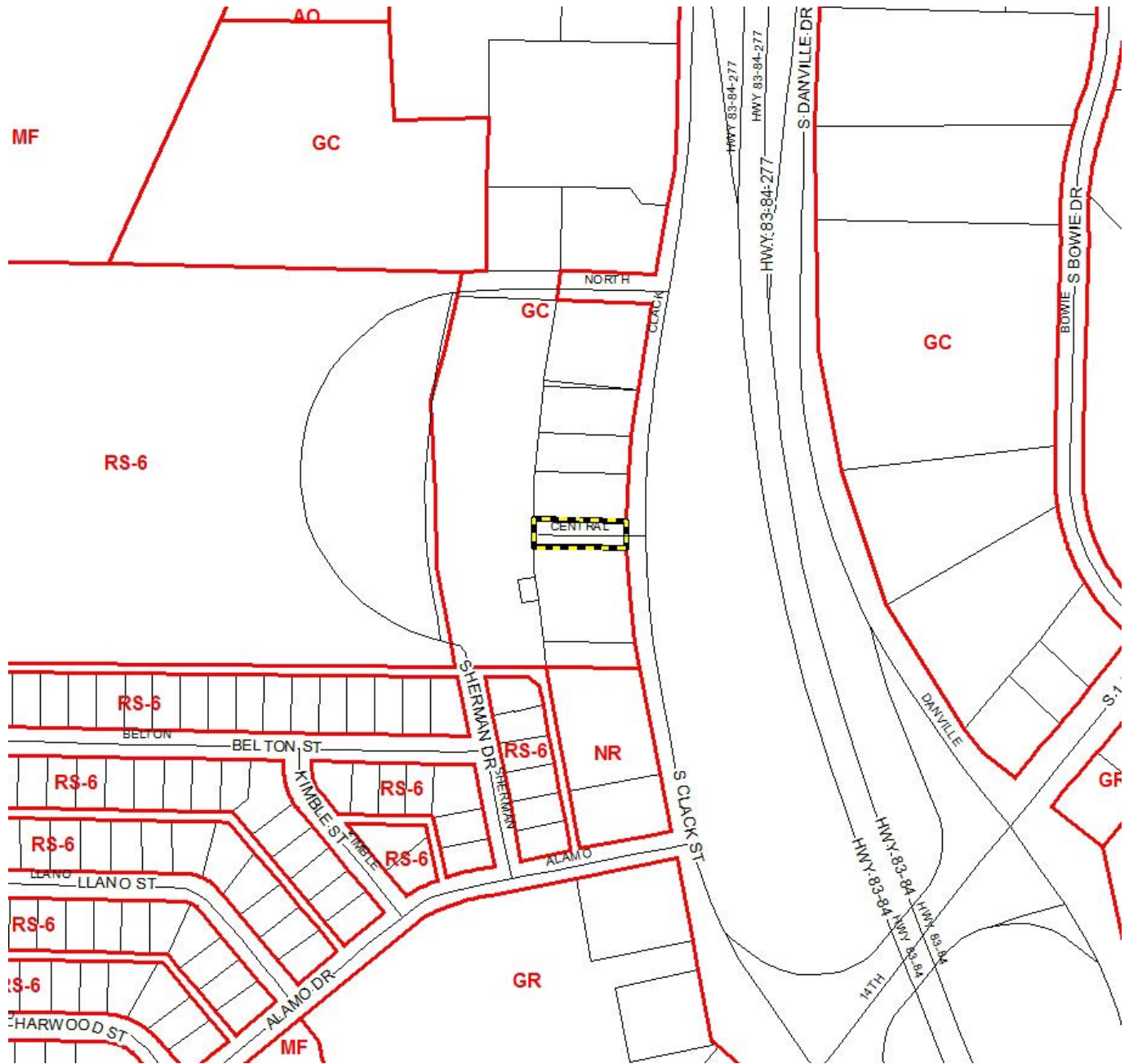
NOTIFICATION:

Property owners within the 200’ of the subject rights-of-way were notified.

OWNER	ADDRESS	RESPONSE
PAIGE DONALD T AS TR	1570 S CLACK ST	
TROWBRIDGE JIMMY J & RYAN ANDREW	1572 S CLACK ST	
PAK HARRIS ENTERPRISES LTD	5157 CENTRAL DR	In Favor
S & S MARTIN FAMILY PTSH LTD		
S & S MARTIN FAMILY PTSH LTD	1580 S CLACK ST	
BAGA INC	1602 S CLACK ST	In Favor

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









City Council
Agenda Memo



City Council
Meeting Date: Apr 25, 2013

TO: Larry D. Gilley, City Manager

FROM: Rodney Taylor, Assistant Director of Water Utilities

SUBJECT: Oral Resolution Awarding Bid for the Abilene Water Treatment Plant Pump Replacement Project

GENERAL INFORMATION

On March 20, 2013 the City of Abilene received bids for the Abilene Water Treatment Plant Pump Replacement Project. The Project was advertised in the Abilene Reporter News on February 17th and 24th, 2013. Five bids were received. The low bid was submitted by Dake Construction, Inc. (Dake) of Pantego, TX in the amount of \$160,200.00. The Engineer, after evaluating the bid submittal and the contractor references, does recommend awarding the bid to Dake.

The Abilene Water Treatment Plant (AWTP) Pump Replacement Project (Project) involves the purchase of two new pumps, each of which pumps water into the third pressure plane. The Project also includes the upsizing of a section of piping existing on the pump station site. The pump and piping improvements will maximize the capacity of the AWTP pump station, provide additional operational flexibility, and restore pumping redundancy.

On October 27, 2011 the Abilene City Council awarded a bid for the AWTP Improvements Project. That project resulted in the reconfiguration of pumping and clearwell piping along with other changes necessary to allow the AWTP to be utilized as a distribution system pump station. The existing old pumps could not be fully evaluated until the completion of that project. It has since been determined that the old pumps are in very poor condition and must be replaced. The current project involves replacing the old pumps.

FUNDING/FISCAL IMPACT

The AWTP Pump Replacement Project will be funded using existing Water Department funds (Unrestricted, designated for capital projects).

STAFF RECOMMENDATION

Staff recommends that the City Council award the bid for the AWTP Pump Replacement Project to Dake in the amount of \$160,200.00, 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-1326

Prepared by:

Name Rodney Taylor

Title Asst. Water Director

Item No. 6.9

Disposition by City Council

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

City Secretary



March 22, 2013

Via Email; Original via Mail

City of Abilene
209 East Highway 80
Abilene, TX 79601
Attn: Mr. Rodney Taylor, Assistant Director of Water Utilities

**Re: Recommendation of Award
Abilene Water Treatment Plant Pump Replacement
Abilene, Texas**

Dear Mr. Taylor:

Bids for the referenced project were opened on Wednesday, March 20, 2013. A total of five (5) bids were received, and I have attached a copy of the Bid Tabulation. The apparent low bidder was Dake Construction, Inc. (Dake) out of Pantego, TX.

Enprotec / Hibbs & Todd, Inc. (eHT) has evaluated the responsiveness of Dake for conformity with all material conditions of the Advertisement for Bids and the Information for Bidders. Additionally, we have evaluated the responsibility of Dake from information and references provided by Dake with their bid packet.

Based on our evaluation, eHT recommends award of the construction contract to Dake, for the Abilene Water Treatment Plant Pump Replacement Project, as the lowest responsive and responsible bidder. Dake's base bid totaled \$160,200.00.

We look forward to working with the City of Abilene as this project moves into the construction phase.

Sincerely,

Enprotec / Hibbs & Todd, Inc.

Jordan Hibbs

Attachment: Bid Tabulation

c: Tommy O'Brien, P.E., Director of Water Utilities
Project File: 5606

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Environmental, Civil & Geotechnical Engineers

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www.e-ht.com

PG Firm Registration No. 50103
PE Firm Registration No. 1151

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

DEPARTMENT: WATER
 BID NO.: CB-1326
 TIME OF OPENING: 11:00 A.M.
 DATE OF OPENING: MARCH 20, 2013

DAKE CONSTRUCTION
 PANTEGO, TX

DOWTECH SPECIALTY
 CONTRACTORS
 BAIRD, TX

REY-MAR CONSTRUCTION
 FT. WORTH, TX

BOWLES CONSTRUCTION
 CO.
 WICHITA FALLS, TX

GRACON CONSTRUCTION,
 INC.
 MESQUITE, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	WATER TREATMENT PLANT PUMP REPLACEMENT				160,200.00		163,300.00		191,300.00		191,900.00		193,000.00		
	BASE BID				160,200.00		163,300.00		191,300.00		191,900.00		193,000.00		
	DISCOUNT														
	TOTAL BID				160,200.00		163,300.00		191,300.00		191,900.00		193,000.00		

*NOTES: INDICATES RECOMMENDED AWARD

**City Council
Agenda Memo**



TO: Larry D. Gilley, City Manager
FROM: Stan Standridge, Chief of Police
SUBJECT: Bid Award for LEC Construction

**City Council
Meeting Date: 4-25-13**

GENERAL INFORMATION

The Police Department created a Special Victims Unit in November 2012. The unit is comprised of specialized detectives who focus on crimes against children and family violence. The unit will be co-housed with the Child Advocacy Center, necessitating the construction of four additional offices. Currently all offices at the LEC are already occupied, so more must be built for the new unit. Additionally, some minor construction changes will be done in the Street Crimes Unit, such as moving a doorway so officers can access their offices through the secure portion of the LEC.

SPECIAL CONSIDERATIONS

Bids were solicited for this project. Three vendors responded. Don Faulkner Construction had the lowest bid.

FUNDING/FISCAL IMPACT

Narcotics Seized Funds (285-500-2995-61010) will be used to pay the \$107,700 project cost.

STAFF RECOMMENDATION

Staff recommends the Council approve this construction and award the bid to Faulkner Construction.

<p>Prepared by:</p> <p>Name <u>Stan Standridge</u></p> <p>Title <u>Chief of Police</u></p>	<p>Item No. <u>6.10</u></p>	<p>Disposition by City Council</p> <p><input type="checkbox"/> Approved Ord/Res# _____</p> <p><input type="checkbox"/> Denied _____</p> <p><input type="checkbox"/> Other</p> <p>_____</p> <p>City Secretary</p>
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**CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS**

DEPARTMENT: FACILITIES MAINTENANCE
 BID NO.: CB-1327
 TIME OF OPENING: 11:00 A.M.
 DATE OF OPENING: MARCH 12, 2013

DON FAULKNER
 CONSTRUCTION
 ABILENE, TX

JUSTICE CONSTRUCTION
 INC.
 ABILENE, TX

THE CROWE GROUP, INC.
 ABILENE, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	LEC 2 nd FLOOR OFFICE EXPANSION				107,700.00		115,000.00		137,000.00				
	BASE BID												
	DISCOUNT												
	TOTAL BID												

*NOTES: INDICATES RECOMMENDED AWARD