

**CITY COUNCIL MEETING**  
**March 8, 2012 at 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 8<sup>th</sup> 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, Robert O. Briley, Anthony Williams, Stormy Higgins and Councilwoman Kellie Miller. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Higgins gave the invocation.

Mayor Archibald introduced Keenah Brooks who is a 5<sup>th</sup> grade student at Jane Long Elementary. Keenah led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**PROCLAMATION**

Mayor Archibald presented the following Proclamation:

**Lion's White Cane Day**

James Wheeler, Elmwood West Lion's Club, accepted the proclamation

**EMPLOYEE SERVICE AWARDS**

Mayor Archibald assisted by City Manager Larry Gilley honored the following City Employees for their years of service.

Andrew M Knox	Fire Fighter, Fire Tactical Operations	20 Years
David "Dave" T Smith	Fire Lieutenant III, Fire Organizational Dev	20 Years
Candelario "Cande" Flores Jr,	Fire Captain III, Fire Organizational Dev	20 Years
Bradford "Brad" T Wilson	Police Lieutenant II, Police Youth	25 Years
Peter E Delacot	Fire Fighter, Fire Tactical Operations	30 Years
David W Standard	Fire Fighter, Fire Tactical Operations	30 Years
Billy "BJ" J Schulle	Fire Fighter, Fire Tactical Operations	30 Years
Joel A Garza	Fire Fighter, Fire Tactical Operations	30 Years

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the February 23<sup>rd</sup> regular meeting there being no deletions, no additions, and no corrections. Councilman Williams made a motion to approve the minutes as presented. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

## CONSENT AGENDA

Councilman Spano made the motion to approve consent items 6.1 through 6.6 as recommended by staff. Councilman Price seconded the motion, motion carried.

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

NAYS: None

### Ordinance:

**6.1 Ordinance:** (First Reading) Granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its Successors and Assigns, a Franchise to Construct, Maintain, and Operate Pipelines and Equipment in the City of Abilene, Taylor County, Texas; and setting a public hearing for March 22<sup>nd</sup>, 2012.

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

### Oral Resolutions:

**6.2 Oral Resolution:** City Council authorized the City Manager to enter into a Charitable Solicitation Agreement between the Muscular Dystrophy Association and the City of Abilene for the Fill the Boot Campaign.

**6.3 Oral Resolution:** City Council authorized the Street Use License Agreement with the Center for Contemporary Arts for “Car Walk” Artwalk.

The applicant will close Cypress Street from the north right-of-way line of North 2<sup>nd</sup> Street to the south right-of-way line of North 6<sup>th</sup> Street for this event, including the intersections at Cypress Street and North 3<sup>rd</sup>, North 4<sup>th</sup> and North 5<sup>th</sup> Streets. The event will take place on Thursday, March 8<sup>th</sup>, 2012 from 5:00 pm to 8:30 pm.

**6.4 Oral Resolution:** City Council authorized the Street Use License Agreement with Abilene Independent School District for “Million Word Reader Celebration”.

The applicant will close Cedar Street from the north right-of-way line of North 1<sup>st</sup> Street to the south right-of-way line of North 2<sup>nd</sup> Street for this event. The event will take place on Friday, May 4<sup>th</sup>, 2012, from 9:00 am to 11:00 am.

**6.5 Oral Resolution:** City Council approved entering into a two-year operating agreement with Sherry Brown dba Sweet Celebrations to operate the restaurant at the Abilene Regional Airport.

**6.6 Bid Award: CB#1215** for the Miscellaneous Seal Coat Project 2012. The City Council approved the bid to Contract Paving Co., Tye, in the amount of \$1,227,446.15.

This contract involves seal coating of existing pavement to include the following streets:

- Fannin, Burger, Green, Shelton, Westmoreland, Forrest, High, Park, Kirkwood, Graham, Lillius, Victoria, Clinton, Merchant, Reading, N. 2<sup>nd</sup>, N 5<sup>th</sup>, Holbron, N 7<sup>th</sup>, Parramore, N 8<sup>th</sup>, State, and N 9<sup>th</sup> between the limits of Mockingbird & Grape and N 1<sup>st</sup> and N 10<sup>th</sup>.
- Hartford, Stratford, Waldemar, Fairmount, Benbrook, Richmond, Monticello, Avondale, Hawthorne, Buccaneer, Westridge, Lexington, Clairmont, Rivercrest, Elmwood, Sylvan, Hollis, Glenwood, Grove, Albany, Davis, Blair, Woodridge, Edgewood, Bickley, S 12<sup>th</sup>, Grissom Pl, Park Pl, S 10<sup>th</sup>, S 9<sup>th</sup>, S 8<sup>th</sup> and Ward between the limits of Pioneer and Willis and S 7<sup>th</sup> and S 14<sup>th</sup>.

### REGULAR ITEMS

**7.1** Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case No. **Z-2012-04**, a request from Valarie Lantrip to amend PD-123 concerning permitted uses, located at 401 Loop 322 & 2901 Newman Rd.

The property is zoned PD and has been defined into two tracts: Tract 1 allows some commercial type uses as well as some banquet halls and meeting facilities, while Tract 2 will allow camping, RV parks, and uses more related to AO (Agricultural Open Space) zoning. The request is to eliminate the different tracts and to amend the PD to expand the uses to allow for more outdoor recreation and fitness activities. The PD also proposes that storage units would be allowed.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a commercial area, along Loop 322. The uses defined by the PDD would be appropriate in this area given its proximity to Loop 322, and recreational facilities such as the Taylor County Fair Grounds and Expo Center.

Mayor Archibald opened the public hearing 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 for Case No. **Z-2012-04**, a request from Valarie Lantrip to amend PD-123 concerning permitted uses, located at 401 Loop 322 & 2901 Newman Rd. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

ORDINANCE #14-2012

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING

**PDD-123 AND ORDINANCE NO. 03-2008, A PLANNED DEVELOPMENT DISTRICT;  
CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.**

**Amend Land Development Code Permitted Uses**

**7.2** Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case No. **Z-2012-05**, a request from Valarie Lantrip to rezone property from AO (Agricultural Open Space) to PD-123 (Planned Development) zoning, located at 2802 E. Hwy 80.

The property is zoned AO and is vacant. The property surrounding it has been defined into two tracts: Tract 1 allows some commercial type uses as well as some banquet halls and meeting facilities, while Tract 2 will allow camping, RV parks, and uses more related to AO (Agricultural Open Space) zoning. The previous request is to amend the uses to expand the uses to allow for more outdoor recreation and fitness activities. The proposed zoning is to include this tract into the PD zoning boundary.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a commercial area, along Loop 322. The uses defined by the PD would be appropriate in this area given its proximity to Loop 322, and recreational facilities such as the Taylor County Fair Grounds and Expo Center.

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

Councilman Briley made the motion to approve the Ordinance for Case No. **Z-2012-05**, a request from Valarie Lantrip to rezone property from AO (Agricultural Open Space) to PD-123 (Planned Development) zoning, located at 2802 E. Hwy 80. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

**ORDINANCE #15-2012**

**AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES AND AMENDING PDD-123 AND ORDINANCE NO. 03-2008, A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.**

**Location: 2802 E. Hwy 80**

**7.3** Mindy Patterson, Director of Finance presented the FY 2010-2011 yearend Financial Statement for the City.

**CITY OF ABILENE, TEXAS  
 STATEMENT OF NET ASSETS  
 SEPTEMBER 30, 2011**

	Primary Government			Component Unit
	Governmental Activities	Business-Type Activities	Total	
<b>ASSETS</b>				
Current and other assets	\$ 77,940,535	\$ 51,869,472	\$ 129,810,007	\$ 32,083,251
Capital assets	209,538,128	162,863,944	372,402,072	33,574,060
<b>TOTAL ASSETS</b>	<b>287,478,663</b>	<b>214,733,416</b>	<b>502,212,079</b>	<b>65,657,311</b>
<b>LIABILITIES</b>				
Accounts payable	2,477,278	1,035,316	3,512,594	846,820
Accrued expenses	1,664,536	617,821	2,282,357	53,256
Accrued interest	438,022	233,648	671,670	
Other deposits and liabilities	561,937	146,799	708,736	
Unearned revenues	3,537,197		3,537,197	
Noncurrent liabilities:				
Due within one year	11,537,237	4,264,116	15,801,353	
Due in more than one year	84,326,501	40,975,538	125,302,039	
<b>TOTAL LIABILITIES</b>	<b>104,542,708</b>	<b>47,273,238</b>	<b>151,815,946</b>	<b>900,076</b>
<b>NET ASSETS</b>				
Investment in capital assets, net of related debt	143,563,655	122,927,623	266,491,278	33,574,060
Restricted for:				
Contractual obligations				19,525,046
Debt service	1,036,868	781,506	1,818,374	
Capital projects & special revenue purposes	5,710,751	1,138,459	6,849,210	
Unrestricted	32,624,681	42,612,589	75,237,270	11,658,129
<b>TOTAL NET ASSETS</b>	<b>\$ 182,935,955</b>	<b>\$ 167,460,177</b>	<b>\$ 350,396,132</b>	<b>\$ 64,757,235</b>

**GENERAL FUND  
 BALANCE SHEET  
 SEPTEMBER 30, 2011**

		<u>General Fund</u>
<u>ASSETS</u>		
Cash and cash investments	\$	20,008,434
Receivables (net of allowance for uncollectibles):		
Accounts receivable		3,760,219
Property taxes receivable		757,049
Due from other funds		1,748,239
Due from other governments		5,675,695
Prepaid items		<u>9,916</u>
Total Assets	\$	<u><u>31,959,552</u></u>
<u>LIABILITIES AND FUND BALANCES</u>		
<u>LIABILITIES:</u>		
Accounts payable	\$	1,561,968
Accrued expenses		1,415,934
Due to other funds		610,753
Other deposits and liabilities		158,384
Deferred revenues		<u>3,106,235</u>
Total Liabilities	\$	<u><u>6,853,274</u></u>

**GENERAL FUND  
 BALANCE SHEET  
 SEPTEMBER 30, 2011**

		<u>General Fund</u>
<u>FUND BALANCES:</u>		
Non-spendable:		
Prepaid items	\$	9,916
Assigned to:		
27th pay period		830,000
Other purposes		975,792
Unassigned		<u>23,290,570</u>
Total Fund Balances	\$	<u><u>25,106,278</u></u>
TOTAL LIABILITIES AND FUND BALANCES	\$	<u><u>31,959,552</u></u>

**General Fund**

Revenues Exceeding Estimates:

- Property Tax = \$491,398
- Penalty and Interest = \$99,688
- Sales Tax = \$1,268,846
- Franchise Fees = \$158,880
- Licenses and Permits = \$358,559
- All Other Revenues = \$323,128
- Fines = \$192,558
- Charges for Services = \$176,042

Total \$3,069,099

Expenditures Below Estimates:

- Personal Services = \$602,432
- Supplies = \$138,082
- Other Services and Charges = \$1,046,775
- Maintenance = \$188,726

Total \$1,976,015

**Water & Sewer Fund  
 Revenues and Expenditures  
 September 30, 2011**

	2011 Actual	2010 Actual
<i>Revenues</i>		
Water Service	\$30,026,946	\$24,485,959
Sewer Service	9,765,301	8,950,832
Service & Penalty Charges	372,766	384,991
Miscellaneous Revenues	337,584	1,001,603
Interest on Investments	191,782	99,033
Intergovernmental Revenues	727	0
Rents and Royalties	163,052	172,528
<i>Total Revenues</i>	<b>\$40,858,158</b>	<b>\$35,094,946</b>
<i>Expenses</i>		
Personal Services	\$6,655,635	\$6,199,351
Supplies	1,707,753	1,345,139
Maintenance	1,649,899	1,394,900
Other Services and Charges	15,811,379	12,910,287
Debt Payments	6,013,989	6,179,561
<i>Total Expenses</i>	<b>\$31,838,655</b>	<b>\$28,029,238</b>
<i>Available for Debt Service</i>	<b>\$9,019,503</b>	<b>\$7,065,708</b>
Transfers In (Out)	\$0	(\$112,500)
Depreciation/Amortization	(5,050,651)	(4,932,535)
<i>Total Deductions</i>	<b>(\$5,050,651)</b>	<b>(\$5,045,035)</b>
<i>Net Income (or Loss)</i>	<b>\$3,968,852</b>	<b>\$2,020,673</b>

**Solid Waste Services  
 Revenues and Expenditures  
 Budget Basis**

	2011 <u>Actual</u>	2011 <u>Budget</u>	Variance
<i>Revenues</i>			
Solid Waste Collection	\$11,133,850	\$11,350,000	(\$216,150)
Site Recycling Services	121,837	120,000	1,837
Solid Waste Environmental Fee	832,235	826,000	6,235
Miscellaneous Recycling	227,107	170,000	57,107
Solid Waste Code Enforcement	71,483	72,000	(517)
Interest & Miscellaneous	5,859	5,000	859
<i>Total Revenues</i>	<u>\$12,392,371</u>	<u>\$12,543,000</u>	<u>(\$150,629)</u>
<i>Expenses</i>			
Personal Services	\$2,445,467	\$2,509,830	\$64,363
Supplies	52,326	53,800	1,474
Maintenance	174,278	225,940	51,662
Other Services and Charges	7,055,178	7,363,320	308,142
Capital Expenditures	200,907	200,000	(907)
<i>Total Expenses</i>	<u>\$9,928,156</u>	<u>\$10,352,890</u>	<u>\$424,734</u>
Transfers Out	<u>(\$2,000,000)</u>	<u>(\$2,000,000)</u>	<u>\$0</u>
	<u>(\$2,000,000)</u>	<u>(\$2,000,000)</u>	<u>\$0</u>
<i>Net Change in Fund Balance</i>	<u>\$464,215</u>	<u>\$190,110</u>	<u>\$274,105</u>



Diane Terrell with Davis Kinard, & Co, PC, presented a clean audit with no comments. Ms. Terrell complimented the city staff on a great Audit that included a year with software conversion.

Mindy Patterson resumed with the presentation of the FY 2012 1<sup>st</sup> quarter update.

**GENERAL FUND  
 SUMMARY OF REVENUES  
 2011-12 BUDGET**

	<u>1st Quarter 2010-2011</u>	<u>Approved 2010-2011</u>	<u>1st Quarter 2011-2012</u>	<u>Approved 2011-2012</u>
General Property Taxes	\$11,317,431	\$22,377,580	\$11,525,455	\$23,000,710
Sales Tax	6,251,446	24,672,000	7,741,409	25,995,370
Selective Sales & Use Taxes	59,574	240,000	52,701	240,000
Franchise/Access Fees	1,467,636	6,814,840	1,469,034	6,937,830
Other Taxes	469,090	1,761,890	476,074	1,805,970
Penalties, Interest & Cost	37,472	235,000	29,481	235,000
Licenses and Permits	322,656	1,130,870	380,192	1,105,540
Federal Grants	15,130	62,520	12,861	62,520
State Grants and Programs	33,348	135,000	(6,428)	135,000
County Programs	579	2,180	5,595	12,180
Charges for Services	848,935	3,340,210	851,869	3,252,210
Fines and Forfeits	444,905	1,718,000	406,751	1,768,000
Miscellaneous Revenue	1,605,717	6,812,170	1,756,799	7,004,400
Total Current Revenue & Transfers In	<u>\$22,873,919</u>	<u>\$69,302,260</u>	<u>\$24,701,793</u>	<u>\$71,554,730</u>
Percent of Budget		<u>33.0%</u>		<u>34.5%</u>

**CITY OF ABILENE  
 SALES TAX COMPARISON  
 GENERAL FUND**

<b>Accounting Period Month</b>	<b>Actual 2010-11</b>	<b>Actual 2011-12</b>	<b>Budget 2011-12</b>	<b>% Change Actual 2011-12 vs. 2010-11</b>
October	\$1,985,576	\$2,671,158	\$1,985,580	34.53%
November	2,324,513	2,894,423	2,324,510	24.52%
December	1,941,356	2,175,828	1,941,360	12.08%
January	2,079,342	2,823,199	2,079,340	35.77%
February	2,936,670	3,527,638	2,855,190	20.12%
March	1,938,924	2,196,566	1,883,840	13.29%
<b>YTD</b>	<u>\$13,206,382</u>	<b>\$16,288,812</b>	<b>\$13,069,820</b>	<b>23.34%</b>
April	1,923,931		1,838,050	
May	2,845,240		2,667,200	
June	2,224,901		2,002,140	
July	2,249,302		1,982,420	
August	3,040,179		2,487,570	
September	2,397,520		1,948,170	
<b>FY TOTAL</b>	<u>\$27,887,456</u>		<u>\$25,995,370</u>	

Comparison to 2010-11 Actual **\$3,082,430**

**GENERAL FUND  
 SUMMARY OF DEPARTMENTAL EXPENDITURES  
 2011-2012 BUDGET**

	<u>1st Quarter 2010-2011</u>	<u>Approved 2010-2011</u>	<u>1st Quarter 2011-2012</u>	<u>Approved 2011-2012</u>
General Government	\$381,547	\$1,807,340	\$481,452	\$1,776,730
Administrative Services	448,941	2,197,420	573,289	2,317,030
Finance	1,591,206	6,714,330	1,933,766	7,116,730
Planning and Development Services	626,003	2,701,050	711,431	2,842,510
Public Works	1,290,007	6,853,630	1,372,430	6,669,810
Police	4,940,206	21,296,860	5,782,736	21,737,650
Fire	3,805,230	15,976,820	4,318,210	17,004,670
Aviation	350,914	1,855,980	389,413	1,909,820
Community Services	2,648,871	10,116,980	2,983,355	10,202,610
<b>Total Expenditures</b>	<b><u>\$16,082,925</u></b>	<b><u>\$69,520,410</u></b>	<b><u>\$18,546,083</u></b>	<b><u>\$71,577,560</u></b>
Percent of Budget	<u>23.1%</u>		<u>25.9%</u>	

Council and Staff discussion included: 1) The cost of fuel – the city budget has included sufficient cost for fuel, the expenses have been slightly lower than the estimate for the 1<sup>st</sup> quarter; and 2) the amount of 3 months of reserve has been met and have been exceeded. – The amount over the 3 month reserve will be looked at later in the process for the use whether it be to fund the unfunded projects or reduce the tax rate etc.

Councilman Williams made the motion to approve the acceptance of the Audit. Councilman Higgins seconded the motion, motion carried.

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

Councilman Briley made the motion to approve the Financial and Investment Policies for the year. Councilman Price seconded the motion, motion carried.

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

**EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session 9:46 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 11:06 a.m. and reported no votes or action was taken in Executive Session in regards to Sections 551.072 Real Property and Section 551.071 Consultation with City Attorney. Councilman Spano left at the end of the Executive Session.

**10. Oral Resolution** – Approving the reappointment and appointment to the following:

Abilene Public Health Corporation – no action taken.

Dr. Zane Travis as Health Authority for the City of Abilene.

Mayor Archibald made the motion to reappoint Dr. Zane Travis as the Health Authority for the City of Abilene. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

ABSENT: Councilman Spano

There being no further business the meeting was adjourned at 11:09 a.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor