

## **CITY COUNCIL MEETING**

**April 8, 2004, 8:30 a.m.**

### **CITY COUNCIL OF THE CITY OF ABILENE, TEXAS UPSTAIRS CONFERENCE ROOM, ABILENE CIVIC CENTER**

The City Council of the City of Abilene, Texas, met in Regular Session on April 8, 2004, at 8:30 a.m. in the Upstairs Conference Room of the Civic Center, 1100 North 6<sup>th</sup> Street. Mayor Grady Barr was present and presiding with Councilmen Anthony Williams, Kris Southward, John Hill, Norm Archibald, Jimmy McNeil and Councilwoman Kay Alexander. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, City Secretary Jo Moore, and various members of the City staff.

Councilman Williams gave the invocation.

Michael Green a third grade student from Long Elementary School led the Pledge of Allegiance. Ms. Diane Culotta, teacher at Long Elementary, was also present.

Mayor Barr, assisted by City Secretary Jo Moore, presented Employee Service Awards to the following individuals for their years of service:

35 Years	Melvin Martin	Chief of Police Police
35 Years	Audrey Perry	Program Manager of Civic Center Community Services
20 Years	Edwin Chrane	Fire Captain Fire
20 Years	Clayton Daniels	Police Officer Police
20 Years	Kenneth Dozier	Fire Battalion Chief Fire
20 Years	Paul Martinez, Jr.	Civic Center Attendant II Community Services
20 Years	Mark Moore	Police Lieutenant II Police
20 Years	Tim VanZandt	Water Distribution Administrator Water Utilities
20 Years	Richard Wright	Fire Captain Fire

## **PROCLAMATIONS**

Mayor Barr presented a proclamation to Planning & Development Services employees Sandy Bowen and Roxanne Bennett recognizing the week of April 12-18, 2004 as "Community Development Week". Mayor Barr also presented a proclamation to Coach Kathryn Gilreath of Wylie High School recognizing April 8, 2004 as "Wylie High School Tennis Team Day".

**DISPOSITION OF MINUTES**

2.0 There being no corrections, additions or deletions to the March 25, 2004 Regular City Council Minutes, Councilman Williams made a motion to approve the minutes as printed. Councilman Hill seconded the motion, and the motion carried.

AYES: Councilmen Archibald, Williams, Hill, McNeil, Southward, Councilwoman Alexander, and Mayor Barr.

NAYS: None

**CONSENT AGENDA**

3.0 Councilman Hill made a motion to approve consent agenda items 3.1 through 3.4, items 3.9 through 3.13, and first reading of items 3.5 through 3.8, as recommended by staff. Councilman McNeil seconded the motion, and the motion carried.

AYES: Councilmen Archibald, Williams, Southward, Hill, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None

**Resolutions:**

- 3.1 Oral Resolution approving the renewal of a contract with the National Development Council for professional and development services for FY 2003/2004 at a cost not to exceed \$60,000.
- 3.2 Oral Resolution approving a contract between the Abilene-Taylor County Events Venue District and the City of Abilene for the administration of the 2% hotel/motel venue tax.
- 3.3 Oral Resolution approving an Inter-local Agreement between the City of Abilene and Taylor County for the development of land located near the County Jail on South 27<sup>th</sup> Street.
- 3.4 Oral Resolution approving a lease agreement between the City of Abilene and Frontier Texas! relating to the Frontier Texas! facility and authorizing the City Manager to execute the agreement.

**Ordinances:**

- 3.5 **Z-1004** – Rezone from SC (Shopping Center) to MH (Mobile Home) zoning district, property located at 5501 Highway 277 South; and set a public hearing for April 22, 2004 at 5:30 p.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", 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.

- 3.6 **Z-1104** – Rezone from RS-6 (Residential Single-Family) to LC (Limited Commercial) zoning district, property located at 3033 & 3025 Bickley Street; and set a public hearing for April 22, 2004 at 5:30 p.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", 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.

- 3.7 **Z-1204** – Rezone from AO (Agriculture Open Space) and PDD (Planned Development District) to GC (General Commercial) zoning district, property located on SE corner of Industrial Blvd. & Loop 322; and set a public hearing for April 22, 2004 at 5:30 p.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", 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.

- 3.8 **Z-1304** – Rezone from RM-3 (Residential Multi-Family) to LC (Limited Commercial) zoning district, property located at 4201 Bob-O-Link; and set a public hearing for April 22, 2004 at 5:30 p.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", 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.

**Bid Awards:**

- 3.9 **Bid #CB-4039** – Weed abatement services. The bid was awarded to George Thomas of Abilene, Texas.
- 3.10 **Bid #CB-4032** – Metal building for Equipment Services. The bid was awarded to Thomas Hicks Construction of Abilene, Texas in the amount of \$43,360.00, as the low responsive/responsible bidder.
- 3.11 **Bid #CB-4020** – Purchase of seven Type III heavy-duty paratransit vans for CityLink Transit. The bid was awarded to Lasseter Bus and Mobility of Lewisville, Texas in the amount of \$395,381.00.
- 3.12 **Bid #CB-4043** – Pre-fabricated metal building for Traffic/Sign Shop located at 774 Sandy Street. The bid was awarded to Thomas Hicks Construction of Abilene, Texas for the base bid plus alternate 1 bid with an estimated construction cost of \$81,800.00.

- 3.13 **Modify award of Bid #CB-4012** – Annual street maintenance materials. The bid was awarded to Southern Asphalt and Petroleum of Ft. Worth, Texas.

### REGULAR AGENDA

4.1 Richard Gertson, Director of Planning & Development Services, briefed the Council on Z-0504, an Ordinance on second and final reading to rezone from AO (Agriculture Open Space) to PDD (Planned Development District) zoning district, property located at 4980 E. U.S. Highway 80.

Mr. Gertson stated the applicant wishes to sell 20 acres to Southeastern Freight Lines for use as a motor freight terminal and originally sought LI (Light Industrial) zoning. In the alternative, staff proposed a PDD as a means for addressing long-term aesthetic issues in Abilene's eastern gateway. The proposed PDD establishes a useful tool that can be employed in future cases pending a complete gateway study and the adoption of new regulations. The Planning & Zoning Commission modified staff's proposed ordinance to allow for an 18-foot monument sign for visibility. Staff recommends a 12-foot maximum. The Commission also allowed for some vehicle storage on non-paved surfaces such as caliche or other base material. However, the purpose of requiring a paved surface is to prevent storage "creep", so staff recommends retaining that requirement for any vehicle storage area. The Planning & Zoning Commission recommends approval of the requested rezoning to PDD with the following changes to the proposed ordinance (shown in bold): Part 7 Sec. D(2) – "One monument sign **with a masonry base** is permitted to promote an image in the gateway reflecting order and high-quality development. The sign shall not exceed 14 feet in width, nor **18** feet in height, nor a maximum square footage of **252** square feet per side." Part 7 Sec. G(2) – Storage of all vehicles, trucks, tractors, trailers or other equipment shall be located on paved surfaces only, **provided that the expanded storage area, if used, may be an improved surface.**"

Mayor Barr opened a public hearing on the item and the following individuals addressed the Council:

- Paul Johnson – agent, requested Council approve the unanimous decision of the Planning & Zoning Commission. Mr. Johnson noted the benefits the company would bring to Abilene and frustration at staff's recommendations.
- Dennis Regan, stated he is in favor of the request as approved by the Planning & Zoning Commission.

There being no one else present and desiring to be heard, the public hearing was closed.

Following discussion concerning staff and the Planning & Zoning Commission recommendations Councilwoman Alexander made a motion to approve Z-0504, an Ordinance considered on second and final reading to rezone from AO (Agriculture Open Space) to PDD (Planned Development District) zoning district property located at 4980 E. U.S. Highway 80 as per the Planning & Zoning Commissions recommendation with the following changes to the proposed

Ordinance : Part 7 Sec. D(2) – “One monument sign **with a masonry base** is permitted to promote an image in the gateway reflecting order and high-quality development. The sign shall not exceed 14 feet in width, nor **18** feet in height, nor a maximum square footage of **252** square feet per side.” Part 7 Sec. G(2) – Storage of all vehicles, trucks, tractors, trailers or other equipment shall be located on paved surfaces only, **provided that the expanded storage area, if used, may be an improved surface.**” Councilman Southward seconded the motion, and the motion carried.

The Ordinance is numbered **5-2004** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, “ZONING”, OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-88 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

AYES: Councilmen Williams, Hill, Southward, Archibald, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None

4.2 Brad Fitzer, Fire Chief briefed the Council on an Oral Resolution approving the assignment and transfer of license of convenience and necessity of Rural Metro Medical Services to MetroCare Services-Abilene, L.P. to provide ambulance service in the City of Abilene.

Chief Fitzer stated Rural Metro has been providing ambulance service in Abilene since the early 1990's. They have requested an assignment and transfer of their License of Convenience and Necessity to MetroCare. MetroCare provides pre-hospital care with emergency and non-emergency transport services. They have provided the appropriate documentation to evidence they are capable of assuming the License of Convenience and Necessity to provide our citizens ambulance service. They will assume the units of Rural Metro as well as pursue continuing working relationship with all of the staff. This transfer is scheduled to be completed by May 1, 2004. Residents should see no disruption in service.

Rural Metro representative Michael Collins and MetroCare representative Butch Holmes addressed Council questions concerning the request.

Following Council and staff discussion Councilman McNeil made a motion to approve by Oral Resolution the assignment and transfer of license of convenience and necessity of Rural Metro Medical Services to MetroCare Services-Abilene, L.P. to provide ambulance service in the City of Abilene. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Williams, Hill, Southward, Archibald, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None

4.3A. David Wright, Director of Finance briefed the Council on the Financial and Investment Policies and FY 2003 Financial Report.

Mr. Wright stated the City has incorporated Phase 1 of 2 of the Governmental Accounting Standards Board (GASB) Statement 34 in the FY 03 report. Mr. Wright further stated the new standards have resulted in the report presentation looking different and have consolidated previously individualized information. Mr. Wright then reviewed the report pointing out the differences due to the new standards.

The review, as outlined under the new guidelines, included:

Governmental Activities

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Projects
- Internal Service Funds

Business-Type Activities

- Water & Sewer Funds
- Solid Waste Services Fund
- Transit
- Internal Service Funds

Mr. Wright briefed the Council on:

- 1) Statement of Net Assets as of 9-30-03
- 2) Capital Assets as of 9-30-03 (Mr. Wright noted a reappraisal of the capital assets is needed for GASB and insurance purposes).
- 3) Governmental Funds Balance Sheet as of 9-30-03.
- 4) General Fund, 2002-2003 Approved Revised Budget and Revised Budget with Adjustments (Mr. Wright explained the Favorable and Unfavorable balances and addressed the need for the transfer of funds from Community Services Dept. to the Police and Fire Depts.).
- 5) General Fund Revenues and Expenditures, Budget vs Actual, Budget Basis 2003.

Mr. Wright introduced Becky Roberts, Davis, Kinard & Co., P.C. Ms. Roberts briefed the Council on the Independent Auditor's Report and reviewed the Advisory Comments.

Following discussion Mr. Wright recommended Council include in their motion the original budget transfer of \$60,000 to the technology fund and \$120,000 to the facility and improvement fund.

Councilman Archibald made a motion to approve the Financial and Investment Policies and FY 2003 Financial Report as presented and to include the original budget transfers to the technology fund and the facility and improvement fund as recommended by Mr. Wright. Councilwoman Alexander seconded the motion, and the motion carried.

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AYES: Councilmen Williams, Hill, Southward, Archibald, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None

4.3B. David Wright, Director of Finance briefed the Council on the FY 2004 Financial Status.

Review of the FY 2004 Update included:

**General Fund**

Revenue (percentage) by Category/FY 2003-2004

Summary of Revenue for Budget Fiscal Year 2004, as of 2-29-04 – 41% of Year Total

Revenue Estimate \$54,242,840

Property Tax Collections as of 3-31-04 (Fiscal Years 03 and 04)

Sales Tax Comparison as of April (excluding ½ cent sales tax for economic development)

Comparison of Revenues, FY 03 vs. FY 04

Summary of Expenditures for Budget Fiscal Year 04, as of 2-29-04 – 41% of Year

Comparison of Expenses, % of Budget spent, FY 03 vs. FY 04

Water Utility Summary of Revenue and Expenditures for Budget Fiscal Year 04 as of 2-29-04  
- 41% of Year

Mr. Wright noted the sales tax rebate expected to be received by the City on April 9, 2004 is 5.7% of current activity and the sales tax projected overall is estimated to be 2.15% above last year.

No Council action was required.

4.3C. City Manager Larry Gilley introduced the update on the Self Insurance Fund agenda item. Mr. Gilley stated Ronnie Kidd, Director of Administrative Services would brief the Council on the status of the Self Insurance Fund to help prepare Council for the future budget workshops.

Mr. Kidd's review included:

- Self Insurance Fund Background
- Items funded by the Self Insurance Fund.
- Types of Liability Exposure

Councilman Williams left the meeting at 11:45 a.m.

- Comparative Expenditures
- YTD Comparative Expenditures
- Distribution of Costs FY03
- Trends
- Self Insurance Fund Balance
- Strategies

Councilman Hill left the meeting at 11:55 a.m.

- Activities/Considerations

Councilwoman Alexander left the meeting at 12:00 noon following the presentation.

Council and staff discussion included: 1) the seriousness of the downward decline in the Self Insurance fund balance; 2) the possibility of the fund balance being gone in 2 years if the decline continues; and 3) the possibility that the employer and employees cost may have to be increased.

City Manager Larry Gilley noted the real concern is the continuing downward trend of the Self Insurance fund balance and that staff has been looking at numerous strategies to turn that trend around, with some positive results having been seen from those strategies. Mr. Gilley also noted that because the City is a fully self insured program when more is paid out in claims than received in premiums then either premiums have to be increased or benefits reduced. Mr. Gilley further noted that as the Council moves into the budget process this summer strategies will be looked at to build the Self Insurance fund balance back up or otherwise the City will have to move away from a self insurance program and let the market place dictate what insurance premiums will be.

No Council action was required.

### **EXECUTIVE SESSION**

Mayor Barr recessed the Council into Executive Session pursuant to Sections 551.071, 551.074, and 551.072 of the Open Meetings Act, to seek the advice of the City Attorney with respect to pending and contemplated litigation, to consider the appointment and evaluation of public officers, and to consider the purchase, exchange, lease or value of real property.

The Council reconvened from Executive Session and reported no action taken.

There being no further business, the meeting was adjourned at 12:25 p.m.

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Jo Moore  
City Secretary

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Grady Barr  
Mayor