

**CITY COUNCIL MEETING
March 11, 2010 8:30 a.m.**

**CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
COUNCIL CHAMBERS, CITY HALL**

The City Council of the City of Abilene, Texas, met in Regular Session on March 11th, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Anthony Williams, Robert O. Briley, and Stormy Higgins and Councilwoman Moore. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Stormy Higgins gave the invocation.

Councilman Price introduced his son Allen Price. Allen attends Taylor Elementary and is a 5th grader. Allen led the Pledge of Allegiance to the Flags of United States of America and the State of Texas.

PRESENTATION

The City of Abilene received an incentive check from the AEP CitySmartSM energy efficiency program. The City received \$44,610 for completing a number of energy efficiency projects as part of the second phase of a multi-year plan to reduce energy costs.

EMPLOYEE SERVICE AWARDS

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

| | | |
|--------------------------|--|-----------------|
| <i>Robert Allen</i> | <i>Senior Transportation Planner</i> | <i>20 Years</i> |
| <i>Mickey Chaney</i> | <i>Program Administrator, Wastewater</i> | <i>25 Years</i> |
| <i>David Varner</i> | <i>Police Youth Officer</i> | <i>25 Years</i> |
| <i>Danny Blankenship</i> | <i>Police Patrol</i> | <i>25 Years</i> |
| <i>Willie Ford</i> | <i>Criminal Investigation Division</i> | <i>25 Years</i> |

PROCLAMATIONS

Mayor Archibald presented the following Proclamations:

March 20, 2010

Lion's White Cane Day

Accepting on behalf of the Lions Club was James Wheeler of Elmwood West Lions Club.

March 2010

Professional Social Work Month

Accepting on behalf of Social Workers was Dr. Tanya Brice, Associate Professor and Director of M.S.S.W. Program of ACU.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting on February 25th there being no deletions, no additions, and no corrections, Councilman Briley made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, Councilwoman Moore and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilwoman Moore made the motion to approve consent items 6.1 through 6.8 as presented. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, Councilwoman Moore and Mayor Archibald
NAYS: None

Resolution & Oral Resolutions:

- 6.1 Oral Resolution** – Authorized the City Manager to accept the Anticipated FY10 FAA Airport Improvement Program Grant 39. This grant will fund Air Carrier Ramp Reconstruction Area E, T-Hangar Taxilane Reconstruction Area C and purchase of a new Aircraft Rescue and fire Fighting Truck. The actual amount of the grant will be the total of the bid process of these projects. The contracts for each of the listed projects will be brought to Council separately in the near future.
- 6.2 Oral Resolution** – Approved Amendment 2 to the Meet and Confer Agreement between the City of Abilene and the Abilene Police Officers’ Association. With the current budget situation and the need to have furlough days for employees, APOA desires to amend the agreement to reflect the requirement of police officers to take three furlough days during FY 2010.
- 6.3 Resolution** - Authorized Execution of Amendment No. 4 to the Professional Engineering Services Agreement with Enprotec/Hibbs & Todd to Continue Permitting and Other Activities Associated with the Regional Water Supply Project’s Cedar Ridge Reservoir. For a not-to-exceed cost of \$2,144,450 to provide engineering services associated with the Regional Water Supply Project. The Amendment will be structured for reimbursement based on actually time spent and expenses, with total compensation not to exceed the amount shown.

Resolution [#10 -2010](#) and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 4 TO A
PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD TO
CONTINUE PERMITTING AND OTHER ACTIVITIES ASSOCIATED WITH THE
REGIONAL WATER SUPPLY PROJECT’S CEDAR RIDGE RESERVOIR

Ordinances:

- 6.4 Ordinance** – *(First Reading)* Reestablishment of Municipal Court Technology Fund and Establishment of Municipal Court Child Safety Fund; and setting a public hearing for March 25, 2010.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
REAUTHORIZING THE “MUNICIPAL COURT TECHNOLOGY FUND”; PROVIDING
FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT
TECHNOLOGY FEE; PROVIDING FOR A “MUNICIPAL COURT CHILD SAFETY

FUND”; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT CHILD SAFETY FEE; PROVIDING A SEVERABILITY CLAUSE; ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF; AND CALLING FOR A PUBLIC HEARING.

- 6.5** **Ordinance** – (*First Reading*) for Case No. **Z-2010-02**, a request from Noah Project, Inc. to rezone property from RM-2 (Multi Family Residential) to PDD (Planned Development District) zoning, located at 5802 Texas Avenue; and setting a public hearing for March 25, 2010.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E “ZONING” OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-129 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Bid Awards:

- 6.6** **Award of Bid** – **CB-1018** Project as part of the American Reinvestment & Recovery Act of 2009 - Mockingbird Seal and Surfacing from Vogel Ave to South 3rd St to J. H. Strain & Sons, Inc. of Tye, Texas. The City Council awarded the bid to J. H. Strain & Sons, Inc. of Tye in the amount of \$394,585.85.
- 6.7** **Award of Bid** – **CB-1019** Project as part of the American Reinvestment & Recovery Act of 2009 - Judge Ely Surface Treatment between I-20 and ES 11th St. to Bontke Brothers Construction Co., Inc. of Abilene, Texas. The City Council awarded the bid to Bontke Brothers Construction Co., Inc in the amount of \$878,041.94.
- 6.8** **Award of Bid** – **CB-1020** Project as part of the American Reinvestment & Recovery Act of 2009 - Barrow Street Rehabilitation between South 14th St. to South 27th St. to J. H. Strain & Sons, Inc. of Tye, Texas. The City Council awarded the bid to J. H. Strain & Sons, Inc. in the amount of \$583,112.33.

REGULAR AGENDA

- 7.1** Mindy Patterson Director of Finance briefed the City Council on the Financial Audit Review and Investment Policies. A review of the ending balances as of September 30, 2009 was given.

Statement of Net Assets as of September 30, 2009

| | |
|--------------------------|---------------|
| Governmental Activities | \$160,660,324 |
| Business-Type Activities | \$150,276,902 |
| Total | \$310,937,226 |

| | |
|-------------------------------------|---------------|
| Total Assets as of 9/30/2009 | \$ 25,153,574 |
| Total Liabilities and Fund Balances | \$ 6,600,879 |

Water & Sewer Fund

Revenues and Expenditures as of September 30, 2009

| | |
|------------------|---------------|
| Total Revenues | \$ 35,320,759 |
| Total Expenses | \$ 29,229,059 |
| Total Deductions | \$ -4,274,224 |
| Net Income | \$ 1,817,476 |

***Solid Waste Services
Revenues and Expenditures as of September 30, 2009***

| | |
|-------------------------------|--------------|
| Total Revenues | \$12,304,593 |
| Total Expenses | \$ 9,620,106 |
| Fleet Financing/Transfers Out | \$-1,816,120 |
| Net change in Fund Balance | \$ 868,367 |

***Self Insurance Fund Balance Sheet
September 30, 2009***

| | |
|-------------------------------------|--------------|
| Total Assets | \$ 3,908,672 |
| Total Liabilities | \$ 3,590,337 |
| Restricted for Claims | \$ 318,335 |
| Total Liabilities and Fund Balances | \$ 3,908,672 |

Diana Terrell with Davis, Kinard & Co., PC CPA firm, presented their findings to council and reported a clean audit.

Councilman Williams made the motion to approve the 2009 Financial Report as presented. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Councilman Higgins made the motion to approve the Investment Policies of the City of Abilene. Councilwoman Moore seconded the motion, motion carried.

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

NAYS: None

Mindy Patterson Director of Finance then gave a 4 month review of the current budget for information only.

General Fund Revenues as of January 31, 2010

Total Revenue \$31,436,830 or 44.55% of the Original Budget

Sales Tax Comparison General Fund as of March 2010

| | | |
|--------------------|--------------|--|
| YTD Actual 2008-09 | \$13,569,598 | |
| YTD Actual 2009-10 | \$12,432,080 | % of change 09-10 vs 08-09 is -8.38% or \$-1,137,518 |

General Fund Expenditures as of January 31, 2010

Total Expenditures \$23,080,457 or 32.72% of the Original Budget

7.2 Jon James Director of Planning Development Services briefed the City Council on the Capital Improvement Program.

Significant Changes

One of the most significant impacts in this year's CIP is a downward trend in construction costs. Staff has adjusted cost projections for some road projects because of this decline. The savings have been used to accelerate some projects and to add others deemed significant for safety or essential for maintenance. A second trend this year is a reduction in the over budgeting of planned expenditures in the out years (year 2-5), of the CIP. In each year of the CIP, "funded" projects have exceeded projected CO availability since 2006 by approximately 3% each year. This over budgeting allowed some flexibility for cases of unexpected revenues or savings. In this year's CIP however, Staff has been more conservative. Planned out year expenditures in the 2010 CIP have been reduced to .35% below projected CO availability.

Capital expenditures not in the 2010 CIP include American Recovery and Reinvestment Act (ARRA) funding, Airport Improvements, and G.O. Bond expenditures. ARRA and Airport funds were not included in the 2009 CIP. GO Bonds from the 2006 election will be reviewed and approved individually this year as the City completes the 2006 program.

CIP Projects – 2010 Budget

| | |
|---------------------------|--------------------|
| Municipal Facilities | \$ 191,000 |
| Transportation & Drainage | \$ 820,000 |
| Park | \$ 226,000 |
| Public Safety | \$ 126,000 |
| Other | \$ 37,000 |
| TOTAL | \$1,400,000 |

Fast Facts

- 12 Projects
- \$ 1.4 Million total
- 3 "New" Projects (12.5% of 2010 funding)
Maxwell Irrigation Pump (4.64%)
- 81.2% of 2010 projects proposed for Transportation, Public Safety, or Facility Maintenance.

Notable Project Changes

- #4020-01-98 Concrete Intersections - No funding in 2010
+\$200,000 to Pavement Rehab Various locations
+\$26,000 to Firing Range Pad Repair
- # 3010-01-07 Athletic Field Lighting Accelerated

2010 -2014

Fast Facts

- 25 Projects
- Approx \$8.47 million in Projects
- 4 "New" Projects (2.6% of project cost)
- 75.19% of projects proposed for Transportation, Public Safety, or Facility Maintenance
- Total Non-Water Funds down \$547,000 (-6.04%)
- CO Funds up \$590,000 (+7.5%)
- Out Year "Over-budgeting" decreased from 3.08% to .08%

Trends to Note

Construction Costs & Inflation Projections have Declined

Funding for "New" and "Graduated" projects has come primarily thru these cost savings

No action needed on this Item.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:55 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 11:22 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.074 Personnel Matters, Section 551.071 Consultation with Attorney and Section 551.087 Business Prospects.

There being no further business the meeting was adjourned at 11:22 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor