

**CITY COUNCIL MEETING**  
**November 17, 2005, 8:30 a.m.**

**CITY COUNCIL OF THE CITY OF ABILENE, TEXAS**  
**COUNCIL CHAMBERS, CITY HALL**

The City Council of the City of Abilene, Texas, met in Regular Session on November 17, 2005, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase, Anthony Williams, Kris Southward, John Hill, Stormy Higgins and Councilwoman Laura Moore. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, Assistant City Secretary Renee Scott, and various members of the City staff.

Mayor Archibald expressed his sympathy for the passing of Bob Springer and Dr. Jack Haynes and gave a special prayer for their families during the invocation.

Mayor Archibald introduced Clay Meyer, Ben Riddle, and Trek Boyland from Cub Scout Pack 201, Den #1 who led the Pledge of Allegiance. The boys are 3<sup>rd</sup> grade students from Taylor Elementary School. Clay's grandfather, Jack Wilson was also present.

**PROCLAMATION**

Mayor Archibald presented the following proclamation:

- "National Home Care Month" November 2005 – Hendrick House Calls, Outreach Health Services, Girling Health Care, Generations Home Health, and Southwest Home Health Care

Mayor Archibald stated Regular Agenda Item 4.4, Resolution concerning an amendment to the Thoroughfare Plan, specifically regarding East Lowden Street from I-20 to East Lake Road has been removed from today's agenda. The Mayor further stated due to the number of visitors and in the interest of time Regular Agenda Item 4.1 would be considered at this time. The Mayor called on Jon James to present item 4.1.

4.1 Jon James, Director of Planning and Development Services briefed the Council on the Abilene Community Excellence (ACE) Oversight Committee final report and recommendation that the Committee be dissolved by oral resolution.

Mr. James stated a number of years ago the Abilene Community Excellence Task Force (ACE) and ACE Plan was created in order to make recommendations to improve the community and in order to implement the ACE Plan an ACE Oversight Committee was established. Mr. James expressed staff's appreciation to the ACE Oversight Committee for the work of the citizens that have served on the committee and introduced Larry Gill, Chairman of the ACE Oversight Committee to present Council with the final report of the ACE Committee.

Mr. Gill expressed his appreciation to former Mayor Grady Barr for his vision and leadership in starting the Abilene Community Excellence Task Forces. In keeping with the recommendation of the ACE Task Force Report, the Abilene Excellence Oversight Committee was created on November 12, 2001 by the City Council and was intended to ensure the successful implementation of the ACE strategies. The Committee is composed of 9 persons, eight of whom hold positions of leadership in

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various economic, regional, and community organizations, with a ninth at-large position appointed by the Mayor. The Committee met 18 times beginning in January 2002. At the initial meeting the Committee divided the oversight responsibility for the strategies among the individual members. Each member was assigned up to four strategies. Between meetings the members were asked to stay in contact with the key actors for their respective strategies and to keep Planning and Development Services staff informed of any significant progress towards implementation. The Committee held their last meeting on November 3, 2005, at which time they recommended preparation of a final report to the City Council and requested that the Council accept their work as substantially complete and dissolve the Committee. Mr. Gill noted 19 of the 32 strategies have been completed and another 4 are 90% complete with full completion assured soon. The remaining strategies are either on-going tasks or tasks that require additional resources beyond the oversight of the Committee. The ACE Strategy Summary consists of the following:

**ACE Strategy Summary**

	<b>Priority</b>	<b>Strategy</b>	<b>Status</b>
<b>First Tier Strategies</b>	1-D1	Encroachment/RBTI	Complete
	1-N2	Comprehensive Plan	Complete
	1-R3	Workforce Retention	80%
	1-N4	Development Processes	90%
	1-N5	Downtown Development Authority	35%
	1-T6	Shotwell Stadium Improvements	Complete
	1-C7	Water Resources	Complete
	1-T8	Air Service at Abilene Regional Airport	Complete
	1-D9	Advocacy (DAFB)	On-going
	1-N10	Neighborhood Development Services	Complete
	1-N11	Target Industries & Workforce Study	Complete
	1-C12	Environmental Code Enforcement	90%
<b>Second Tier Strategies</b>	2-N6	Alcohol Land Use Regulations	Complete
	2-N7	Marketing Initiatives	Complete
	2-N8	Building Subcodes	Complete
	2-T3	Destination and Trailblazer Signage	90%
	2-T4	Regional Tourism Identity	Complete
	2-T5	Entryway Improvements	30%
	2-T6	Industrial Multi-Modal Facility	40%
	2-T7	Passenger Multi-Modal Facility	30%
	2-R2	Technology Nonprofit Organization	40%
	2-R3	Entrepreneurial and Small Business Development	Complete
	2-R4	Retention Wage	Complete
	2-R5	Funding the Technology Study	Complete
	2-R6	Technology Education	20%
	2-R7	Regional Telecommunications Infrastructure	Complete
	2-D3	Ground Transportation Access	Complete
	2-D4	Floodplain Recalculation	90%
	2-D5	Wastewater for Irrigation	Complete
	2-D6	Privatization	Complete
	2-D7	Branch Library	Complete
	2-C4	Street System Maintenance	30%

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Mr. Gill stated the Committee appreciates the commitment shown by the City Council to implementing the strategies detailed in the ACE Task Force Report and also expressed his appreciation to former Mayor Grady Barr for his vision in creating the ACE Committee. Mr. Gill further stated the committee feels they have accomplished the charge given to them and respectfully submits the final report for Council's consideration.

Councilman Hill made a motion to approve by oral resolution the acceptance of the Abilene Community Excellence (ACE) Oversight Committee final report and to dissolve the committee. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

Mayor Archibald introduced former Mayor Grady Barr and thanked him for his leadership, vision, and foresight in creating the ACE Committee.

Mayor Barr reviewed the history of the ACE Task Forces and ACE Committee stating it began in the spring of 2000 with a vision to be pro-active not re-active. Mayor Barr further stated with input from the Council and various committees citizens were asked to serve on the original task forces with Ray Ferguson being appointed as overall Task Force Chair, and Kathy Webster, Celia Davis, Dee Moore, Nicki Harle, and George Nichols serving as the five Committee Chairs. Mayor Barr explained the citizens make up of the Task Forces and ACE Committee and stated the enthusiasm of all that were asked to serve was overwhelming and further noted that in selecting the right people many projects have been completed successfully. Mayor Barr noted how fortunate we are to live in a city such as Abilene and expressed his appreciation to the Council and the citizens for their commitment to Abilene.

Mayor Archibald recognized past members of the ACE Committee and Task Forces who were in attendance and stated appreciation for their service.

### **DISPOSITION OF MINUTES**

2.0 There being no corrections, additions, or deletions to the October 25, 2005 or the November 3, 2005 Regular Council Meeting Minutes Councilman Hill made a motion to approve the minutes as presented. Councilwoman Moore seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

### **CONSENT AGENDA**

Mayor Archibald stated item 3.2, Resolution authorizing approval of the sale of two (2) parking lot properties located in the 900 Block of South 1<sup>st</sup> Street between Chestnut and Oak Streets, will be removed from the Consent Agenda and considered separately.

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Councilman Williams requested item 3.13, an Ordinance revoking the City of Abilene's 2001 election to not provide five-year vesting for employees of the City of Abilene, Texas, who are members of the Texas Municipal Retirement System and amending Section 2-99 of the Abilene Municipal Code be removed from the Consent Agenda and considered separately.

3.0 Councilman Williams made a motion to approve consent agenda items 3.1, 3.3, and 3.4, first reading of items 3.5 through 3.12, and items 3.14 through 3.16, as recommended by staff. Councilman Southward seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

**Resolutions:**

3.1 Oral Resolutions approving:

A. Street Use License Request from the Downtown Association.

B. Request from Excitement Technologies Group, Inc. (ETG) for a laser light show/fireworks display at the Civic Center parking lot on November 29, 2005 at approximately 8:15 p.m.

3.2 *Removed from the Consent Agenda to be considered separately:* Resolution authorizing approval of the sale of two (2) parking lot properties located in the 900 Block of South 1<sup>st</sup> Street between Chestnut and Oak Streets.

3.3 Resolution relating to a public hearing and approving a financing by the Stamford Higher Education Facilities Corporation for the benefit of Abilene Christian University and related matters.

The Resolution is numbered **37-2005** and captioned as follows:

RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING FINANCINGS BY THE STAMFORD HIGHER EDUCATION FACILITIES CORPORATION FOR THE BENEFIT OF ABILENE CHRISTIAN UNIVERSITY AND RELATED MATTERS.

3.4 Resolution relating to a public hearing and approving a financing by the Northeast Higher Education Facilities Corporation for the benefit of McMurry University and related matters.

The Resolution is numbered **38-2005** and captioned as follows:

RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING A FINANCING BY THE NORTHEAST HIGHER EDUCATION FACILITIES CORPORATION FOR THE BENEFIT OF MCMURRY UNIVERSITY AND RELATED MATTERS.

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**Ordinances:**

- 3.5 Ordinance adopting Standards of Care for the City of Abilene's youth programs; and set a public hearing for December 1, 2005 at 8:30 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND CALLING A PUBLIC HEARING.

- 3.6 **TC-2005-8** – Thoroughfare closure of the 10 foot wide by 125 foot long alleyway dedication extending north from North 17<sup>th</sup> Street, between Pine and Cypress Streets; and set a public hearing for December 1, 2005 at 8:30 a.m.

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

- 3.7 **TC-2005-9** – Thoroughfare closure to abandon 2 feet of right-of-way from Piedmont Drive and Milford Street along the north and south property lines of 750 North Judge Ely Boulevard; and set a public hearing for December 1, 2005 at 8:30 a.m.

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

- 3.8 **Z-2005-32** – Request to rezone 21.53 acres from AO (Agriculture Open Space) to RS-6 (Residential Single-family), property located on the west side of Oldham Lane just south of the Lone Star Ranch PDD; and set a public hearing for December 1, 2005 at 8:30 a.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.

- 3.9 **Z-2005-33** – Request to rezone 7.2 acres from LC (Limited Commercial) to PDD (Planned Development District), property located approximately 700 feet east of Highway 83-84 on the south side of Beltway South; and set a public hearing for December 1, 2005 at 8:30 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-100 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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- 3.10 *Appealed Item: Z-2005-34* – Request to rezone 0.38 acres from AO (Agriculture Open Space) to RS-12 (Residential Single-family), property located south of the 2000 block of Benz Drive and north of S. 21<sup>st</sup> Street; and set a public hearing for December 1, 2005 at 8:30 a.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.

- 3.11 **Z-2005-35** – Request to rezone PDD #65 to AO (Agriculture Open Space), RS-6 (Residential Single-family), and PH (Patio Home Overlay), property located between Griffith Road and Loop 322, south of Scottish Road and I-20; and set a public hearing for December 1, 2005 at 8:30 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, “ZONING”, OF THE ABILENE MUNICIPAL CODE CONCERNING PDD-65, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.12 **Z-2005-36** – Request to amend existing PDD #95, property located at 402 Arnold Boulevard; and set a public hearing for December 1, 2005 at 8:30 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, “ZONING”, OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-95 AND ORDINANCE NO. 38-2004 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.13 *Removed from the Consent Agenda to be considered separately:* An Ordinance revoking the City of Abilene’s 2001 election to not provide five-year vesting for employees of the City of Abilene, Texas, who are members of the Texas Municipal Retirement System and amending Section 2-99 of the Abilene Municipal Code.

**Bid Awards:**

- 3.14 **Bid #CB-5083** – Solid Waste frontloader bodies. The bid was awarded to Heil of Texas, Irving, Texas in the amount of \$223,416.00.
- 3.15 **Bid #CB-6007** – Civic Center Carpet. The bid was awarded to Casey Tile and Carpet One, Abilene, Texas in the amount of \$63,307.00.
- 3.16 **Bid #CB-6009** – Traffic signal modifications at various intersections, Phase II-B. The bid was awarded to Willis Electric Company, LP, Abilene, Texas in the amount of \$622,729.35.

**Removed from the Consent Agenda and considered separately:**

3.2 Resolution authorizing approval of the sale of two (2) parking lot properties located in the 900 Block of South 1<sup>st</sup> Street between Chestnut and Oak Streets.

The City of Abilene owns the two parking lot properties. The subject properties consist of two detached off-street parking lots located on the south side of South 1<sup>st</sup> Street between Chestnut and Oak Street north of the Taylor County Courthouse and between the Hinds Square Office Building on the west and the Park Office Building (Lauren Engineers and Constructors) on the east. These properties were a part of the original town site of Abilene and were improved in the early days with commercial buildings which have since been removed with the construction of the Pine/Oak Street underpass under South 1<sup>st</sup> which separates the two subject parking areas. The construction of the underpass rendered these properties excess land and they were later paved for use as parking area to support the renovation of the Park Office Building. The two subject parking lots are currently leased until May 31, 2006. Property One consists of an asphalt paved parking lot encompassing 30 parking spaces located at the southeast corner of the intersection of South 1<sup>st</sup> and Chestnut Streets. The property is rectangular in shape and measures 75 feet wide along the south right-of-way of South 1<sup>st</sup> and has a lot depth of 130 feet along the east right-of-way of Chestnut Street. Property Two consists of a somewhat irregular L-shaped, asphalt paved parking lot encompassing 17 parking spaces which borders the Park Office Building along its entire west and south boundaries. The property is located just east of the Pine/Oak street underpass and approximately 50 feet west of the South 1<sup>st</sup> and Oak Street intersection on the north. Because of its L-shaped configuration a portion of the site approximately 20 feet wide fronts along the west right-of-way of Oak Street. Property Two also fronts along the south side of South 1<sup>st</sup> Street a distance of approximately 40 feet with a lot depth to the south of approximately 150 feet. The City published a Request for Proposals (RFP) in September for the use of the property. Staff received one proposal for the property to be used for an expansion of an existing business and parking to support that business. Lauren Holdings, Inc. has proposed to pay the City of Abilene \$75,000 for the properties with the expansion being built on Property Two and Property One continuing as parking. The Company also requires the City to trim the trees that surround Property Two sufficient to allow construction of the building planned and to keep the trees trimmed away from the building subsequent thereto. Staff recommends Council approve the Sale of the two Parking Lots located in the 900 Block of South 1<sup>st</sup> Street between Chestnut and Oak Streets to Lauren Holdings, Inc. for \$75,000.

Richard Burdine, Assistant City Manager for Economic Development stated this item was brought before Council at a prior meeting and was removed from the agenda for further review and development. Mr. Burdine noted the findings of a survey conducted by staff of the on-street parking (including two city-owned lots) along Oak and Chestnut Streets between South 1<sup>st</sup> and South 3<sup>rd</sup> for six (6) days during business hours were as follows:

- There are 121 marked spaces
- On average, 41 spaces were vacant
- Lack of marking results in poor use of available parking areas along South 2<sup>nd</sup> between Sycamore and Pecan Streets

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Mr. Burdine stated Lauren Engineers and Constructors plans for parking spaces after they purchase the parking lots are as follows:

- Add 40 employees with their expansion and eliminate 17 spaces (6 usually vacant) in the lot next to the building
- Lease 40 off-street spaces with Morning Star Church
- Direct employees to park in their lots or on South 2<sup>nd</sup> and Oak Streets

Mr. Burdine further stated the City is proposing the following improvements for parking in the area:

- Mark 37 additional on-street spaces (33 usually vacant) on South 2<sup>nd</sup> between Sycamore and Pecan
- Require Matera developer to provide a minimum of 1 off-street space per apartment unit
- Ask the TIF Board to consider a district-wide Traffic and Parking Plan
- Pursue with TxDOT safety upgrades to the pedestrian crossing on South 1<sup>st</sup> to make lot accessible to South Downtown
- Ask UPRR to use their R.O.W. east of the underpass for parking

Council and staff discussion included: 1) the Lauren and Matera projects both being viewed as great projects; 2) potential parking on Oak Street utilized by Lauren and Matera employees; 3) Lauren's proposal to add employees, lease off-street parking and direct their employees on where to park; 4) concerns for adequate parking if Lauren's 100+ employees are at the office (but noting usually 80-85% of employees are at the office); 5) Council's appreciation to staff for proposing a pedestrian crosswalk and the parking spaces across from the Hinds Square Building; 6) the developer of the Matera project having not closed on the property and the possibility of including a parking requirement in the contract; 7) staff addressing Lauren's letter stating their employees will not park on Chestnut Street; 8) Council's appreciation to staff for their work on the proposed parking plan and how the plan will provide adequate parking as well as aiding in Lauren's growth, and; 9) the possibility of amending the Resolution to direct the Lauren employees to park in the parking spaces as recommended versus an amendment stating the parking spaces they cannot park in.

Councilman Chase addressed a potential amendment to the Resolution as follows:

PART 2. That as a condition precedent to closing the sale of said properties, the business shall provide proof of obtaining forty (40) additional off-street spaces for employees, necessitated by said expansion, for a minimum period of five years from the date of closing and that the employees of such business be directed to park in the lots leased by such business or on South 2<sup>nd</sup> or Oak Street and to not use the on-street parking spaces on Chestnut Street from South 1<sup>st</sup> to South 2<sup>nd</sup> for their employee parking spaces.

Council and staff discussion continued: 1) Council's concerns on limiting the Lauren employees to park only on South 2<sup>nd</sup> and Oak Streets; 2) the proposed amendment to the Resolution directing employees to park in their leased spaces and specifically indicating that the employees not park on Chestnut between South 1<sup>st</sup> and South 2<sup>nd</sup> due to those parking spaces being utilized; 3) staff noting Council could accept the letter that Lauren has provided to Bruce Bixby as a condition prior to the closing of the property and incorporate it into the Resolution as Exhibit "A"; 4) Council's



concerns of not having seen the letter but accepting the letter as Exhibit "A" if conditions as discussed by Council are sufficiently addressed in the letter, and; 5) the letter being incorporated into the minutes if necessary.

Councilman Chase made a motion to approve the Resolution authorizing the sale of two (2) parking lot properties located in the 900 Block of South 1<sup>st</sup> Street between Chestnut and Oak Streets north of the Taylor County Courthouse between the Hinds Square Office Building on the west and the Park Office Building on the east, amending PART 2 of said Resolution to read "That as a condition precedent to closing the sale of said properties, the business shall provide proof of obtaining forty (40) additional off-street spaces for employees, necessitated by said expansion, for a minimum period of five years from the date of closing **and that the owner of such business shall direct their employees to park in the lots owned or leased by such business or on South 2<sup>nd</sup> or Oak Streets and to not use the on-street parking spaces on Chestnut Street from South 1<sup>st</sup> to South 2<sup>nd</sup> Streets** and to incorporate into the Resolution as Exhibit "A" the letter from Lauren Engineers and Constructors to Bruce Bixby dated November 16, 2005 that addressed Lauren employees refraining from utilizing public parking spaces anywhere along Chestnut Street. Councilman Southward seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

The Resolution is numbered **39-2005** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY OF ABILENE TO SELL PROPERTY (TEXAS LOCAL GOV'T CODE ANN. SEC. 272.00) CONSISTING OF TWO PARKING LOTS LOCATED ON THE SOUTH SIDE OF SOUTH 1<sup>ST</sup> STREET BETWEEN CHESTNUT AND OAK STREETS NORTH OF THE TAYLOR COUNTY COURTHOUSE BETWEEN THE HINDS SQUARE OFFICE BUILDING ON THE WEST AND THE PARK OFFICE BUILDING ON THE EAST.

**Removed from the Consent Agenda and considered separately:**

3.12 An Ordinance revoking the City of Abilene's 2001 election to not provide five-year vesting for employees of the City of Abilene, Texas, who are members of the Texas Municipal Retirement System and amending Section 2-99 of the Abilene Municipal Code.

Effective September 1, 2001 the Texas Municipal Retirement System (TMRS) Act was amended to provide five-year vesting for participating municipal employees unless a municipality's governing board filed an election with the TMRS Board of Trustees for that particular municipality to not provide five-year vesting for its employees. The City of Abilene City Council filed an election with the TMRS Board to not provide five-year vesting to participating employees via Ordinance No. 34-2001, which was passed and approved on second and final reading on November 12, 2001. As was discussed and approved through the FY06 budget process, the City now desires to provide five-year vesting as provided under Section 854.205 of the TMRS Act. In order to provide five-year

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vesting, Council must now pass an ordinance revoking Ordinance No. 34-2001. Once the revocation passes, five-year vesting for City of Abilene employees who participate on the TMRS will then be effective on January 1, 2006. Impact on the general fund in 2006 for the five-year vesting is estimated at \$35,250. Staff recommends Council approve the ordinance.

Councilman Williams stated four years ago the Council voted unanimously with staff's recommendation to not approve the five-year vesting. Councilman Williams further stated he feels that was the right decision then and feels it is the right decision to make now. Councilman Williams stated his motion will be to deny the five year vesting and utilize the funds for other needed items in the City, specifically to defray the cost of the \$85,000 increase in transit fares.

Council and staff discussion included: 1) the City currently having 10 year vesting and this will allow the City to have 5 year vesting which is now typical and reasonable of the job market; 2) Council having funded through the budget process adopting the five-year vesting program and the proposed ordinance being the tool to notify the Texas Municipal Retirement System (TMRS) of the City's decision to do so and implements the five-year vesting effective January 1, 2006; 3) staff's belief that five-year vesting will be a valuable recruitment and retention tool to compete for quality employees; 4) the City of Abilene being one of the few cities that currently has not adopted the five-year vesting and likewise most private employers offer retirement programs that are less than five years; 5) five-year vesting being a \$35,000 expense in the FY 05-06 Budget but staff noting that all funds are looked at to be utilized in the best possible way; 6) Council's support of the City Manager's leadership and not wanting to limit the City in recruiting qualified individuals, and; 7) the possibility of utilizing sales tax money for the bus fares versus the money from the five-year vesting.

Councilman Williams made a motion to deny the Ordinance revoking the City of Abilene's 2001 election to not provide five-year vesting for employees of the City of Abilene, Texas, who are members of the Texas Municipal Retirement System and amending Section 2-99 of the Abilene Municipal Code and to utilize the funds for other needed items in the City, specifically to defray the cost of the \$85,000 increase in transit fares. Councilman Hill seconded the motion, and the motion failed.

AYES: Councilmen Williams and Hill.

NAYS: Councilmen Chase, Southward, Higgins, Councilwoman Moore, and Mayor Archibald.

Mayor Archibald made a motion to approve the Ordinance revoking the City of Abilene's 2001 election to not provide five-year vesting for employees of the City of Abilene, Texas, who are members of the Texas Municipal Retirement System and amending Section 2-99 of the Abilene Municipal Code. Councilman Southward seconded the motion, and the motion carried.

AYES: Councilman Chase, Southward, Higgins, Councilwoman Moore, and Mayor Archibald.

NAYS: Councilman Williams and Hill.

The Ordinance is numbered **58-2005** and captioned as follows:

AN ORDINANCE REVOKING THE CITY OF ABILENE'S 2001 ELECTION TO NOT PROVIDE FIVE-YEAR VESTING FOR EMPLOYEES OF THE CITY OF ABILENE, TEXAS, WHO ARE MEMBERS OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM AND AMENDING SECTION 2-99 OF THE ABILENE MUNICIPAL CODE.

**REGULAR AGENDA**

Item 4.1 was considered before Item 2.0, Disposition of Minutes.

4.2 Dan Santee, Assistant City Attorney briefed the Council on an amendment to the First Financial Bank Aerial Easement for a sign on Skywalk Bridge.

Mr. Santee stated the First Financial Bank Building downtown was granted two aerial easements by the City of Abilene in 1985 to accommodate the enclosed skywalks. Mr. Santee noted one skywalk was built over North 4<sup>th</sup> Street to connect the bank building on the north side of North 4<sup>th</sup>, to its parking facility on the south side and a second skywalk connects the main bank structure situated on the east side of the north-south alley between North 4<sup>th</sup> and North 5<sup>th</sup>, and the portion of the bank building situated to the west of the alley. Mr. Santee further stated First Financial Bank (FFB) approached the City and requested permission to place signage on the east face of the skywalk crossing North 4<sup>th</sup>. It was initially believed a street use license had been granted for the skywalk, and a street use license may not be granted to permit a sign in the right-of-way. Mr. Santee noted while a street use license had in fact been granted originally, it was replaced by an aerial easement when the permanent financing for the bank building was put in place. Mr. Santee stated FFB and the City were in the process of exploring options such as variance or changes to the zoning ordinance when the easement was discovered. Rather than continue to explore options that would alter the zoning ordinance, it is the opinion of legal staff that amending the existing aerial easement presents a better option. Mr. Santee further noted the Planning and Zoning Commission did review a proposed ordinance change that would have allowed the requested signage, and they voted 6-0 to deny the requested change. Mr. Santee stated each member of the Planning and Zoning Commission that voted against the ordinance revision (Jeff Luther was absent) has been contacted and apprised of the option coming before Council, and has no objection to this solution. Mr. Santee noted legal counsel for FFB has reviewed the proposed amendment and the parties agree on the wording. Mr. Santee further stated FFB has an existing easement that allows "improvements", and that the requested sign would stay within the originally granted boundaries of the easement. Traffic and Transportation staff has reviewed the proposed sign and does not believe it interferes with the traffic control device located at North 4<sup>th</sup> and Pine Street. The original easement and proposed amendment include insurance and indemnity to protect the City's interest. Staff recommends that Council approve by oral resolution the amendment to the existing easement. The Planning and Zoning Commission reviewed and denied a change to the zoning ordinance, but no board or commission reviewed the proposed amendment to the easement.

Council and staff discussion included: 1) concerns surrounding the proposed signage interfering with the traffic lights; 2) staff's rationale for the placement of the proposed sign not interfering with the traffic lights; 3) safeguards being placed in the aerial agreement to allow for the proposed sign placement to be determined by a traffic engineer; 4) the proposed sign only being illuminated between dusk and dark; 5) the proposed sign between illuminated by a white light versus

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the same lightning used for traffic lights; 6) the Planning and Zoning Commission denied the complete sign ordinance not just specific to this proposed sign; 7) staff noting the Planning and Zoning Commission was contacted to explain this amendment would not apply to all of the business districts in the City; 8) this issue not having to go back to the Planning and Zoning Commission for approval; 9) clarification of wording in the proposed aerial agreement allowing for provisions of lighting issues; 10) the proposed signage is the only signage that can be placed on the skywalk, and; 11) Council's appreciation to staff for their work in resolving this issue with the implementation of the aerial easement.

Councilman Higgins made a motion to approve by oral resolution an amendment to the First Financial Bank Aerial Easement for a sign on Skywalk Bridge. Councilman Chase seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

4.3 Paul Knippel, Director of Public Works requested Council's consideration concerning road humps on Glen Abbey and possible approval by oral resolution.

Mr. Knippel stated the Road Hump Program provides policy, procedure and standards for the application of road humps as a traffic calming technique to modify vehicular traffic speeds along residential streets. The process involves increasing levels of public participation as the request moves forward. It begins with a written request from at least five residents on the street. If the street segment meets the functional, geometric and operational criteria, then support from the residents along the street must be evidenced by a petition with 70% indicating in favor of the installation of road humps and at least 50% agreeing to road humps in front of their property, and finally, residents of the area that are likely to be impacted by the road humps, either their own travel or by diverted traffic, are given an opportunity to object to the installation. If more than 20% in the area of impact object, then those initiating the request may request a public hearing before the City Council, where the final decision would be made. The impacted area that received notification included all of Glen Abbey, Winged Foot, Merion, Lido and a portion of August. Staff recommends that Council conduct the public hearing and determine the appropriateness of the requested road humps relative to the whole impacted area.

Council and staff discussion included: 1) the proposed road hump placements and the possibilities of individuals having alternate routes to bypass the road humps; 2) the road humps proposed locations were requested by five applicants; 3) staff's clarification of how the locations for the road humps are determined; 4) justifications for road humps being excessive speed and children in the area; 5) the need for better street design and the platting of new neighborhoods; 6) the road humps not extending to the curb, and; 7) individual applicants/residents responsibility in paying for the cost of the road humps and any signs associated with the road humps.

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

- Randy Hibler – Mr. Hibler stated that he is directly affected by the proposed road humps. Mr. Hibler further stated there is a large volume of traffic using Glen Abbey as a short-cut and the road humps are needed to protect the residents, property and children. Mr. Hibler stated the road humps need to be spaced further apart due to the fact that drivers will go faster after they drive over a road hump to make up for the lost time in slowing down. Mr. Hibler requested there be more than 2 road humps placed in the area and feels that the Traffic and Engineering Department needs to work out a resolution and the possibility of tabling the item to do so.
- David Todd – Mr. Todd stated he is one of the five individuals who started the petition with the intention of the affected area going from Medina to Antilley Road. Mr. Todd further stated he has seen mailboxes being hit and tire tracks in residents' yards because of the excessive speed. Mr. Todd noted the original request was for three to four road humps from Medina to Antilley Road but because of laws stipulating design standards it was lessened to two road humps. Mr. Todd asked for a variance to the design standards, which would allow for four road humps. Mr. Todd further noted of the seven residents in the impacted area, only three of the residents have had problems with the road humps.
- Randy Burchell – Mr. Burchell stated he is one of the original five who requested the road humps and he has also seen mailboxes destroyed, as well as tire tracks in the residents' yards. Mr. Burchell further stated he wants to protect the children in the area. Mr. Burchell presented various statistics which stated the leading cause of deaths involving children are caused by motor vehicle related incidents and the positive aspects of road humps. Mr. Burchell stated the residents are not asking the City to fund any of the road humps, the residents' want the streets to be a safe and asked Council approve the road humps.
- Eli Iliason – Mr. Iliason stated he has been a resident of Abilene before and has now lived in the area for three months and prior to that has lived in other cities and is happy to come back to Abilene, but the one problem he has is that his children cannot ride their bicycles down the street due to the excessive speed of drivers. Mr. Iliason requested Council approve the appropriate number of road humps to solve the problem.

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

Discussion included: 1) staff noting studies have shown that a drivers' tendency is to speed up after driving over a road hump to make up for lost time; 2) the possibility of more road humps being placed in the area but today's meeting only addressing the approval of two road humps; 3) residents wanting more road humps than initially requested would need to follow the proper request process; 4) spacing of future road humps would be minimal if two road humps were approved today; 5) Council's appreciation to residents for wanting to make their neighborhood a better place; 6) most accidents occurring at night and the need for research to determine if these accidents involve residents of the area or outside residents; 7) the possibility of a City initiated notification to the residents

involving the area of Medina to Antilley Road addressing the need for additional road humps; 8) Council's concerns regarding the wording of the City initiated notification; 9) the possibility of tabling the item to further review the need for more road humps in the area; 10) staff's clarification of the petition of support that is filed after the application process starts; 11) Council's authority to decrease the number but cannot increase the number due to lack of proper notification; 12) staff's clarification of options before Council being to approve the two proposed road humps and to do a City initiated notification of the impacted area or to table the item for further review.

Mayor Archibald made a motion to approve the two road humps on Glen Abbey as presented today. Councilman Hill seconded the motion.

Council discussed instructing City staff to review and initiate a City notification regarding additional road humps from Medina to Antilley Road in order to go forward with the process.

Mayor Archibald amended his motion to approve by oral resolution the two (2) road humps on Glen Abbey as presented with the addition of directing staff to review and initiate a City notification regarding additional road humps from Medina to Antilley Road. Councilman Hill seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

## **PRESENTATION**

Mayor Archibald introduced Dr. Thomas Tenner of the Texas Tech University Health Science Center and Kay Alexander of the American Heart Association. Dr. Tenner stated he was at today's Council meeting on behalf of the Council on Cardiovascular Disease of the State of Texas in which the Legislature mandates that the Council through education and action reduce the cardiovascular disease and stroke in the state of Texas. Dr. Tenner further stated one of the programs that the Council of Cardiovascular Disease has implemented is the Texas Heart and Stroke Healthy City Recognition program in which there are ten indicators that the Council has deemed to be essential in making a City heart healthy and stroke free. Dr. Tenner stated the City of Abilene has met seven of the ten indicators and due to that the award of Honorable Mention has been awarded to the City of Abilene. Dr. Tenner then presented the plaque to Mayor Archibald.

Mayor Archibald stated appreciation to Dr. Tenner, Kay Alexander and Dr. Travis of the City of Abilene Health Department for their continued work in these areas.

Item 4.4 was removed from the agenda.

4.5 Larry Gilley, City Manager presented an historical overview regarding CityLink bus fares and user fees.

Mr. Gilley stated in a recent City Council meeting comments were made regarding increases in CityLink bus fares and Council directed staff to bring this item back for more discussion. Mr.

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Gilley stated staff has provided Council with financial data with regards to anticipated revenues generated by the increase in fares. Mr. Gilley noted at the public hearing during the budget process there was considerable concern in regards to the para-transit service costs. As a result of those concerns Council chose to leave those fares at the current cost and the current distance so that eliminated that increase, however the fare box rates were increased based on the budget that was adopted by the City Council. Mr. Gilley noted staff has estimated that the revenues from the fare box increase will be approximately \$34,000. Mr. Gilley further noted staff reviewed the impact of reducing the fare increases for the elderly and disabled back to the rates of \$.35 cents for students \$.75 cents for the adult rate. Mr. Gilley stated to do that would decrease the levels back to \$19,000 per year from the \$34,000 that was originally estimated from the increase. Mr. Gilley noted the overall operating cost for CityLink is approximately \$1.7 million dollars. Mr. Gilley introduced Amy Foerster, General Manager of CityLink to discuss and answer any questions from Council.

Ms. Foerster stated CityLink is in a difficult situation and desperately needs funds. Ms. Foerster further stated the need for new buses is a must and CityLink is at a turning point and a growing stage and invited the Council to come and view their operations. Ms. Foerster noted the para-transit service currently has 300 to 400 per day, more than Lubbock has per day and almost as many as Ft. Worth per day. Ms. Foerster further noted after the first of the year CityLink will go out for bid on new buses. Ms. Foerster stated CityLink has Federal money earmarked but will need the City's 20% match for the new buses. Ms. Foerster noted the buses cost approximately \$300,000 a piece depending on the specialized needs of the buses (i.e., wheelchair lifts, specialized flooring). Ms. Foerster stated Councilwoman Moore and herself have visited and have tried to come up with a compromise in which to possibly work out a solution to aide in the major concerns of the disabled and the elderly. Ms. Foerster further stated after 13 years CityLink's fares increased on October 1, 2005 and that brought them in line with the comparative cities of Lubbock, San Angelo, Tyler, and Waco. Ms. Foerster noted Citylink strives to maintain their buses and also cares about their passengers. Ms. Foerster stated she proposes to reduce the single rider fare from \$.50 cents to \$.35 cents and to leave the monthly pass at \$15.00. Ms. Foerster noted some of the disabled passengers that are mentally handicapped have their monthly passes bought by agencies which make up half of CityLinks' ridership. Ms. Foerster stated the individuals that pay the cash fares are the individuals that she is proposing to help.

Council and staff discussion included: 1) Citylink's operating budget and estimated revenue; 2) purchase of four new buses with a cost estimated at \$250,000 to \$300,000 each; 3) CityLink having federal funds earmarked for 10 new buses but will need the City's match of 20% to purchase the buses; 4) Citylink not having a reserve fund and the funds would come out of the City's general fund; 5) possibility of reducing fares back to original fares for the elderly and disabled; 6) large majority of the passes are purchased by agencies, and; 7) Council's appreciation to Ms. Foerster and Councilwoman Moore for their proposal.

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

- Maria Velasquez – Ms. Velasquez stated for fixed income individuals the new fares are hard to pay. Ms. Velasquez further stated that she is aware of agencies buying passes for some individuals but feels the elderly and fixed income need to be targeted.

Ms. Velasquez stated she feels the City can use the funds from the ½ cent sales tax, as well as any funds designated for any consultant work towards vouchers for the elderly, disabled, and the individual out of work. Ms. Velasquez also requested CityLink to extend the distance of the bus routes. Ms. Velasquez further stated that Council's responsibility, as elected officials, is to help the citizens of Abilene and that the policies Council establishes affects everyone.

- Dave Hagler – Mr. Hagler stated he is contacted daily by an individual whose income is solely dependent on SSI and the increase in fares have affected this individual.
- Joe Lopez – Mr. Lopez stated the reason he is at today's meeting is to prevent something being taken away from the citizens. Mr. Lopez noted that he has never heard Ms. Velasquez ask for something for herself she always seeks ways to help other individuals by being their voice to speak out.
- David Barnhill – Mr. Barnhill stated that CityLink has helped their family out and doesn't have a problem with the fare increases. Mr. Barnhill further stated that he has a van but at times has to utilize the buses and the only problem they have are when the wheelchair lifts on the buses do not work properly.

Councilman Hill left the meeting.

Discussion included: 1) the possibility of providing free bus service for the elderly and disabled; 2) proposed proposal only affecting the fares of the single rider; 3) the possibility of reducing the new fares of \$.50 cents per single rider back to \$.35 cents per rider; 4) staff's clarification of necessary adjustments to current budget if a reduction in the fare structure is approved; 5) Council's concerns over the request for the fares of the elderly and disabled being met and the need to address a solution for those individuals; 6) clarification that not all elderly and disabled are asking for reduced fares only the individuals that cannot afford the increased fares; 7) the City of Abilene not being a social service for low income individuals and if this is pursued the implications of having to provide reduced rates for not only bus fares, but water service as well as other city services; 8) the need to investigate the possibility of reduced rates for bus fares of the low income; 9) the monthly passes costing an individual more money than if they pay the fare of a single ride; 10) the increase in bus fares in the budget was to raise the fund balance to purchase four new buses and if the new rates are reduced for every dollar reduced they will have to be replaced with funds from the general fund; 11) CityLink will purchase four new buses and have federal funds earmarked for an additional six new buses, and; 12) Council's proposal to not reduce CityLink's budget but to utilize funds from the additional sales tax revenue to offset the costs.

Councilman Southward made a motion to decrease the single rider fee from .50 cents to .35 cents and the monthly pass from \$15.00 to \$11.00 only for the fixed routes for the elderly and the disabled and to instruct staff to revise the budget accordingly. Councilman Williams seconded the motion, and the motion carried.



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AYES: Councilmen Chase, Williams, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

ABSENT: Councilman Hill

Mayor Archibald stated the Abilene-Taylor County Public Health Department will be hosting an Open House at their new facility located at 850 North 6<sup>th</sup> Street today at 1:30 p.m.

**EXECUTIVE SESSION**

Mayor Archibald 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.

Councilman Williams left the meeting after Executive Session.

The Council reconvened from Executive Session and reported no votes or action was taken in Executive Session.

5.4 No Council consideration or action was taken on the annual performance evaluations of the City Manager, City Attorney, City Secretary, or Municipal Judge.

5.5 Councilwoman Moore made a motion to approve Mayor Archibald's appointments and reappointments to various boards and commissions as listed below. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

ABSENT: Councilmen Williams and Hill.

**Abilene-Taylor County Public Health Advisory Board**

**3 year terms**

Re-Appoint:

- Andrew Urban, Physician
- Darrell Flippo, Food Industry representative

**Abilene-Taylor County Venue District Board**

**2 year terms**

Re-Appoint:

- Norm Archibald
- Kris Southward

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**Airport Development Board**

**3 year terms**

Re-Appoint:

- Joe Crowder
- Steve Fehr, AIF representative

Appoint:

- Joseph Spano
- Lori Dodd, Rural Texas Access representative
- Cindy Haley, ACVB representative

**Board of Adjustment**

**2 year terms**

Re-Appoint:

- Brenda Coleman, Alternate position
- Col. Morton Langholtz
- Rick Waldraff
- David Hejl, Alternate position

**Board of Building Standards**

**2 year terms**

Re-Appoint:

- Betty Bradley, Social Worker
- Lloyd Turner, Alternate Engineer
- Mark Waters, Alternate Social Worker

Appoint:

- Michael Bowers, Alternate General Contractor
- Jon McDonald, Building Contractor
- David Beard, General Contractor
- Matt Loudermilk, Alternate Building Contractor

**Civil Service Commission**

**3 year terms**

Re-Appoint:

- Pamela Mann

**Development Corporation of Abilene, Inc.**

**3 year terms**

Re-Appoint:

- Dee Moore

**Landmarks Commission**

**3 year terms**

Re-Appoint:

- Pebbles Lee, Historic property owner

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- Rick Weatherl, Construction Industry representative

Appoint:

- Robert Calk, Board of Realtors representative

**Library Board**

**2 year terms**

Re-Appoint:

- Nancy Stephenson
- Brian Scalf
- Joe Specht
- Stan Chapman

Appoint:

- Dr. John Williams

**Office of Neighborhood Services Advisory Council**

**2 year terms**

Re-Appoint:

- Bill Culp, ACU representative
- Linda Carleton, HSU representative

Appoint:

- Lecia Hughes, McMurry representative
- Sherri Franklin, At-large position

**Reinvestment Zone #1 City of Abilene (TIF)**

**2 year terms**

Re-Appoint:

- Mike Warren
- Greg Blair
- Judy Godfrey
- Mary Helen Munoz
- Ruppert Rangel
- Chuck Statler, County representative

There being no further business, the meeting was adjourned at 1:25 p.m.

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Renee Scott  
Assistant City Secretary

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Norm Archibald  
Mayor