

**CITY COUNCIL MEETING
November 15, 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 November 15, 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, Councilwomen Laura Moore and Celia Davis. Also present were City Manager Larry Gilley, City Attorney Dan Santee, Interim City Secretary Danette Dunlap, and various members of the City staff.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Kaitlyn Myers who led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas. Kaitlyn Myers is a 4th grader at Allie Ward Elementary. Kaitlyn's parents were in attendance along with her Principal.

EMPLOYEE SERVICE AWARDS

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

| | | |
|----------|----------------------|---|
| 20 Years | Robert Bilski | Utility Systems Manager, Water Treatment |
| 20 Years | William Drake | Utility Engineer, Water Administration |
| 20 Years | Harvey "Danny" Heath | Supervisor I, Street Services |
| 20 Years | Carl Scott | Program Administrator, Senior Citizens/Recreation |

SPECIAL PRESENTATION AND PROCLAMATION

Mayor Archibald presented the following proclamation to Jennifer Woodard with the March of Dimes:

"Premature Infant Awareness Month"

Mayor Archibald recognized Chief of Police Melvin Martin as the new President of the Texas Police Chief Officers Association. Chief Martin was sworn in at the Association's meeting in Dallas. This is the 50th Anniversary of the Association.

Dean Carter presented to the Mayor a certificate of appreciation for the employee's support of the Christmas 2006 Toys for Tots campaign. The Christmas 2007 campaign will commence just before Thanksgiving.

DISPOSITION OF MINUTES

2.0 Mayor Archibald stated Council has been given the minutes from the October 25, 2007 and the November 1, 2007 Regular Council Meetings. Councilwoman Davis noted that on page 19 the Mr.

City Council Meeting

November 15, 2007

Page 2

Jack **Perkins** should read Mr. Jack **Harkins**. There being no deletions or further corrections or additions to the minutes Councilwoman Davis made a motion to approve the minutes as corrected. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

CONSENT AGENDA

Item 3.4 Resolution authorizing the City of Abilene to enter into a Termination Agreement with Abilene Reinvestment Zone No. 1, *pulled by Councilman Higgins*.

Councilman Williams made a motion to approve consent agenda items 3.1 through 3.3 and 3.5 through 3.6 as recommended by staff. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None

3.1 Ordinance amending Chapter 30, "Taxation" relating to tangible personal property in transit and calling a public hearing on December 6, 2007 at 8:30 a.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 30, "TAXATION", ARTICLE I, OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; CALLING FOR A PUBLIC HEARING, AND PROVIDING FOR SAID ORDINANCE TO TAKE IMMEDIATE EFFECT.

3.2 Ordinance amending 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.

3.3 Resolution of the City of Abilene authorizing the filing of a Grant application with the West Central Texas Council of Governments (WTCOG) for a Regional Solid Waste Grants Program Grants.

The Resolution is numbered **#39-2007** and captioned as follows:

RESOLUTION OF THE CITY OF ABILENE (CITY) AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE WEST CENTRAL TEXAS COUNCIL OF GOVERNMENTS (WCTCOG) FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANTS; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF ABILENE IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED, THE CITY OF ABILENE WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE WCTCOG, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

City Council Meeting

November 15, 2007

Page 3

3.4 **Removed from the Consent Agenda and considered separately:** Resolution authorizing the City of Abilene to enter into a Termination Agreement with Abilene Reinvestment Zone No. 1.

Bid Awards:

3.5 **#CB8006** – Library Boiler Replacement. The bid was awarded to Batjer & Associates, Inc., Abilene, TX in the amount of \$67,200.00.

3.6 **#CB8008** – Frontload refuse containers. The bid was awarded to Fuqua Industries, Rio Vista, TX.

Item 3.4 considered separately at the request of Councilman Higgins:

3.4 *Resolution authorizing the City of Abilene to enter into a Termination Agreement with Abilene Reinvestment Zone No. 1.*

Mayor Archibald called on Richard Burdine to address the council. Mr. Burdine briefed the City Council on the Termination Agreement with the Abilene Reinvestment Zone. No.1.

Abilene Reinvestment Zone No. 1 is a tax increment financing district commonly known as the TIF District. The TIF District encompasses the 100 block area bordered by North Treadaway on the East, South 7th on the south, Butternut and Hickory on the west, and North 6th on the north. Under the Act, at the time an area is designated as a reinvestment zone for TIF, its property tax base is frozen at the value in effect immediately before development. The taxing units levying taxes in the TIF during its scheduled life are limited to the revenues from this base. Any tax revenue from an increase in the appraised value above the base is dedicated to redevelopment and administered by the TIF Board. The TIF District has a scheduled life of 25 years which expires on December 31, 2007.

Under 311.010(b) of the Act, the TIF District Board of Directors and the governing body of the municipality that creates a reinvestment zone may enter into agreements as the board or the governing body considers necessary or convenient to implement the project plan and reinvestment zone financing plan and achieve their purposes. Such an agreement may dedicate, pledge or otherwise provide for the use of revenue in the tax increment fund to pay any project costs that benefit the reinvestment zone. The TIF District of Directors has determined it is necessary for the TIF District to enter into a Termination Agreement with the City in order to dedicate the TIF funds remaining when the TIF District terminates.

The Termination Agreement is created pursuant to Texas Tax Code 311.010(b), provides for the termination of the TIF District, designates the City as the agent for the final expenditure of funds received by the TIF as of December 31, 2007, and designates the eligible projects for the use of those remaining funds. Additionally, the City pledges the allocation of the City's portion of any ad valorem taxes for 2007 collected after January 1, 2008 to the designated projects.

TIF FY08 TAX ROLL ESTIMATE

| | |
|---|----------------------|
| Certified Values | \$ 17,941,615 |
| Total Levy | \$ 414,020.71 |
| <u>Estimated Collection Rate</u> | <u>98%</u> |
| Estimated Collections | \$ 405,740.29 |
| <u>Estimated Collections @12/31/07</u> | <u>\$ 223,157.16</u> |
| Balance to Collect after Jan. 1 st | \$ 182,583.13 |

| | <u>Tax Rates</u> | <u>%</u> | <u>Distribution of Balance</u> |
|------------|------------------|----------|--------------------------------|
| City | \$ 0.6678 | 28.94% | \$ 52,838.02 |
| AISSD | \$1.1691 | 50.66% | \$ 92,502.14 |
| Taylor Co. | \$0.4707 | 20.40% | \$ 37,242.97 |
| Total | \$2.3076 | 100.00% | \$182,583.13 |

Sources and Uses thru 12/07

Sources

| | |
|--|-------------------|
| Preliminary Undesignated Fund Balance at 9/30/07 | \$ 829,493 |
| Rental Revenue – Vietas Candies | \$ 3,600 |
| <u>Estimated Collections @ 12-31-07 (55%)</u> | <u>\$ 223,157</u> |
| Total Sources | \$1,056,250 |

Uses

FY08 Budget for TIF Divisions (as submitted with City Budget)

| | |
|--|------------------|
| Division 2740 Downtown Mgmt Program | \$267,750 |
| Division 2745 (TIF Annual Contracts) | \$ 27,180 |
| FY08 Abilene Cultural Affairs Council Cultural Incentive Program | \$ 34,000 |
| Public Restrooms on Cedar Street parking lot | \$ 25,000 |
| <u>Streetscape Improvements</u> | <u>\$702,320</u> |
| Total Uses | \$1,056,250 |

Termination Agreement

Projects

1. 2007-08 Budgeted Expenditures of \$294,930 as previously approved.
2. Destination/Wayfinding Signage as previously approved.
3. Redevelopment of 2 lots on Cedar Street as a downtown parking lot as previously approved
 - A. Addition of \$25,000 TIF funds to match a proposed City contribution of \$53,000 for downtown restrooms at the parking lot.
4. 2007-08 Abilene Cultural Affairs Council's Cultural Incentive Program of \$34,000.
5. Streetscape improvements, prioritized as Cypress Street, Pine Street thru N. 3rd and Cedar & Walnut from N. 1st, of an estimated \$700,000.

Council and staff discussion included: 1) a safer cross walk across South 1st Street in the TIF District; 2) the area North of Frontier Texas for possible development; 3) the area around Butternut Street; 4) the area around the Court House; 5) the funds are limited to public infrastructure, streets and sidewalks etc.; 6) projects can not be open ended; 7) the proposed termination agreement has been worked out with Bond council, to ensure that the agreement meets the Tax Code Chapter 311, the Tax Increment Financing Act; 8) the amount of taxes that will not be collected until after 12/31/07 and will not be available to the TIF board. The taxes collected after 12/31/07 will return to the respected entities – Abilene Independent School District, City of Abilene and Taylor County; 9) the city council's desire to see a Master Redevelopment Plan. This Plan would be developed by consultants and the Plan would show developers and others the council's desire to improve the City's core area; 10) the possibility of approaching the AISD and Taylor County to allow the use of the tax money received after 12/31/07 to be designated back to these projects; 11) the TIF board, in the past years, has chosen not to spend money South of the Railroad; and 12) change of the termination agreement to spend some of the money for a Master Redevelopment Plan.

Councilwoman Moore suggested that staff step out and review the Termination Agreement and see if it can be changed in a way that would reflect the desire of the City Council to allocate money on a Master Redevelopment Plan. Mayor Archibald placed this item on hold so that staff could confer.

Council took up the Regular Agenda.

REGULAR AGENDA

4.1 Mayor Archibald announced the City Council returned from break and took up Item 4.1. Mayor turned over the meeting to Fire Chief Ken Dozier to consider approval of a request from MetroCare for a Rate Increase.

MetroCare Services – Abilene, LP has requested a rate increase. As per the letter from George Knipple, General Manager, they are requesting an increase from \$445.00 base rate to \$675.00. They also are requesting a mileage rate increase from \$9.90 per loaded mile to \$13.50.

City Council Meeting

November 15, 2007

Page 6

The following information was gathered from the City’s ten comparison cities as well as eight additional cities:

| <i>Comparison Cities</i> | <i>Ems Provided By</i> | <i>Base Rate</i> | <i>ALS1</i> | <i>ALS2</i> | <i>Adjusted for Comparison</i> | <i>Mileage Rate (Loaded)</i> |
|--------------------------|------------------------|------------------|-----------------|-----------------|---------------------------------|------------------------------|
| | | | | | 50% base, 30% ALS1, 20% ALS2 or | |
| Abilene | MetroCare | \$445.00 | | | (Current) | \$ 9.90 |
| Abilene | MetroCare | \$675.00 | | | (Proposed) | \$13.50 |
| | | | | | | |
| Carrollton | Fire Dept. | \$450.00 | \$600.00 | \$750.00 | \$555.00 | \$11.00 |
| Denton | Fire Dept. | \$855.00 | | | \$855.00 | \$15.00 |
| Grand Prairie | Fire Dept. | \$500.00 | | | \$500.00 | \$ 5.83 |
| Killeen | Fire Dept. | \$500.00 | \$600.00 | \$700.00 | \$570.00 | \$ 9.00 |
| Lubbock | Private Provider | \$573.00 | \$741.00 | \$823.00 | \$673.40 | \$10.00 |
| Midland | Fire Dept. | \$399.00 | \$432.00 | \$609.00 | \$450.90 | \$ 8.00 |
| Odessa | Fire Dept. | \$260.00 | \$360.00 | \$360.00 | \$310.00 | \$ 5.00 |
| San Angelo | Fire Dept. | \$ | \$515.00 | | \$515.00 | \$ 6.25 |
| Waco | Private Prov. | \$392.00 | | | \$392.00 | \$ 9.00 |
| Wichita Falls | Private Prov. | N/A | | | | |
| | Average: | \$491.13 | \$541.33 | \$648.40 | \$535.70 | \$ 8.79 |
| | | | | | | |
| Temple | | \$650.00 | \$750.00 | \$850.00 | \$720.00 | \$12.00 |
| Garland | | \$550.00 | \$550.00 | \$650.00 | \$570.00 | \$ 8.31 |
| Dallas | | \$600.00 | | | \$600.00 | \$ 9.00 |
| Hillsboro | | \$550.00 | | | \$550.00 | \$10.00 |
| Corpus Christi | | \$355.00 | \$365.00 | \$500.00 | \$384.00 | \$ 9.00 |
| Bryan | | \$650.00 | | | \$650.00 | \$10.00 |
| Eules | | \$787.00 | \$787.00 | \$855.00 | \$800.60 | \$15.00 |
| Mesquite | | \$550.00 | | | \$550.00 | \$10.00 |
| | Average: | \$586.00 | \$610.50 | \$713.75 | \$603.08 | \$10.41 |
| | | | | | | |
| Average of | Both groups: | \$583.81 | \$569.00 | \$677.44 | \$567.41 | \$ 9.55 |

Council and staff discussion included: 1) a 52% rate increase request; 2) a request for increase in the mileage rate; 3) discussion of any differences between a private provider and a fire department provider. There would not be any difference between fire departments and private providers they both respond in similar type units and are staffed with paramedics; and 4) how long have the above rates been in effect by above cities?

Mayor Archibald opened a public hearing on the item and the Council heard from:

- George Knipple – General Manager for MetroCare, explained his request for the increase in rates. Mr. Knipple explained that 51% are Medicare patients and MetroCare can not control what Medicare will pay, they pay a set amount no matter the actual cost of transportation. The rate of bill collection is at 46%. They are losing paramedics to the Metroplex and there are experiencing shortages of paramedics. Other insurance companies are using the Medicare rate as their benchmark. Mr. Knipple explained that he has hired a company that will attempt to collect those unpaid

City Council Meeting

November 15, 2007

Page 7

balances. Mr. Knipple also explained that MetroCare was looking at purchasing 2 more ambulances. Currently MetroCare has 9 ambulances and they staff 7 during the day and 4 at night.

Mayor Archibald closed the public hearing. Council would like more information before making a decision.

Mayor Archibald made a motion to TABLE this item until additional information could be received. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

The City Council returned to Item 3.4.

City Attorney Dan Santee addressed the council in regards to the Termination Agreement between the TIF Board and the City of Abilene. The TIF Board can not issue bonds beyond December 31, 2007 and the tax money received after 12/31/2007 has to be disbursed back to the entities. The City of Abilene will pledge its share of tax money back to the projects through the Termination Agreement.

The following will be added to the Termination Agreement under IV. Designation of Remaining Projects:

Add: 5. Up to \$100,000 for a Redevelopment Plan to include the following areas:

Northeast Planning Area:

North 2nd as the southern boundary, North 6th as the northern boundary, Mesquite as the western boundary and Treadaway as the eastern boundary.

South Planning Area:

All of the area of the Reinvestment Zone south of the East-West railroad tracks.

Councilwoman Moore made a motion to approve the Resolution authorizing the City of Abilene to enter into a Termination Agreement with Abilene Reinvestment Zone No. 1 and approving the changes in the Termination Agreement. Councilman Spano seconded the motion, and the motion carried.

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

NAYS: None

The Resolution is numbered **#40-2007** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS ("CITY"),
AUTHORIZING THE CITY OF ABILENE, TO ENTER INTO A TERMINATION AGREEMENT WITH
THE ABILENE REINVESTMENT ZONE #1 ("TIF DISTRICT").

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session pursuant to Sections 551.071, 551.074, 551.072 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. Councilwoman Davis left during Executive Session.

5.5 Oral Resolution Casting Ballot to Elect Board of Directors for Jones County Appraisal District.

Councilman Chase made a motion to cast the City of Abilene's votes for Stormy Higgins for the Jones County Appraisal District. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Higgins

Since only five nominations were submitted for the five places for the Central Appraisal District of Taylor County Board of Directors, no election will be held.

5.6 No action was taken on an appointment to the Housing Authority Board of the City of Abilene.

5.7 No action was taken on the possible action related to the position of the City Secretary.

There being no further business the meeting was adjourned at 11:27 a.m.

Danette Dunlap
Interim City Secretary

Norm Archibald
Mayor