

CITY COUNCIL MEETING
July 9 2009, 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 July 9, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Shane Price, Stormy Higgins, Joe Spano, Anthony Williams, Robert O Briley and 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 Esther Santee and Molly Mason; Esther and Molly attend Wylie Intermediate. Esther and Molly led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas. Esther is the daughter of City Attorney Dan Santee and Interim Public Works Director Megan Santee.

EMPLOYEE SERVICE AWARDS AND RECOGNITIONS

Mayor Archibald and City Manager Larry Gilley presented the following Service Awards:

Jim Frazier *Assistant Fire Chief* *30 Years*

SCHOLARSHIP AWARDS

Mayor Archibald along with Donna Littlefield presented the following Scholarship Awards:

Austin Lee Clark, son of Randell Clark, Firefighter

Clint Seth Frazier, son of Jim Frazier, Assistant Fire Chief

Kirra Nikole Glenn, daughter of Suzanne Glenn, Sanitarian, Community Enhancement

Riley Sterling Kidd, son of Ronnie C. Kidd, Managing Director for Administration

Jessica Rae Pope, daughter of Russell Pope, Firefighter

Zachary Thomas Vines, son of Lance Vines, Police Officer

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting June 25, 2009. There being no deletions, no addition, and no corrections Councilman Spano made a motion to approve the minutes as presented. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

CONSENT AGENDA

Councilwoman Moore made the motion to approve consent items 6.2 through 6.6 as presented. Councilman Higgins seconded the motion, the motion carried. *Councilman Price pulled item 6.1.*

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

NAYS: None

Resolutions:

- 6.1** Resolution directing publication of notice of intention to issue Combination Tax and Revenue Certificates of Obligation, Series 2009 and Approve General Obligation Bond Projects for the 2009 sale. *(Item pulled by Councilman Price)*
Certificates of Obligation - \$1,198,000
Purchase of Property - \$280,000
Financial and Human Resource System - \$2,900,000
Waterworks and Sewer System - \$6,000,000
General Obligation Bonds - \$8,140,000
- 6.2** Resolution authorizing continued participation with the ATMOS Cities Steering Committee; and authorizing the payment of 2 cents per capita to the ATMOS Cities Steering Committee to fund regulatory and related activities related to ATMOS Energy Corporation. Council approved the continuation of the City's membership with ACSC and approves an assessment to ACSC in the amount of two cents (\$0.02) per capita based on the population figure for the City as shown in the latest TML Directory of City Officials. A per capita assessment has historically been used by ACSC, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Resolution numbered 21-2009 and captioned as follows:

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF 2 CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.

Oral Resolution:

- 6.3** Amendment No. 1 to the Professional Engineering Services Agreement with Alan Plummer Associates, Inc. to modify the City's TPDES Permit Pretreatment Program. City Council authorized the City Manager, or his designee, to execute the Amendment No. 1 for a not-to-exceed amount of \$136,500 to provide engineering services to modify the Pretreatment Program. The Agreement will be structured for reimbursement based on actual time spent and expenses.

Award of Bids:

- 6.4 Over-run of Bid #**CB-8067** – Miscellaneous residential streets rehabilitation – North side. Council approved up to \$64,094.11 for cost over-runs on this project, as per change orders 1 and 2.
- 6.5 Bid Award #**CB-9032** – Pneumatic Rollers. Council awarded the bid to Warren Cat, the lowest responsive bidder, in the amount of \$136,500.00.
- 6.6 Bid Award #**CB-9033**- Large Roller. Council awarded the bid to Yellowhouse Machinery, the low responsive bidder, in the amount of \$112,639.40.

ITEM PULLED FROM CONSENT

- 6.1 Resolution directing publication of notice of intention to issue Combination Tax and Revenue Certificates of Obligation, Series 2009 and Approve General Obligation Bond Projects for the 2009 sale. *(Item pulled by Councilman Price)*

Councilman Price thanked the City staff on the refunding of General Obligation Bond Refunding, Series 2009 which will save the City money.

Council and Staff discussion included: 1) this will be the final sale of General Obligation Bonds; and 2) rates have gown down.

Councilman Price made the motion to accept agenda item 6.1 a Resolution directing publication of notice of intention to issue Combination Tax and Revenue Certificates of Obligation, Series 2009 and Approve General Obligation Bond Projects for the 2009 sale. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution numbered **20-2009** and captioned as follows:

**DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION
TAX AND REVENUE CERTIFICATES OF OBLIGATION**

REGULAR AGENDA

- 7.1 Larry Gilley, City Manager briefed the council on his recommendation for the appointment of Chief of Police. During the internal search process four candidates were interviewed they are Assistant Chief Ken Merchant, Lieutenant Mike Perry, Assistant Chief Stan Standridge and Lieutenant Tracy Weems.

The recommendation to the city council is to appoint Assistant Chief Stan Standridge as the new Chief of Police.

Councilman Briley made the motion to approve Assistant Chief Stan Standridge as Chief of Police for the City of Abilene. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

7.2 Jon James, Director of Planning and Development Services briefed the council on the appeal of a denial for a sidewalk waiver for property located at 2009 Industrial Boulevard and 4337 Crawford Drive. There have been 31 requests for waivers for sidewalks out of those requests 18 were approved and 13 denied.

The owner of approximately 30 acres south of Industrial Boulevard and east of Crawford Drive is in the process of platting their property, which has triggered sidewalk construction per the City's Sidewalk Master Plan. Per the appeal provisions, the owner's agent sought a waiver of the sidewalks along both Industrial Boulevard, along the north boundary of the property, and along a new proposed local street through the middle of the property. This request was reviewed by both the Planning Director and City Engineer and both were in agreement that there was not reasonable justification for granting the waiver along Industrial Blvd or the new proposed street. The following briefly addresses staff response to each of the applicants concerns, as expressed in their original request letter:

- 1. Area zoning:** Although the zoning in the immediate area is Heavy Commercial, Light Industrial and Heavy Industrial, Industrial Boulevard is a primary corridor connecting business along S. Treadaway Boulevard to Buffalo Gap Road. The sidewalk master plan also requires sidewalks along all newly constructed streets regardless of zoning.
- 2. Limited sidewalks in the area:** Although not many sidewalks exist along Industrial Boulevard, sidewalks were recently installed along the south side of Industrial Boulevard in the northwestern portion of this site. If lack of area sidewalks were, by itself, a justification for waiving sidewalks, then most new development in Abilene would never have sidewalks. The policy goal of both the Comprehensive Plan and the Sidewalk Master Plan is to begin now through incremental steps to build the future sidewalk system throughout the City.

Staff recommends denial of the waiver of the sidewalk along Industrial Boulevard and along the proposed new street.

David Todd – representative for the applicant discussed the Sidewalk Master Plan where he believes that it has exceptions for those areas that are zoned Heavy Commercial, Light Industrial and Heavy Industrial. The intention for this development is Industrial.

Council and Staff discussion included: 1) sidewalks are required on new streets regardless of zoning; 2) this area is industrial in nature and believe that most people would be traveling by vehicle; 3) strongly agree with sidewalks on Industrial Blvd and less for the new street; 4) see the new street to be the same as Crawford Street; and 5) the need to be consistent in how we apply the requirements between the city and the citizens in regards to the building of sidewalks.

Councilman Spano made the motion to deny the appeal of a sidewalk waiver for the property located on Industrial Boulevard and exempt the property located on Crawford Drive and the new proposed street that connects Crawford Drive to Industrial Boulevard. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

7.3 Ronnie Kidd, Managing Director for Administration and Civil Service Director, briefed the council on the Ordinance that amends the Budget Ordinance No. 50-2008 part 7. The budget ordinance provides the number, classification, and designation of each position for the Police and Fire Departments. Regarding the Fire Department, the ordinance currently designates 14 Fire Captain positions and 119 Fire Fighter positions. The Fire Chief desires to implement a restructuring strategy that will reduce the Captain positions by one and increase the Fire Fighters by one, and gain operating efficiencies for the Department. It is the Chief's desire to accomplish this through attrition.

Staff recommends amending the budget ordinance to designate 13 Fire Captain positions and 120 Fire Fighter positions.

Councilwoman Moore made the motion to approve the Ordinance Amending the Budget Ordinance No. 50-2008, part 7. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

Ordinance numbered **19-2009** and captioned as follows:

AN ORDINANCE APPROVING A REVISION TO SECTION 7 OF ORDINANCE NUMBER 50-2008; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

7.4 Evalin McClain, Assistant City Manager briefed the council on the 2009 State Legislative Summary and introduced the City's consultant Snapper Carr with HillCo Partners who provided the council with an update with regards to: General Session Summary, City Primary Issues and results.

City Legislative Agenda Outcomes

Preserve Local Budgeting Authority and Revenue Sources

- "Revenue Caps" re-surfaced; defeated again (SB 700)!
- HB 3613 enabling legislation granting property tax exemptions to disabled veterans (enacts Constitutional Amendment approved by voters last Nov.)
- HB 2291 changes "magic words" used in adopting a property tax rate

- HB 8 changes frequency of Comptroller's property value study to every 2 years (if the entity passed previous study)
- HB 3613/HJR 36 removes "highest and best use" for residential homestead when determining taxable value
- SB 636 resolves "Place of Business" issue (aka - Room Store lawsuit) by clarifying the sourcing of sales tax at the place of business where the purchase takes place in person

Improving the Texas Municipal Retirement System

- HB 360 TMRS Reform Bill. Provides for changes that are intended to modernize the TMRS system and ensure greater stability within the overall system. Allows for a greater range of investment options that will hopefully provide a greater investment return while allowing TMRS to diversify their portfolio.
- SB 1358 (died) would have allowed a city to use annual ad hoc cost of living adjustments (COLAs) without the current retroactive "catch-up" provisions applying.
- The COLA issue will be back next session. There is widespread support for this measure, despite some union opposition.

Local Option Elections

- **SB 1034** Fraser/S. King (HB 1175) allows the City of Abilene City Council to call an election, by resolution, to determine if "dry" areas annexed into the City can have alcoholic beverage sales.
- Public Hearing Must be Held Prior to Resolution Calling Election
- Election will be held City-wide but will only impact "dry" areas
- Authority to Call Election By Resolution is effective on Sept. 1, 2009 and Sunsets on Sept. 1, 2015.

Land Use

- **HB 2919** S. King/Fraser this legislation is aimed at protecting the land uses around certain military facilities
- City Staff and Elected Officials worked to ensure this accomplished intended goals without creating unintended consequences.
- Last minute amendment added other areas of state

Transportation Funding

- **HB 1** during special session provided TxDOT with up to an additional \$2 billion in bonding authority for projects.
- Additional stimulus money is expected.

Water Funding

- Attempts to provide additional state funding for implementation of State Water Plan did not pass.
- Expected to again be major legislative topic next session.
- TX Water Development Board aware of City of Abilene’s commitment to develop future water supplies (Cedar Ridge Reservoir).

Economic Development

- **HB 3896/HB 773** extends the authority of cities and counties to enter into “HB 1200” tax abatement agreements for a period of 10 years.
- These agreements have been widely used by the wind energy industry.

Misc. Bills of Importance

- **SB 1182** allows for “Community Interest” Reports to be made by Council and Staff. This bill reverses a recent AG Opinion that prevented such reports.
- **HB 1433** increased TCEQ Water Quality Fees from \$75,000 to \$100,000 with future increases capped at \$150,000. Original proposal raised the fee to \$200,000 on Sept. 1.
- **HB 55** allows for cities to enforce a prohibition on the use of cell phones in school zones; preempts local ordinances.

This item is for information only.

7.3 Council returned to the Budget Amendment Ordinance.

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

Councilman Price made the motion to approve the Ordinance Amending the Budget Ordinance No. 50-2008, part 7. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

7.5 David Vela, Assistant City Manager assisted by James Condry Traffic and Transportation Administrator briefed the council on the “Abilene Red Light Running Engineering Analysis”. The Red Light Citizen Advisory Committee met on May 6, 2009, and formally accepted the red light running engineering analysis that was prepared by Lee Engineering. The Committee recommends to the Council that the engineering analysis be adopted by the City and that City staff proceed with the recommendations as presented.

The Committee also requested that City Staff provide updates on any progress made to implement the recommendations, on an as needed basis.

National Trends

- There are more than 100,000 red light running crashes per year in the United States.
- Texas is ranked very high nationally in number of red light running fatalities with a rate of 3.5 deaths per 100,000 people.
- The cost of red light running injuries/fatalities in Texas is estimated between \$1.4 billion to \$3.0 billion per year.
- Bottom Line: Red light running is a serious problem.

Abilene Trends

2002-2007

24,841 total accidents
46% at signalized intersections
10.5% red light running

2008

3,926 accidents
38% at signalized intersections
5.1% red light running

Partial 2009

0.5% decrease in sign/signal violations as primary cause of collision

Strategies to Reduce Red Light Violations

Strategy #1

Public Information Campaign

- Billboards
- Public Service Announcements
- Cooperation with Media
- Information in water bills (Fall 2008)

Strategy #2

Increase Fines

- Prior to June 1, 2008 \$160 citation
- As of June 1, 2008 - \$200 citation
- Maximum fine allowed by law is \$297

Strategy #3

Police Enforcement

- Single Officer Enforcement
 - Can place driver & officer in unsafe, exposed location

- Double Officer Enforcement
 - Resource constraints

Strategy #4

Engineering Countermeasures

- Signal Operation
 - Timing
 - Visibility
 - Yellow phasing
 - Incorporate red phases
- Motorist Information
 - Signal Ahead Signage
 - Flashing Beacons

Strategy #5

Red Light Cameras

- Uses a digital camera or video camera tied to the traffic signal
- The camera is active only when the red indication is on
- Camera takes two pictures
- Cameras record date, time of day, time elapsed since beginning of red signal, vehicle speed and vehicle tag

Intersections Studied by Lee Engineering

1. Buffalo Gap & Danville
2. South 14th & Clack
3. South 1st (Business I-20) & Sayles
4. Treadaway & South 11th
5. Buffalo Gap & Clack
6. South 1st (Business I-20) & Pioneer

Intersections with red light violations that indicated a possible red light running problem:

- Danville & Buffalo Gap (WB)
- South 1st & Pioneer (EB & WB)
- Clack & S 14th St (SB)

Intersections with crash rates that were significantly above the average for all study approaches, indicating a possible red light running problem:

- Clack & Buffalo Gap (EB)
- S 14th & Clack (WB)
- S 1st & Sayles (EB)

General Recommendations

City Should DO:

- Where APD plans to concentrate enforcement efforts, install white enforcement lamps
- If lamps installed, conduct public awareness campaign.

City Should CONSIDER:

- Install signal backplates for perceived / documented problem approaches.
- Install stop lines for perceived / documented problem approaches.
- Lengthen red clearance & yellow change intervals to Lee Engineering calculated values.
- Lengthen total change periods using Lee Engineering change period methodology.
- Consider adding 0.5 seconds of yellow to calculated yellow time on problem approaches.

Danville & Buffalo Gap Rd. (WB)

SHOULD DO:

- Install new thermoplastic stop line
- Install new signal backplate
- Concentrate APD red light enforcement / white enforcement lamp aid
- Install a "Signal Ahead" sign 600 ft from stop line

CONSIDER:

- Install additional signal heads on existing pedestal & signal poles
- Install red light camera if trial of other measures unsuccessful

S 14th St & Clack (WB & SB)

SHOULD DO:

- Install new thermoplastic stop line (SB)
- Install new signal backplate (WB & SB)
- Lengthen yellow change interval to Lee Engineering calculated value (WB & SB)
- Increase APD enforcement / white lamp enforcement (WB & SB)

CONSIDER:

- Install additional signal head on new pedestal pole (WB & SB)
- Lengthen red clearance intervals (WB & SB)

S 1st & Sayles (EB)

SHOULD DO:

- Install new thermoplastic stop line
- Install new signal backplate

CONSIDER:

- Lengthen red clearance interval

Treadaway & S 11th

SHOULD DO:

- No specific recommendations

CONSIDER:

- No specific recommendations

Buffalo Gap & Clack (EB)

SHOULD DO:

- Install new thermoplastic stop line
- Install new signal backplate
- Lengthen yellow change interval to Lee Engineering calculated intervals
- Increase APD enforcement / white lamp enforcement
- Conduct a turning movement count and optimize signal phases to clear queues regularly

CONSIDER:

- Install additional signal heads on existing signal poles
- Lengthen red clearance interval

S 1st & Pioneer (WB & EB)

SHOULD DO:

- Install new signal backplates (WB & EB)
- Lengthen yellow change intervals to Lee Engineering calculated value (WB & EB)
- Concentrate APD red light enforcement/white lamp enforcement aid (WB & EB)
- Verify the left turn lane detection functions as intended, if possible modify detection (WB & EB)

CONSIDER:

- Lengthening red light clearance interval (EB & WB)
- Consider installing a red light camera if trial measures unsuccessful (EB)

Next Steps

- Completed
 - ✓ Form Task Force to study the matter
 - ✓ Create Council-appointed Committee
 - ✓ Conduct Engineering Report
 - ✓ Present findings to City Council
- In Progress
 - Implement countermeasures
 - Monitor progress

Staff recommends that the Council accept the engineering analysis as presented, and also recommends that the Committee's request to continue to meet and work with City Staff on this issue be accepted.

Council and Staff discussion included: 1) traffic problems at Buffalo Gap Rd and Danville east bound; 2) staff will be looking at the signal timing on Buffalo Gap Road, the last time this was done TXDOT hired a consultant to look at this due to the fact Buffalo Gap Road is State Highway; 3) the traffic backing up coming off of Loop 322 and entering Industrial/Danville; 4) the need to increase awareness in the community. Driver frustration is a lot of the reason that people run the lights; 5) sister cities comparison. For the City of Abilene to become the envy of the state for the safest city in Texas; and 6) for a 6 month review back to council on progress made.

Councilman Williams made the motion to accept the Abilene Red Light Running Engineering Analysis. Councilwoman Moore seconded the motion, motion carried.

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

NAYS: None

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 11:11 a.m. 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 at 11:53 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property. Councilwoman Moore was not in attendance during the Executive Session and Councilman Williams left before returning to the Open Session.

There being no further business the meeting was adjourned at 11:53 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor