

CITY COUNCIL MEETING
May 8, 2008, 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 May 8, 2008, 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 Councilwoman Laura Moore. Councilwoman Celia Davis was absent. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Anthony Williams gave the invocation.

Mayor Archibald introduced Ariel Maddox a 4th grader from Bassetti Elementary School; Ariel led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARDS

Mayor Archibald assisted by City Manager Larry Gilley recognized the following employees for their years of service:

| | | |
|----------|------------------|--------------------------------|
| 20 Years | Darrin Black | Firefighter |
| 20 Years | Douglas Cory | Firefighter |
| 20 Years | David Crockett | Firefighter |
| 20 Years | Jess Madison | Firefighter |
| 20 Years | William Manning | Firefighter |
| 20 Years | Clifton Morrison | Fire Lieutenant |
| 20 Years | Scott Riggins | Firefighter |
| 20 Years | Steve Taylor | Fire Captain |
| 20 Years | Frank Tucher | Firefighter |
| 20 Years | Janet Whisenhunt | Supervisor II, Senior Citizens |
| 25 Years | Gilbert Gomez | Parts/Warehouse Worker II |
| | | Fleet Maintenance |

PROCLAMATIONS

Mayor Archibald presented the following proclamations:

Municipal Clerk Week, proclamation presented to City Secretary Danette Dunlap.

May 2008 Older Americans & Elder Abuse Prevention Month

Those in attendance to accept the proclamation were:

Area Agency on Aging - Gail Kaiser
Adult Protective Services - Darla Barton
City of Abilene, Senior Division - Carl Scott
DADS Long Term Services & Support - Rea Barry
Mental Retardation Authority of MH-MR - Jenny Goode
RSVP - Marjorie Cloud

Public Service Recognition Week

Departmental Representatives attending were:

| | |
|-----------------------------------|--|
| Aviation | Dan Hines, Airport |
| Administrative Services | Pat Duran, COACH |
| Finance | Gail Martinez, Custodial Services |
| Planning and Development Services | Priscilla Templeton, Community Enhancement |
| Community Services | Lois Woods, Health Nutritionist II |
| Fire Department | Joey Kincaid, Training Division Chief |
| Police Department | Joe Tauer, Police Community Services |
| Public Works | Charles Stanfield, Solid Waste Services |
| Water Department | Dwain Hurst, Water Distribution |
| Economic Development | A. C. Alrey, Economic Development |
| Legal | Sheletra Hayes, Legal |

DISPOSITION OF MINUTES

2.0 Mayor Archibald stated Council has been given the minutes from the April 24, 2008 Regular Council Meeting, There being no deletions, no corrections, and no additions to the minutes Councilwoman Moore made a motion to approve the minutes as presented. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

CONSENT AGENDA

Items 3.4, 3.8, 3.9 and 3.12 were pulled by Councilman Chase.

Councilman Williams made a motion to approve consent agenda items 3.1 through 3.12 as recommended by staff with the exception of Items 3.4, 3.8, 3.9 and 3.12. Councilman Spano seconded the motion, and the motion carried.

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

NAYS: None

Resolutions:

- 3.1 Oral Resolution approving a Street Use License Agreement with the Abilene Jaycees Foundation.
- 3.2 Oral Resolution approving a Street Use License Agreement with the Center for Contemporary Arts.
- 3.3 Resolution authorizing Addendum 1 to the Water Supply Contract with the City of Merkel.

The Resolution is numbered **#16-2008** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING AN AMENDMENT TO THE EXISTING WATER SUPPLY CONTRACT BETWEEN THE CITY OF ABILENE AND THE CITY OF MERKEL BY INSERTING A NEW EXPIRATION DATE AS REQUIRED OF MERKEL BY THE USDA-RUS.

- 3.4 *Resolution authorizing Agreement to Provide Sanitary Sewer Service with the Hawley Independent School District. **Item pulled by Councilman Chase.***

The Resolution is numbered **#17-2008** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING AN AGREEMENT TO PROVIDE SANITARY SEWER SERVICES BETWEEN THE CITY OF ABILENE AND THE HAWLEY INDEPENDENT SCHOOL DISTRICT.

- 3.5 Oral Resolution authorizing the City Manager to execute URS Corp Task Order 11, to design T-Hangar Taxilane Reconstruction Area B.
- 3.6 Oral Resolution authorizing the City Manager to execute URS Corp Task Order 12, to oversee construction of Air Carrier Ramp Reconstruction Area C and T-Hangar Taxilane Reconstruction Area A.

Ordinances:

- 3.7 Ordinance amending existing franchise agreement with Atmos Energy Corporation and calling a public hearing for May 15, 2008.

- 3.8** *Ordinance to amend Section 23-319 of the City of Abilene Zoning Ordinance regarding Airport Zoning; and setting a public hearing on May 15, 2008. Item pulled by Councilman Chase.*

Bid Awards:

- 3.9** *CB#8025 – Forensic Lab at Law Enforcement Center. The City Council approved awarding the bid to Don Faulkner Construction, Abilene, Texas in the amount of \$357,822.00. Item pulled by Councilman Chase.*
- 3.10** *CB#8027 – Dump Trucks for Various Divisions. The City Council approved award of bid for Item 1 to Young's Truck Center, Item 2 to Robert's Truck Center, and Item 3 to Corley Wetsel Freightliner for the total amount of \$731,526.00.*
- 3.11** *CB#8035 – Brush Firefighting Vehicle. The City Council approved award of bid to Daco Fire Equipment in the amount of \$190,567.00.*
- 3.12** *CB#8036 – Downtown Street and Sidewalk Repair. The City Council approved award of bid to Bontke Bros. Construction Co., Abilene in the amount of \$295,511.49.00 Item pulled by Councilman Chase.*

Items Pulled for Discussion from Consent Agenda

Item 3.4 *Resolution authorizing Agreement to Provide Sanitary Sewer Service with the Hawley Independent School District. Item pulled by Councilman Chase.*

Rodney Taylor, Assistant Director of Water Utilities, answered questions from Councilman Chase in regards to the city's current plant capacity and what the effect that adding the 6,000 gallons per day would add to the system. The City's Waste water plant has a capacity of 22 MGD with a Max of 24 MGD. The average output of the Hawley ISD is estimated to be 6,000 gallons per day. There exists sufficient capacity at the point of connection and at the Hamby Wastewater Treatment Plant to accept the sanitary sewage from the Hawley ISD. Abilene currently treats the sanitary sewage output from both Tuscola and Tye.

Hawley ISD will fund the project to connect with a force main to the City's north side interceptor behind Pine Street Salvage.

Item 3.8 *Ordinance to amend Section 23-319 of the City of Abilene Zoning Ordinance regarding Airport Zoning; and setting a public hearing on May 15, 2008. Item pulled by Councilman Chase.*

Jon James, Director of Planning and Development Services, answered questions from Councilman Chase in regards to structures being built in the flight path and what about the communities near both airports. This ordinance would not affect any other municipalities.

The revisions to the Airport Zoning section would impose specific height regulations for structures within certain zones adjacent to the airports, would restrict certain uses adjacent to the airports, and would impose building construction standards to achieve specific noise attenuation standards. The Airport Zoning Ordinance would apply to all properties within the newly defined zones, whether within the City of Abilene, its ETJ, or beyond.

Dyess Air Force Base, Taylor County Commissioners, and Jones County Commissioners have all played a roll in the development of this Ordinance.

Item 3.9 CB#8025 – Forensic Lab at Law Enforcement Center. The City Council approved awarding the bid to Don Faulkner Construction, Abilene, Texas in the amount of \$357,822.00. Item pulled by Councilman Chase.

David Wright, Director of Finance, answered questions from Councilman Chase in regards to the financing mechanisms in place to fund this project.

Funding is provided through the following resources:

2007 CO Fund \$166,643 were specific for this lab.

FY07 Encumbered funds \$94,000 came from a cost savings in their budget.

FY08 General Fund \$44,000 – will come out of the revised FY08 Budget.

Misc. Special Rev. Fund \$37,629 comes from seizure funds.

Item 3.12 - CB#8036 – Downtown Street and Sidewalk Repair. The City Council approved award of bid to Bontke Bros. Construction Co., Abilene in the amount of \$295,511.49.00 Item pulled by Councilman Chase.

Paul Knippel Director of Public Works answered questions from Councilman Chase in regards to this project. This was a specific item in the Certificates of Obligation 06-07 sale, for the Central Business District.

Councilman Chase made a motion to approve Consent items 3.4, 3.8, 3.9 and 3.12 and Councilman Higgins seconded the motion and the motion carried.

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

NAYS: None

REGULAR AGENDA

4.1 Jon James, Director of Planning and Development Services, briefed the Council on **Z-2008-06** a request from Javier Alanis to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 3801 & 3865 Sharon Road.

The subject parcels total approximately 0.58 acres and are currently zoned AO (Agricultural Open Space). One of the parcels is undeveloped and the other parcel has a metal

building constructed on it. The adjacent properties have AO (Agricultural Open Space) zoning to the north, south, and east, with PDD (Planned Development District) zoning to the West.

The area was annexed in 1986 and zoned AO. Since the property has not been developed it has remained AO since it was annexed.

Staff recommends denial of GC (General Commercial). Staff does not feel that GC is appropriate for the subject properties. Staff suggested that LC (Limited Commercial) might be a better transition in the area.

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

- Diana Duncan with ReMax Realtors, representing the proponent. Ms. Duncan explained the reason the proponent is requesting a rezone of this property is for marketability. Also the proponent would be alright with LC.

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

Council and Staff discussion included: 1) why the Planning and Zoning Commission didn't approve a zone change to LC. Proponent didn't show for either Commission meetings on this property; 2) City Council could approve a lesser restriction such as LC; and 3) if denied by Council the proponent would have 12 months before they could come back to the Commission with a different zone change.

Councilwoman Moore made a motion to uphold the denial from the Planning and Zoning Commission on **Z-2008-06** a request from Javier Alanis to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 3801 & 3865 Sharon Road and to approve LC (Limited Commercial) zoning. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered **#18-2008** and captioned as follows:

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.

4.2 Jon James, Director of Planning and Development Services, briefed the Council on **Z-2008-09** a request from James Griffith to rezone property from RS6 (Single-Family Residential) to RM-3 (Multi-Family Residential) zoning, located at south side of the 500 block of EN 16th St.

Currently the properties are zoned RS-6 (Single-Family Residential). The surrounding uses are all compatible with the current zoning. This area has a large amount of properties that have had additions or built detached dwelling units prior to the current Zoning ordinance. Since the Zoning ordinance was adopted, several of the properties in this area became legal non-conforming issues, and the rezoning of these properties to multi-family would help to resolve some of these.

Staff recommends approval of RM-3 (Multi-Family Residential). The Planning and Zoning Commission recommended denial of RM-3.

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

- James Griffith, land owner. Mr. Griffith explained that he had purchase a home that has a small apartment located behind the main house. Mr. Griffith has remodeled both and he needs a rezone in order to receive a second electrical meter on the property.

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

Council and Staff Discussion included: 1) what is allowed in RM-3, RM-3 allows for duplexes; and 2) RM-2 would allow for duplexes also with 24 units per acre.

Councilman Williams approved the denial from the Planning & Zoning Commission on Case No. **Z-2008-09** a request from James Griffith to rezone property from RS-6 (Single-Family Residential) to RM-3 (Multi-Family Residential) zoning, located at the south side of the 500 block of EN 16th Street. Councilman Spano seconded the motion and the motion carried.

AYES: Councilman Spano, Williams, Higgins and Councilwoman Moore and Mayor Archibald.

NAYS: Councilman Chase.

4.3 Jon James, Director of Planning and Development Services, briefed the Council on **Z-2008-10** a request from James Griffith to rezone property from RM-3 (Multi-Family Residential) and RS-6 (Single-Family Residential) to LC (Limited Commercial) and RM-3 (Multi-Family Residential) zoning, located at 241, 233, 209 and 201 N. 13th St.

Currently the properties are zoned RS-6 (Single-Family Residential) and RM-3 (Multi-Family residential). There is currently a legal non-conforming commercial use on 241 N 13th St. The requested zoning would allow for some transitional zoning from the HC (Heavy Commercial) along Treadaway Blvd. to LC (Limited Commercial) and then the RM-3 (Multi-family residential) zoning across Almond Street to the single-family zoning to the east of the subject properties. It would also allow for a proposed office use at 233 N. 13th Street.

Staff recommends approval of LC (Limited Commercial) for 241 & 233 N 13th Street and RM-3 (Multi-Family residential) for 209 & 201 N 13th Street.

The Planning and Zoning Commission recommended approval of LC (Limited Commercial) zoning on 241 N 13th Street, O (Office) zoning on 233 North 13th Street and RM-3 (Multi-Family Residential) zoning on 209 & 201 N 13th Street.

Mayor Archibald opened a public hearing on the item and there being no one present and desiring to be heard the public hearing was closed.

Councilwoman Moore approved the Planning & Zoning Commission recommendation on Case No. **Z-2008-10** a request from James Griffith to rezone property from RM-3 (Multi-Family Residential) and RS-6 (Single-Family Residential) to LC (Limited Commercial) zoning on 241 N 13th Street, O (Office) zoning on 233 North 13th Street and RM-3 (Multi-Family Residential) zoning on 209 and 201 N. 13th Street. Councilman Chase seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered **#19-2008** and captioned as follows:

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.

4.4 Jon James, Director of Planning and Development Services, briefed the Council on **Z-2008-11** a request from Franklin Real Estate to amend the text of PDD-28 (Planned Development District), regarding signage, located at 4321 Southwest Dr.

Currently the regulations for signage of the PDD (Planned Development district) are governed by the regulations for LC (Limited Commercial) as allowed by the Sign ordinance for the city. Off-site signs are not allowed in LC zoning. The PDD allows 2 (two) signs along the frontage of Southwest Drive. The applicant requests to amend the PDD to allow 1 (one) of the permitted free-standing signs to be replaced with an off-site advertising sign. The sign would still meet the height, area, and setback requirements for free-standing signs within LC zoning. This would not increase the total number of signs allowed within the PDD.

Staff and Planning & Zoning Commission recommended approval.

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

- Terry Franklin, owner of the property. Mr. Franklin explained that the sign will have a digital screen. The request is to change from an free standing sign to an off site sign.

- Blake Howard with Digital Impact Outdoor, gave a presentation for this type of digital sign that would be installed. The sign has a light sensor that will adjust to available light. The sign can be operated offsite.

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

Council and Staff discussion included: 1) TXDOT has changed some of the regulations concerning this type of signs; and 2) Staff is looking at other City ordinances regarding this type of signs.

Councilman Higgins made a motion to approve Case No. **Z-2008-11**, a request from Franklin Real Estate to amend the text of PDD-28 (Planned Development District), regarding signage, located at 4321 Southwest Dr. Councilman Spano seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered **#20-2008** and captioned as follows:

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.

4.5 Jon James, Director of Planning and Development Services, briefed the Council on **TC-2008-05**, a request from the Development Corporation of Abilene to abandon Venture Drive from Arnold Blvd. to Polaris Drive.

The zoning for the surrounding area is PDD (Planned Development District). The PDD was approved with a site plan that shows three streets, one of them being Venture Dr. The closure of Venture Dr. would create a cul-de-sac that exceeds the maximum length (600 ft) allowed for a cul-de-sac as required in the Subdivision Ordinance. However, the applicant is pursuing an option with the city engineer to authorize this platted cul-de-sac length based on an agreement to replat and extend Polaris Drive (the current cul-de-sac) as a through street to the north to Marigold as those properties develop in the future. Under this agreement, in no case would the cul-de-sac be constructed beyond the maximum allowable cul-de-sac length without such replatting. This right-of-way is also a part of a utility plan approved in 2000 that uses the right-of-way of Venture Drive as a route for several utilities to service properties on Polaris Dr. and would require a utility easement to be retained.

Staff Recommendations:

Approval, with the following conditions:

1. The future extension of Polaris as a through street connecting to Marigold to the north is accommodated through a replat or an agreement for a future replat negotiated and approved by the City Engineer.
2. Maintain a utility easement over the area of the existing right-of-way for planned utilities.
3. Maintain a drainage easement over the area of the existing right-of-way, unless an amended drainage plan is approved which otherwise accommodates the area's drainage.

Mayor Archibald opened a public hearing on the item and there being no one present and desiring to be heard the public hearing was closed.

Councilman Spano made a motion to approve Case No. **TC-2008-05**, a request from the Development Corporation of Abilene to abandon Venture Drive from Arnold Blvd. to Polaris Drive with Staff Recommendations. Councilwoman Moore seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered **#21-2008** and captioned as follows:

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.

4.6 Jon James, Director of Planning and Development Services, briefed the Council on an ordinance amending Chapter 19 – Nuisances; amending mowing requirements for properties larger than 5 acres and amending notifications requirements for violations of parking requirements.

This is an amendment to the City's Nuisance Ordinance addressing two separate issues:

1. **Mowing on properties larger than 5 acres.** Currently the ordinance requires only that portion of a property within 50 feet of a roadway to be mowed on tracts larger than 5 acres. A concern has been raised regarding areas where large properties abut adjacent residential lots and the potential fire hazard that is created where tall grasses or weeds grow up adjacent to these properties. The proposed amendment to Section 19-16 addresses this concern by adding a requirement that a property owner must mow the area within 30 feet of a residential property of less than one acre in size. This 30 foot distance was based on the Fire Protection Handbook and NFPA 1144. In order to make the distances consistent, the proposed change would also reduce the mowing required adjacent to a roadway to 30 feet, from the current requirement of 50 feet.

2. **Parking in the yard of a residence.** Currently the ordinance prohibits parking of vehicles in the yard of a residence unless it is on an approved parking surface. However, to pursue enforcement, our officers are required to send out a new notice for each violation and give the property owner 10 days to correct the violation. The proposed amendment would only require one notice in a six month period. Subsequent violations within the six months could result in an immediate citation without the need to send another 10 day notice.

Discussion included: 1) whether or not it was legal per the current parking ordinance to allow for someone to pull their vehicles behind an opaque fence. The current ordinance does allow for that.

Mayor Archibald opened the public hearing and the city council heard from:

- Scott Senter. Mr. Senter explained that as a landowner of large acreage he felt that the requirements would add a hardship on landowners. He requested that the Council take a closer look at this and Table this portion of the ordinance for further review.
- Mr. Delmon Wilson – Mr. Wilson also owns property that would be affected and he agreed with Mr. Senter that this item needs to have further review. Mr. Wilson voiced his concerns that residents that abut the open land throw trash and debris over their fences, there is a fiber optic line across some of his property and he would loose approximately 10% of grazing that he currently has now.

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

Council and Staff discussion included: 1) the section on the mowing needs to be looked at closer; and 2) the possibility of having a committee to review this section.

Councilman Spano made the motion to TABLE Item 1, amending mowing requirements for properties larger than 5 acres and to approve Item 2 in reference to amending notification requirements for violations of parking requirements. Councilwoman Moore seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered **#22-2008** and captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 19, ARTICLE III, SECTION 19-33 "EXCEPTIONS TO NOTICE AND ENFORCEMENT PROVISIONS," OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

4.7 David Wright, Director of Finance, briefed the council on the Project Status Report of TAC Americas, Inc. detailed Energy analysis and Comprehensive Facility Improvement/Energy Conservation Program and Authorize the City Manager to enter into an Energy Performance Contract with TAC Americas, Inc.

On January 17, 2008, Mr. Kevin Vaughan of TAC out of Carrollton, Texas presented a project status report on a contract with TAC Americas, Inc. for a detailed energy analysis that included the process to identify utility savings opportunities and to provide a turnkey design and implementation with a guaranteed savings. The goals that were developed with city staff at that time were:

- 1) Maximize Utility Savings
- 2) Standardization of Equipment
- 3) Reduce Deferred Maintenance/Capital Needs
- 4) Staff Training Personalized
- 5) Renewable Energy

Since that meeting, TAC and staff have finalized a list of projects which includes:

- 1) Building lighting improvements
- 2) Street light improvements
- 3) Traffic signal improvements
- 4) Power factor correction for improved efficiency of large motors and pumps in the Water department's operations
- 5) Water conservation measures
- 6) Installation of an Energy Management System
- 7) Mechanical replacements at City Hall, Civic Center, Chavez/South Park Recreation Center, Sears Recreation Center, GV Daniels Recreation Center, Rose Park Recreation Center, Grimes and Northeast Water Treatment Plant, and Law Enforcement Center
- 8) Door entry modifications at City Hall including security system

The energy conservation projects will cost \$9,064,417. Currently, there is \$344,417 budgeted for parts of these energy conservation projects. Debt secured by the tax base will be issued this June for the remainder \$8,720,000 contingent upon the sale of Certificate of Obligations. The energy project debt will be paid from future energy savings and guaranteed by TAC Americas, Inc. Therefore, rather than budget increases for utilities in the future, those funds will go toward the debt. The projected annual savings for the project is \$697,000 with a 13-year payback period but guaranteed for the 15-year debt issue.

Jeff Canterbury with TAC Americas, Inc. made a presentation of the projects to the City Council. Mr. Canterbury explained that there is guaranteed savings and the savings will fund required improvements. One item that was added was security to City Hall, through the use of security badges and an improved foyer entry. Training will also take place for the new systems.

The Renewable Energy phase has been held off and will come back into Phase 2. There is a performance guarantee built into the project. TAC will also bring updates to the council on a regular basis.

Council and Staff discussion included: 1) No tax increase to fund the project; 2) best way to hedge against rate increase by utility companies and 3) AEP will issue a one time rebate per KW on the front end of the project.

Councilman Higgins made the motion to approve the Resolution authorizing the City of Abilene to enter into an Energy Savings performance contract with TAC Americas, Inc. and authorizing the City manager to sign. Councilman Chase seconded the motion and the motion carried.

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

NAYS: None

The Resolution is numbered **#18-2008** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY OF ABILENE TO ENTER INTO AN ENERGY
SAVINGS PERFORMANCE CONTRACT WITH TAC AMERICAS, INC.

4.8 Ronnie Kidd, Managing Director for Administration, briefed the council on the Annual Report from 2-1-1 Texas A Call for Help Community Resource Center and Request for Contract Extension.

Mary Cooksey, Director for the 2-1-1 Texas A Call for help Community Resource Center presented the Center's 2007 Action Summary Annual Report to the Council.

In May 2002, the City of Abilene entered into a contract with United Way of Abilene, to combine the "Call for help" program with United Way's information and referral ("I&R") initiatives for the community. The term of the contract was six (6) years and included United Way's assuming daily supervision of City staff members and integrating their daily functions into the United Way's I&R programming objectives. Today, two City of Abilene employees remain on staff in the operation and the City's budget includes funding for these two positions, associated benefits and operational cost sharing for a total of \$160,480 for fiscal year 2008. The contract term expires May 2008. Staff recommends that Council extend the term of the contract through September 30, 2008 to coincide with the City's fiscal year and provide for an opportunity to consider future funding of the 2-1-1 Texas A Call for Help collaborative partnership through the budget process.

Staff recommends acceptance of the 2-1-1 Texas A Call Help Community Resource Center 2007 Action Summary annual report. Additionally, staff recommends that Council pass an oral resolution extending the contract between the City and the United Way through September 30, 2008 to allow for further analysis and development of recommendation through the budget process.

Councilman Williams made the motion to except by Oral Resolution the Annual Report from 2-1-1 Texas A Call for Help and the extension of the contract to September 30, 2008. Councilwoman Moore seconded the motion and the motion carried.

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

NAYS: None

4.9 Larry Gilley, City Manager briefed the city council on the authorization for the expenditure of \$100,000 as the City's contribution to the cost of ramp relocation on Loop 322.

The City has received a request from the developers of the Lone Star Ranch to participate in the cost of relocating the exit ramp on Loop 322, Northbound between Maple Street and Industrial Boulevard. The purpose of the ramp relocation is to facilitate improved access to a rapidly growing area of the city and to encourage further development of that area as part of the City's infill development goals. Construction of the project would be carried out by the Texas Department of Transportation (TxDOT) since this is a State roadway; however, costs must be provided through a Local Transportation Project Advance Funding Agreement, with TxDOT providing engineering and project administration and the City providing construction funds. Total estimated project costs are \$406,764, and would require local participation of \$363,987. The developers of Lone Star Ranch have committed to funding \$263,987 for the project and have requested City participation in the amount of \$100,000.

In FY 2006, the City Council budgeted \$180,000 to support infrastructure improvements as part of its Infill Development initiative. To date, no funds have been expended from that account. This project is consistent with the City Council's stated objectives for infill development and the requested funds are currently available.

Staff recommends adoption of an oral resolution approving participation in the costs of ramp relocation project as requested by the developers of Lone Star Ranch.

Staff and Council discussion included: 1) would fit the description for infill development; 2) this area of our city is growing; 3) this would be partnership with landowners and developers in the area; 4) there are issues as to whether this would fit the definition for infill development; 5) an immediate need at this time; 6) Land Bank and HB 1742 formal policy coming in the near future; 7) council does not oppose the project; 8) Copper Creek Restaurant and PrimeTime are not contributing to the monies needed; 9) Chapter 380 Agreements – this can't be used for this type of project; 10) TxDOT has let down those in the area; and 11) Safety is a big issue.

Terry Franklin, developer of the Lone Star Ranch, addressed the City Council in regards to this project. Mr. Franklin explained that they had been working with TxDOT since 2004 to relocate the off ramp at Industrial Blvd. on Loop 322. The relocation of the off ramp will greatly improve access to this quadrant of infill development. The new off ramp location will better serve those who have made a substantial investment in this growth area.

Councilman Spano made a motion to approve an Oral Resolution authorizing expenditure of \$60,000 (which is 1/3 of the \$180,000 held in reserve for Infill Development projects) as the City's contribution to the cost of ramp relocation on Loop 322. Councilman Chase seconded the motion and the motion carried. *Note:* Councilwoman Moore left during discussion.

AYES: Councilman Chase, Spano, Williams, Higgins and Mayor Archibald.

NAYS: None

- 5.5 Motion by Councilman Williams to approve by Oral Resolution the appointment of the following to the Red Light Camera Citizens Advisory Committee. Councilman Higgins seconded the motion and the motion carried.

Red Light Camera Citizens Advisory Committee:

Larry Gill
Duane Donaway
Kevin Roberts
Jim Potts
Hester Wood
Don Bridges
Mark Bottila

There being no further business the meeting was adjourned at 12:09 p.m.

Danette Dunlap
City Secretary

Norm Archibald
Mayor