

**CITY COUNCIL MEETING**  
**April 26, 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 April 26<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, Stormy Higgins and Councilwoman Kellie Miller. Councilman Williams came in during the Budget Workshop. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Spano gave the invocation.

Mayor Archibald introduced Landry Bonneau who is a 4<sup>th</sup> grade student at Taylor Elementary. Landry led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**PROCLAMATIONS**

Mayor Archibald presented the following Proclamations:

May 13-19, 2012

**National Police Week**

Chaplain Donna Kleman, Abilene Police Department and Taylor County Sheriff's Office were honored.

April 22-28, 2012

**Week of the Young Child**

Cynthia Pearson, Day Nursery of Abilene, accepted the proclamation along with children from the Day Nursery of Abilene who presented the council with cookies and milk.

April 2012

**Safe Digging Month**

Mack Brannan, Big Country Damage Prevention Council, accepted the proclamation.

May 4, 2012

**Generation Texas Higher Education Day**

Rebecca Hughes, Asst. Program Coordinator Abilene Regional P-16 Council and 2 Cooper High School students, accepted the proclamation.

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the April 12<sup>th</sup> regular meeting there being no deletions, no additions, and no corrections. Councilman Price made a motion to approve the minutes as presented. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

ABSENT: Councilman Williams

**CONSENT AGENDA**

Councilman Briley made the motion to approve consent items 6.1 through 6.11 as recommended by staff. Councilman Spano seconded the motion, motion carried.

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

**Ordinance:**

**6.1 Ordinance:** (*First Reading*) **Z-2012-10** - A request from the City of Abilene to rezone property from MD (Medium Density) to TH (Residential Townhouse) zoning, located on the north side of Independence Blvd being all even numbered addresses from 2302 through 2504 Independence Blvd; and setting a public hearing May 10<sup>th</sup> 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; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

**Resolutions:**

**6.2 Resolution:** Council authorized application for financial assistance from the Texas Water Development Board; and making certain findings in connection therewith.

The City has been invited to apply for funding through the Texas Water Development Board's State Revolving Fund (TWDB-SRF). In response to the invitations, the City is seeking financial assistance from the Texas Water Development Board for these capital improvements in an amount not to exceed \$4,400,000. This will pay for the costs for improvements to the City's water system including distribution line replacement, water storage tank rehabilitation, and other related improvements to the City's water system.

This resolution approves: 1) the filing of an application to the Texas Water Development Board, 2) authorizes the City Manager to execute documents for the City, and 3) authorizes the following individuals/firms for assistance in the submission of documents on behalf of the City - George Williford with First Southwest Company, as financial advisor; Leroy Grawunder, Jr. with McCall, Parkhurst & Horton LLP, as bond counsel; and Kirt Harle, P.E with Jacob & Martin LTD, as engineer.

**Resolution #7-2012**

AUTHORIZING APPLICATION FOR FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

**6.3 Resolution:** Council authorized the continued participation with the Atmos Cities Steering Committee; and authorized the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation

The City of Abilene is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (ATMOS) within the municipal boundaries of the City. The Atmos Cities Steering Committee (ACSC) has historically intervened in ATMOS rate proceedings and gas utility related ratemaking to protect the interest

of municipalities and gas customers residing within municipal boundaries. ACSC is participating in the Railroad Commission dockets and projects as well as court proceedings, affecting gas utility rates. The City is a member of ACSC. In order for ACSC to continue its participation in these activities, which affect the provisions of gas utility services and rates to be charged, it must assess its members for such cost. The five cent per capita assessment for Abilene is \$5,853.15.

Atmos Cities Steering Committee is actively involved in rate cases, appeals, rulemaking, and legislative efforts impacting the rates charged by Atmos within the City. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burden associated with the benefits received from that membership.

### **Resolution #8-2012**

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

### **Oral Resolutions:**

**6.4 Oral Resolution:** Council approved a Street Use License for The Center for Contemporary Arts “Dr Seuss V.I.P. Preview Party”, Friday, May 4, 2012 closing Cypress Street from North 2<sup>nd</sup> to North 3<sup>rd</sup>.

The Center for Contemporary Arts has submitted a Street Use License (SUL) application to hold a public event entitled “Dr. Seuss VIP Preview Party” within the public right-of-way on Cypress Street. The applicant wishes to close Cypress Street from the north right-of-way line of North 2nd Street to the south right-of-way line of North 3rd Street for this event. The event will take place on Friday, May 4th 2012. Staff recommends approval.

**6.5 Oral Resolution:** Council authorized the City Manager to approve the purchase for the restroom for the splash pad at Nelson Park with CXT, Inc. through the City’s TXMAS-5-560100 contract.

February 23, 2012 the City Council approved a contract with Kraftsman Commercial Playground and Water Park Equipment, Inc. to build a splash pad at Nelson Park. Staff recommends hiring CXT, Inc. to build and furnish a restroom at the splash pad at Nelson Park using the Local Government Purchasing Cooperative (TXMAS) contract #5-560100.

**6.6 Oral Resolution:** Council approved amending the ground lease with Abilene Aero.

Abilene Aero has requested that the parking lot associated with the current control tower be added to their ground lease for additional customer parking. This is a 10,508 square foot area that would be added at their current ground lease rate of \$.1752 per square foot annually. This will increase Abilene Aero’s ground lease rent by \$1,841.

**6.7 Oral Resolution:** Council authorized the ground lease with Precision Process Design and Mechanical.

Farid Gozashti with Precision Process Design and Mechanical has requested a ground lease on the northwest side of the airport on which to build a 10,000 square foot hangar. The ground lease area will be

22,500 square feet for a lease term of 20 years with two 5-year renewal options at a beginning lease rate of \$.185 per square foot for an initial annual rent of \$4,162.50. This rate will be adjusted with CPI every three years.

**6.8 Oral Resolution:** Council finds there is a legitimate public purpose in a donation of bicycles from Police Property to the Kiwanis Club and approve the donation.

The Police Department seeks approval to donate (10) bicycles to the Kiwanis Club of Abilene for their annual Pancake Supper, which will be held April 28, 2012. The bicycles will come from Property and Evidence. Every month the Department receives approximately (25) bicycles after having been turned in as found property. The Department maintains possession of the bicycles for (30) days or more to give owners the chance to reclaim their property. Bicycles that are never claimed are either sold in a City auction or donated to non-profit organizations.

The (10) donated bicycles that Kiwanis Club of Abilene seeks will be children’s bicycles that will be sold during a silent auction by the Club, with all proceeds then going to local non-profits including but not limited to: Boys and Girls Club and Big Brothers Big Sisters.

**Bid Awards:**

**6.9 Award of Bid:** Council approved the purchase of ZTR Mowers for Parks and Airport.

Five units are to be assigned to Parks and one mower will be in-service at the Airport. The ZTR Mowers for Parks are utilized in grounds keeping of parks and other city owned properties. The unit going to the Airport is to mow and maintain runway right-of-ways and surrounding grounds.

The units are to be purchased through the Houston/Galveston Area Council Cooperative (HGAC).

<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
Kubota Tractor Corp.	Two (2) ZD331P-60 (60-inch) Mowers with mulch kits	\$27,056.80
Kubota Tractor Corp.	Two (2) ZD331LP-72 (72-inch) Mowers	\$27,383.20
Kubota Tractor Corp.	Two (2) ZD331LP-72 (72-inch) Mowers with mulch kits	\$27,908.70

**6.10 Award of Bid:** Council approved the purchase of a Tractor Mower that is utilized in grounds keeping of ball fields and parks.

The unit is to be purchased through the Local Government Purchasing Cooperative (BuyBoard).

<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
Professional Turf Products	One (1) Toro Groundsmaster 5900 Tractor Mower	\$78,969.52

**6.11 Award of Bid:** Council approved the purchase of One (1) Tandem Axle Dump Truck. Tandem Axle Dump Truck will be assigned to the Stormwater Division of the Public Works Department. The unit is to replace a truck that was wrecked and totaled. The truck will be utilized to haul heavy material and to tow equipment to job sites.

Bid was awarded to Corley-Wetsel Freightliner of Abilene, Texas at a cost of \$130,232.00.

## REGULAR ITEMS

**7.1** Megan Santee, Director of Public Works briefed the council on the Ordinance Amending Chapter 18, “Motor Vehicles and Traffic,” Article X, “Stopping, Standing, Parking,” and Article XIII, “Schedules.”

With the acquisition of a metered parking lot by the City of Abilene in the 200 block of Cedar Street, the ordinance regulating parking meters requires updating. This item consists of changes to Chapter 18, “Motor Vehicles and Traffic,” Article X, “Stopping, Standing, Parking,” and Article XIII, “Schedules” of the Municipal Code to make adjustments for regulation and enforcement of metered parking spaces within the City owned lot. This new metered parking lot will benefit visitors to the downtown area by providing off-street parking for shopping convenience.

The changes include:

Section 18-243 “Parking Meter Zones” to include metered parking lots;

Section 18-244, “Installation of Parking Meters,” to include parking lot meters capable of being operated automatically by use of a debit or credit card;

Section 18-245 “Parking Meter Spaces,” to address the accessibility of metered parking spaces when they are off the street;

Section 18-300 “Parking Meter Zones,” to remove restrictions on metered parking on Saturday and increase the time from 30 minutes to 4 hours for the metered parking lot in the 200 block of Cedar Street.

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 amending Chapter 18 “Motor Vehicles and Traffic”, Article X, “Stopping, Standing, Parking,” Article XII, “Schedules,” of the Code of Ordinances Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

ABSENT: Councilman Williams

### **Ordinance #24-2012**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 18, “MOTOR VEHICLES AND TRAFFIC,” ARTICLE X, “STOPPING, STANDING, PARKING,” AND ARTICLE XIII, “SCHEDULES,” OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

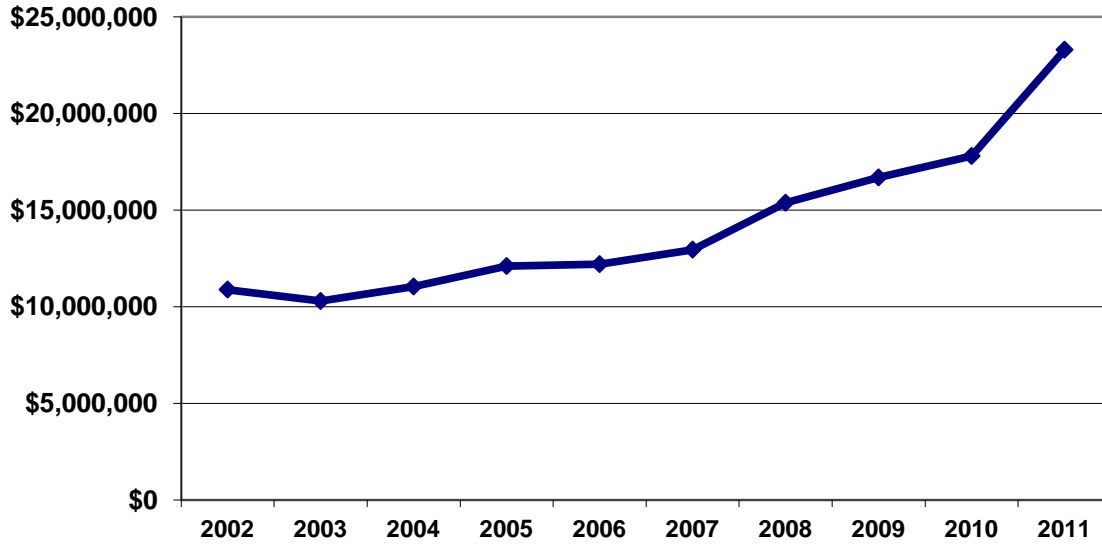
### **Parking Meters – Cedar Street**

#### **7.2 Budget Workshop**

Councilman Williams was present for the Budget Workshop.

City Manager Larry Gilley and Finance Director Mindy Patterson reviewed the Financial Policies adopted by the Council and presented various suggestions to the city council.

**General Fund  
 Fund Balance History – Budget Basis  
 Fiscal Years 2002 – 2011**



**General Fund  
 Fund Balance**

FY 2008	2.6 months	\$ 15,099,312
FY 2009	2.7 months	15,953,330
FY 2010	2.9 months	17,791,908
FY 2011	3.9 months	23,290,570

**General Fund**

FY 2011 Fund Balance  
 \$23,290,570 or 3.9 months  
 Per Policy FY 2011 Fund Balance  
 \$17,390,538 or 3.0 months  
**\$5,360,032**

**Options for Addressing Fund Balance**

- ▶ Property Tax Reduction
- ▶ Fund the Capital Improvements Program
- ▶ Transfer to Other Funds
- ▶ Initiatives Not Funded in the 2012 Budget
- ▶ Leave in Fund Balance

Other Council Initiatives

**Property Tax Reduction**

1 penny = \$ 439,000

**Fund the Capital Improvements Program**

2011 CIP Program Approximately .0034 on the current tax rate \$1,500,000

2012 CIP Program Approximately .0038 on the current tax rate \$1,700,000

2012 Unfunded Capital Improvement Programs List \$98,374,000

**Benefits:** Lowers the tax rate, Saves issuance costs, interest costs, and annual costs

**Transfer to Other Funds**

- ▶ Fire Apparatus Replacement Fund
  - FY 2011 Fund Balance \$ 750,000
  - Anticipated 4 Engine Replacements
  - Over Next 4 Years \$ 2,400,000
- ▶ Self Insurance Fund
  - FY 2011 Fund Balance \$ 4,754,825
  - Recommended Fund Balance \$10,110,548

**Benefits:** Strives to achieve the Fund balance of these funds as set forth in the City's Financial Policies

**Initiatives Not Funded in the 2012 Budget**

- ▶ City Hall Parking Lot 62,000
- ▶ Demo Buildings on Pine Street 100,000
- ▶ Admin. Services Electronic Data Storage 100,000
- ▶ Facilities Maintenance Civic Center Chiller Replacement 1,200,000
- ▶ Facilities Maintenance Civic Center Plaza Fountain Repair 125,000
- ▶ Facilities Maintenance Civic Center Foyer Automatic Door Replacement 50,000
- ▶ Facilities Maintenance LEC Fire Alarm Replacement 80,000

▶ Facilities Maintenance	LEC Security System Replacement	75,000
▶ Facilities Maintenance	LEC Water Leak Repairs	100,000
▶ Police	Armored Vehicle	226,000
▶ Parks	Replace Butternut & 1st Retaining Walls	150,000
▶ Parks	Replace Festival Gardens Picnic Pavilion	60,000
▶ Parks	Repair Asphalt Roads and Parking (Redbud / Nelson)	475,000

### Leave in Fund Balance

FY 2011 Fund Balance

\$23,290,570 or 3.9 months

Council and Staff discussion included: 1) Bond covenants? The City doesn't have any required bond covenants; 2) Armored vehicle – Chief of Police Stan Standridge spoke on the need of the Abilene Police Department having an armored vehicle. There have been several instances in other cities where the armored vehicle was needed; 3) Transit funds – transit is funded through grant match for capital; 4) technology fund; 5) Fire Apparatus Fund; 6) street improvements; 7) CIP Program; 8) Infill development; 9) pay down debt; 10) self-insurance fund; 11) Community Block Grant funds; and 12) debt comparison to other cities.

Mr. Gilley then presented what his recommendation would be for the use of the funds. This included: 1) Paying for 2011 and 2012 CIP projects; 2) Initiatives not funded in the 2012 budget – suggestions include. Demo city-owned buildings on Pine Street, more funds would be needed to fill and pave the property after demolition, the next item would be the Electronic Data Storage, the State requires the city to keep and maintain records for varying lengths of time and Data Storage is a very critical need. City Hall parking lot/sidewalks. 3) Neighborhood initiatives (In-fill development). Hold remaining funds until we see how the current budget is going. Council also asked about moving some funds into the Fire Apparatus Fund and discussion of purchasing the armored vehicle for the Police Department.

No votes or action was taken on this item council will take up this item at the next council meeting .

### EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 10:14 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 11:07 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 Litigation.

There being no further business the meeting was adjourned at 11:07 a.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor