

CITY COUNCIL MEETING

June 26, 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 June 26th, 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, Robert O. Briley. Absent Councilwoman Laura Moore. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Williams gave the invocation.

Mayor Archibald introduced Jonathan Anderson; son of Tiffany Anderson Employee Benefits Manager for the City, Jonathan led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

Mayor Archibald stated, as posted and required by State law, at approximately 11:00 a.m. Council would move to agenda Item 7.6 to consider the Award of Bids on the General Obligation Bonds and the Certificates of Obligations.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the June 12th 2008 Regular Council Meeting, there being no deletions, no corrections, and no additions to the minutes Councilman Chase made a motion to approve the minutes as presented. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Spano made a motion to approve consent agenda items 6.1 through 6.7 as recommended by staff. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

Ordinances:

(1) Ordinance – Amending Chapter 18, “Motor Vehicles and Traffic”. **Final Reading**

Section 18-286, Decrease Speed Limits – School Zones

In subsection (c)

ADD:

SCHOOL

Wylie Elementary

STREET

Hardwick Rd

EXTENT

From 300 feet north

of Waldrop Dr to 800 feet
south of Waldrop Dr

Section 18-290, One-way Alleys

In subsection (a) (1)

ADD:

- a. Alley between N 2nd Street, N 3rd Street, Hickory Street and Cedar Street

Section 18-293, Parking Prohibited At All Times

ADD:

<u>Street</u>	<u>Side</u>	<u>Extent</u>
Forrest Hill Rd	North	From Phoenix Dr. to Buffalo Gap Rd
Forrest Hill Rd	South	From Phoenix Dr. to 450 feet east of Buffalo Gap Rd.
Hampton Hills	Both	From Dub Wright Blvd. west 270 feet
E. Highway 80	South	From Bandera Park Dr east 800 feet

An Ordinance numbered **#29-2008** and captioned as follows:

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.

- (2) **Ordinance** - **Z-2008-19 First Reading** on a request to amend the text of PDD-49 (Planned Development District), regarding carports, located at Champions Drive and Winners Circle; and setting a public hearing for July 10, 2008.
- (3) **Ordinance** - **Z-2008-21 First Reading** on a request to rezone property from AO (Agricultural Open Space) to RS-12 (Single-Family Residential) zoning, located at 4226 HWY 36; and setting a public hearing for July 10, 2008.

Oral Resolution:

- (4) **Oral Resolution** – approving a fireworks display permit for the Boys & Girls Club

Resolution:

- (5) **Resolution** – relating to a public hearing and approving financing by the Simonton Education Facilities Corporation for the benefit of Abilene Christian University and related matters.

A Resolution numbered **#23-2008** and captioned as follows:

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

Bid Awards:

- (6) **Bid Award CB# 8048** – Purchase of 8 inch and 10 inch C-900 PVC Water Pipe. City Council awarded the bid to Ferguson Waterworks in the amount of \$76,947.20 for the purchase of PVC water pipe.
- (7) **Bid Award CB# 8051** – South 7th – Phase IV – South Barrow to Treadaway. City Council awarded the bid to Stephens-Martin Paving, L.P., Abilene TX in the amount of \$865,667.75.

REGULAR AGENDA

7.1 Ed McRoy, Assistant Director of Planning and Development Services, briefed the city council on the Case No. **Z-2208-20** a request from David Taylor, Horne Properties to rezone property from AO (Agricultural Open Space) to PDD (Planned Development District) zoning, located at the northeast end of Musgrave Blvd. and Scottish Rd.

Currently the properties are zoned AO (Agricultural Open Space) and are used as such. The surrounding area is being developed with commercial uses including a hotel on the southeast corner of Musgrave Blvd and Scottish Rd. The applicant wishes to use the property for a hotel with a smaller parcel for an ATM at the intersection. The request is to expand the existing PDD zoning on the property to the north to include this area. The applicant is proposing one change to the PDD text to eliminate the requirement for an off-street loading space associated with a hotel/motel use with no restaurant facility or off-site laundry service.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a commercial development off of I-20. There is currently a PDD in place that requires a higher standard of aesthetic quality across Musgrave Boulevard from the subject property and to the southwest across Scottish Road. Expanding the PDD to include this property, as requested by the applicant, would ensure this same higher standard of development on this site.

Staff and Planning & Zoning recommend approval as requested.

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

Tal Fillingim with Jacob & Martin Engineering representing Horne Properties asked that the city council approve the requested PDD-120 that includes changes to the sign regulation and to eliminate the requirement for an off-street loading space.

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

Councilman Chase made the motion to approve Case No. **Z-2008-20** a request from David Taylor, Horne Properties to rezone property from AO (Agricultural Open Space) to PDD (Planned Development District) zoning, located at the northeast end of Musgrave Blvd. and Scottish Rd. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered **#30-2008** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-120 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

7.2 Paul Knippel, Director of Public Works, briefed the Council on the Ordinance Amending Chapter 29, "Streets and Sidewalks," Article "Sidewalk, Driveway, Curb and Gutter Construction and Repair," Division 1, "Generally", Section 29-38, "Duty of abutting property owner to repair, maintain, etc., sidewalks, etc."

The City of Abilene recently passed a Sidewalk Master Plan that requires sidewalks to be built in new developments and redevelopments in the City. This increased number of sidewalks will potentially lead to increase pedestrian traffic.

The language in the Sidewalk Master Plan related to the duty of abutting property owners to repair and maintain the sidewalks is more specific than the language that is currently in Chapter 29, "Streets and Sidewalks". As a result it is necessary to amend the Chapter 29 language to more accurately reflect the language in the Sidewalk Master Plan as well as to clarify the responsibilities and liability of abutting property owners.

Staff recommends approval.

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

Councilman Spano made the motion to approve the Ordinance for Amending Chapter 29, "Streets and Sidewalks," Article "Sidewalk, Driveway, Curb and Gutter Construction and Repair," Division 1, "Generally", Section 29-38, "Duty of abutting property owner to repair, maintain, etc., sidewalks, etc." Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

An Ordinance numbered **#31-2008** and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 29, "STREETS AND SIDEWALKS" ARTICLE III, "SIDEWALK, DRIVEWAY, CURB AND GUTTER CONSTRUCTION AND REPAIR," DIVISION 1, "GENERALLY," SECTION 29-38, "DUTY OF ABUTTING PROPERTY OWNER TO REPAIR, MAINTAIN, ETC., SIDEWALKS, ETC" OF THE ABILENE CITY CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND CALLING A PUBLIC HEARING.

7.3 Richard Burdine, Assistant City Manager for Economic Development briefed and reviewed the following to the council on the Semi-Annual Report of Activities of the DCOA through March 31, 2008.

As required in the Development Corporation of Abilene, Inc. (DCOA) by-laws, a report of activities for the first one-half of the current fiscal year has been prepared.

Staff recommends Council approve by oral Resolution the report of activities.

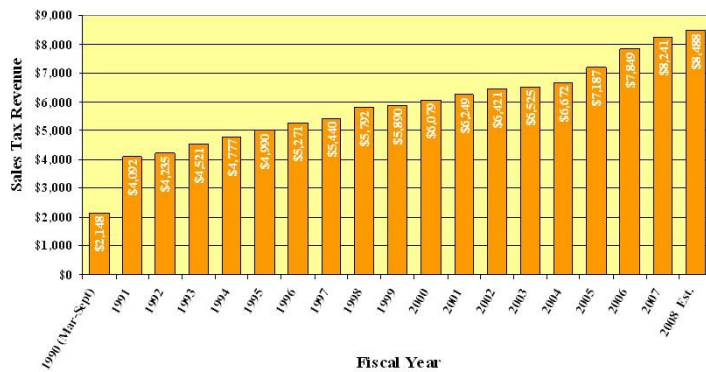


Abilene Industrial Foundation

Performance Measure	2004-05	2005-06	2006-07	2007-08 (6 months only)
Leads Received	93	170	96	63
Lead Responses	49 (53% of Leads)	37 (22% of Leads)	58 (60% of Leads)	35 (56% of Leads)
Prospect Visits to Abilene	19	14	33	19
Prospect Files Opened	14 (29% of Responses)	9 (24% of Responses)	13 (22% of Responses)	5 (14% of Responses)
Retention Visits	43	86	81	57
Consultant Visits	134	62	151	24



1/2 Cent Sales Tax for Economic Development Revenue (in thousands)



2007-08 (October 1, 2007 – March 30, 2008)

Company	Assistance Amount	Committed Job Retention/ Job Creation	Actual to Date Job Retention/ Job Creation
PWP Industries -Phase 2	\$2,077,000	65/77	65/06
TTUHSC-SOP Center for Immunotherapeutic Research	\$ 275,000	n/a	n/a
Mrs. Baird's Bakeries	\$ 250,000	170/00	170/00
Energy Maintenance Services	\$ 1,418,000	00/89	00/00
Total	\$4,020,000	235/166	235/06
Percentage to Abilene companies (names in bold)			58%





Dyess AFB

Economic Impact Analysis

Personnel	<u>FY03</u>	<u>FY04</u>	<u>FY 05</u>
Active Duty	5,309	5,810	5,273
DoD Civilians	<u>861</u>	<u>772</u>	<u>832</u>
Total Personnel	6,170	6,582	6,105
Military Dependents	6,842	7,728	7,497
Retirees	3,447	3,439	3,471
Indirect Jobs	<u>1,910</u>	<u>2,017</u>	<u>1,887</u>
Total	18,369	19,766	18,960

Source: 7th Comptroller Squadron, Dyess AFB



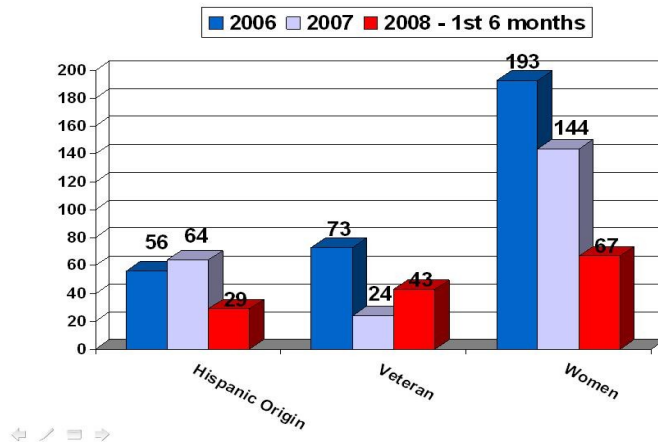
Dyess AFB

Economic Impact Analysis

Payroll & Other Expenditures	<u>FY03</u>	<u>FY04</u>	<u>FY05</u>
Annual Payroll	\$318,847,743	\$340,256,458	\$322,564,321
Annual Local Expend	\$ 17,322,829	\$ 17,093,637	\$ 18,075,925
Indirect Jobs Value	<u>\$ 54,652,740</u>	<u>\$ 55,810,390</u>	<u>\$ 52,213,290</u>
Total Annual Economic Impact	\$390,823,312	\$413,160,485	\$392,853,581

Source: 7th Comptroller Squadron, Dyess AFB

Hispanic, Veteran, & Women Clients Served



Staff and Council discussion included: 1) Status of the Spec 3 building. It is scheduled to be completed in Feb. 09; 2) Reserved Fund Balance in the amount of \$26,750,726. This amount reflects the contracts that have been signed by all parties; 3) Research jobs – Companies are expected to perform accordingly to their contracts in reference to job creation. Jobs are permanent; and 4) Quality of life – DCOA mission statement. DCOA can only operate under the regulations of the 4A Sales Tax. Some of their targeted activities include – creating higher paying jobs as it relates to quality of life issues.

Councilman Williams made a motion to approve by Oral Resolution the Semi-Annual report of activities for the six month period ended March 31, 2008 for the Development Corporation of Abilene, Inc. Councilman Higgins seconded the motion and the motion carried.

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

NAYS: None

7.4 Tommy O'Brien, Director of Water Utilities, briefed the council on entering into a Professional Services Agreement necessary for the filing and prosecution of the State and Federal Permit Applications for the Cedar Ridge Reservoir Project.

During the May 1, 2008 City Council of Abilene Workshop, staff recommended that the City Council proceed with the development of the Cedar Ridge Reservoir as a water management strategy to meet future water supply needs. In order to pursue the Cedar Ridge Reservoir, it is necessary for the City to:

- Proceed with water rights permitting and water quality certifications through the Texas Commission on Environmental Quality (TCEQ).
- Proceed with Clean Water Act Section 404 Permitting through the U.S. Army Corps of Engineers (Corps).
- Proceed with any and all other actions deemed necessary and appropriate to successfully pursue the evaluation and permitting of the Cedar Ridge Reservoir (for example, securing

real property interests necessary for evaluations, geotechnical environmental studies, surveying, mapping, etc).

Upon acceptance of the written Resolution, staff will prepare Professional Service Agreements with the consultants involved in the work associated with Cedar Ridge Reservoir for the preparation of applications for the necessary water rights permit, water quality certification, and the Section 404 Permit. Such contract(s) will be presented to the City Council for approval prior to beginning any work associated with the permitting. Funding for such professional services will be from the City's Water and Sewer Fund.

Staff and Council discussion included: 1) the time frame for the formulation of the application is approximately 11/2 years; 2) the results of the Geo testing should be back in a couple of months; 3) opponents of the project will be Environmentalists, down stream users and others; 4) State Water Plan; 5) looking into the future of Abilene water resources; and 6) funding cost involved with Consultants and Engineers, will be in the City's Water and Sewer Fund Budget.

Councilman Spano made the motion to approve the Resolution authorizing the City Manager to enter into Professional Services Agreements necessary for the filing and prosecution of State and Federal permit applications for the Cedar Ridge Reservoir Project. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

The Resolution is numbered **# 24-2008** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO ENTER INTO PROFESSIONAL SERVICES
AGREEMENTS NECESSARY FOR THE FILING AND PROSECUTION OF STATE
AND FEDERAL PERMIT APPLICATIONS FOR THE CEDAR RIDGE RESERVOIR
PROJECT.

7.5 Larry Gilley, City Manager, briefed the Council on the Resolution authorizing the City Manager to execute a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation for the Loop 322 Ramp Relocation Project.

On May 8, 2008 the City Council adopted an oral resolution authorizing the expenditure of \$60,000 from the Infill Development Account as the City's contribution to the cost of the Ramp Relocation Project on Loop 322. This project will relocate the exit ramp on Loop 322, Northbound between Maple Street and Industrial Boulevard in order 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. In order to proceed with this project, the City must enter into an Advance Funding Agreement with the Texas Department of Transportation, the entity that is responsible for this roadway.

By separate Letter Agreement, the City has received a commitment from Centro Real Estate, L.P. to fund the local participation costs of the project in excess of the City's \$60,000 contribution. The Texas Department of Transportation has agreed to fund the costs of preliminary engineering for the project. The total estimated cost of the project is \$406,764. Funds in the amount of \$303,987 have been received from Centro Real Estate, L.P. and are in escrow with the City.

Staff recommends adoption of a written resolution authorizing the City Manager to execute an Advance Funding Agreement with the Texas Department of Transportation for the Loop 322 Ramp Relocation Project.

Councilman Williams made the motion to authorize the City Manager to execute an Advance Funding Agreement with the Texas Department of Transportation for the Loop 322 Ramp Relocation Project. Councilman Higgins seconded the motion and the motion carried.

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

NAYS: None

The Resolution is numbered **# 25-2008** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING AN AGREEMENT WITH THE STATE OF TEXAS FOR A LOCAL
TRANSPORTATION PROJECT.

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.

7.6 Award of Bids at approximately 11:00 a.m.:

- a) General Obligation Bonds, Series 2008, in the amount of \$8,000,000
- b) Combination Tax and Revenue Certificates of Obligation, Series 2008, in the amount of \$2,425,000.00
- c) Combination Tax and Revenue Certificates of Obligation, Series 2008A, in the amount of \$8,720,000.00

Mindy Patterson, Interim Director of Finance, introduced the item, distributed the bid information and recognized financial advisor Mr. George Williford of First Southwest Company and bond counsel representative Mr. Peter Tart of McCall, Parkhurst & Horton. Mr. Williford stated the double A rating has been Upgraded to AA+ rating. Moody's rating is double A3. Mr. Williford then briefed the Council on the bids received for various construction and improvement projects and on the Ordinance authorizing the issuance of City of Abilene, Texas, General Obligation Bonds, Series 2008, in the amount of \$8,000,000; Combination Tax and Revenue Certificates of Obligation,

Series 2008; in the amount of \$2,425,000 and Combination Tax and Revenue Certificates of Obligation, Series 2008A, in the amount of \$8,720,000.

7.6 (a) Mr. Williford noted the low bid on the General Obligation Bonds, Series 2008, in the amount of \$8,000,000 was received from Coastal Securities, Inc. at a true interest cost of 4.687427%.

Councilman Higgins made a motion to approve the bid from Coastal Securities, Inc. at a true interest cost of 4.687427%; and to approve the Ordinance authorizing the issuance of City of Abilene, Texas, General Obligation Bonds, Series 2008, in the amount of \$8,000,000, as recommended by staff. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **#32-2008** and is captioned as follows:

AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS GENERAL OBLIGATION BONDS, SERIES 2008, IN THE PRINCIPAL AMOUNT OF \$8,000,000 AND ORDAINING OTHER MATTERS RELATING THERETO

7.6 (b) Mr. Williford noted the low bid on the Combination Tax and Revenue Certificates of Obligation, Series 2008, in the amount of \$2,425,000 was received from Coastal Securities, Inc. at a true interest cost of 4.514671%.

Councilman Briley made a motion to approve the bid from Coastal Securities, Inc. at a true interest cost of 4.514671%; and to approve the Ordinance authorizing the issuance of City of Abilene, Texas Certificates of Obligation, Series 2008 in the amount of \$2,425,000, as recommend by staff. Councilman Spano seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered **#33-2008** and is captioned as follows:

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ABILENE TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2008, IN THE PRINCIPAL AMOUNT OF \$2,425,000 AND OTHER MATTERS RELATED THERETO

7.6 (c) Mr. Williford noted the low bid on the Combination Tax and Revenue Certificates of Obligation, Series 2008A, in the amount of \$8,720,000 was received from Coastal Securities, Inc. at a true interest cost of 4.493134%.

Councilman Chase made a motion to approve the bid from Coastal Securities, Inc. at a true interest cost of 4.493134%; and to approve the Ordinance authorizing the issuance of City of Abilene,

Texas Certificates of Obligation, Series 2008A in the amount of \$8,720,000 as recommended by staff. Councilman Spano seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered **#34-2008** and is captioned as follows:

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ABILENE TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2008A, IN THE PRINCIPAL AMOUNT OF \$8,720,000 AND OTHER MATTERS RELATED THERETO

There being no further business the meeting was adjourned at 11:16 a.m.

Danette Dunlap
City Secretary

Norm Archibald
Mayor