



**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD IN THE CITY OF ABILENE ON MAY 11, 2013 AND ORDERING A RUNOFF ELECTION TO BE HELD ON JUNE 15, 2013.

WHEREAS, on the 24<sup>th</sup> day of February 2013, the City Council of the City of Abilene, by proper resolution, ordered a General election to be held in said City on the 11<sup>th</sup> day of May, 2013, in accordance with the provisions of the Charter of said city, for the purpose of electing persons to serve in Council Places 5 & 6; and

WHEREAS, the City Council has duly canvassed the returns of such election and has ascertained the results; and

WHEREAS, the City will contract with the Taylor County Election Administrator to conduct the City of Abilene General Runoff election; and,

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

(AHORA POR LO TANTO, SEA RESUELTO POR EL CONSEJO DE CIUDAD DE ABILENE, TEXAS:)

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

PART 2: It appearing that Kyle McAlister received the majority of votes cast in said General election for the office of Council Place 5; and

PART 3: It appearing that no candidate received the majority of votes cast for the office of Council Place 6; runoff election will be held on Saturday, June 15, 2013; and

PART 4:

**LOCATIONS OF POLLING PLACES**  
*(DIRECCION(ES) DE LAS CASILLAS ELECTORALES)*

Precinct #	Location	Address
101,205,107A	Johnston Elementary	3602 North 12th, Abilene TX 79603
102, 103,404,405	Church of Christ-S.11th & Willis	3333 South 11th, Abilene, TX 79605
104, 105, 106	Westminster Presbyterian	4515 South 14th St., Abilene, TX 79605
202, 201,203,204,401	New Life Temple Assembly of God	2465 Old Anson Rd, Abilene, TX 79603
108,301,302,304,305,306 307A	New Beginnings United Pentecostal Church	5535 Buffalo Gap Rd, Abilene, TX 79606
402, 403	Hillcrest Church of Christ (Jones County Pct. 302 and 401)	650 East Ambler, Abilene, TX 79601
406, 407, 408	Thomas Elementary School	1240 Lakeside Drive, Abilene, TX 79602

Early voting by personal appearance will be conducted by the Taylor County Elections Office each weekday in the Taylor County Plaza, 400 Oak Street, Abilene, Texas, from 8:00 am until 5:00 pm, June 3, 2013, through June 7, 2013, and from 7:00 am until 7:00 pm on June 10-11, 2013.

*La votacion temprana en persona, sera conducida por Taylor County Elections Office de Lunes a Viernes en Taylor County Plaza, 400 Oak St., Abilene, Texas, desde las 8:00 a.m. hast alas 5:00 p.m., del 3 June hasta el 7 de June, 2013, y de 7 a.m. hasta 7:00 p.m. los dias 10-11 de June.*

Applications for mail ballots must be received by 5:00 pm, June 7 2013, addressed to Kristi Allyn, Taylor County Election Administrator, P. O. Box 3318, Abilene, Texas 79604.

*Solicitudes de balotas por correo deberan ser recibidas a mas tardar el 7 de June, 2013, dirigidas a Kristi Allyn, Taylor County Election Administrator, P.O. Box 3318, Abilene, TX 79604*

PART 5: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 20<sup>th</sup> day of May 2013.

ATTEST:

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CITY SECRETARY  
*(Secretaria de la Ciudad)*

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MAYOR  
*(Alcade)*

APPROVED:

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CITY ATTORNEY  
*(Abogado de la Ciudad)*

## Exhibit "A" General May 11, 2013

**Candidate Place 5:**

Charles Zollars:                      Votes Received: 1251  
 Kyle McAlister                        Votes Received: 2183

**Candidate Place 6:**

Kellie Miller                            Votes Received: 1533  
 Lupe Chavez                            Votes Received: 478  
 Steve Savage                            Votes Received: 1495

Candidate Elected: Kyle McAlister

Candidate Elected: Runoff June 15th

Precinct	Early	101 107A 205	103 102	104 105 106	201 202	203 204 401	301 302	304 305	306 307 108	402 403 JonesCt	404 405	406 407 408											Total
<b>Place 5</b>																							
Charles Zollars	779	65	48	42	23	44	50	45	53	43	24	35											1251
Kyle McAlister	1222	55	57	86	17	56	74	85	149	216	46	120											2183
Total Votes Cast	2001	120	105	128	40	100	124	130	202	259	70	155	0	0	0	0	0	0	0	0	0	0	3434
<b>Place 6</b>																							
Kellie Miller	854	36	34	71	10	35	49	41	116	165	24	98											1533
Lupe Chavez	297	13	13	13	11	12	13	15	26	28	16	21											478
Steve Savage	892	72	61	46	21	53	64	80	66	63	31	46											1495
Total Votes Cast	2043	121	108	130	42	100	126	136	208	256	71	165	0	0	0	0	0	0	0	0	0	0	3506
<b>Registered Voters</b>	58,850				<b>Voter turnout</b>				3534														

**City Council  
Agenda Memo**



**City Council  
Meeting Date: May 20, 2013**

**TO: Larry D. Gilley, City Manager**

**FROM: Tommy O'Brien, Director of Water Utilites**

**SUBJECT: Oral Resolution Authorizing Execution of Professional Engineering Services Agreement with Alan Plummer Associates, Inc. to Perform Work Associated with the Texas Pollutant Discharge Elimination System Permit Amendment Application**

**GENERAL INFORMATION**

The City of Abilene (City) has requested Alan Plummer Associates, Inc., (APAI), teamed with Enprotec/Hibbs and Todd, to provide services associated with assisting the City with securing an amendment to the Texas Pollutant Discharge Elimination System (TPDES) permit for the Hamby Wastewater Treatment Plant (HAMBY). The consulting team was selected after reviewing statement of qualifications submitted as response by interested firms. The current TPDES permit for HAMBY was issued by the Texas Commission on Environmental Quality (TCEQ) on July 29, 2009, and will expire on March 1, 2014. An application for renewal of the permit is due to the TCEQ 180 days prior to the expiration date, which is September 1, 2013.

These services will be provided on a cost-reimbursement basis, meaning APAI will receive reimbursement for time expended and expenses incurred, up to a maximum fee. A maximum not-to-exceed cost of \$410,000 has been established for these services.

**FUNDING/FISCAL IMPACT**

The cost for the proposed engineering services to perform the work associated with the TPDES application are currently budgeted and will be funded from the Water and Sewer Fund.

**STAFF RECOMMENDATION**

It is recommended that the City Council approve, by oral resolution, a contract with Alan Plummer Associates, Inc. for a not-to-exceed cost of \$410,000, to provide engineering services associated with the TPDES Renewal, and authorize the City Manager or his designee to execute all necessary documents related to the contract.

Prepared by:  Name ___Tommy O'Brien, P.E.____  Title__Director of Water Utilties____	Item No. <u>6.1</u>	Disposition by City Council <input type="checkbox"/> Approved    Ord/Res# _____ <input type="checkbox"/> Denied        _____ <input type="checkbox"/> Other  _____ City Secretary
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**City Council  
Agenda Memo**



**City Council  
Meeting Date: 05/20/13**

**TO: Larry D. Gilley, City Manager**  
**FROM: Megan R. Santee, Director of Public Works**  
**SUBJECT: Street Use License Agreement with Abilene Cultural Affairs Council and The Center for Contemporary Arts for the “Children’s Art & Literacy Festival”**

**GENERAL INFORMATION**

The Abilene Cultural Affairs Council and The Center for Contemporary Arts have submitted a Street Use License (SUL) application to hold a public event entitled “Children’s Art & Literacy Festival” within the public right-of-way on North 1st Street. The applicant wishes to close North 1st Street from the east right-of-way line of Cedar Street to the west right-of-way line of Cypress Street for this event. The event will take place from Thursday, June 13<sup>th</sup> through Saturday, June 15<sup>th</sup>, 2013 throughout much of downtown. However, the applicant only wishes to close the aforementioned portion of North 1st Street for the event during the following times:

- From 3:00 p.m. – 9:00 p.m. on Thursday, June 13, 2013
- From 9:00 a.m. – 9:00 p.m. on Friday, June 14, 2013
- From 8:00 a.m. – 6:00 p.m. on Saturday, June 15, 2013

The applicant has obtained the approval of all affected property owners and/or business tenants within the requested street closure area for this event.

**STAFF RECOMMENDATION**

Staff has reviewed this request and recommends that the City Council, by oral resolution, authorize the Mayor to execute the attached Street Use License Agreement with the Abilene Cultural Affairs Council and The Center for Contemporary Arts for the “Children’s Art & Literacy Festival” event.

**ATTACHMENTS**

Street Use License Agreement, Short Term

Prepared by:  Name: <u>Travis McClure</u>  Title: <u>Land Agent</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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THE STATE OF TEXAS

STREET USE LICENSE AGREEMENT  
SHORT TERM

COUNTY OF TAYLOR

THIS STREET USE LICENSE AGREEMENT, hereinafter referred to as "License", executed this \_\_\_\_ day of \_\_\_\_\_, A.D., 2013, by and between the CITY OF ABILENE, a municipal corporation situated in Taylor and Jones Counties, Texas, hereinafter referred to as "City", and Abilene Cultural Affairs Council & The Center for Contemporary Arts hereinafter referred to as "Licensee".

WITNESSETH:

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

Closure of North 1st Street from the east right-of-way line of Cedar Street to the west right-of-way line of Cypress Street.

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

I. Purpose:

The purpose of this License is to permit Licensee to:

Hold registration and festival events as part of the "Children's Art & Literacy Festival".

II. Term of Agreement/Termination:

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

From 3:00 p.m. – 9:00 p.m. on Thursday, June 13, 2013

From 9:00 a.m. – 9:00 p.m. on Friday, June 14, 2013

From 8:00 a.m. – 6:00 p.m. on Saturday, June 15, 2013

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



III. **Indemnity:**

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

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

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

injury or damage to any property or right

injury, damage, or death to any person or entity

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

all other costs and expenses of litigation

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

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

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

B. Indemnity

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

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



negligence or intentional acts or omissions of the Licensee or Licensee's employees.

The City assumes no responsibility or liability for damages which are directly or indirectly attributable to premise defects which may now exist or which may hereafter arise on the premises, whether or not caused in whole or in part by improvements constructed by the Licensee. Responsibility for all such defects is expressly assumed by the Licensee.

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

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

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

#### IV. Insurance.

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

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

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

All insurance policies or certificates shall contain the following provisions:

- a. That the City of Abilene, Texas, is named as an additional insured.

- b. That such insurance shall not be cancelled or materially changed without a minimum of thirty (30) day's advance notice in writing to the City.

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

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

V. License Requirements and Restrictions:

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

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

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

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

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

CITY OF ABILENE, TEXAS

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

NAME OF LICENSEE:

*Agent for Abilene Cultural Affairs Council / The Center for Contemporary Art*

By: *Audria Hammond*  
Signature

*AUDRIA HAMMOND*

\_\_\_\_\_  
Printed Name and Title



APPROVED:

Kelley Messer  
City Attorney

Business Address: 1101 N. 15T

ABILENE, TX 79601

**STREET USE LICENSE AGREEMENT  
WITH ABILENE CULTURAL AFFAIRS COUNCIL AND  
THE CENTER FOR CONTEMPORARY ARTS  
FOR USE OF NORTH 1<sup>ST</sup> STREET RIGHT-OF-WAY**

**CONDITIONS AND COVENANTS**

**EXHIBIT A**

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

1. The Licensee may take control of the permitted portion of the street, as follows:

From 3:00 p.m. – 9:00 p.m. on Thursday, June 13, 2013

From 9:00 a.m. – 9:00 p.m. on Friday, June 14, 2013

From 8:00 a.m. – 6:00 p.m. on Saturday, June 15, 2013

2. **The Licensee shall submit a traffic control plan in compliance with the Texas Manual on Uniform Traffic Control Devices to the Traffic & Transportation Administrator (676-6279) for review NO LATER THAN THURSDAY, JUNE 6, 2013. FAILURE TO COMPLY WITH THIS PROVISION MAY RESULT IN CANCELLATION OF THIS LICENSE.**
3. **The Licensee shall be responsible for obtaining, properly installing, and maintaining all necessary traffic control signs and barricades in compliance with the traffic control plan.**
4. The Licensee shall contact all property owners and/or business tenants of properties on North 1st Street from Cedar Street to Cypress Street that would normally be open any time during the permitted closure periods to advise them of the proposed street closure and to work out arrangements to accommodate their access needs. It is the Licensee's responsibility to notify other downtown businesses located outside of the permitted street closure area of the event, at Licensee's discretion.
5. The Licensee shall designate an event command center and an event contact person(s). This information, as well as contact phone numbers, shall be provided to the City Land Agent by Thursday, June 6, 2013. During the event, an event contact person shall be on-site at all times.
6. The Licensee shall contact the City Fire Marshal regarding a Fire Code outdoor carnival/fair permit, and obtain one if necessary. The Licensee shall contact the Traffic Control Division of the Abilene Police Department about a parade permit, and obtain one if a parade is planned for the event. The Licensee shall insure that all food and beverage vendors associated with the event obtain a temporary food vendors permit from the City of Abilene Environmental Health office.



7. The Licensee shall insure that the event is conducted in conformance with all applicable laws and regulations, including City noise regulations and Texas Alcoholic Beverage Commission rules and regulations.
8. The Licensee shall prominently post notice at each entry into the controlled area that smoking is not permitted at the event and shall comply with the requirements of the City smoking ordinance.
9. The Licensee shall provide sufficient portable toilets to accommodate the needs of event attendees, invitees and participants, as determined by Licensee. The portable toilets shall not be located within 10 feet of the door to any building nor shall they be located on the street side of any glass storefront.
10. The Licensee shall contact the Abilene Police Department to inform them of the event and shall provide sufficient security forces, as determined by the Chief of Police, for crowd control and protection of property.
11. The Licensee shall provide for collection and disposal of solid waste created by the event. This shall include an adequate number of waste receptacles, collection of litter after the event, and delivery of the waste to the landfill. At a minimum this shall include one waste receptacle within 50 feet of each food vendor or beverage vendor and one waste receptacle within each block of the permitted/closed area that does not have a food or beverage vendor.
12. The Licensee shall maintain free of obstructions a fire apparatus access lane at least 25 feet in width from end-to-end of all street segments and an access path at least 10 feet in width from the fire apparatus access lane to all fire service appliances (fire hydrants, fire service connections to buildings, etc.) at all times.
13. The Licensee shall make provisions for safe access to private property abutting the permitted/closed area to any party desiring to access that property.
14. The Licensee shall protect traffic signal control equipment and related facilities, signs, pavement markings, and other traffic control devices within the permitted area and shall be responsible for prompt repair of any damage. The Licensee shall be responsible for all costs associated with adjustments to the City's traffic control devices that are necessary for the permitted activity. The Licensee shall not attach any item to the poles, equipment boxes or other components of the traffic signal system.
15. The Licensee shall clear the sidewalks and pavement area of obstructions to pedestrian and vehicular traffic before ending control of the area. The Licensee assumes all responsibility for warning and/or protecting pedestrians and motorists from obstructions and hazards if they are allowed to enter the controlled area before it is cleared of such obstructions and hazards.



STREET USE LICENSE AGREEMENT  
SHORT TERM

APPLICATION



Applicant: Abilene Cultural Affairs Council/Center for Contemporary Arts Phone: 325-677-1161

Address: 1101 North First Street Abilene, Texas 79601

Agent: Audria Hammond Phone: 325-676-6200

Event name: Art Walk/ Children's Art and Literature Festival (C.A.L.F) Event type: Festival

Description of public right-of-way proposed for the event/activity: Closure of North 1<sup>st</sup> Street from the east right-of way line of Cedar Street to the west right-of-way line of Cypress Street (Closure of North First at Cedar Street (so that vehicles can still come up under the railroad and proceed north on Cedar) and closure of North First at Cypress (just west of the North First entrance into the Abilene Reporter News parking - adjacent to the building entrance) )

Activities that will occur in the public right-of-way: Registration and Festival Events

Date & time period of event: Thursday, June 13, 2013 4:00 PM – 8:30 PM  
Friday, June 14, 2013; 10:00 am – 8:00 pm;  
Saturday, June 15, 2013 9:00 am – 5:00 pm

Date & time period of street closure: Thursday, June 13, 2013: 3:00 pm – 9:00 pm;  
Friday, June 14, 2013: 9:00:00 am – 9:00 pm;  
Saturday, June 15, 2013: 8:00 am - 6:00 pm

Expected peak attendance: Saturday, June 15, 2013 750 - 1000

Circle items to be offered at event: Food Beverages Alcohol  
(Snow-cones; soft drinks)

Preferred City Council meeting for request to be considered: May 2013

Application is not complete unless all of the following are included:

- Application Fee - \$300 – (Request waiver of fees)
- Certificate or other evidence of insurance
- A dimensioned drawing showing public right-of-way, adjacent property in the vicinity of the proposed event, and locations of activity in right-of-way.

Audria Hammond  
Signature of Applicant or Agent

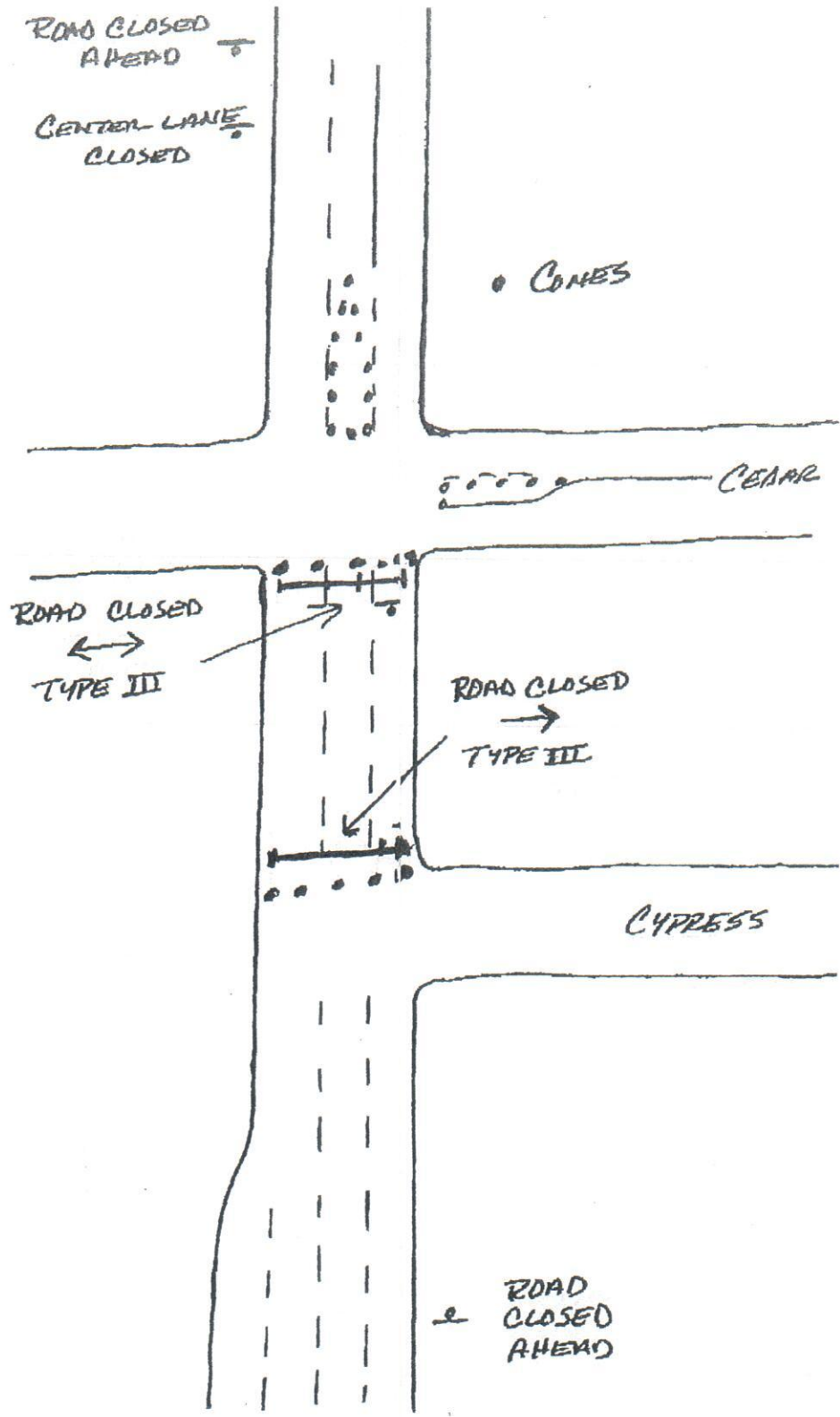
5-1-13  
Date

Return Application to:  
Land Agent  
City of Abilene  
PO Box 60  
Abilene TX 79604







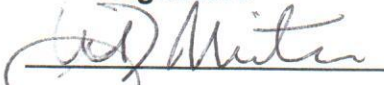
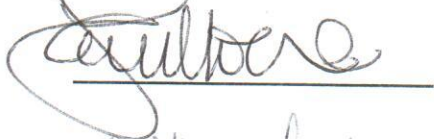





Traffic Control Plan for Street use License Agreement  
 Abilene Cultural Affairs Council and The Center for Contemporary Arts  
 Children's Arts and Literacy Festival (C.A.L.F.) June 13-16, 2013

Closure of North 1<sup>st</sup> Street from the east right of way line of Cedar Street to the west right of way line of Cypress Street.

**Children's Art and Literacy Festival (C.A.L.F.) June 13-16, 2013**

Approval of property and /or business tenants for closure of North 1<sup>st</sup> Street from the east right of way line of Cedar Street to the west right-of way line of Cypress Street:

<b>Business</b>	<b>Phone Number</b>	<b>Signature</b>
<b>Abilene Preservation League</b> 1174 North 1st Street	325/676-3775	
<b>Grace Cultural Center</b> 102 Cypress Street	325/673-4587	
<b>NCCIL</b> 102 Cedar Street	325/673-4586	
<b>Texas Star Trading</b> 174 Cypress St	325/672-9696	
<b>Cypress Street Station</b> 158 Cypress	325/676-3463	

**City Council  
Agenda Memo**



**City Council  
Meeting Date: May 20, 2013**

**TO: Larry D. Gilley, City Manager**

**FROM: Stan Standridge, Chief of Police**

**SUBJECT: Oral Resolution Finding a Public Purpose and Approving Bicycle and Clothing Donations to Various Local Charities Through the End of the 2013/2014 Fiscal Year.**

**GENERAL INFORMATION**

Throughout the year, the Police Department acquires a large number of unclaimed bicycles and used clothing through the normal course of police business. The Department seeks approval to donate these used items to local charities as the items are accumulated. The items that are never claimed are either sold in a City auction or donated to non-profit organizations.

**SPECIAL CONSIDERATIONS**

The Texas Constitution requires that before a City can make a donation to a private non-profit there must be a finding by City Council that such a donation constitutes a legitimate public purpose. This authorization is intended to include all items donated from the date of passage of this resolution through the 2013/2014 fiscal year.

**FUNDING/FISCAL IMPACT**

The items would likely be sold in a lot during an auction if not donated. Therefore, donation of the items will result in the loss of those sales.

**STAFF RECOMMENDATION**

Staff recommends the Council finds there is a legitimate public purpose in a donation of bicycles and clothing from Police Property to local non-profit organizations and authorize such donations through the end of the 2013/2014 fiscal year.

Prepared by: Name ___ Stan Standridge _____ Title ___ Chief of Police _____	Item No. <u>6.3</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____
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City Secretary

City Council  
Agenda Memo



City Council  
Meeting Date: May 20, 2013

**TO:** Larry D. Gilley, City Manager

**FROM:** Danette Dunlap, City Secretary

**SUBJECT:** Oral Resolution – Authorizing the City Manager to enter into an Election Services Contract with Taylor County Election Administrator.

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**GENERAL INFORMATION**

The City will contract for election services with the Taylor County Elections Administrator.

**FUNDING AND FISCAL IMPACT**

The estimated cost for a City Election is \$17,178.70

**STAFF RECOMMENDATION**

Staff recommends that Council approve by Oral Resolution – Authorizing the City Manager to enter into an Election Services Contract with the Taylor County Election Administrator.

**ATTACHMENTS**

Contract for Election Services  
Exhibit A - Cost

Prepared by:  Name: <u>Danette Dunlap</u> Title: <u>City Secretary</u>	Item # <u>6.4</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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**ESTIMATED COST FOR ELECTION**  
**City of Abilene Runoff Election**  
**June 15, 2013**

**RENTAL OF EQUIPMENT**

<u>Early Voting</u>	JBC	1	100.00 ea.	\$	100.00
	DAU	1	100.00 ea.	\$	100.00
	eSlate	5	100.00 ea.	\$	<u>500.00</u>
				\$	<b>700.00</b>

<u>Election Day</u>	JBC	7	100.00 ea	\$	700.00
7 Polling Places	eSlate	42	100.00 ea	\$	4,200.00
	DAU	7	100.00 ea	\$	<u>700.00</u>
				\$	<b>5,600.00</b>

**SETUP AND CONDUCT EARLY VOTING** 1 early site \$ **1,000.00**

**PROGRAMMING AND OPERATING EQUIPMENT** \$ **1,000.00**

**LEGAL NOTICES**

Notice of Public Test \$ 300.00

\$ **300.00**

**SUPPLIES**

Packets for Election Judges	8	35.00 ea.	\$	280.00
Early Voting by Mail Ballots	20	1.50 ea.	\$	30.00
Early Voting by Personal Appearance	1,000	.02 ea.	\$	<u>20.00</u>
			\$	<b>330.00</b>

**MISCELLANEOUS SERVICES**

Misc. supplies and delivery of equipment			\$	100.00
Copies	100	.10 ea	\$	10.00
Postage	20	.45 ea	\$	9.00
Postage for Mail ballots	20	.90 ea	\$	<u>18.00</u>
			\$	<b>137.00</b>

**PERSONNEL**

Early Voting Clerks			\$	1,100.00
Election Day Workers			\$	3,000.00
Central County Station			\$	300.00
County Employees Overtime			\$	2,000.00
Janitorial Services			\$	<u>150.00</u>
			\$	<b>6,550.00</b>

**Sub Total \$ 15,617.00**

10% Administrative Fee \$ **1,561.70**

**ESTIMATED COST \$ 17,178.70**

City Council  
Agenda Memo



City Council  
Meeting Date: May 20, 2013

**TO:** Larry D. Gilley, City Manager  
**FROM:** Danette Dunlap, City Secretary  
**SUBJECT:** Oral Resolution – Calling the Election and Posting Notice of Runoff Election,  
for June 15 2013.

**GENERAL INFORMATION**

The Texas Election Code, Sec. 4.001. NOTICE REQUIRED. Notice of each general and special election shall be given as provided by this chapter.

Sec. 4.002. AUTHORITY RESPONSIBLE FOR GIVING NOTICE.

2) the presiding officer of the governing body of a political subdivision, for an election ordered by the presiding officer or the governing body

**STAFF RECOMMENDATION**

Staff recommends that Council approve by Oral Resolution Authorizing the Mayor to sign the Notice of Election.

**ATTACHMENTS**

Notice of Election

Prepared by:

Name: Danette Dunlap  
Title: City Secretary

Item # 6.5

Disposition by City Council

Approved      Ord/Res#

Denied      \_\_\_\_\_

Other

\_\_\_\_\_  
City Secretary



**NOTICE FOR GENERAL RUNOFF ELECTION  
(AVISO DE ELECCION GENERAL RUNOFF)**

To the Registered Voters of the City of Abilene, Texas:  
(A los votantes registrados del Ciudad de Abilene Texas:)

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., on June 15 2013, for voting in a general runoff election to elect Councilmember Place 6.

(Notifiquese, por las presente, que las casillas electorales sitados abajo se abriran desde las 7:00 a.m. hasta las 7:00 p.m. el 15 de Juneo 2013 para votar en la Eleccion General Runoff para elegir concilio miembro puesto numero 6.

<b>PRECINCTS</b>	<b>LOCATIONS OF POLLING PLACES (DIRECCION(ES) DE LAS CASILLAS ELECTORALES)</b>
101-107A-205	Johnston Elementary 3602 North 12 <sup>th</sup> Street
102-103-404-405	Church of Christ S 11 <sup>th</sup> & Willis (3333 S 11 <sup>th</sup> )
104-105-106	Westminster Presbyterian 4515 South 14 <sup>th</sup> Street
201-202-203-204 401	New Life Temple Assembly of God 2465 Old Anson Rd
108-301-302-304 305-306-307A	New Beginnings United Pentecostal Church 5535 Buffalo Gap Rd.
402-403	Hillcrest Church of Christ 650 East Ambler (Jones County Pct 302)
406-407-408	Thomas Elementary School 1240 Lakeside Drive

Early voting by personal appearance will be conducted each weekday at Taylor County Plaza, 400 Oak between the hours of 8:00 a. m and 5:00 p.m. beginning on June 3 and ending on June 7, 2013 and from 7:00 am until 7:00 pm on June 10-11, 2013.

(La votacion adelantada en persona se llevara a cabo de lunes a viernes en el Palacio de Justicia del Condado Taylor, 400 Oak entre las 8:00 de la mañana y las 5:00 de la tarde empezando Juneo 3 y terminado Juneo 11, 2013

Applications for ballot by mail shall be mailed to:

(Las solicitudes para boletas que se votaran en ausencia por correo deberan enviarse a:)

Kristi Allyn, Elections Administrator  
Taylor County Plaza, P. O. Box 3318  
Abilene, TX 79604

Applications for ballots by mail must be received no later than the close of business on June 7, 2013.

(Las solicitudes para boletas que se votaran en ausencia por correo deberan recibirse para el fin de las horas de negocio el Juneo 07, 2013.)

Issued this the 20 day of May, 2013.

(Emitada este dia 20 de Mayo, 2013.)

Norm Archibald

---

Mayor (Alcalde)

**City Council  
Agenda Memo**



**City Council  
Meeting Date: May 20, 2013**

**TO: Larry D. Gilley, City Manager**

**FROM: Administrative Staff**

**SUBJECT: Develop and Issue a Request for Proposals for a Downtown Hotel**

---

**GENERAL INFORMATION**

City staff seeks authorization to develop and issue a Request for Proposals (RFP) to determine the interest of qualified companies for the development of a downtown hotel, through a public/private partnership. The RFP will include potential incentives provided by the City of Abilene to encourage submission of proposals by qualified companies. Such incentives will be evaluated in the context of the proposals submitted to determine if they will be extended as forgivable expenditures by the City or will result in an equity position by the City in the project.

**FUNDING/FISCAL IMPACT**

Funding and fiscal impact will be evaluated as part of the review process upon receipt of proposals and will be subject to City Council approval at the time an award is made.

**STAFF RECOMMENDATION**

Staff recommends that the City Council, by oral resolution, authorize the City Manager to Develop and Issue a Request for Proposals for a Downtown Hotel.

Prepared by:

Name: Larry D. Gilley

Title: City Manager

Item No. 6.6

Disposition by City Council

- Approved    Ord/Res# \_\_\_\_\_
- Denied        \_\_\_\_\_
- Other         \_\_\_\_\_

\_\_\_\_\_  
City Secretary

**City Council  
Agenda Memo**



**City Council  
Meeting Date: May 20, 2013**

**TO: Larry D. Gilley, City Manager**  
**FROM: Melinda Beard, CAC Director**  
**SUBJECT: Resolution to apply for OVAG grant**

**GENERAL INFORMATION**

The Other Victim Assistance Grant (OVAG) will be used to fund a full-time forensic interviewer at the Child Advocacy Center. The forensic interviewer conducts interviews of children who have been victims of abuse. In FY 2012 we conducted approximately 377 child interviews at the Center.

**FUNDING/FISCAL IMPACT**

The OVAG grant will cover the entire salary and fringe benefits for the forensic interviewer. This is a two year grant and would cover FY 2014 and 2015.

**STAFF RECOMMENDATION**

Staff recommends approval of the application for the OVAG grant.

**ATTACHMENTS**

**OVAG application**  
**Resolution of Governing Body – to be signed**

Prepared by:

Name Melinda Beard

Title CAC Director

Item No. 6.7

Disposition by City Council

- Approved    Ord/Res# \_\_\_\_\_
- Denied        \_\_\_\_\_
- Other         \_\_\_\_\_

\_\_\_\_\_  
City Secretary

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS SUPPORTING THE APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS, CRIME VICTIMS SERVICES DIVISION, FOR AN OTHER VICTIMS ASSISTANCE GRANT.**

**WHEREAS**, THE Abilene Taylor county Child Advocacy Center, has applied or wishes to apply to the Office of the Attorney General (“OAG”) Crime Victim Services Division for an Other Victim Assistance Grant (“OVAG”); and,

**WHEREAS**, the Abilene Taylor County Child Advocacy Center is a past recipient of an OVAG; and,

**WHEREAS**, the OVAG grant will cover the entire salary and fringe benefits for the forensic interviewer for fiscal years 2014 and 2015; and

**WHEREAS**, the Abilene Taylor County Child Advocacy Center has designated Abilene Police Department Assistant Chief Doug Wrenn as the “Authorized Official” who has been given the power to apply for, accept, reject, alter, or terminate that certain grant with the OAG, Crime Victim Services Division as well as given the authority to sign all grant adjustment requests, inventory reports, progress reports and financial reports or any other official documents related to the grant on behalf of the grantee; and,

**WHEREAS**, the Abilene City Council has considered and supports the application filed or to be filed with the OAG.

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

**PART 1.** That this governing body approves the submission of the Application for an OVAG to the OAG, Crime Victim Services Division as well as the designation of the Authorized Official.

**PART 2.** That the governing body approves the designation of the Authorized Official.

**ADOPTED** this 20th day of May, 2013.

**ATTEST:**

\_\_\_\_\_  
Danette Dunlap, City Secretary

\_\_\_\_\_  
Norman Archibald, Mayor

**APPROVED:**

\_\_\_\_\_  
City Attorney

City Council  
Agenda Memo



City Council  
Meeting Date: 5/20/2013

**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-2013-10, a request from David Gannaway, agent Angie Shaw, to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 3881 Vine St; and setting a public hearing for June 13, 2013.

**GENERAL INFORMATION**

The property is developed and in use as a night club and parking. The surrounding properties are developed and in use with both Heavy Commercial (HC) and Light Industrial (LI) uses. The applicant is requesting HC zoning in order to add active outdoor recreation to the establishment's offerings.

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

**STAFF RECOMMENDATION**

Staff recommends approval of HC zoning.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval as requested by a vote of 7 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

May 7, 2013

Item No. 6.8

Disposition by City Council

- Approved      Ord/Res# \_\_\_\_\_
- Denied      \_\_\_\_\_
- Other      \_\_\_\_\_

\_\_\_\_\_  
City Secretary

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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, part 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 20<sup>th</sup> day of May, 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 20<sup>th</sup> day of April, 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 13<sup>th</sup> day of June, 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 13<sup>th</sup> day of June, A.D. 2013.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY



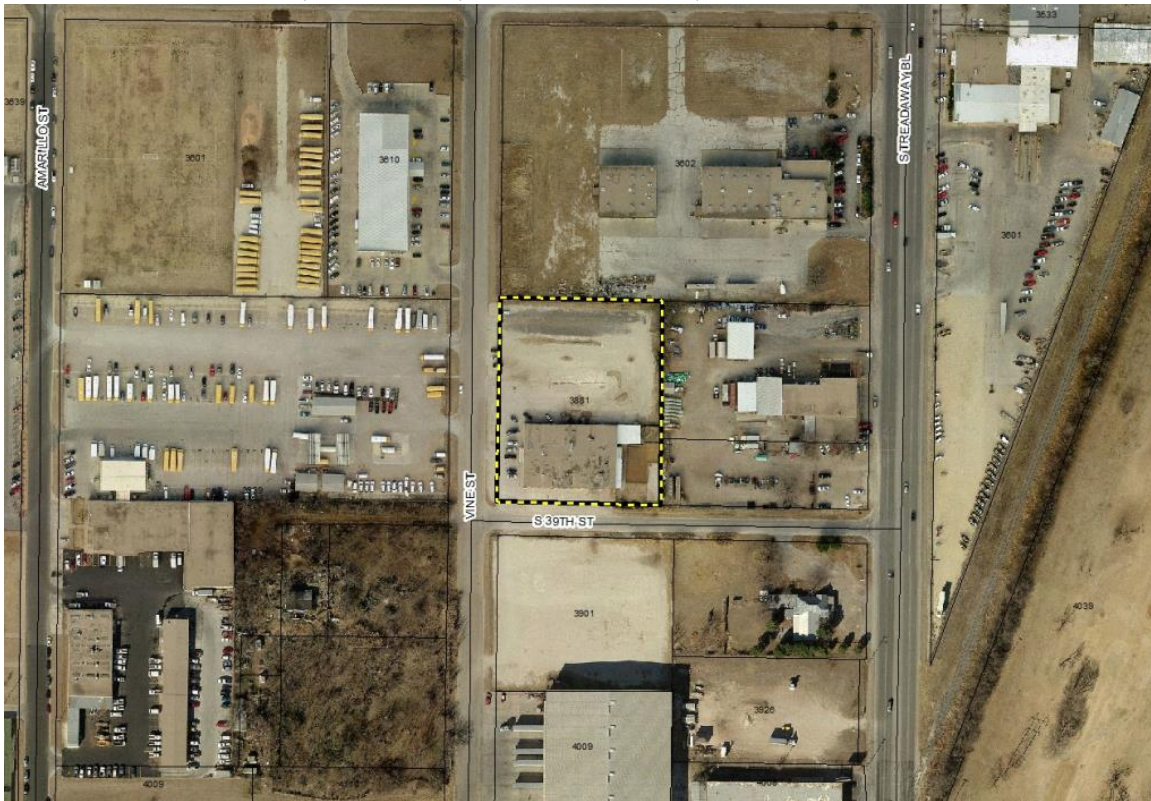
ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

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

Legal Description:

J MATTHEWS, BLOCK A, LOT W268 OF 1, ACRES 2.01



Location:  
3881 Vine Street

-END-

# ZONING CASE Z-2013-10

## STAFF REPORT



### APPLICANT INFORMATION:

David Gannaway  
Agent: Angie Shaw

### HEARING DATES:

Planning & Zoning Commission: May 6, 2013  
City Council 1<sup>st</sup> Reading: May 20, 2013  
City Council 2<sup>nd</sup> Reading: June 13, 2013

### LOCATION:

3881 Vine Street

### REQUESTED ACTION:

Rezone property from LI to HC



### SITE CHARACTERISTICS:

The subject property is approximately 2.01 acres and is currently zoned LI (Light Industrial). The property houses Guitars and Cadillac night club. The adjacent properties are zoned LI.

### ZONING HISTORY:

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

### ANALYSIS:

- Current Planning Analysis

The property is developed and in use as a night club and parking. The surrounding properties are developed and in use with both Heavy Commercial (HC) and Light Industrial uses. The applicant is requesting HC zoning in order to add active outdoor recreation to the establishment's offerings.

- Comprehensive Planning Analysis

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

### PLANNING STAFF RECOMMENDATION:

Staff recommends approval of HC (Heavy Commercial) zoning.

### PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval as requested by a vote of 7 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

Case # Z-2013-10

Updated: May 7, 2013

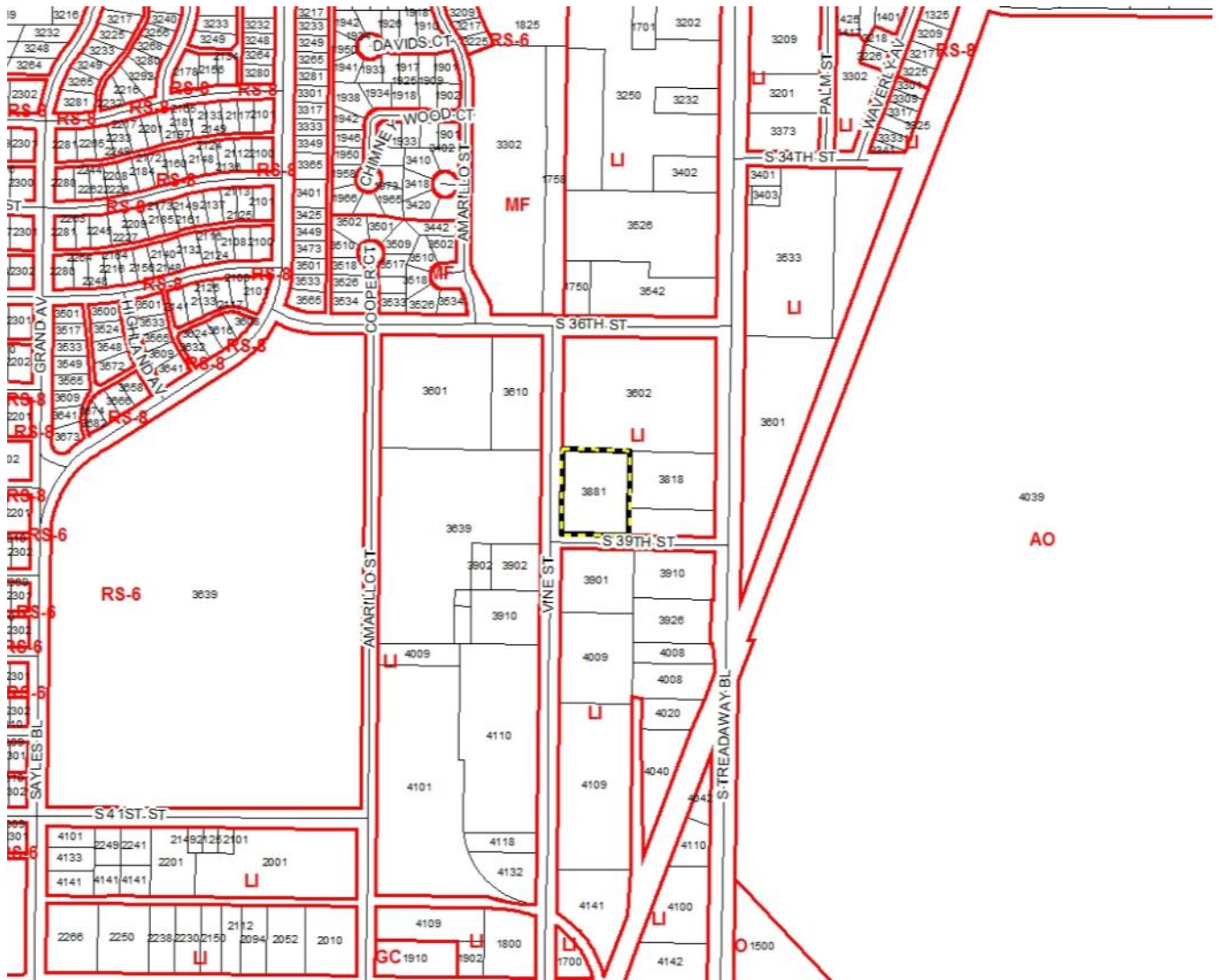
**NOTIFICATION:**

Notices were sent to 8 property owners within a 200-foot radius.

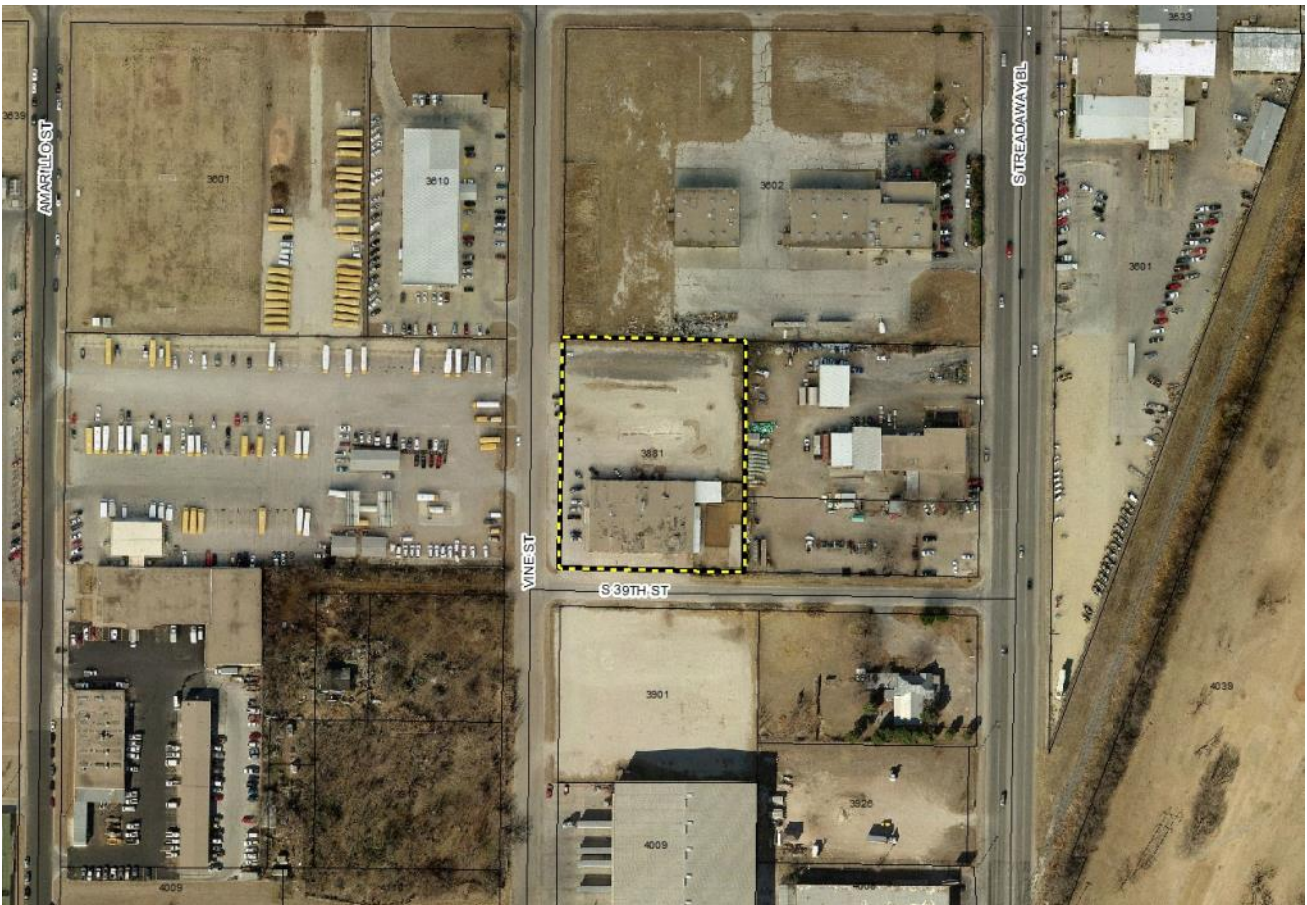
OWNER	ADDRESS	RESPONSE
WORNAT-ABILENE LTD	3610 VINE ST	
WHITE RALPH SHANE & WHITE BURNEY DEWAYNE	3902 VINE ST	In Favor
CRAWFORD CHARLES L	3602 S TREADAWAY BLVD	
ABILENE IND SCHOOL DIST	3639 SAYLES BLVD	
VOLUME FEED & SEED INC	3818 S TREADAWAY BLVD	
MC CORD SAM PROPERTIES INC	3881 VINE ST	
VOLUME FEED & SEED INC		
DEVELOPMENT CORP OF ABILENE INC	3901 VINE ST	
INGLE RONALD V & CLAUDIA J	3910 S TREADAWAY BLVD	

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









City Council  
Agenda Memo



City Council  
Meeting Date: 5/20/2013

**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-2013-11, a request from Marvin Morris, agent Cojer Surveying, Inc., to rezone property from RS-6 (Single-Family Residential) to PD (Planned Development) zoning, located at 773 & 809 Cherry St and 533 S. 8th St; and setting a public hearing for June 13, 2013.

**GENERAL INFORMATION**

The property located at 773 Cherry St. is currently vacant. The properties located at 809 Cherry St & 533 S. 8<sup>th</sup> St are currently being replatted into 1 lot and will be developed with 1 single family residence. The surrounding properties are developed and in use with both Heavy Commercial (HC) and Residential Single-Family uses. There is the Early Childhood Education Center located directly across the Cherry St to the west. The applicant is requesting PD zoning in order to add a parking lot and an accessory storage structure to serve the restaurant located at 780 S. Treadaway Blvd.

The Future Land Use section of the Comprehensive Plan designates this general area for transitioning to the Central Business District which includes mixed use development from single-family and multi-family residential to commercial uses. There are several different businesses operating to the east of the proposed rezoning ranging from auto sales, restaurants, and various other commercial uses. Nearby S. Treadaway Blvd is also a commercial/retail area. Based on the location being near to the Central Business district and S. Treadaway Blvd, the requested zoning would be compatible with the surrounding uses and would be more appropriate with the current and future uses.

**STAFF RECOMMENDATION**

Staff recommends approval of PD zoning.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval as requested by a vote of 7 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

May 7, 2013

Item No. 6.9

Disposition by City Council

- Approved Ord/Res# \_\_\_\_\_
- Denied \_\_\_\_\_
- Other \_\_\_\_\_

\_\_\_\_\_  
City Secretary



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-137 A PLANNED DEVELOPMENT; 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, part 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.

PASSED ON FIRST READING this 20<sup>th</sup> day of May 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 20<sup>th</sup> day of April, 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 5:30 p.m., on the 13<sup>th</sup> day of June, 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 13<sup>th</sup> day of June, A.D. 2013.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY



ORDINANCE NO. \_\_\_\_\_

Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in possession of the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Abilene Municipal Code, part known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From RS-6 (Residential Single Family) to PD (Planned Development).

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.

ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

PAGE 2

PART 5: Legal Description. The legal description of this PD is as follows:

Located at located at 773 & 809 Cherry St and 533 S. 8<sup>th</sup> St, as shown on the exhibit below.



PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for commercial development and related activities of a tract, which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the RS-6 (Residential Single Family) zoning district, except as modified below.

**A. PERMITTED USES:**

1. All uses permitted in the RS-6 (Single-Family Residential) zoning district listed in the Land Development Code and permitting the following uses:

- **Tract 1:** Automobile Parking Lot-Commercial
- **Tract 2:** Storage building to be used to store items for the neighboring restaurant located at 780 S. Treadaway Boulevard.

**B. SITE DEVELOPMENT**

**1. Building Materials:**

- a. Any storage building in Tract 2 shall be built with similar building materials as the primary structure on the same lot.
- b. A Site Plan shall be submitted for review and approval by the Planning Director or his designee. Any variation from the design requirements or materials listed above will be subject to review and may be permissible at the discretion of the Planning Director. Appeals shall be to the appropriate board or commission, currently the Planning & Zoning Commission Design Review Subcommittee, in accordance with the Land Development Code, as amended.

-END-

# ZONING CASE Z-2013-11

## STAFF REPORT



### APPLICANT INFORMATION:

Marvin Morris  
Agent: Cojer Surveying

### HEARING DATES:

Planning & Zoning Commission: May 6, 2013  
City Council 1<sup>st</sup> Reading: May 20, 2013  
City Council 2<sup>nd</sup> Reading: June 13, 2013

### LOCATION:

773 & 809 Cherry St and 533 S. 8<sup>th</sup> St

### REQUESTED ACTION:

Rezone property from RS-6 to PD-137



### SITE CHARACTERISTICS:

The subject properties are currently 3 separate lots and are currently zoned RS-6 (Residential Single-Family). There is a single family residence located at 809 Cherry St and the other 2 lots are vacant. The adjacent properties to the north, south, and west are zoned RS-6. The properties to the west are zoned HC (Heavy Commercial).

### ZONING HISTORY:

The property was part of Original Town Abilene and was zoned RS-6 sometime after.

### ANALYSIS:

- Current Planning Analysis

The property located at 773 Cherry St. is currently vacant. The properties located at 809 Cherry St & 533 S. 8<sup>th</sup> St are currently being replatted into 1 lot and will be developed with 1 single family residence. The surrounding properties are developed and in use with both Heavy Commercial (HC) and Residential Single-Family uses. There is the Early Childhood Education Center located directly across the Cherry St to the west. The applicant is requesting PD zoning in order to add a parking lot and an accessory storage structure to serve the restaurant located at 780 S. Treadaway Blvd.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for transitioning to the Central Business District which includes mixed use development from single-family and multi-family residential to commercial uses. There are several different businesses operating to the east of the proposed rezoning ranging from auto sales, restaurants, and various other commercial uses. Nearby S. Treadaway Blvd is also a commercial/retail area. Based on the location being near to the Central Business district and S. Treadaway Blvd, the requested zoning would be compatible with the surrounding uses and would be more appropriate with the current and future uses.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of PD (Planned Development) zoning.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval as requested by a vote of 7 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

**NOTIFICATION:**

Notices were sent to 25 property owners within a 200-foot radius.

OWNER	ADDRESS	RESPONSE
RODRIGUEZ IGNACIO B	610 S 8TH ST	
NORTON ROBERT & JENNY	758 CHERRY ST	
PENROD PROPERTIES INC	802 S TREADAWAY BLVD	In Favor
DUARTE WALTER ANTONIO	833 CHERRY ST	
MORRIS & JACOBY PARTNERSHIP	773 CHERRY ST	
CAMPBELL LESLIE V III & KELLY W	765 CHERRY ST	In Favor
BARNES TYLEE	733 CHERRY ST	
THOMAS CLIFTON	618 S 8TH ST	
COLLAZO JUANA LOPEZ	749 CHERRY ST	
BAKER BILLY Z	820 S TREADAWAY BLVD	
BECERRA ROSAURA	602 S 8TH ST	
MC MILLON RONALD	757 CHERRY ST	
ABILENE IND SCHOOL DIST	625 S 8TH ST	
MORRIS MARVIN	809 CHERRY ST	
HUGHES CHARLES ET AL	830 S TREADAWAY BLVD	
MORRIS & JACOBY PARTNERSHIP	780 S TREADAWAY BLVD	
PYLE DONNA	734 S TREADAWAY BLVD	
MORRIS MARVIN	533 S 8TH ST	
HERNANDEZ SALETA	825 CHERRY ST	
CAMPBELL LESLIE V III & KELLY W	758 S TREADAWAY BLVD	In Favor
BAKER BILLY Z	834 S TREADAWAY BLVD	
HERNANDEZ PEDRO G	827 CHERRY ST	
ROCKER H GROUP LLC	750 S TREADAWAY BLVD	
COLLAZO JUAN	750 CHERRY ST	
PARKS GREGORY L	842 S TREADAWAY BLVD	

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













City Council  
Agenda Memo



City Council  
Meeting Date: 5/20/2013

**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-2013-12, a request from Gary Cheek to amend PD-132 (Planned Development), located at 497 Cheyenne Cir; and setting a public hearing for June 13, 2013.

**GENERAL INFORMATION**

Currently the property is zoned PD and has been developed with a City Park, boat ramps, RV Park, and restaurant. The adjacent property to the north is undeveloped. There are single family homes bordering the subject property on the south. There are commercial developments to the west across W Lake Rd., and Lake Fort Phantom Borders the property on the south.

The Lake Fort Phantom Land Use Plan identifies this area as a Commercial Recreational area. The plan also designates this general area as a special point of interest. The approved PD (Planned Development) incorporates a variety of recreational as well as commercial activities on the property to promote future development and activity on the lake. The PD also includes several design guidelines for the property to ensure development is consistent with the Lake Fort Phantom Hill Land Use Plan. Overall the amendments to the approved PD are compatible with the surrounding uses as well as the Lake Fort Phantom Hill Land Use Plan.

**STAFF RECOMMENDATION**

Staff recommends approval of the amendments to the PD zoning.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval with several modifications 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

May 7, 2013

Item No. 6.10

Disposition by City Council

Approved Ord/Res# \_\_\_\_\_

Denied \_\_\_\_\_

Other \_\_\_\_\_

\_\_\_\_\_  
City Secretary

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-132 AND ORDINANCE NO. 21-2010, A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 21-2010, as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING this 20<sup>th</sup> day of May 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 20<sup>th</sup> day of April, 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 13<sup>th</sup> day of June, 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 13<sup>th</sup> day of June, A.D. 2013.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

1<sup>st</sup> Amendment to Ordinance No. 21-2010

PART 7: Specific Modifications

AMEND: A. PERMITTED USES *(create 2 separate tracts; eliminate duration for travel trailer parks in Tract 2)*

Tract 1:

1. All uses permitted in the GR (General Retail) Zoning District listed in the Zoning Ordinance, except the following:
  - Medical/Dental Laboratory
  - Funeral Home/Mortuary/Morgue
  - Kennel (Without Outdoor Pens)
2. Dwelling – Institutional uses shall require a Conditional Use Permit.
3. Recreation, Outdoors (Active)
4. Retail sales, rental, services, maintenance and storage of boats, jet skis, sailboats, etc.
5. Retail fishing dock and related sale of lures and bait.

Tract 2:

1. All uses permitted in Tract 1.
2. Vacation Travel Trailer Parks. ~~In no case shall any travel trailer be allowed for more than three (3) consecutive weeks.~~

AMEND: B. SITE DEVELOPMENT

1. Building Materials *(add letters g & h)*
  - g. A general maintenance shop, for repairs and storage of owners' boats, vehicles and equipment must meet the above requirements from the street (front) view. Other sides may be a painted, metallic material to blend with other construction on the property.
  - h. Carports are acceptable and may be constructed of metal painted to blend with other construction on the property.

AMEND: B. SITE DEVELOPMENT

4. Sidewalks and Trail System *(add letter c)*
  - a. All sidewalks must comply with the standards set forth in the City of Abilene Sidewalk Master Plan and the Texas Accessibility Standards.
  - b. A hike and bike trail must be provided along or near the shoreline of any commercial development with lake frontage to provide a "continual loop" pedestrian path along the shoreline. Such a trail shall comply with the standards set forth in the Lake Fort Phantom Hill Land Use Plan as determined by the Planning Director. Appeals shall be to the appropriate board or commission, currently the Planning Director and the City

Engineer, in accordance with the Land Development Code, as amended.

- c. The trail must be built within 5 years of approval of a site plan or when 75% of the trail system in the PD boundary has been built or triggered by site plan approval.

ADD:

B. SITE DEVELOPMENT

9. **Regulations Vacation Travel Trailer, Recreation Vehicle Parks:**

The regulations for Vacation Travel Trailer, Recreation Vehicle Parks shall comply with all requirements found in Section 4.2.11 except for the following:

- a. **Setback:** Trailers shall be allowed up to 15 feet from the front property line.
- b. **Size of , Marking & Separation of Individual Sites**
  - i. The size of each individual site for any vacation travel trailer shall be 40' by 25'.
  - ii. No minimum spacing shall be required between individual sites.
- c. **Ingress and Egress**
  - i. The minimum width for the entrance drive shall be 24 feet.
  - ii. Base material shall be allowed for all drive lanes and parking except for the required handicapped parking and associated loading areas.
- d. **Long-Term Use of Trailers**
  - i. Up to 75% of trailers may be allowed as long-term stay. Long-term stay trailers may be allowed for up to 12 months and must leave for a minimum of 60 days prior to returning.
  - ii. 25% of trailers must be designated as short-term stay. Short-term stay trailers may be allowed for up to 3 months and must leave for a minimum of 60 days prior to returning.
- e. **Sanitary Facilities**
  - i. Only 1 toilet, sink, and shower shall be required for each sex for up to 20 travel trailer sites.



-END-

# ZONING CASE Z-2013-12

## STAFF REPORT



### APPLICANT INFORMATION:

Gary Cheek

### HEARING DATES:

Planning & Zoning Commission: May 6, 2013

City Council 1<sup>st</sup> Reading: May 20, 2013

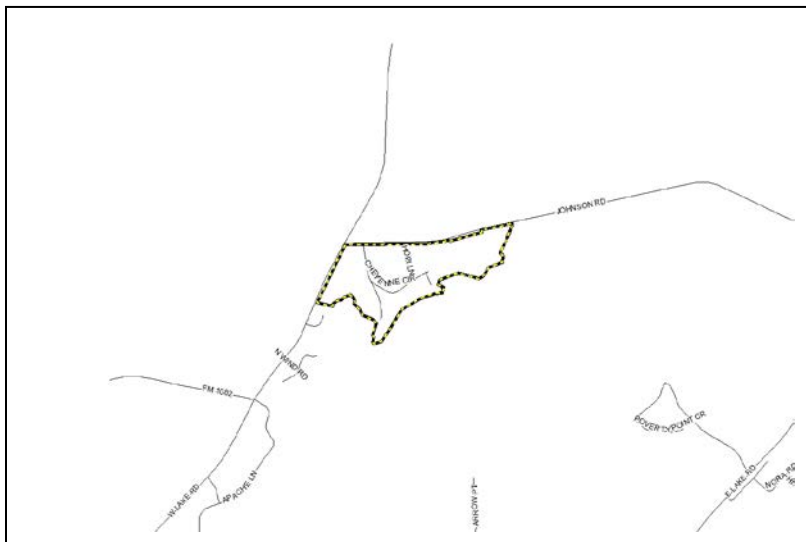
City Council 2<sup>nd</sup> Reading: June 13, 2013

### LOCATION:

Southeast corner of W Lake Rd and Johnson Rd,  
Being approximately 90 acres.

### REQUESTED ACTION:

Amend PD-132.



### SITE CHARACTERISTICS:

The subject parcel totals approximately 90 acres and is currently zoned PD (Planned Development). The subject property has been developed with a wide variety of uses, including a City Park, boat ramps, an RV Park, and a restaurant. The adjacent properties have AO (Agricultural Open Space) to the north, RS-6 (Single Family Residential) to the south, GC (General Commercial) and AO (Agricultural Open Space) to the west across W. Lake Rd., and Lake Fort Phantom borders the property to the east and south.

### ZONING HISTORY:

The area was annexed in 1956 and 1983. The property was rezoned PD in 2010.

### ANALYSIS:

#### • Current Planning Analysis

Currently the property is zoned PD and has been developed with a City Park, boat ramps, RV Park, and restaurant. The adjacent property to the north is undeveloped. There are single family homes bordering the subject property on the south. There are commercial developments to the west across W Lake Rd., and Lake Fort Phantom Borders the property on the south.

#### • Comprehensive Planning Analysis

The Lake Fort Phantom Land Use Plan identifies this area as a Commercial Recreational area. The plan also designates this general area as a special point of interest. The approved PD (Planned Development) incorporates a variety of recreational as well as commercial activities on the property to promote future development and activity on the lake. The PD also includes several design guidelines for the property to ensure development is consistent with the Lake Fort Phantom Hill Land Use Plan. Overall the amendments to the approved PD are compatible with the surrounding uses as well as the Lake Fort Phantom Hill Land Use Plan.



**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of the amendments to the PD.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

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

**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
Gary Goodloe	11258 (11254)W Lake Rd	
Thomas Pevey	11250 W Lake Rd	
Jackie Dunlap	11266 W Lake Rd	
City of Abilene	Owner of remaining propoerties	

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









Case # Z-2013-12  
 Updated: May 7, 2013

City Council  
Agenda Memo



City Council  
Meeting Date: 5/20/2013

**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-2013-13, a request from Mason Trendsetters, agent Enprotec/Hibbs & Todd, Inc., to rezone property from RS-6 (Single-Family Residential) to PD (Planned Development) zoning, being 12.62 acres located west of the Tuscany Trails subdivision north of Beltway South; and setting a public hearing for June 13, 2013.

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**GENERAL INFORMATION**

Currently the property is zoned RS-6 and is undeveloped. The adjacent property to the east developed as a residential subdivision. There are a mix of single-family homes and churches bordering the subject property the remaining adjacent properties. The owner wishes to develop the subject property with more single-family homes. The proposed PD would maintain the RS-6 zoning but would alter the minimum lot area, minimum lot width and side setbacks. The lots would be smaller and narrower than the minimum standards in the RS-6 zoning.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant is requesting the zone change to allow for development of the next phase of an existing single-family residential subdivision. The requested zoning would be compatible with the adjacent residential uses as well as the Comprehensive Plan.

**STAFF RECOMMENDATION**

Staff recommends denial of the PD. Staff recommends a PH (Patio Home) zoning which would allow for the proposed development without the need for a PD.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval of PH zoning by a vote of 6 in favor (Bixby, Glenn, McClarty, Rosenbaum, Yungblut, and Famble), none opposed, and 1 abstained (Todd).

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

May 7, 2013

Item No. 6.11

Disposition by City Council

- Approved Ord/Res# \_\_\_\_\_
- Denied \_\_\_\_\_
- Other \_\_\_\_\_

\_\_\_\_\_  
City Secretary

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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, part 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 20<sup>th</sup> day of May, 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 20<sup>th</sup> day of April, 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 13<sup>th</sup> day of June, 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 13<sup>th</sup> day of June, A.D. 2013.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY



ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

Rezone property from RS-6 (Single-Family Residential) to PH (Patio Home) District.

Legal Description:

A1371 W J REDDELL, ACRES 12.62



Location:

Being 12.62 acres located west of the Tuscan Trails subdivision north of Beltway South

-END-

# ZONING CASE Z-2013-13

## STAFF REPORT



### APPLICANT INFORMATION:

Mason Trendsetters  
Agent: Enprotec/Hibbs & Todd, Inc.

### HEARING DATES:

Planning & Zoning Commission: May 6, 2013  
City Council 1<sup>st</sup> Reading: May 20, 2013  
City Council 2<sup>nd</sup> Reading: June 13, 2013

### LOCATION:

Being 12.62 acres located west of the Tuscany Trails subdivision north of Beltway South

### REQUESTED ACTION:

RS-6 to PD-138 zoning



### SITE CHARACTERISTICS:

The subject parcel totals approximately 12.62 acres and is currently zoned RS-6 (Single-family Residential). The subject property is currently vacant. The adjacent property to the east is zoned RS-6 and is a developed residential subdivision. The properties to the north, west and south are zoned AO (Agricultural Open Space) with a mix of single-family homes and churches on the properties. The owner wishes to develop the subject property with more single-family homes.

### ZONING HISTORY:

The area was annexed in 1980. The property was rezoned to RS-6 in 2005.

### ANALYSIS:

- Current Planning Analysis  
Currently the property is zoned RS-6 and is undeveloped. The adjacent property to the east developed as a residential subdivision. There are a mix of single-family homes and churches bordering the subject property the remaining adjacent properties. The owner wishes to develop the subject property with more single-family homes. The proposed PD would maintain the RS-6 zoning but would alter the minimum lot area, minimum lot width and side setbacks. The lots would be smaller and narrower than the minimum standards in the RS-6 zoning.
- Comprehensive Planning Analysis  
The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant is requesting the zone change to allow for development of the next phase of an existing single-family residential subdivision. The requested zoning would be compatible with the adjacent residential uses as well as the Comprehensive Plan.

### PLANNING STAFF RECOMMENDATION:

Case # Z-2013-13  
Updated: May 7, 2013

Staff recommends denial of the PD. Staff recommends a PH (Patio Home) zoning which would allow for the proposed development without the need for a PD.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval of PH zoning by a vote of 6 in favor (Bixby, Glenn, McClarty, Rosenbaum, Yungblut, and Famble), none opposed, and 1 abstained (Todd).

**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
JONES WILLIAM TODD & JEANNETTE L	7709 TUSCANY DR	
MILD STEPHEN L & JODY K	7625 TUSCANY DR	
SCHUMACHER CHRISTOPHER RYAN	7726 TUSCANY DR	
MASON TRENDSETTERS DEVELOPMENT CO LLC		
DURAN EZEKIEL J & MANDY LEANN	7641 TUSCANY DR	
BLACKBURN BRANDON P & STEPHANIE L	7826 TUSCANY DR	
MORSE ERIC DANIEL & NATASHA NICOLE	7602 TUSCANY DR	
DSH REAL ESTATE LLC	7818 TUSCANY DR	
MOORE JEWELL C & MARINA P	7634 TUSCANY DR	
OCON ERICK CHRIS & DORIS	7618 TUSCANY DR	
DSH REAL ESTATE LLC	7817 TUSCANY DR	
MODESTO GALILEO C & CAROLINA S	7642 TUSCANY DR	
BRYAN BENJAMIN & CORI	7710 TUSCANY DR	Opposed
PHILLIPS ROBERT E	7633 TUSCANY DR	
WHITEHEAD CHRISTOPHER D	7733 TUSCANY DR	
BRANCO SCOTT & CRYSTAL JOAN	7725 TUSCANY DR	
THACKER FAMILY INVESTMENTS LTD	7550 HARDWICK RD	
SAAB DOUGLAS S	7842 TUSCANY DR	
TS LEASING		
OAKRIDGE CHURCH OF CHRIST		
JORGENSEN MARK O & ROBYN ROSE	7717 TUSCANY DR	
LARION MARC D & VILLAGOMEZ VERONICA	7626 TUSCANY DR	
ANDERSON RICHARD	7617 TUSCANY DR	
KROLL CECILIA	7601 TUSCANY DR	
CLUTZ MICHAEL D JR & KRISTEN L	7718 TUSCANY DR	
BAILEY MELISSA B	7650 TUSCANY DR	
CLINE WILLIAM E & KIMBERLY J	7610 TUSCANY DR	
MASON DANIAL & DUSTI	7702 TUSCANY DR	
PURVIS ANDREA N	7649 TUSCANY DR	
MAYFIELD DAVID R & ASHLEY R	7609 TUSCANY DR	
GASTON LINDSEY LEE	7802 TUSCANY DR	
STEPHENS BARBARA K	7658 TUSCANY DR	
MORRIS CARLTON C & LORI E	7657 TUSCANY DR	
BONTKE RICHARD P	7701 TUSCANY DR	

DSH REAL ESTATE LLC	7834 TUSCANY DR	
DELHOMME DANIELLE D	7810 TUSCANY DR	
GALBREATH INVESTMENTS LP	7801 TUSCANY DR	
HOFFER DAVID J & AMBER M	7734 TUSCANY DR	
LOWRY STEPHEN R & TONJA J		

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

