

CITY COUNCIL MEETING
July 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 July 26th, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Anthony Williams, Joe Spano, Stormy Higgins and Councilwoman Kellie Miller. Also present were City Manager Larry Gilley, City Attorney Dan Santee, Assistant City Secretary Tiffni Hererra, and various members of the City staff. Mayor Archibald noted that Councilman Briley was absent.

Councilman Price gave the invocation.

Mayor Archibald introduced Alexia Martineza 4th grader at Austin Elementary Alexia is the granddaughter of Margie Ramirez, Municipal Court. Alexia led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the July 12th regular meeting there being no deletions, no additions, and no corrections. Councilman Higgins made a motion to approve the minutes as presented. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Price 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, Williams, Higgins and Councilwoman Miller and Mayor Archibald

NAYS: None

Ordinances:

6.1 Ordinance: (*First Reading*) Case No. **Z-2012-14** - on a request from Shirley Kay Yates, to rezone property from RS-8 (Single-Family Residential) to RS-8/H (Single-Family Residential/Historic Overlay), located at 1826 Belmont Blvd; and setting a public hearing for August 9, 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

6.2 Ordinance: (*First Reading*) Case No. **Z-2012-15** - on a request from Betty & Jerry Gayden, to rezone property from RS-12 (Single-Family Residential) to RS-12/H (Single-Family

Residential/Historic Overlay), located at 1102 Sayles Blvd; and setting a public hearing for August 9, 2012.

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- 6.3 Ordinance:** (*First Reading*) Case No. **Z-2012-16** - on a request from Southern Storage & Warehousing, agent Royce G. (Pete) Peterson, to rezone property from LI (Light Industrial) to GC (General Commercial), located at 1910 Industrial Blvd; and setting a public hearing for August 9, 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.

- 6.4 Ordinance:** (*First Reading*) Case No. **Z-2012-17** - on a request from PAK Harris, agent Harris Acoustics, to rezone property from HC (Heavy Commercial) to GC (General Commercial), located at 1813 Industrial Blvd; and setting a public hearing for August 9, 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

Resolution:

- 6.5 Resolution:** Approving a Lease Purchase Agreement for the purpose of Procuring Computers for Public Safety Vehicles.

Current computers in use in police patrol and fire vehicles are five years old, at the end of their life cycle, and are increasingly beginning to fail. The previous computer provider, L-3, is no longer in business and replacement computers and/or parts are unavailable. We are ready to implement the third phase of a project to replace the vehicle computers with Panasonic "Tough Book" laptop computers that will be leased/purchased over a three year period. The third phase addresses replacing 35 of the computers. The entire project will encompass replacing approximately 80 computers that are deployed in public safety vehicles, both police and fire. The new computers will increase bandwidth and allow use of web based data sources for intelligence led policing, which is not currently available in patrol units. Additionally, these computers will provide access from the vehicle to the Police Department's records management system. The computers will be purchased from Toner Tiger, a local vendor that meets bidding requirements as a member of the State of Texas Department of Information Resources Cooperative Purchasing Program for state and local governments. The lease financing will be accomplished through DivLend Equipment Leasing.

First year's payment of \$64,715.29 is included in the FY 2012 Technology Fund. Two additional payments of \$64,615.29 will be budgeted for and made in FY 2013 and FY 2014.

Resolution #14-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY OF ABILENE TO ENTER INTO A LEASE PURCHASE AGREEMENT WITH DIVLEND EQUIPMENT LEASING, LLC FOR THE PURPOSE OF PROCURING COMPUTERS; DESIGNATING THE AGREEMENT AS A QUALIFIED TAX EXEMPT OBLIGATION; AND DESIGNATING AUTHORIZED SIGNERS OF THE AGREEMENT.

- 6.6** **Oral Resolution:** The City Council authorized the purchase of an Inductively Coupled Plasma Optical Emission Spectrometer Instrument from PerkinElmer Health Sciences Inc. for the Abilene Environmental Laboratory.

The ICP will be purchased using the Texas Multiple Award Schedule (TXMAS) program developed by Texas Procurement and Support Services (TPASS) of the State of Texas. The program involves obtaining “best value” pricing on a multitude of items typically purchased by TPASS for various state agencies. The City of Abilene is a member of the TPASS cooperative. The program satisfies the competitive bidding requirements.

The ICP will replace an existing similar instrument that is about eleven years old. The existing unit requires excessive maintenance and it is not reliable. The ICP instrument is used for compliance monitoring for water, wastewater, and industrial waste purposes. It is routinely used to test water for trace levels of metal constituents associated with water quality such as aluminum, arsenic, chromium, lead, and copper. These and other constituents are monitored and/or regulated by the Texas Commission on Environmental Quality and the USEPA. The ICP instrument is used for Abilene Water Department sample analysis and for fee-based analysis of water samples submitted by other municipalities and water suppliers from throughout the region.

Council approved the purchase of an ICP instrument from PerkinElmer in the amount of \$114,006.74 as described above, and authorized the City Manager and/or his designee to execute all necessary documents related to the purchase.

- 6.7** **Oral Resolution:** City Council acknowledged receipt of Abilene-Taylor County Events Venue District Budget for Revised FY 2012 and Approved FY 2013.

The Board approved this funding at their July 11, 2012 meeting. Board members are Mayor Norm Archibald, County Judge Downing Bolls, Jr., Councilman Robert Briley, County Commissioner Stan Egger, and Glenn Dromgoole.

Fiscal Year 2012:

Collections for FY 2012 are expected to exceed the original estimate. Therefore, each entity will receive additional funds.

Fiscal Year 2013:

The Board approved distributing all funds after the debt payment and the administrative expenses are paid based on the newly approved allocation of 60% for Frontier Texas! and 40% for Expo Center. A portion will go toward payment on the bonds issued for improvements to the Expo Center and Abilene Independent School District’s Shotwell Stadium. This amount is deducted prior to distributing any balance.

- 6.8 Oral Resolution:** Authorized the City Manager to enter into an agreement with the Abilene Zoological Society for the construction of a Giraffe Facility at the Zoo.

The Abilene Zoological Society would like to build a giraffe holding facility as a place for the giraffes to live during the remodel of the current giraffe facility and yard. When looking into alternative locations for the giraffes to live during the remodel it became apparent that it was going to be very expensive. Building a holding facility on the Abilene Zoo premises is the most cost effective alternative easiest on the animals, and the facility can be used many times in the future for other hoofed animals. The facility will not be seen by the public. It will have heating and air conditioning so it can be used year around. The Society will be responsible for the construction of the facility. Once construction is complete the facility will be dedicated to the City of Abilene. After the dedication, the City of Abilene will be responsible for the upkeep and maintenance of the structure. The Abilene Zoological Society is responsible for 100% of the cost of this project.

Award of Bids:

- 6.9 Bid Award:** **CB#1227** – City Council authorized the purchase of Structural Fire Fighting Personal Protective Equipment (PPE) from Ferrara Fire Apparatus and will be awarded to Ferrara Fire Apparatus, Inc. on a per unit price of \$1,792.00.

This purchase will continue the Fire Department's goal to upgrade its current inventory of protective clothing. Also, this purchase will ensure the department's continued responsibility to comply with the National Fire Protection Association's (NFPA) standards on protective equipment.

Bids from Daco Fire Equipment and Casco Industries did not meet specifications. Ferrara Fire Apparatus met all specifications.

- 6.10 Bid Award:** CO-OP Purchase – City Council authorized the purchase of One (1) Mini-Bus for Senior Citizens Services. The unit is to replace a mini-bus that is worn out and no longer cost-effective to maintain. The mini-bus will be utilized in transporting supplies, meals and participating citizens in the Senior Services program.

The unit is to be purchased through the Houston Galveston Area Council Cooperative (HGAC).

<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
Alliance Bus Group	Eldorado National Aerotech 220 HGAC contract # BT01-11	\$64,862.00

- 6.11 Bid Award:** CO-OP Purchase – City Council authorized the purchase of (1) Tracked Excavator for Stormwater. The unit is to replace a Walking Excavator that is worn out and no longer cost-effective to maintain. The excavator will be utilized in cleaning, dredging and maintaining creek beds throughout the city.

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

<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
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Warren Cat

Caterpillar 314 D LCR
BuyBoard contract # 345-10

\$198,000.00

REGULAR ITEMS

7.1 Jon James, Director of Planning and Development Services, briefed the council on the Approval of FY 2012/2013 One-Year Action Plan for CDBG and HOME Programs.

As an entitlement city receiving funds from the U.S. Department of Housing and Urban Development (HUD), the City of Abilene is required to submit a Consolidated Plan that strategically addresses the City's goals and objectives for housing and community development over the course of a five-year period. The City of Abilene is also required to submit a One-Year Action Plan outlining specific uses of Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds planned for the coming fiscal year. The Office of Neighborhood Services Advisory Council was instrumental in the development of the goals and objectives of the Consolidated Plan, which were adopted by Council on May 22, 2010. The One-Year Action Plan must be submitted to HUD by August 15, 2012. The summaries are attached and the full documents are available in the City Secretary's Office.

SPECIAL CONSIDERATIONS – A public hearing was held on February 16, 2012, at City Hall to discuss/determine services, needs and gaps in the following areas of concentration which included housing, homelessness/special needs, economic development, and community development/neighborhood development. At this session, representatives of nonprofit agencies and members of the general public made various comments on community development needs for consideration for CDBG/HOME funds or alternative funds. A summary of the One-Year Action Plan outlining the proposed FY 2012/2013 budget was published in the Abilene Reporter-News on May 22, 2012, which began the HUD required 30-day comment period. No written comments were received. A second public hearing on July 26, 2012, is required with approval of the attached resolution.

FUNDING/FISCAL IMPACT—PY 2012 CDBG and HOME funds have been reduced by 11% and 28.3% respectively, which precludes funding for city public services and outside agencies. Projects are to be funded using PY 2012 entitlement of \$875,546 CDBG, \$193,212 CDBG reprogrammed funds, entitlement of \$390,322 HOME and \$11,416 HOME reprogrammed funds. In addition, the City anticipates that it will receive \$23,000 from HOME program income during FY 2012/2013.

Resolution #15-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE FY 2012/13 ACTION PLAN FOR THE CONSOLIDATED PLAN AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS

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

Councilman Williams made the motion to approve the Resolution approving the FY 2012/2013 One-Year Action Plan for CDBG and HOME programs. Councilman Higgins seconded the motion, motion carried.

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

7.2 Jon James, Director of Planning and Development Services, briefed the council on an ordinance for approving the execution of a Developer Participation Agreement between the City of Abilene and Abilene Development Associates, LLC.

Abilene Development Associates, LLC is proposing to construct a new affordable housing development within the City of Abilene and have applied for Low Income Housing Tax Credits through the State of Texas. As part of their application process, they sought a commitment from the City of Abilene to support this project through in-kind contributions, fee waivers, and through the possible approval of alternative designs which will represent a cost savings for the project. This support was expressed through Council Resolution 3-2012 adopted on February 9, 2012 which authorized up to \$160,000 in in-kind support. The attached Developer Participation Agreement formalizes this arrangement and outlines the responsibilities of both the developer and the City.

This agreement authorizes in-kind contributions, including over sizing of utilities, fee waivers, and/or approval of cost saving measures. Other than the potential lost revenue from fees and over sizing costs that would likely be performed in any case, approval of this agreement will not result in additional expense for the City.

Councilman Williams made the motion to approve the Ordinance for approving the execution of a Developer Participation Agreement between the City of Abilene and Abilene Development Associates, LLC. Councilman Price seconded the motion, motion carried.

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

Ordinance #32-2012

AN ORDINANCE APPROVING THE EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT BETWEEN THE CITY OF ABILENE (CITY) AND ABILENE DEVELOPMENT ASSOCIATES, LLC (DEVELOPER) FOR THE PURPOSE OF MAKING CERTAIN PUBLIC IMPROVEMENTS AS AUTHORIZED BY LAW

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:17 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 9:54 a.m. and reported no votes or action was taken in Executive Session in regards to Sections 551.072 Real Property.

There being no further business the meeting was adjourned at 9:54 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor