

**CITY COUNCIL MEETING**  
**February 27<sup>th</sup> 2014, 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 27<sup>th</sup>, 2014, 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, Kyle McAlister 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 Price gave the invocation.

Mayor Archibald introduced Garrett Beard who is a 5<sup>th</sup> grader at Dyess Elementary. Garrett 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 February 13<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 Williams seconded the motion, motion carried.

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

NAYS: None

**CONSENT AGENDA**

Councilman Spano made the motion to approve consent item 6.1 through 6.9 as recommended by staff. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Councilman Price on item 6.6 & 6.8

**Ordinances:**

**6.1** **Ordinance:** *(First reading)* **Z-2014-05** A request from Allsup's Convenience Stores, Inc., agent DSA Architects, to rezone property from HI (Heavy Industrial) to HC (Heavy Commercial) zoning, being 3.32 acres located at 3023 Pine St; and setting a public hearing for March 13, 2014..

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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)* **TC-2014-01** A request from Lance Johnson to abandon the alley located north of 137 Oak St running the length of the building; and setting a public hearing for March 13, 2014.

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.

- 6.3** **Ordinance:** *(First reading)* An ordinance amending the Land Development Code with regard to Section 2.4.2.13 The Land Use Matrix and Section 2.4.3.3 All Other Uses With Specific Requirements concerning Freight Containers; and setting a public hearing for March 13, 2014..

AN ORDINANCE AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

- 6.4** **Ordinance:** *(First reading)* On an ordinance amending the Land Development Code with regard to Section 3.1.1.1 (c) (2) Applicability concerning expansion of buildings; and setting a public hearing for March 13, 2014.

AN ORDINANCE AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

- 6.5** **Ordinance:** *(First reading)* An ordinance amending the Land Development Code with regard to Section 3.2.5.2 The City System concerning the use of on-site sewage disposal facilities; and setting a public hearing for March 13, 2014.

AN ORDINANCE AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING

- 6.6** **Ordinance:** *(Final Reading)* City Council approved the Ordinance adopting the Cobb Park Area Revitalization Plan.

The City of Abilene's Comprehensive Plan promotes infill development and redevelopment in areas of the community that are vacant or underutilized. The Cobb Park Super Neighborhood Area is in the core of the City within an area that is in need of redevelopment. Key community facilities within this neighborhood are Abilene High School, Martinez Elementary, and Cobb Park. The plan is intended to expand upon the general goals and strategies of the citywide Comprehensive Plan, not to supersede the recommendations of that Plan.

This plan identifies goals for future development and redevelopment, makes findings about the need for reinvestment and revitalization, identifies recent and planned investment in the area, and encourages implementation through joint efforts by the City, other public stakeholders, organizations, and the private sector.

The City will join with residents, neighborhood organizations, nonprofits, private developers, and/or other stakeholders to work to achieve the goals of this Plan. City support, programs, and incentives may be combined with state, federal, and private investment through the development of market rate and affordable single-family and multifamily housing, residential and commercial property development and renovation, and infrastructure improvements. In addition, community development projects, transportation improvements for motorized vehicles, bicyclists, and pedestrians, and/or other activities that will contribute to the development and long-term benefit of the area will be pursued.

Ordinance [#12-2014](#)

AN ORDINANCE TO AMEND THE CITY'S COMPREHENSIVE PLAN ADOPTING AND INCORPORATING THE COBB PARK AREA REVITALIZATION PLAN AS A DEVELOPMENT PLAN ATTACHMENT; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

**Location: Cobb Park Area Revitalization Plan**

- 6.7 Oral Resolution:** City Council authorized the City Manager to execute the contract for Professional Services with Weatherl & Associates.

Ownership of the former Lincoln Middle School facility has been transferred from the Abilene ISD to the City of Abilene. It is the desire of the City to determine how that facility may be repurposed in order to preserve its historical integrity, while using it in a way that will best serve the community. Staff is proposing to engage the architectural firm of Weatherl & Associates to assist in the development of concept design presentation diagrams and an estimated construction budget for the rehabilitation of Lincoln Middle School, including the associated facilities and properties contained in the city block.

Cost of the study is proposed not to exceed \$50,000, plus the cost of reimbursable expenses. The City has received a grant from the Dian Graves Owen Foundation in the amount of \$50,000 for the purpose of underwriting the professional fees associated with this study.

- 6.8 Resolution:** City Council approved ratifying the Mockingbird Cobb Revitalization Plan Resolution and identifying the Trails on Mockingbird Lane Project as contributing most significantly to the concerted revitalization efforts of the City of Abilene.

City Council approved a resolution of support on February 13, 2014, for the Trails on Mockingbird Lane housing tax credit project submitted to the Texas Department of Housing and Community Affairs (TDHCA) by 302 N. Mockingbird Housing, LP (MH LP) as Application Number 14181. That resolution resolved to (i) adopt that certain Cobb Park Area Revitalization Plan and (ii) that the application being submitted to the TDHCA by MH LP qualifies as the development contributing most significantly to the concerted revitalization efforts of the City of Abilene (collectively, the "Mockingbird CRP Resolutions").

The first reading of the amendment to the Comprehensive Plan to adopt the Cobb Park Area Revitalization Plan (CRP) was held on February 13, 2014. The CRP area boundaries are N. 18th Street on the north, Grape Street to the east, N. First Street on the south, and the west side of N. Mockingbird on the west. The Trails of Mockingbird property is located within these boundaries, as are many existing supportive amenities, including public transportation, schools, library, child care facilities, banking, grocery stores and retail businesses.

This resolution is to ratify the Mockingbird CRP Resolutions and identify the Trails on Mockingbird Lane as the development in the 2014 tax credit applicant pool that contributes most significantly to the concerted revitalization efforts of the City of Abilene.

The support of this project is in agreement with the City's Consolidated Plan to increase the availability, financial accessibility, and support for affordable and subsidized rental units.

Resolution [#5-2014](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, RATIFYING THE COBB PARK AREA REVITALIZATION PLAN RESOLUTION AND IDENTIFYING THE

TRAILS ON MOCKINGBIRD LANE PROJECT AS CONTRIBUTING MOST SIGNIFICANTLY TO THE CONCERTED REVITALIZATION EFFORTS OF THE CITY OF ABILENE

- 6.9 Resolution:** City Council authorized the filing of an application for funding through the 2014 Edward Byrne Justice Assistance Grant (JAG).

The Police Department has applied for the 2104 Edward Byrne Justice Assistance Grant (JAG). This grant was made available as a separate source of funding that is made available to local entities through the Criminal Justice Division (CJD), with direct assistance from Regional Councils of Government (COG's). This is a separate grant from the funding available through the Bureau of Justice Assistance (BJA), which will also be applied for and should result in a direct allocation. The Department sought this grant to fund the acquisition of a modern target system with movement capabilities for the Abilene Police Department firing range. The new modern target system is a regional asset that will replace the current antiquated system.

Resolution [#6-2014](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDING THROUGH THE 2014 EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG)

**REGULAR ITEMS**

- 7.1** Mindy Patterson Director of Finance, briefed the council on the Comprehensive Annual Financial Report (CAFR) for FY 2013 and the Investment Policies.

**CITY OF ABILENE, TEXAS  
STATEMENT OF NET POSITION  
SEPTEMBER 30, 2013**

	Primary Government			Component Unit
	Governmental Activities	Business-Type Activities	Total	
<b>ASSETS</b>				
Current and other assets	\$ 76,044,459	\$ 53,233,004	\$ 129,277,463	\$ 36,811,414
Capital assets	211,985,647	163,693,362	375,679,009	36,368,796
<b>TOTAL ASSETS</b>	<b>288,030,106</b>	<b>216,926,366</b>	<b>504,956,472</b>	<b>73,180,210</b>
<b>LIABILITIES</b>				
Accounts payable	2,619,019	2,356,867	4,975,886	176,689
Accrued expenses	1,799,004	626,922	2,425,926	51,851
Accrued interest	334,320	178,839	513,159	
Other deposits and liabilities	869,468	157,941	1,027,409	
Unearned revenues	3,178,995		3,178,995	
Noncurrent liabilities:				
Due within one year	9,991,844	4,413,037	14,404,881	
Due in more than one year	67,648,975	35,308,832	102,957,807	
<b>TOTAL LIABILITIES</b>	<b>86,441,625</b>	<b>43,042,438</b>	<b>129,484,063</b>	<b>228,540</b>
<b>NET POSITION</b>				
Net investment in capital assets	155,814,109	128,027,206	283,841,315	36,368,796
Restricted for:				
Contractual obligations				11,658,572
Debt service	1,421,361	783,862	2,205,223	
Capital Projects & special revenue purposes	4,617,824	-	4,617,824	
Unrestricted	39,735,187	45,072,860	84,808,047	24,924,302
<b>TOTAL NET POSITION</b>	<b>\$ 201,588,481</b>	<b>\$ 173,883,928</b>	<b>\$ 375,472,409</b>	<b>\$ 72,951,670</b>

**GENERAL FUND  
BALANCE SHEET  
SEPTEMBER 30, 2013**

	General Fund
<b>ASSETS</b>	
Cash and investments	\$ 21,113,935
Receivables (net of allowance for uncollectibles):	
Accounts receivable	3,455,586
Property taxes receivable	772,417
Due from other funds	1,150,726
Due from other governments	5,205,416
Inventories	5,152
Prepaid items	47,857
Total Assets	\$ 31,751,089
<b>LIABILITIES, DEFERRED INFLOWS AND FUND BALANCES</b>	
<b>LIABILITIES:</b>	
Accounts payable	\$ 1,553,972
Accrued expenses	1,564,340
Due to other funds	28,688
Other deposits and liabilities	504,053
Total Liabilities	\$ 3,651,053

**GENERAL FUND  
BALANCE SHEET  
SEPTEMBER 30, 2013**

	General Fund
<b>DEFERRED INFLOW OF RESOURCES:</b>	
Unavailable revenue	\$ 2,916,234
<b>FUND BALANCES:</b>	
Non-spendable:	
Inventories	5,152
Prepaid items	47,857
Assigned to:	
27th pay period	1,230,000
Other purposes	831,694
Unassigned	23,150,110
Total Fund Balances	\$ 25,264,813
<b>TOTAL LIABILITIES, DEFERRED INFLOWS AND FUND BALANCES</b>	<b>\$ 31,751,089</b>

**GENERAL FUND**  
**Revenues and Expenditures**  
**Revised Budget vs Actual Budget Basis**

	2013 Actual	2013 Budget	Variance
<i>Revenues</i>			
Property Taxes	\$ 24,782,703	\$ 23,973,130	\$ 809,573
Sales Taxes	30,688,117	30,282,600	405,517
Franchise Taxes	6,994,643	6,908,260	86,383
Penalties and interest	293,664	283,000	10,664
Miscellaneous Other Taxes	1,305,058	1,313,010	(7,952)
Licenses & Permits	1,284,471	1,229,060	55,411
Charges for Services	3,631,256	3,532,040	99,216
Intergovernmental Revenues	96,125	101,390	(5,265)
Interest & Miscellaneous	<u>7,133,606</u>	<u>6,954,570</u>	<u>179,036</u>
<i>Total Revenues</i>	<u>\$ 76,209,643</u>	<u>\$ 74,577,060</u>	<u>\$ 1,632,583</u>
<i>Expenses</i>			
General Government	\$ 1,836,925	\$ 1,904,930	\$ 68,005
Administrative Services	2,372,003	2,501,440	129,437
Finance	6,504,356	6,644,620	140,264
Planning & Development Services	2,968,229	3,025,440	57,211
Public Works	6,146,784	6,559,520	412,736
Police	23,253,103	23,276,590	23,487
Fire	17,868,919	17,983,920	115,001
Aviation	1,788,541	1,877,670	89,129
Community Services	<u>10,403,944</u>	<u>10,744,640</u>	<u>340,696</u>
<i>Total Expenses</i>	<u>\$ 73,142,804</u>	<u>\$ 74,518,770</u>	<u>\$ 1,375,966</u>
Transfers In	2,970,967	2,910,000	60,967
Transfers Out	<u>(5,260,109)</u>	<u>(5,266,730)</u>	<u>6,621</u>
	<u>\$ (2,289,142)</u>	<u>\$ (2,356,730)</u>	<u>\$ 67,588</u>
<i>Net Change in Fund Balance</i>	<u>\$ 777,697</u>	<u>\$ (2,298,440)</u>	<u>\$ 3,076,137</u>

**GENERAL FUND**  
**2012 - 2013**  
**Approved Revised Budget**

	Budget	Actual	Difference
100 GENERAL GOVERNMENT	\$ 1,904,930	\$ 1,836,925	\$ 68,005
150 ADMINISTRATIVE SERVICES	2,501,440	2,372,003	129,437
200 FINANCE	6,644,630	6,504,356	140,274
250 PLANNING & DEVELOPMENT SERVICES	3,025,440	2,968,229	57,211
305 PUBLIC WORKS	6,787,610	6,146,784	640,826
500 POLICE	23,184,550	23,253,103	(68,553)
550 FIRE	17,983,920	17,868,919	115,001
600 AVIATION	1,877,670	1,788,541	89,129
700 COMMUNITY SERVICES	<u>10,750,040</u>	<u>10,403,944</u>	<u>346,096</u>
EXPENDITURES	<u>\$ 74,660,230</u>	<u>\$ 73,142,804</u>	<u>\$ 1,517,426</u>
TRANSFERS OUT	5,125,270	5,260,109	(134,839)
TOTAL EXPENDITURES	<u>\$ 79,785,500</u>	<u>\$ 78,402,913</u>	<u>\$ 1,382,587</u>

**Revised Budget With Adjustments**

	Budget	Actual	Difference
100 GENERAL GOVERNMENT	\$ 1,904,930	\$ 1,836,925	\$ 68,005
150 ADMINISTRATIVE SERVICES	2,501,440	2,372,003	129,437
200 FINANCE	6,644,620	6,504,356	140,264
250 PLANNING & DEVELOPMENT SERVICES	3,025,440	2,968,229	57,211
305 PUBLIC WORKS	6,559,520	6,146,784	412,736
500 POLICE	23,276,590	23,253,103	23,487
550 FIRE	17,983,920	17,868,919	115,001
600 AVIATION	1,877,670	1,788,541	89,129
700 COMMUNITY SERVICES	<u>10,744,640</u>	<u>10,403,944</u>	<u>340,696</u>
EXPENDITURES	<u>\$ 74,518,770</u>	<u>\$ 73,142,804</u>	<u>\$ 1,375,966</u>
TRANSFERS OUT	5,266,730	5,260,109	6,621
TOTAL EXPENDITURES	<u>\$ 79,785,500</u>	<u>\$ 78,402,913</u>	<u>\$ 1,382,587</u>

General Fund

Revenues Exceeding Estimates:

- Property Tax = \$809,573
- Penalty and Interest = \$10,664
- Sales Tax = \$405,517
- Franchise Fees = \$86,383
- Licenses and Permits = \$55,411
- All Other Revenues = (\$28,678)
- Fines = \$194,497
- Charges for Services = \$99,216

Total \$1,632,583

Expenditures Below Estimates:

- Personal Services = \$468,444
- Supplies = \$133,244
- Maintenance = \$81,119
- Other Services and Charges = \$693,159

Total \$1,375,966

**Water & Sewer Fund  
Revenues and Expenditures  
September 30, 2013**

	2013 Actual	2012 Actual
<i>Revenues</i>		
Water Service	\$ 26,597,367	\$ 27,060,324
Sewer Service	9,457,461	9,493,477
Service & Penalty Charges	427,767	386,015
Miscellaneous Revenues	800,001	700,044
Interest on Investments	84,515	103,211
Rents and Royalties	135,775	153,294
<i>Total Revenues</i>	<u>\$ 37,502,886</u>	<u>\$ 37,896,365</u>
<i>Expenses</i>		
Personal Services	\$ 6,810,656	\$ 6,470,725
Supplies	1,883,197	1,756,747
Maintenance	2,065,571	1,682,756
Other Services and Charges	18,876,650	17,137,286
Debt Payments	5,886,727	5,553,016
<i>Total Expenses</i>	<u>\$ 35,522,801</u>	<u>\$ 32,600,530</u>
<i>Available for Debt Service</i>	\$ 1,980,085	\$ 5,295,835
Transfers In (Out)	\$ (42,261)	\$ -
Depreciation/Amortization	<u>(5,172,218)</u>	<u>(5,106,052)</u>
<i>Total Deductions</i>	<u>\$ (5,214,479)</u>	<u>\$ (5,106,052)</u>
Net Income (or Loss)	<u>\$ (3,234,394)</u>	<u>\$ 189,783</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 then presented the Fund Balance with suggested expenditures of those funds.

**General Fund**

FY 2013 Fund Balance – Budget Basis  
\$22,632,845 or 3.4 months

Per Policy FY 2013 Fund Balance  
\$19,830,068 or 3.0 months  
\$2,802,777

**Recommendations for Addressing Fund Balance**

- Fund the Capital Improvements Program for FY 2014
- Fire Station Roof Replacements
- Purchase of Real Property
- Health Clinic Rehab (Fannin Boys & Girls Club)

FY 2013 Fund Balance Excess	\$2,802,777
FY 2014 Capital Improvements Program	(1,800,000)
Fire Station Roof Replacements	(200,000)
Purchase of Real Property	(450,000)
Health Clinic Rehab	<u>(350,000)</u>
To Fund Balance	\$ 2,777

Council and Staff discussion included the following: 1) the roof repairs at the fire stations; 2) the money to be set aside for purchase of real property; 3) Texas Municipal Retirement System; and 4) investments/interest on city funds the return on these investments are low due to very low interest rates.

Councilman Briley made the motion to approve the acceptance of the Audit and approve the Financial and Investment Policies for the year. Councilman McAlister seconded the motion, motion carried.

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

Councilman Spano made the motion to approve the recommendation for the expenditure of the portion of the fund balance that is available to be spent on one time projects. Councilman Williams seconded the motion, motion carried.

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

**EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session 9:36 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 Executive Session at 11:11 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Litigation with City Attorney, Section 551.074 Personnel, and Section 551.072 Real Property.

No action from executive session.

**10. Oral Resolution:** Appoint/Reappoint board members to the following boards:

Planning & Zoning Commission

No action taken for board appointment.

There being no further business the meeting was adjourned at 11:12 a.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor