

CITY COUNCIL MEETING
February 28th, 2013, 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 February 28th, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Anthony Williams, Robert O. Briley, Stormy Higgins and Councilwoman Miller. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Mayor Archibald introduced Laura Camacho, a 5th grader at Martinez Elementary School, who led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATION AND PRESENTATION

Mayor Archibald presented the following Proclamation:

Lion's White Cane Day

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

Toys for Tots

The U. S. Marines recognized the City of Abilene employees as one of the top supporters of Toys for Tots toy Christmas campaign in 2012.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the February 14th regular meeting there being no deletions, no additions, and no corrections. Councilman Williams made a motion to approve the minutes as presented. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Price pulled item 6.8 and Citizen Steve Savage pulled item 6.5. Councilman Spano made the motion to approve consent items 6.1 through 6.8 with the exception of 6.5 and 6.8 as recommended by staff. Councilman Price seconded the motion, motion carried.

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

NAYS: None

ABSTAIN: Councilman Higgins on item 6.4

Ordinance:

6.1 **Ordinance:** (*First Reading*) for Case No. **TC-2013-01**, a request from AISD, Agent David Todd, to abandon the existing alleys: a 20' alley north to south between S. 7th Street & Potomac Avenue, ±575' long; and a 30' alley/easement east to west between Buccaneer Street & Hawthorne Street, ±795'

long; and also to abandon right-of-way along Buccaneer Street (7' x 300') and right-of-way along S. 7th Street (13' & 3') adjacent to Bonham Elementary; and setting a public hearing for March 14, 2013

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING

Oral Resolutions:

- 6.2 Oral Resolution:** Council approved the Street Use License Agreement with Abilene Education Foundation for “Cajun Fest”. They will hold a public event entitled “Cajun Fest” within the public right-of-way on Cypress Street. This will be in conjunction with April “Artwalk” on Thursday April 11th 2013 from 4:00 p.m. until 8:00 p.m.
- 6.3 Oral Resolution:** Council approved the Street Use License Agreement with Abilene Cultural Affairs Council for Dr. Seuss sculpture Unveiling and Dedication Event. Closure is for a portion of the North First Street right-of-way during the Dr. Seuss sculpture unveiling and dedication ceremony in Everman Park on April 11, 2013. This will be in conjunction with April “Artwalk” on Thursday April 11th 2013 from 4:45 p.m. until 9:00 p.m.

Bid Awards:

- 6.4 Bid Award: (CB-1320)** Council accepted the seal bid from Robert W. Higgins for the sale of land for the price of \$758.00, as well as advertising costs in the amount of \$636.00, for the total purchase price of \$1,394.00.

Being all of the South 50' of the North 100' of the East 150' of block H, McNairy's Subdivision of Lot No. 2 Block 201, Original Town Site to the City of Abilene, Taylor County, Texas also known as 1422 Plum Street.

- 6.5 Bid Award: (CB-1321)** Council approved the purchase of (4) ½ Ton 4WD Pickup Trucks from Arrow Ford of Abilene, Texas who was within the 5% local preference allowance in the amount of \$107,844.00. *(Item pulled from Consent by a citizen)*
- 6.6 Bid Award:** Council approved the purchase of an Asphalt Paver for Street Services from Warren Cat through BuyBoard contract #345-10 in the amount of \$342,428.00.
- 6.7 Bid Award:** Council approved the purchase of ZTR Mowers for the Parks and Stormwater from Kubota Tractor Corp. through Houston/Galveston Area Council cooperative (HGAC) in the amount of \$123,435.20.

Seven units are to be assigned to Parks and two mowers will be in-service for Stormwater. The ZTR mowers for Parks are utilized in grounds keeping of parks and other city owned properties. The units going to Stormwater are for maintaining drainage ways, detention ponds and accessible creeks.

Vendor	Description	Amount
Kubota Tractor Corp.	Two (2) ZD326P-60 (60-inch) mowers	\$24,727.20
Kubota Tractor Corp.	Four (4) ZD331LP-72 (72-inch) mowers	\$55,966.40
Kubota Tractor Corp.	Three (3) ZD331LP-72 (72-inch) mowers with mulch kits	\$42,741.60
	HGAC contract # GR01-12	

- 6.8 Bid Award:** Authorizing the City Manager to purchase two restrooms (one for Nelson Wilson Park and one for Lee Park) with CXT, Inc. through the City's Buy Board #370-11 contract. *(Item pulled from Consent by Councilman Price.)*

ITEMS PULLED FROM CONSENT

- 6.5 Bid Award: (CB-1321)** Council approved the purchase of (4) ½ Ton 4WD Pickup Trucks from Arrow Ford of Abilene, Texas who was within the 5% local preference allowance in the amount of \$107,844.00. *(Item pulled from Consent by a citizen.)*

One each for Lake Patrol, City Marshall and Code enhancement divisions, New budget item and one replacement for Lake Patrol.

Citizen Steve Savage complimented staff (Cheri Carter) in Fleet for her knowledge of vehicles and she answered his questions regarding this item.

- 6.8 Bid Award:** Council authorized the City Manager to purchase two restrooms one for Nelson Wilson Park and one for Lee Park with CXT, Inc. through the City's Buy Board #370-11 contract. *(Item pulled from Consent by Councilman Price.)*

Councilman Price asked about the site locations of the restrooms and inquired into the cost of installation. Community Services Director James Childers briefed the council on the locations and City Manager Larry Gilley explained that this item was for the purchase of the restrooms only.

Councilman Price made the motion to approve the items 6.5 and 6.8 as presented by staff. Councilman Williams seconded the motion, motion carried.

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

NAYES: None

REGULAR ITEMS

- 7.1** Mindy Patterson, Finance Director, presented the FY 2011-2012 year end Financial Statement for the City.

**CITY OF ABILENE, TEXAS
STATEMENT OF NET ASSETS
SEPTEMBER 30, 2012**

	Primary Government			Component Unit
	Governmental Activities	Business-Type Activities	Total	
ASSETS				
Current and other assets	\$ 81,109,701	\$ 53,492,005	\$ 134,601,706	\$ 33,174,416
Capital assets	208,762,934	162,775,297	371,538,231	36,464,858
TOTAL ASSETS	289,872,635	216,267,302	506,139,937	69,639,274
LIABILITIES				
Accounts payable	2,932,318	2,005,592	4,937,910	294,410
Accrued expenses	1,505,367	564,168	2,069,535	49,802
Accrued interest	437,842	213,087	650,929	
Other deposits and liabilities	573,357	146,710	720,067	
Unearned revenues	3,088,286		3,088,286	
Noncurrent liabilities:				
Due within one year	10,919,640	4,270,869	15,190,509	
Due in more than one year	77,013,401	37,000,827	114,014,228	
TOTAL LIABILITIES	96,470,211	44,201,253	140,671,464	344,212
NET ASSETS				
Investment in capital assets, net of related debt	147,001,788	123,555,521	270,557,309	36,464,858
Restricted for:				
Contractual obligations				14,089,286
Debt service	1,265,688	783,098	2,048,786	
Capital Projects & special revenue purposes	6,144,870	1,141,300	7,286,170	
Unrestricted	38,990,078	46,586,129	85,576,207	18,740,918
TOTAL NET ASSETS	\$ 193,402,424	\$ 172,066,048	\$ 365,468,472	\$ 69,295,062

**GENERAL FUND
BALANCE SHEET
SEPTEMBER 30, 2012**

	General Fund
ASSETS	
Cash and investments	\$ 20,904,447
Receivables (net of allowance for uncollectibles):	
Accounts receivable	3,589,170
Property taxes receivable	769,973
Due from other funds	1,013,794
Due from other governments	5,278,914
Prepaid items	19,493
Total Assets	\$ 31,575,791
LIABILITIES AND FUND BALANCES	
LIABILITIES:	
Accounts payable	\$ 1,150,184
Accrued expenses	1,290,201
Due to other funds	316,176
Other deposits and liabilities	171,512
Deferred revenues	2,916,234
Total Liabilities	\$ 5,844,307

**GENERAL FUND
BALANCE SHEET
SEPTEMBER 30, 2012**

	<u>General Fund</u>
FUND BALANCES:	
Non-spendable:	
Prepaid items	\$ 19,493
Assigned to:	
27th pay period	1,030,000
Other purposes	2,296,188
Unassigned	<u>22,385,803</u>
Total Fund Balances	\$ <u>25,731,484</u>
TOTAL LIABILITIES AND FUND BALANCES	\$ <u><u>31,575,791</u></u>

General Fund

Revenues Exceeding Estimates:

- **Property Tax = \$441,368**
- **Penalty and Interest = \$36,920**
- **Sales Tax = \$196,038**
- **Franchise Fees = \$189,295**
- **Licenses and Permits = \$24,160**
- **All Other Revenues = \$154,132**
- **Fines = \$48,321**
- **Charges for Services = \$170,861**
- Total \$1,261,095**

Expenditures Below Estimates:

- **Personal Services = \$552,671**
- **Supplies = \$183,595**
- **Maintenance = \$191,804**
- **Other Services and Charges = \$420,242**
- **Capital Outlay = \$4,694**
- Total \$1,353,006**

**Water & Sewer Fund
Revenues and Expenditures
September 30, 2012**

	2012 Actual	2011 Actual
<i>Revenues</i>		
Water Service	\$ 27,060,324	\$ 30,026,946
Sewer Service	9,493,477	9,765,301
Service & Penalty Charges	386,015	372,766
Miscellaneous Revenues	700,044	337,584
Interest on Investments	103,211	191,782
Intergovernmental Revenues	-	727
Rents and Royalties	153,294	163,052
Total Revenues	\$ 37,896,365	\$ 40,858,158
<i>Expenses</i>		
Personal Services	\$ 6,470,725	\$ 6,655,635
Supplies	1,756,747	1,707,753
Maintenance	1,682,756	1,649,899
Other Services and Charges	17,137,286	15,811,379
Debt Payments	5,553,016	6,013,989
Total Expenses	\$ 32,600,530	\$ 31,838,655
<i>Available for Debt Service</i>	\$ 5,295,835	\$ 9,019,503
Transfers In (Out)	\$ -	\$ -
Depreciation/Amortization	(5,106,052)	(5,050,651)
Total Deductions	\$ (5,106,052)	\$ (5,050,651)
Net Income (or Loss)	\$ 189,783	\$ 3,968,852

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

	2012 Actual	2012 Budget	Variance
<i>Revenues</i>			
Solid Waste Collection	\$ 11,106,836	\$ 11,250,000	\$ (143,164)
Site Recycling Services	130,505	120,000	10,505
Solid Waste Environmental Fee	836,190	826,000	10,190
Miscellaneous Recycling	271,002	190,000	81,002
Solid Waste Code Enforcement	71,854	72,000	(146)
Interest & Miscellaneous	5,455	5,000	455
Total Revenues	\$ 12,421,842	\$ 12,463,000	\$ (41,158)
<i>Expenses</i>			
Personal Services	\$ 2,435,472	\$ 2,447,690	\$ 12,218
Supplies	52,641	63,400	10,759
Maintenance	150,383	194,560	44,177
Other Services and Charges	7,226,274	7,459,290	233,016
Capital Expenditures	221,355	250,000	28,645
Total Expenses	\$ 10,086,125	\$ 10,414,940	\$ 328,815
Transfers Out	\$ (1,500,000)	\$ (1,500,000)	\$ -
	\$ (1,500,000)	\$ (1,500,000)	\$ -
Net Change in Fund Balance	\$ 835,717	\$ 548,060	\$ 287,657

**SELF INSURANCE FUND
BALANCE SHEET
September 30, 2012**

	<u>Self Insurance Fund</u>
ASSETS	
Cash and investments	\$ 4,284,802
Prepaid items	<u>95,774</u>
Total Assets	<u>\$ 4,380,576</u>
LIABILITIES AND FUND BALANCES	
LIABILITIES:	
Vouchers payable	\$ 165,576
Accrued expenses	5,534
Estimated liability claims	2,050,711
Estimated health claims	1,249,435
Other noncurrent liabilities	<u>24,834</u>
Total Liabilities	<u>\$ 3,496,090</u>
FUND BALANCES:	
Restricted for Claims	<u>\$ 884,486</u>
TOTAL LIABILITIES AND FUND BALANCES	<u>\$ 4,380,576</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

Mindy Patterson resumed with the presentation of the FY 2013 1st quarter update.

**GENERAL FUND
SUMMARY OF REVENUES
2012-13 BUDGET**

	<u>1st Quarter 2011-2012</u>	<u>Approved 2011-2012</u>	<u>1st Quarter 2012-2013</u>	<u>Approved 2012-2013</u>
General Property Taxes	\$11,525,455	\$23,000,710	\$10,566,709	\$23,963,130
Sales Tax	7,741,409	25,995,370	7,562,784	29,117,650
Selective Sales & Use Taxes	52,701	240,000	52,892	230,000
Franchise/Access Fees	1,469,034	6,937,830	1,532,538	7,041,860
Other Taxes	476,074	1,805,970	468,301	1,863,010
Penalties, Interest & Cost	29,481	235,000	36,053	245,000
Licenses and Permits	380,192	1,105,540	353,263	1,209,790
Federal Grants	12,861	62,520	12,138	51,440
State Grants and Programs	(6,428)	135,000	3,235	30,000
County Programs	5,595	12,180	5,623	12,180
Charges for Services	851,869	3,252,210	930,959	3,394,940
Fines and Forfeits	406,751	1,768,000	440,389	1,768,000
Miscellaneous Revenue	<u>1,756,799</u>	<u>7,004,400</u>	<u>1,736,368</u>	<u>6,814,220</u>
Total Current Revenue & Transfers In	<u>\$24,701,793</u>	<u>\$71,554,730</u>	<u>\$23,701,251</u>	<u>\$75,741,220</u>
Percent of Budget		<u>34.5%</u>		<u>31.3%</u>

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

Accounting Period Month	Actual 2011-12	Actual 2012-13	% Change Actual 2012-13 vs. 2011-12	Budget 2012-13	% Change Actual 2012-13 vs. Budget 2012-13
October	\$2,671,158	\$2,567,604	-3.88%	\$2,443,858	5.06%
November	2,894,423	2,675,867	-7.55%	2,740,475	-2.36%
December	2,175,828	2,319,312	6.59%	2,039,333	13.73%
January	2,823,199	2,186,131	-22.57%	2,236,041	-2.23%
February	3,527,638	3,038,055	-13.88%	3,090,001	-1.68%
YTD	\$14,092,246	\$12,786,970	-9.26%	\$12,549,708	1.89%
March	2,196,566			2,111,753	
April	2,307,191			2,190,814	
May	2,932,384			2,838,804	
June	2,300,833			2,175,831	
July	2,270,658			2,181,595	
August	2,760,289			2,829,290	
September	2,400,601			2,239,855	
FY TOTAL	\$31,260,768			\$29,117,650	
Comparison to Actual 2011-12		(\$1,305,276)			
Comparison to Budget 2012-13				\$237,262	

**GENERAL FUND
SUMMARY OF DEPARTMENTAL EXPENDITURES
2012-2013 BUDGET**

	1st Quarter 2011-2012	Approved 2011-2012	1st Quarter 2012-2013	Approved 2012-2013
General Government	\$481,452	\$1,776,730	\$477,291	\$1,883,820
Administrative Services	573,289	2,317,030	584,511	2,451,300
Finance	1,933,766	7,116,730	2,292,603	7,895,040
Planning and Development Services	711,431	2,842,510	810,492	2,994,340
Public Works	1,372,430	6,669,810	1,527,333	7,093,740
Police	5,782,736	21,737,650	6,097,710	22,986,870
Fire	4,318,210	17,004,670	4,633,349	17,298,730
Aviation	389,413	1,909,820	462,521	2,859,490
Community Services	2,983,355	10,202,610	2,896,902	10,276,770
Total Expenditures	\$18,546,083	\$71,577,560	\$19,782,712	\$75,740,100
Percent of Budget		<u>25.9%</u>		<u>26.1%</u>

Council and Staff discussion included: 1) Staffing in Streets and Parks and Recreation – open positions; 2) Funding of CIP for 2013; and 3) reducing debt through the funds that exceed the 3 month reserve from 2012 budget.

Councilman Spano 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 Williams 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 9:35 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 10:35 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.087 Business Prospect/Economic Development, and Section 551.072 Real Property.

- 10 Oral Resolution:** Approving the appointment to the following board: Abilene Housing Authority. No action was taken.

There being no further business the meeting was adjourned at 10:35 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor