

**CITY COUNCIL MEETING**  
**March 22, 2007, 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 March 22, 2007, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase, Stormy Higgins, Joe Spano, Anthony Williams, and Councilwomen Laura Moore and Celia Davis. Also present were City Manager Larry Gilley, Interim City Attorney Dan Santee, City Secretary Jo Moore, and various members of the City staff.

Councilwoman Moore gave the invocation.

Mayor Archibald introduced Tristian Price, a 5<sup>th</sup> grade student from Lee Elementary School, who led the Pledge of Allegiance. Tristian's grandmother and Mary Ann Polnick the Instructional Coordinator for Lee Elementary were also in attendance.

**EMPLOYEE SERVICE AWARDS**

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

25 Years	Charles Bailey	Firefighter Fire Department
25 Years	Peter Delacot	Firefighter Fire Department
25 Years	Joel Garza	Firefighter Fire Department
25 Years	Billy Schulle	Firefighter Fire Department
25 Years	David Standard	Firefighter Fire Department
20 Years	Carl Migliore	Police Officer Police Department
20 Years	Leland Mitchell	Police Officer Police Department
20 Years	Brad Wilson	Police Lieutenant Police Department
20 Years	Thomas Pope	Police Officer Police Department
20 Years	James Walker	Police Officer Police Department

City Manager Larry Gilley introduced Lenka Wright, the new Information Coordinator for the City of Abilene.

Mayor Archibald announced the supplementary petition for a Referendum Election on Ordinance No. 69-2006, "An Ordinance Amending Chapter 10 of the Code of the City of Abilene

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By Adopting a Comprehensive Revision of Chapter 10: Fire Protection and Prevention, Article III: Fire Protection Code, Division 2: SMOKING” required 4,917 valid signatures. After being reviewed by the Taylor County Elections Office it was determined that the supplementary petition held only 4,695 signatures and over 400 of those signatures were of people living outside the City of Abilene. The Mayor noted official certification of the supplementary petition will be on the April 12, 2007 Council Agenda.

**DISPOSITION OF MINUTES**

2.0 Mayor Archibald stated Council has been given the minutes from the March 8, 2007 Regular Council Meeting. There being no corrections, additions, or deletions to the minutes Councilman Chase made a motion to approve the minutes as presented. Councilwoman Moore seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Spano, Williams, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

**CONSENT AGENDA**

Councilwoman Davis made a motion to approve consent agenda items 3.1 through 3.3, first reading of items 3.4 through 3.6, and items 3.7 through 3.9, as recommended by staff. Councilman Spano seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Spano, Williams, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

**Resolutions:**

3.1 A Resolution ordering the City of Abilene’s General Election to be held as a Joint Election on May 12, 2007 with the Special Constitutional Amendment Election; designating election precincts and polling places, and; appointing various election officials and fixing their rate of compensation. Oral Resolution approving an Election Services contract between the City of Abilene and the Taylor County Elections Administrator for the May 12, 2007 Joint City/County Election.

The Resolution is numbered **9-2007** and captioned as follows:

A RESOLUTION ORDERING THE CITY OF ABILENE’S GENERAL ELECTION TO BE HELD AS A JOINT ELECTION ON MAY 12, 2007 WITH THE SPECIAL CONSTITUTIONAL AMENDMENT ELECTION; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES, AND; APPOINTING VARIOUS ELECTION OFFICIALS AND FIXING THEIR RATE OF COMPENSATION.

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- 3.2 Oral Resolution accepting for permanent display three sculpture donations, "Hats", "The Pig" and "Children at Play".
- 3.3 Oral Resolution authorizing the City Manager to execute a Right-of-Way Maintenance Contract with the Texas Institute for the Blind and Handicapped (TIBH).

### Ordinances:

- 3.4 Ordinance to amend Chapter 18, "Motor Vehicles and Traffic" of the Abilene Municipal Code.

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC" OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- 3.5 **TC-2007-01** – Request to abandon the 20 foot wide alley from Vogel Avenue to Lowden Street, property located between Grape and Beech Streets; and set a public hearing for April 12, 2007 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.

- 3.6 **Z-2007-07** – Request to rezone property from RS-6 (Residential Single-family) to MU (Medical Use), property located at 1818 Walnut Street; and set a public hearing for April 12, 2007 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.

### Bid Awards:

- 3.7 **Bid #CB-7024** – Alterations to the Rose Park Senior Citizens Center. The bid was awarded to The Crowe Group, Inc., Abilene, TX in the amount of \$39,500.00.
- 3.8 **Bid #CB-7028** – Nelson Park trail lighting. The bid was awarded to Greenway Enterprises, Inc., a Job Order Contractor for the Cooperative Purchasing Network, in the amount of \$43,109.67.
- 3.9 **Bid #CB-7026** – South 14<sup>th</sup> Street landscaping. The bid was awarded to Big Country Irrigation, Abilene, TX in the amount of \$141,131.87.

**REGULAR AGENDA**

4.1 Jon James, Director of Planning and Development Services briefed the Council on a Resolution approving the 2007-2011 Capital Improvements Program (CIP) and authorizing projects for the 2007 Certificate of Obligation Sale.

The 2007-2011 Capital Improvements Program (CIP) is a five-year plan that identifies needed capital projects and coordinates the financing and timing of these projects. The first year of the CIP (2007) represents the City Manager's recommendation for the annual Certificate of Obligation (C.O.) sale, or Capital Budget. Projects scheduled for subsequent years are approved for planning purposes only and do not receive expenditure authority until they are part of the Capital Budget. The proposed projects range from constructing municipal facilities, parks, street and drainage improvements to public safety and traffic/transportation improvements.

Certificates of Obligation in the amount of approximately \$4 million can be funded within the current certificate debt tax rate policy of 10.7 cents. The current proposal includes approximately \$3.97 million in projects. Approximately \$30,000 in potentially available funds have not been assigned to a specific project. This available amount could be used as a reserve for cost overruns or withheld. No increase in the debt tax rate will occur as a result of the certificates if approved as recommended. A public hearing was conducted at the February 19, 2007 Planning and Zoning Commission meeting. The P&Z unanimously recommended to the City Manager by a vote of 5-0 in favor of the Capital Improvements Program as presented with a statement of support for consideration of additional funding and staff research into possible city participation for a homeless shelter for unaccompanied youth. Staff recommends approval of the 2007 Capital Budget and the 2008-2011 Capital Improvements Plan.

Council and staff discussion included: 1) the 2007 CIP Program Schedule (October 1, 2006 thru March 22, 2007); 2) a review of summary sheets, maps, charts and detailed project sheets explaining the various projects; 3) Council's concern that an additional \$643,000 is needed to replace ball field lighting (voters approved \$1.3 million) and the general public's right to understand the need to spend more than they approved. Staff explained additional funds are needed due to an increase in material cost and the cost of the project having been underestimated. Staff stated the importance of completing the project (Cobb Park field, Nelson Park Complex and Rose Park Jr. League field) which included safety concerns due to deteriorating poles; 4) the origin of and opportunities provided through the CO program; 5) completion and implementation of the Parks Master Plan; 6) consider: including other parks in the Parks Master Plan; the wetlands at Vaughn Camp Park; moving Dyess recreation area to 2008-09 funding; moving up for funding the Rose Park Shade Project and Rose Park Baby Pool, Sears Park T Ball, Bus Stop Shelter, and the Playground Modernization Project; holding the replacement of the boiler and HVAC at the Civic Center for a complete review, and energy audit, of city structures for energy efficient appliances through a partnership/contract with a private energy savings company; 7) staff reviewed the process followed for the boiler and HVAC proposals and noted the time involved with designing, planning and installation of the appliances, and; 8) staff noted the success of the Dyess Energy Project and stated even with the time and series of steps involved the city is committed to energy savings and is systemically working toward that goal.

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

- Randy Perkins, Minister of Missions, Pioneer Drive Baptist Church, President/Owner of The Shack Inc., Snyder, Texas and Chairman of Christian Community Development Corporation of the Big Country (CCDC) – Mr. Perkins addressed the need for a youth shelter in Abilene and briefed the Council on the CCDC's project "Our House Emergency Youth Shelter". Our House will provide youth in crisis with safe shelter, resources, and the guidance necessary for family reconciliation or transition into a successful living environment through a 24 hour a day, 7 day a week emergency shelter for youth 11-17 years of age within the 19 county areas in and around Abilene. Mr. Perkins requested Council consider providing funding for the shelter through the capital improvements program.
- Martha Smallwood, Region 14 Education Service Center (Seeds of Success Program for homeless youth) - Ms. Smallwood stated she hopes for more exposure of the program and an endorsement from the City Council in support of the youth. Ms. Smallwood introduced Hardin Simmons student Roy Juarez who Ms. Smallwood stated was one of the unaccompanied youth that defied the odds and statistics and became successful and today is a motivational speaker for youth.
- Roy Juarez, Hardin Simmons University student – Mr. Juarez stated he was homeless at the age of 14 and addressed his life and noted the benefits of having a mentor in your life. Mr. Juarez further stated he now works with youth and educators across the country.
- Randy Halstead, Director of Hope Haven - Mr. Halstead stated he is in support of a youth shelter and believes several years ago the Capital Improvement Program (CIP) had funds allocated for a homeless shelter project. Mr. Halstead noted safety issues that surround homeless youth.
- Nellie Martin, Educator and School Counselor – Ms. Martin stated she has worked in the prison system and noted the need to help youth before they become part of the prison system.

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

Mayor Archibald recessed Council for a break at 10:25 a.m. and reconvened the Council meeting at 10:35 a.m.

Discussion continued and included: 1) the non-profit community possibly providing funding for Our House; 2) the capital improvements program not being an ideal way to fund a non-profit project, but possible other funding sources being available (i.e. Community Development Block Grant); 3) Council's desire to create an opportunity to provide assistance to Our House; 4) staff addressed the number of fire apparatus, their function and cost and the change

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in the process and timeline for their replacement; 5) damage done to fire vehicles, driving over streets in need of repair, as they respond to medical calls; 6) staff noted the need to assure fire units are reliable and to remove specific units from front line status so they will not be as subjected to structural failure; 7) Council noted streets needing repair and stated preference to not purchase one of the fire engines next year and to allocate those funds (\$450,000) toward street repair, and; 8) Council noted 45% of CIP is already allocated for streets and drainage and that overall the city has prioritized well and is moving forward in the streets/drainage improvement areas.

Councilman Chase made a motion to approve the 2007 CIP projects with the following amendments: 1) under Public Safety Improvements (5-01) in the replacing of fire apparatus reduce the amount from \$900,000 to \$450,000 and move the other \$450,000 to Street Improvements (2-08) EN 13<sup>th</sup>, College Dr., and EN 16<sup>th</sup> Reconstruction and with that savings of \$450,000 allow the Public Works Dept. to reprioritize street needs, and; 2) that the items under Municipal Facilities Improvements, Boiler Replacement (6-04) and HVAC Replacements (6-07) be removed from 2007 funding and either be moved back or put on hold to go into the RFP for an energy audit/potential contract and the funds for the boiler (\$180,000) and HVAC (\$88,200) be allocated for the Rose Park Baby Pool, Rose Park shaded area, Sears T Ball ballfield, Bus shelters, and move the Playground modernization from 2008 to 2007 funding, for a total reallocation of \$211,000, of the \$268,200, to park improvements (with no designation being made for the remaining \$57,200).

Motion died for lack of a second.

Councilman Higgins made a motion to approve by Resolution the 2007-2011 Capital Improvements Program (CIP) and authorize projects for the 2007 Certificate of Obligation Sale, as recommended by staff. Councilwoman Davis seconded the motion and the motion carried.

AYES: Councilmen Higgins, Spano, Williams, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: Councilman Chase

The Resolution is numbered **10-2007** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE APPROVING AND ADOPTING THE 2007-2011 CAPITAL IMPROVEMENTS PROGRAM.

Mayor Archibald stated the "Our House Emergency Youth Shelter" project as presented and discussed today is recognized as a project that is needed in the community and that the City is committed to working with the involved parties to assist in that project through other possible funding avenues outside of the CIP (i.e. CDBG, Housing Authority).

4.2 The Mayor stated Item 4.2, *a Resolution authorizing the City Manager to execute the necessary documents to accept the physical improvements located at Safety City and form a non-profit entity to support the mission of Safety City*, has been removed from today's agenda and will be considered at the April 12<sup>th</sup> Council meeting.

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4.3 A. David Wright, Director of Finance distributed a hard copy of the power point presentation of the FY 2006 Financial Report including Financial and Investment Policies and the FY 2007 Update. Mr. Wright introduced Diane Terrell with Davis, Kinard & Co., P.C. who assisted him with the audit report presentation.

Mr. Wright reviewed the September 30, 2006 General Fund Balance Sheet including Assets, Liabilities and Fund Balances, approved 2005-2006 Revised Budget and Revised Budget with Adjustments, Revenues and Expenditures (Adjusted Revised Budget versus Actual Budget Basis), and the 2005-2006 Revenue Budget. Mr. Wright noted the General Fund's fund Balance will increase by \$1,585,127 as a result of most revenue sources exceeding staff's estimates. These sources were property tax (\$224,000), sales tax (\$477,000), franchise fees (\$121,000), licenses and permits (\$126,000), various charges for services (\$112,000), Court fines (\$237,000), and interest and miscellaneous revenues (\$315,000). Mr. Wright also reviewed the September 30, 2006 Water and Sewer Fund Revenues and Expenditures, and the 2005-2006 Water Fund Expenditure Budget. Mr. Wright noted the water utility system experienced a \$3.2 million loss in FY 2006 as compared to \$1.95 million loss in FY 2005 but the FY 2005 loss would have been \$2.9 million if the City had not received the \$967,000 Environmental Protection Agency (EPA) grant and Mr. Wright noted the losses are after depreciation expense. Although revenues were up by \$2.6 million over FY 2005 expenses increased by \$2.7 million over FY 2005, with the main expense increases being in electric costs (\$2,200,000), fleet maintenance and fuel (\$200,000), and chemicals (\$500,000). Mr. Wright noted rate structures may need to be reviewed during the upcoming budget sessions. Mr. Wright also reviewed the Solid Waste Services Revenues and Expenditures Budget Basis, and the September 30, 2006 Self Insurance Fund Balance Sheet. Staff recommends acceptance of the CAFR for year ended September 30, 2006 and the incorporated Financial and Investment Policies.

Ms. Terrell presented and briefed Council on the following information provided by Davis, Kinard & Co.

- Transmittal Letter
- Financial Policy
- Investment Policy
- Management Discussion & Analysis
- Capital Projects
- Water & Sewer Capital Projects
- Overall Audit Opinion
- Advisory Comments

Ms. Terrell reviewed the Advisory Comments stating in planning and performing the audit of the basic financial statements of the City of Abilene, Texas for the year ended September 30, 2006, they considered the City's internal control to determine the auditing procedures for the purpose of expressing an opinion on the basic financial statements, and not to provide assurance on internal control. However, during the audit they became aware of matters that are opportunities for strengthening internal controls and operating efficiency. Ms. Terrell stated the memorandum that accompanies their letter summarizes comments and suggestions regarding those matters and that the letter does not affect the report dated January 12, 2007, on the basic financial statements of the City of Abilene, Texas.

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Ms. Terrell continued with the September 30, 2006 Advisory Comments by reviewing the Status of Prior Year Comments on the following, which included a prior year comment, resolution and management response:

- Financial Accounting and Reporting
- Recent GASB Pronouncement
- Accounting for Grants
- Streets and Drainage Infrastructure Inventory

Council and staff discussion included: 1) auditor's noting material departure from GASB 44 could result in a qualified opinion and a delay in receiving grant funds; 2) auditor's commended the Finance Department for this years improved audit/financial records; 3) the potential benefits of having an Audit Committee; 4) the Housing Authority's audit is separate from the City's but is filed with the Finance Dept., and; 5) staff explained the basis for hiring short term outside auditor's with the expertise needed to conduct the audit (specifically expertise needed for GSAB), versus hiring and/or training city staff.

Councilwoman Davis made a motion to approve, by Oral Resolution, the Comprehensive Annual Financial Report (CAFR) for year ended September 30, 2006 and the incorporated Financial and Investment Policies, as recommended by staff. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Spano, Williams, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

4.3 B. David Wright, Director of Finance briefed the Council on the FY 2007 update.

Mr. Wright reviewed the Summary of Revenues for Budget Fiscal Year 2007 as of February 28, 2007. The review included the General Fund Revenues of Sales Tax, Property Tax, a Sales Tax Comparison, the Electric Franchise Fee, the Telecommunication Line Fee, the Cable TV Franchise Fee, Licenses and Permits, Airport, and Municipal Court Fines. The General Fund Summary of Expenditures for Budget Fiscal Year 2007 as of February 28, 2007 included Electric, Natural Gas, Equipment Use Charge, Street Lighting, Police Overtime, and Fire Overtime.

Mr. Wright briefed the Council on the fines collected and warrants cleared as a result of the Warrant Round Up conducted by the Municipal Court.

No Council action was required.

Councilman Williams left the meeting before Executive Session.



**EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session pursuant to Sections 551.071, 551.072, 551.074, and 551.087 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, to consider the purchase, exchange, lease or value of real property, and to discuss contemplated business prospects and or economic development matters.

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

5.5 Councilwoman Davis made a motion to approve Mayor Archibald's appointment of Clint Rosenbaum to the Planning and Zoning Commission, term expiring November 2009. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Spano, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

ABSENT: Anthony Williams

No action was taken on an appointment to the Housing Authority Board.

There being no further business, the meeting was adjourned at 12:55 p.m.

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Jo Moore  
City Secretary

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Norm Archibald  
Mayor