

City Council
Agenda Memo



City Council
Meeting Date: 12/01/11

TO: Larry D. Gilley, City Manager
FROM: Ronnie C. Kidd, Managing Director for Administration
SUBJECT: First Reading of an Ordinance Modifying the City's Code of Ordinances Regarding Increases in Retirement Annuities

GENERAL INFORMATION:

In 2008, pursuant to provisions of the Texas Municipal Retirement System (TMRS) Act, the City Council passed an ordinance rescinding the annually recurring Cost of Living Adjustment (COLA) for annuitants (retirees). The ordinance further provided for an "ad hoc" or one time COLA increase for retirees, subject to review and approval by the City Council during the annual budget review process, equal to 70% of the percentage change in the Consumer Price Index (CPI). However, the TMRS Act provides additional options for ad hoc COLAs to include an increase equal to 50% of the percentage change in the CPI or 30% of the percentage change in the CPI.

The last ad hoc COLA approved and granted by the City Council for retirees was effective January 1, 2009. The FY 2012 budget, as approved by Council, provides for an ad hoc COLA effective January 1, 2012 at 50% of the percentage change in the CPI. Therefore, the City's code of ordinances needs to be modified to provide for the additional increase options of 50% and 30% of the change in the CPI.

SPECIAL CONSIDERATIONS:

When the code was previously modified, only one of the three options for calculating an annuity increase was codified.

FUNDING/FISCAL IMPACT:

The FY 2012 Budget, as approved by Council, provides for an ad hoc (one time only) COLA for retirees, arriving at a funding rate for TMRS of 12.12% of payroll. This rate considers the increase at 50% of the percentage change in CPI, so there will be no additional fiscal impact associated with the approval of this agenda item.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance modifying the City's code of ordinances regarding retirement annuity increases to provide for the three options for calculating an increase.

ATTACHMENTS

Proposed Ordinance.

Prepared by:

Name Ronnie C. Kidd

Title Managing Director for Administration

Item No. 6.1

Disposition by City Council

- Approved Ord/Res#
- Denied _____
- Other

City Secretary

AN ORDINANCE MODIFYING ABILENE CODE OF ORDINANCE CHAPTER 2, "ADMINISTRATION", ARTICLE III, "EMPLOYEE BENEFITS", DIVISION 2, "RETIREMENT", SECTION 2-103, "INCREASE IN RETIREMENT ANNUITIES", TO ALLOW ANNUITY INCREASES IN THE AMOUNT OF EITHER 30 PERCENT, 50 PERCENT OR 70 PERCENT OF THE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX.

WHEREAS, the City Council of the City of Abilene has heretofore adopted an ordinance under Section 853.404 of Subtitle G of Title 8, Government Code, as amended (hereinafter referred to as the "TMRS ACT"), which terminated automatically repeating increases in prior and current service annuities to retirees and beneficiaries of deceased members and instead allowed a determination on increases on an ad hoc basis as part of the annual budget process; and

WHEREAS, the City Council desires to modify the ordinance to provide flexibility in the amount of increase that retirees and beneficiaries of deceased members may be provided;

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

PART 1: That Chapter 2, "Administration", Article III, "Employee Benefits", Division 2, "RETIREMENT", Section 2-103 "Increase in retirement annuities" of the Abilene City Code is amended as set forth in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

Passed and approved on first reading this 1st day of December, 2011.

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 __th day of _____, 2011, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 15th day of December, 2011, to permit the public to be heard.

Passed and approved on final reading this 15th day of December, 2011.

ATTEST:

APPROVED:

City Secretary

Mayor

City Attorney

Exhibit A

Chapter 2, "Administration", Article III, "Employee Benefits", Division 2. "RETIREMENT", Section 2-103, "Increase in retirement annuities" of the Abilene City Code is amended as set forth below.

Delete:

- (b) The amount of the annuity increase under this section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by seventy (70) percent of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is thirteen (13) months before the effective date of the increase under this section.

Add:

- (b) The amount of the annuity increase under this section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by either thirty (30) percent, fifty (50) percent, or seventy (70) percent of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is thirteen (13) months before the effective date of the increase under this section.

City Council
Agenda Memo



City Council
Meeting Date: 12/01/11

TO: Larry D. Gilley, City Manager
FROM: Ronnie C. Kidd, Managing Director for Administration
SUBJECT: First Reading of an Ordinance Adopting an Ad Hoc (One Time Only) Cost of Living Adjustment to Annuitants

GENERAL INFORMATION:

The Texas Municipal Retirement System (TMRS) Act and the City's code of ordinances provides for the ability to grant an ad hoc (one time) cost of living adjustment (COLA) to annuitants (retirees), subject to Council's review and approval. Additionally, the previous item on the City Council's agenda provides for modifying the City code of ordinances to include the three options to calculate the COLA – utilizing a factor of either 30%, 50% or 70% of the percentage change in the Consumer Price Index (CPI) – as provided for by the TMRS Act.

SPECIAL CONSIDERATIONS:

As discussed with City Council during the FY 2012 budget process, the approved budget includes an ad hoc COLA for retirees effective January 1, 2012 using the 50% of the percentage change in the CPI option.

FUNDING/FISCAL IMPACT:

The FY 2012 Budget includes a TMRS funding rate of 12.12% of payroll. This rate considers the retiree ad hoc COLA at 50% of the percentage change in CPI, so there will be no additional fiscal impact associated with the approval of this item.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance adopting an ad hoc (one time only) COLA to annuitants effective January 1, 2012 based upon 50% of the change in the CPI.

ATTACHMENTS

Proposed Ordinance.

Prepared by:

Name Ronnie C. Kidd

Title Managing Director for Administration

Item No. 6.2

Disposition by City Council

- Approved Ord/Res#
 Denied _____
 Other

City Secretary

ORDINANCE _____

AN ORDINANCE PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY OF ABILENE, AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City Council of the City of Abilene has heretofore adopted an ordinance under Section 853.404 of Subtitle G of Title 8, Government Code, as amended (hereinafter referred to as the “TMRS ACT”), which terminated automatically repeating increases in prior and current service annuities to retirees and beneficiaries of deceased members and instead allowed a determination on increases on an ad hoc basis as part of the annual budget process; and

WHEREAS, the City Council desires to adopt an ordinance that provides for increased prior and current service annuities to retirees and beneficiaries of deceased members;

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

PART 1: That by the terms and conditions set out in Sections 854.203 and 853.404 of the TMRS Act, the City hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System to retired employees and to beneficiaries of deceased employees of the City under current service annuities and prior service annuities arising from service by such employees to the City. An annuity increased under this section replaces any annuity or increased annuity previously granted to the same person.

PART 2: That the amount of the annuity increase under this section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by _____ of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of the increase under this Section.

PART 3: That an increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

PART 4: That if a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereunder.

PART 5: That the amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of the City and of its account in the Municipality accumulation fund of the System.

PART 6: Subject to approval by the Board of Trustees of the System, this ordinance shall be and become effective on the 1st day of January 2012.

Passed and approved on first reading this 1st day of December, 2011.

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 ___ day of _____, 2011, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 15th day of December, 2011, to permit the public to be heard.

Passed and approved on final reading this 15th day of December, 2011

ATTEST:

APPROVED:

City Secretary

Mayor

City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER, 8 ARTICLE VI, DIVISION 8, SECTION 8-581 “RESIDENTIAL CODE”, CHAPTER 3, SECTION R302, FIRE RESISTANT CONSTRUCTION, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the current provisions of Section 8-581, “Residential Code ” prohibit overhang projections, while the City of Abilene Land Development Code allows roof overhang projections in a Patio Home District; and

WHEREAS, construction in compliance with the parameters of the Land Development Code would sufficiently protect the health, safety, and welfare of the public, and it would be in the best interests of the City of Abilene and the public to allow a roof overhang projection in order to resolve the current conflict between the Residential Code and the Land Development Code;

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

- PART 1:** That Chapter 8, Article VI, Division 3, Section 8-581 “Residential Code” of the Code of Ordinances, City of Abilene, Texas, is hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.

- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.

- PART 4:** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. 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 FIRST READING this 1st day of December, 2011.

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 ___th day of December 2011, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 15th day of December, 2011, to permit the public to be heard. 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 15th day of December, 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Chapter 3 BUILDING PLANNING

Section R302 Fire Resistant Construction

Section R302.1 Exterior walls. *{Amend to add an additional exception as follows :}*

Exceptions:

6. Roof overhang projections in compliance with the Residential Single-Family Patio Home (PH) District section of the City of Abilene Land Development Code. The underside of the projection shall have a 1 hour fire resistance rating.

City Council
Agenda Memo



City Council
Meeting Date: 12-01-11

TO: Larry Gilley, City Manager
FROM: T. Daniel Santee, II, City Attorney
SUBJECT: Reappointment of Municipal Court Judge Keith Barton and Reappointment of Assistant Municipal Court Judges

GENERAL INFORMATION

Judge Keith Barton was appointed Municipal Judge on December 5, 1991. Charter provision provides that he be reappointed every two years. His current term expires December 5, 2011. By law he can continue to be Judge for a period of 90 days pending reappointment. This request is for his reappointment effective December 1, 2011.

Additionally, the Charter allows for the appointment of Assistant Municipal Court Judges who may preside over court in the event Judge Barton is unavailable or must recuse himself from hearing a case. I am requesting the Council reappoint the Assistant Municipal Court Judges set forth in the attached resolution effective December 1, 2011 to coincide with the term for Judge Barton. They are only compensated for the time they serve in a judicial capacity.

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None, position is presently budgeted.

STAFF RECOMMENDATION

Approval.

ATTACHMENTS

Resolutions

Prepared by:

Name: T. Daniel Santee, II

Title: City Attorney

Item No. 6.4 & 6.5

Disposition by City Council

Approved Ord/Res# _____

Denied _____

Other _____

City Secretary

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REAPPOINTING KEITH A. BARTON MUNICIPAL COURT JUDGE FOR A TERM OF TWO (2) YEARS.

WHEREAS, Keith A. Barton was originally appointed Municipal Judge on December 5, 1991; and,

WHEREAS, Section 76 of the Abilene City Charter provides that the Municipal Court Judge can be appointed for a term of two (2) years; and,

WHEREAS, the City Council of the City of Abilene is of the opinion that Keith A. Barton honorably serves his community and should be reappointed for a new two (2) year term as Municipal Court Judge beginning December 6 2011; now, therefore,

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

PART 1: That the City Council of the City of Abilene hereby approves Mayor Norm Archibald's appointment of Keith A. Barton as Municipal Court Judge for a term of two (2) years beginning on December 6 2011.

PART 2: That this resolution shall take effect as of December 6, 2011.

ADOPTED this 1st day of December, 2011.

ATTEST:

City Secretary

Mayor

APPROVED:

City Attorney

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING A PANEL OF ASSISTANT MUNICIPAL COURT JUDGES TO ACT IN THE ABSENCE OR UNAVAILABILITY OF THE JUDGE OF THE MUNICIPAL COURT

WHEREAS, there are occasions when the Judge of the Municipal Court is temporarily unable to serve; and,

WHEREAS, the Charter of the City of Abilene provides for the appointment of Assistant Municipal Court Judges to act when the Municipal Court Judge is unavailable; and,

WHEREAS, the following listed panel has been contacted and are qualified and competent attorneys, who have agreed to serve in the absence of the Judge and are recommended for appointment as Assistant Municipal Judges, in accordance with the City Charter of the City of Abilene; now, therefore;

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

PART 1: That the City Council of the City of Abilene hereby approves of the appointment of the following four (4) attorneys as Assistant Municipal Court Judges of Abilene, Texas, and hereby authorizes the Mayor to appoint this panel for a term of two (2) years beginning December 6, 2011 and continuing through December 6, 2013.

1. Bob Lindsey
2. Kenneth Leggett
3. Lois Rockefeller
4. Sandy Self

PART 2: That these attorneys shall be paid only for the actual time that they shall serve as Assistant Municipal Court Judges.

PART 3: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 1st day of December, 2011.

ATTEST:

City Secretary

Mayor

APPROVED:

City Attorney

**City Council
Agenda Memo**



TO: Larry D. Gilley, City Manager
FROM: Ken Dozier
SUBJECT: Award of Bid – Ferrara Fire Engine

**City Council
Meeting Date: 12/1/2011**

GENERAL INFORMATION

This purchase is for one (1) fire engine to replace one (1) 1996 fire engine that was damaged and placed out of service in July 2010. This fire engine will be manufactured by Ferrara Fire Apparatus, Inc. and purchased through Hall Motors using the Local Government Purchasing Cooperative (Buy-Board) contract #323-09, which meets the competitive bidding requirements.

SPECIAL CONSIDERATIONS

Hall Motors proposal includes an optional discount of \$11,876.00, should the City elect to make a 75% pre-payment within 10 days of receipt of invoice from Hall Motors. The Director of Finance advises that it is financially advantageous for the City to accept this prepayment option.

FUNDING/FISCAL IMPACT

Funding for this purchase will be paid out of the Fire Apparatus Replacement Fund. The certificates of obligation to support the cost associated with this purchase are expected to be sold early next year. The cost to the fund will be reimbursed upon delivery of the certificates of obligation money as approved by City Council resolution on November 17, 2011.

STAFF RECOMMENDATION

Staff recommends the City Council approve the fire apparatus bid from Hall Motors with these adjustments to the bid price:

- Accept the \$11,876.00 pre-payment discount
- Add \$1,500.00 for Buy-Board fee.

Total recommended bid award to Hall Motors in the amount of \$529,178 for one (1) fire engine.

ATTACHMENTS

Apparatus Proposal

| | | |
|---|---|---|
| Prepared by: Name: Jim Frazier Title: Deputy Fire Chief | Item No. <u>6.6</u> | Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ City Secretary |
|---|---|---|



APPARATUS PROPOSAL

November 21, 2011

City of Abilene Fire Department
250 Grape Street
Abilene, Texas 79601

We are pleased to submit our bid for your consideration on the following complete apparatus in strict accordance with the attached proposal for:

One (1) Ferrara Fire Apparatus, Inc. model RP501 pumper mounted on a Ferrara XD cab and chassis per the attached specifications, shop order and proposal purchased off the Buy Board #323-09 contract.

| | |
|--------------------------------------|----------------------|
| Unit Price: | \$539,554.00 |
| 75% Pre Payment Discount: | (\$11,876.00) |
| Buy Board Administration Fee: | \$1,500.00 |
| Total Purchase Price: | \$529,178.00 |

Pre Payment Terms-

The pre payment will be due within 10 days after receipt of a Purchase Order.

Proposed delivery timeframe after receipt / acceptance of contract (or purchase order) will not begin until payment amount is received by Hall Motors.

A factory-trained instructor shall deliver the unit and familiarize department personnel. Proper manuals and UL test approval certificate shall be furnished at delivery.

Delivery on the above shall be within 210-240 days after award, F.O.B. Abilene, Texas.

This quotation is valid for 30 days. The pricing provided is exclusive of all Federal, State and Local taxes and any other fees, which may apply unless specifically noted herein.

Sincerely,
Dean Cafourek

Hall Motors
A Ferrara Fire Apparatus Dealer

3010 SSW Loop 323 • Tyler, Texas 75701
E-mail: hallbuickpontiacgmc@hotmail.com
Phone 903-266-7800

City Council
Agenda Memo



City Council
Meeting Date: 12/01/11

TO: Larry D. Gilley, City Manager

FROM: Megan R. Santee, Director of Public Works

SUBJECT: Award of Bid #CB-1205 – Engineering Division Miscellaneous Repair Work 2011-2012

GENERAL INFORMATION

This project is for on demand repair of existing portions of bridges, streets, sidewalks, and drainage structures throughout the Abilene area.

FUNDING/FISCAL IMPACT

Funding for this project is provided through previously authorized Certificates of Obligation.

STAFF RECOMMENDATION

Staff recommends that the Council award base Bid #CB-1205 to Bontke Brothers Construction Company, Inc. of Abilene, Texas in the amount of \$458,414.00.

ATTACHMENTS

Bid Tab Sheet

Prepared by:

Name **Chad Carter**

Title **City Engineer**

Item No. 6.7

Disposition by City Council

- Approved Ord/Res# _____
 Denied _____
 Other _____

City Secretary

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

DEPARTMENT: ENGINEERING
 BID NO.: CB-1205
 TIME OF OPENING: 11:00 A.M.
 DATE OF OPENING: NOVEMBER 15, 2011

BONTÉ BROTHERS
 CONSTRUCTION COMPANY
 INC.
 ABILENE, TX

CONTRACT PAVING CO.
 TYE, TX

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

| ITEM | DESCRIPTION | QTY | UNIT | UNIT PRICE | EXTENSION | UNIT PRICE | EXTENSION | UNIT PRICE | EXTENSION | UNIT PRICE | EXTENSION | UNIT PRICE | EXTENSION |
|------|--|-----|------|------------|-------------|------------|------------|------------|------------|------------|-----------|------------|-----------|
| 1. | ENGINEERING DIVISION MISCELLANEOUS REPAIR WORK 2011-2012 | 1 | EA | | *458,414.00 | | 514,350.00 | | 583,050.00 | | | | |
| | BASE BID | | | | *458,414.00 | | 514,350.00 | | 583,050.00 | | | | |
| | DISCOUNT | | | | | | | | | | | | |
| | TOTAL BID | | | | *458,414.00 | | 514,350.00 | | 583,050.00 | | | | |

*NOTES: INDICATES RECOMMENDED AWARD