

**City Council  
Agenda Memo**



**City Council  
Meeting Date: January 24, 2013**

**TO: Larry D. Gilley, City Manager**  
**FROM: Stanley E. Smith, Assistant City Attorney**  
**SUBJECT: VOLUNTARY DISSOLUTION OF THE ABILENE PUBLIC HEALTH COPORATION**

**GENERAL INFORMATION**

The City of Abilene, on August 25, 2005, by Resolution No. 20-2005, approved by ratification the establishment of the Abilene Public Health Corporation (APHC), a Texas Non-Profit Corporation, and approved its Articles of Incorporation, original Directors, and By-laws. The purpose of the Abilene Public Health Corporation was to acquire, construct, provide, improve, finance, and refinance health facilities to assist the maintenance of the public health. The purpose of the Abilene Public Health Corporation has been completed. Specifically, the New Markets Tax Credit financing of the Abilene-Taylor County Public Health Facility ("Facility") has been completed.

The Board of Directors of the Abilene Public Health Corporation (APHC) have authorized and adopted a resolution to voluntarily dissolve the corporation. The By-laws of the Abilene Public Health Corporation (APHC) require approval of dissolution of the Abilene Public Health Corporation (APHC) by the City Council of Abilene, Texas at a regular meeting of the City Council.

**SPECIAL CONSIDERATIONS**

In conjunction with the dissolution of the Abilene Public Health Corporation, the corporation will transfer its ownership of the Abilene-Taylor County Public Health Facility to the City of Abilene.

**FUNDING/FISCAL IMPACT**

None.

**STAFF RECOMMENDATION**

Staff recommends that the City Council approve the dissolution of the Abilene Public Health Corporation.

**BOARD OR COMMISSION RECOMMENDATION**

The Board of Directors of the Abilene Public Health Corporation (APHC) have authorized and adopted a resolution to voluntarily dissolve the corporation

**ATTACHMENTS**

Proposed Resolution.

Prepared by:

Name: Stanley E. Smith

Title: Assistant City Attorney

Item No. 6.1

Disposition by City Council

- Approved      Ord/Res# \_\_\_\_\_  
 Denied  
 Other

\_\_\_\_\_  
City Secretary

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE DISSOLUTION OF THE ABILENE PUBLIC HEALTH CORPORATION (APHC).**

**WHEREAS**, the City of Abilene, on August 25, 2005, by Resolution No. 20-2005, approved by ratification the establishment of the Abilene Public Health Corporation (APHC), a Texas Non-Profit Corporation, and approved its Articles of Incorporation, original Directors, and By-laws; and

**WHEREAS**, the purpose of the Abilene Public Health Corporation (APHC) was to acquire, construct, provide, improve, finance, and refinance health facilities to assist the maintenance of the public health; and

**WHEREAS**, the purpose of the Abilene Public Health Corporation (APHC) has been completed; and

**WHEREAS**, the Board of Directors of the Abilene Public Health Corporation (APHC) have authorized and adopted a resolution to voluntarily dissolve the corporation; and

**WHEREAS**, the By-laws of the Abilene Public Health Corporation (APHC) require approval of dissolution of the Abilene Public Health Corporation (APHC) by the City Council of Abilene, Texas at a regular meeting of the City Council; and

**WHEREAS**, the City of Abilene now desires to approve the dissolution of the Abilene Public Health Corporation (APHC), now therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:**

**PART 1.** That the City Council of the City of Abilene approves the voluntary dissolution of the Abilene Public Health Corporation (APHC).

**PART 2:** That the City Manager or his designee is authorized to execute any and all necessary documents on behalf of the City of Abilene.

PASSED this \_\_\_\_\_ day of January, A.D. 2013.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

**City Council  
Agenda Memo**



**TO:** Larry D. Gilley, City Manager

**City Council  
Meeting Date: 01-24-13**

**FROM:** David A. Vela, Deputy City Manager

**SUBJECT:** Written Resolution approving Amendments to the By-Laws of *Frontier Texas!*

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**GENERAL INFORMATION**

The proposed bylaws made the following changes:

- Number of members changed to 14 at-large members and one (1) city representative
- Past president made an ex-officio member of the board
- Manager of Frontier Texas! was changed to Executive Director
- At-large members are now nominated by the board and approved by the Mayor and City Council
- The City representative, ex-officio directors and initial directors serving less than a three year initial term may exceed the six year limit of being on the board
- Any director appointed for less than a three year term may be eligible for re-election for two successive, full, three year terms
- No officer shall serve in any office for a term longer than two consecutive years.
- Executive Committee no longer required to meet at least quarterly

**ATTACHMENTS**

Resolution

*Frontier Texas!* Bylaws

Prepared by:  David A. Vela  Deputy City Manager	Item No. <u>6.2</u>	Disposition by City Council <input type="checkbox"/> Approved    Ord/Res# <input type="checkbox"/> Denied  <input type="checkbox"/> Other _____  _____ City Secretary
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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
APPROVING THE AMENDMENTS TO THE BYLAWS OF FRONTIER TEXAS!, INC.**

**WHEREAS,** In 2003 the City Council approved initial bylaws for Frontier Texas!, Inc.;  
and

**WHEREAS,** amendments to those bylaws have become necessary to maintain orderly  
succession and appointment of board members and,

**WHEREAS,** the Frontier Texas!, Inc. Board of Directors has adopted amendments to the  
bylaws addressing succession issues; and

**WHEREAS,** as stated in the bylaws, the Board of Directors shall adopt any amendments  
to the bylaws and said bylaws shall subsequently be adopted by the City Council of Abilene, Texas;  
now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:**

**PART 1:** That the bylaws, as amended and attached hereto as Exhibit "A," be  
approved as submitted.

**PART 2:** That the City Manager, or his designee, is hereby authorized to sign all  
relevant documents pertaining to the bylaws.

**ADOPTED** this 24<sup>th</sup> day of January 2013.

**ATTEST:**

\_\_\_\_\_  
**CITY SECRETARY**

\_\_\_\_\_  
**MAYOR**

**APPROVED:**

\_\_\_\_\_  
**CITY ATTORNEY**

BY-LAWS  
OF  
FRONTIER TEXAS!, INC.

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BY-LAWS  
OF  
FRONTIER TEXAS!, INC.

ARTICLE ONE

OFFICES

1.01 Registered Office and Registered Agent

The Corporation shall have and shall continuously maintain in the State of Texas a registered office, which is located at 555 Walnut St., Abilene, Texas 79601, and whose mailing address is P.O. Box 60, Abilene, Texas 79604. The Corporation shall also have and continuously maintain a registered agent whose office is identical with such registered office. The registered agent shall be the Abilene City Manager. The Board of Directors may, from time to time, change the registered agent and/or the address of the registered office; provided that such change is appropriately reflected in these By-Laws and in the Articles of Incorporation.

1.02 Principal Office

The principal office of the Corporation in the State of Texas shall be located in the City of Abilene, Taylor County, Texas, and it may be, but need not be, identical with the registered office of the Corporation. The Corporation may have such other offices, either within or without the State of Texas, as the Board of Directors may determine or as the affairs of the Corporation may require from time to time.

ARTICLE TWO

PURPOSES

2.01 Purposes

The purpose of Frontier Texas!, Inc. is to promote the cultural and educational welfare of the citizens of the City of Abilene and surrounding region, in accord with the Articles of Incorporation. More specifically, Frontier Texas!, Inc. will provide a historical, cultural and educational perspective of life on the Texas frontier, including a transportation component and aspects of the Texas Forts Trail. Frontier Texas!, Inc. shall perform governance and oversight duties of the Frontier Texas operations.

ARTICLE THREE

NO STOCK AND NO STOCKHOLDERS

3.01 No Stock and No Stockholders

The Corporation shall have no capital stock and no stockholders.

## ARTICLE FOUR

### BOARD OF DIRECTORS

#### 4.01 Responsibility of Board of Directors

The business and affairs of the Corporation and all corporate powers shall be exercised by or under authority of the Board of Directors, subject to the Texas Business Corporation Act, the Articles of Incorporation, and these By-Laws. The Board of Directors shall have full charge of the property and business of the Corporation, with full power and authority to manage and to conduct the same.

The Board of Directors may, by contract, resolution, or otherwise, give general or limited or special power and authority to the officers and agents of the Corporation to transact the general business or any special business of the Corporation.

#### 4.02 Number of Directors

The Board of Directors shall be composed of fifteen (15) voting members. Fourteen (14) members will be at large and one (1) **City Representative that** will be a member of the City Council of the City of Abilene or the City Manager or an Assistant City Manager. The **original at large Directors and officers of the Corporation shall be nominated by the Board of Directors and** appointed by the Mayor with the approval of the City Council of the City of Abilene, Texas.

#### 4.03 Ex-Officio Directors

**The following shall be Ex-Officio Directors without vote. Additional directors may be appointed by the Mayor with the approval of the City Council to serve as Ex-Officio Directors without vote and may consist of the following:**

- a. The Taylor County Judge or a Taylor County Commissioner.
- b. The Mission Support Group Commander from Dyess Air Force Base or his/her designee.
- c. The general manager or an executive officer of the Abilene Convention and Visitors Bureau.
- d. The general manager or an executive officer of the Abilene Cultural Affairs Council.
- e. The general manager or an executive officer of the Texas Midwest Community Network.
- f. The general manager or an executive officer of the Texas Forts Trail.
- g. The general manager or an executive officer of the Taylor County Expo Center.
- h. A representative of the Abilene Downtown Association.
- i. A representative of the Western Heritage Classic Board.
- j. The Manager of Frontier Texas!, Inc., **who shall also be responsible for carrying out the day-to-day operations of the corporation.**
- k. **The Past President of Frontier Texas!, Inc.**



~~The Manager of Frontier Texas!, Inc. shall be an Ex Officio Director without voting privileges; however, the Manager shall be responsible for carrying out the day to day operations of the corporation.~~

#### 4.04 Term of Office

The ~~at large~~ Directors appointed in paragraph 4.02 above shall hold their office for a term of three (3) years or until their successors are ~~nominated by the Board of Directors and~~ appointed by the Mayor and City Council. All Directors shall serve at the pleasure of the Mayor and shall serve no more than six (6) years, except that ~~the City representative,~~ Directors who are also officers of the Corporation, ~~or Ex-Officio Directors,~~ and initial Directors serving less than a three year initial term may exceed the six (6) year limit. The members of the Board of Directors shall have staggered terms.

~~Not later than February of each year, The President shall appoint a Nominating Committee consisting of three (3) voting members of the Board to nominate officers for that year. The Board shall elect a President, a Vice President of Operations, a Vice President of Finance, a Secretary and Treasurer at its annual meeting in August with terms beginning October 1. The President and both Vice Presidents shall be voting members of the Board. The elected officers shall be forwarded to the City of Abilene for approval by the Mayor and City Council.~~

#### 4.05 Vacancies and Appointment of New Directors

Upon the death, resignation, removal or expiration of the term of office of any of the Directors, a nominating committee appointed by the President shall recommend candidates to the Mayor and the City Council of the City of Abilene, Texas. The Director shall hold his or her office for the unexpired term of the Director she or he is appointed to succeed, or for the period of three (3) years when the appointment is made due to the expiration of a Director's term of office; and further provided that in the event the best interests of the City of Abilene, Texas, require the removal of any Director, removal of such Director shall be effected through appointment of such Director's successor as noted above. ~~Any Director appointed for less than a full term may be eligible for re-election for two successive full three (3) year terms.~~

#### 4.06 Regular Meetings, Notice and Quorum

Regular meetings of the Board of Directors shall be held at least quarterly, or as directed by the President and shall be held at such place as they may determine. Notice of each regular meeting shall be provided by mail, fax or e-mail. Eight (8) Directors present at the meeting shall constitute a quorum. An affirmative vote of five (5) Directors present or 51% of Directors present, whichever is greater, shall be necessary for approval of motions before the Board.

#### 4.07 Special Meetings

Special meetings of the Board of Directors may be called by the President upon seventy-two hours (72 hours) notice, stating the purpose or purposes thereof, or such special meeting may be held at any time by unanimous consent of the Directors.

#### 4.08 No Compensation

No salary or compensation of any kind shall be paid to any members of the Board of Directors.

## ARTICLE FIVE

### OFFICERS

#### 5.01 Composition of Officers

The officers of the Corporation are President, Vice President of Operations, Vice President of Finance, Secretary and Treasurer. The President, Vice President of Operations, Vice President of Finance, Secretary and Treasurer shall be elected by the Board, ~~after initial selection by the Mayor and Council.~~ **No officer shall serve in any one office for a term longer than two consecutive years.**

~~Not later than February of each year, The President shall appoint a Nominating Committee consisting of three (3) voting members of the Board to nominate officers for that year. The Board shall elect a President, a Vice President of Operations, a Vice President of Finance, a Secretary and Treasurer the Officers at its annual meeting in August with terms beginning October 1. The President and both Vice-Presidents shall be voting members of the Board.~~

The Board of Directors may appoint such other officers and agents as it deems necessary. Such officers and agents shall be appointed for such terms and shall exercise such powers and perform such duties as may be determined from time to time by the Board.

#### 5.02 Executive Committee

The Executive Committee shall consist of the President, Vice President of Finance, Vice President of Operations, Secretary and Treasurer.

The Executive Committee shall at intervals between meetings of the Directors, authorize and exercise all functions of the Board, subject to final approval by the Board. The Executive Committee shall meet **at least quarterly, or** as directed by the President, at a time and place to be designated and may be called for special meetings at any time by the President, or either Vice President on notice of three days. Three (3) members of the Executive Committee shall constitute a quorum.

#### 5.03 Other Committees

The President may appoint other committees as necessary. These committees may be comprised either from current board members or from members of the community and region. The mission of these other committees is to further assist in the successful workings of Frontier Texas!

#### 5.04 Election of Officers

The Officers of the Corporation shall be elected annually by the Board of Directors at the annual meeting of the Board of Directors. Vacancies shall be filled at any meeting of the Board of Directors and any person who fills a vacancy shall serve until the next election of officers.

Each officer shall hold office until his successor has been elected and qualifies, or until the death, resignation, or removal of the officer.

#### 5.05 Removal of Officers

Any officer or agent elected or appointed by the Board of Directors may be removed at any time for any reason by the affirmative vote of a majority of the entire Board of Directors.

#### 5.06 President

The President shall be the chief executive officer of the Corporation and, subject to the direction of the Board of Directors, shall monitor the business and affairs of the Corporation, with the assistance of the Manager, who shall be in charge of carrying out day-to-day operations. He shall preside at all meetings of the Board of Directors. He may, and upon written demand addressed to the President by any three (3) Directors, call a special meeting of the Board of Directors. He shall see that all orders and resolutions of the Board are carried into effect, and he shall perform all other duties that usually pertain to the office or are delegated to him by the Board of Directors.

The President or the Vice President of Finance, acting in the place of the President shall have the power to execute Promissory Notes or other evidences of indebtedness of the Corporation, or to execute contracts or deeds of conveyance for and in behalf of the Corporation; provided, however, that each such note, evidence of indebtedness, contract, or deed shall be a binding obligation of the Corporation only when executed pursuant to resolution by the Board of Directors, granting special authority for the execution thereof. All notes, contracts and deeds of conveyance must be attested by the Secretary of the Corporation.

#### 5.07 Vice President of Finance

The Vice President of Finance shall assist the Board in the financial undertakings of Corporation. In the absence of the President or in the event of the President's inability or refusal to act, the Vice President of Finance shall perform the duties of the President and, as such, the Vice President of Finance shall have the powers of, and be subject to all the restrictions upon, the President. The Vice President of Finance shall also have such powers and shall perform such other duties as may be assigned to him by the President or by the Board of Directors.

#### 5.08 Vice President of Operations

The Vice President of Operations shall assist the Board in the operational transactions of the Corporation. In the absence of the President or Vice President of Finance, or in the event of their inability or refusal to act, the Vice President of Operations shall perform the duties of the President and, as such, the Vice President of Operations shall have the powers of, and be subject to all the restrictions upon, the President. The Vice President of Operations shall also have such powers and shall perform such other duties as may be assigned to him by the President or by the Board of Directors.

#### 5.09 Secretary

The Secretary shall keep permanent records of the proceedings of the Board of Directors, including the minutes of all meetings of the Board of Directors. He shall also be the custodian of

the records and the seal of the Corporation, if any, and shall affix the seal to documents, the execution of which is duly authorized. He shall give or cause to be given all notices required by law or by these By-Laws. He shall perform all duties that usually pertain to the office of Secretary or which are delegated to him by the Board of Directors or by the President.

#### 5.10 Treasurer

The Treasurer, with the assistance of the Executive Director of Frontier Texas! Inc. shall keep regular books, records and books of account of the Corporation, and shall ensure the deposit of all monies and other valuable effects of the Corporation in a depository selected by the Directors, and make such financial reports as directed by either the Board of Directors or the President. All checks of the Corporation shall be signed by two members of the Executive Committee or a designated staff member, as approved by the Frontier Texas! Inc. Board of Directors, and a member of the Executive Committee or as otherwise indicated by the Board of Directors. The Treasurer shall render to the President and Directors at the regular meetings of the Board of Directors or whenever they may require it, an account of all his transactions as Treasurer and of the financial condition of the Corporation. The Treasurer shall perform all other duties as may be prescribed by the Board of Directors or by the President.

#### 5.11 Salary of Officers

The officers, agents of the Corporation, shall not receive any salary for their service to the Corporation. This provision shall not apply to the employees of Frontier Texas! including the Executive Director.

### ARTICLE SIX

#### FINANCIAL ADMINISTRATION

##### 6.01 Fiscal Year

The initial fiscal year of the Corporation shall begin on September 1, 2003 and end on September 30, 2004. For each year thereafter, the fiscal year of the Corporation shall begin on the 1<sup>st</sup> day of October and end on the 30<sup>th</sup> day of September.

##### 6.02 Operating Funds

No profit shall ever be realized by any person in the operation of this Corporation. All monies coming into the hands of the Corporation above that reasonably necessary for use by the Corporation in carrying out its corporate purposes shall be paid over to the City of Abilene for use by said City in the furtherance of the educational and cultural improvement of the citizens of the City of Abilene and surrounding region. The City Council shall be provided an annual financial update on the status of all funds. It shall be the policy of the Corporation to seek to maintain a sum of money in reserve, over and above the current obligations, for various contingencies to include fundraising, endowments, capital expenditures, etc. in connection with the operation thereof. In the event of dissolution of this Corporation, all funds or assets of said Corporation, after the payment of all corporate debts, shall vest in the City of Abilene for the

purpose of promoting the educational and cultural improvements and welfare of the citizens of the City of Abilene and surrounding regions.

The Board shall require members of the operational staff of Frontier Texas!, Inc. and each officer referred to in these by-laws to obtain a surety bond made out to the corporation, in such amount as it deems advisable, the cost of such bonds to be borne by the corporation.

### 6.03 Entering into Contracts

The Board of Directors may authorize, in writing, any officer(s) or agent(s) to enter into any contract or to execute and deliver any instrument in name of and on behalf of the Corporation, and such authority may be general or may be confined to specific instances.

## ARTICLE SEVEN

### AMENDMENTS TO BY-LAWS

#### 7.01 Amendments to By-Laws

These By-Laws shall be adopted by the Board of Directors of said Corporation and subsequently approved by a written resolution passed by the City Council of Abilene. The power to alter, amend, or repeal the By-Laws or to adopt new By-Laws is vested in the Board of Directors. Any alteration, amendment or repeal requires at least ten (10) members of the Board of Directors to vote in favor of such alteration, amendment or repeal in a meeting called for that purpose. Furthermore, any alteration, amendment or repeal shall not become effective nor have any force or effect whatsoever unless and until same has been approved by a written resolution passed by the City Council of Abilene, Texas.

## ARTICLE EIGHT

### INDEMNITY

#### 8.01 Indemnity

The Board of Directors shall authorize the Corporation to pay or reimburse any current or former Director or Officer of the Corporation for any costs, expenses, fines, settlements, judgments, and other amounts, actually and reasonably incurred by such persons in any action, suit, or proceeding to which he or she is made a party by reason of holding such position as Officer or Director; provided, however, that such Officer or Director shall not receive such indemnification if he/she be finally adjudicated in such instance to be liable for negligence or misconduct in office. The indemnification herein provided shall also extend to good faith expenditures incurred in anticipation of, or preparation for, threatened or proposed litigation. The Board of Directors may, in proper cases, extend the indemnification to cover the good faith settlement of any such action, suit, or proceedings, whether formally instituted or not.

Furthermore, the Corporation agrees to indemnify and hold harmless and defend the City of Abilene, its officers, agents, and its employees, from and against all claims and suits for damages, injuries to persons (including death), property damage (including loss of use), and

expenses, including court costs and attorney's fees, arising out of or resulting from the Corporation's work and from any liability arising out of or in connection with the City of Abilene or its agents, officers, or employees entry upon said property, common, constitutional, or statutory law, or based in whole or in part upon the negligent or intentional acts or omissions of the Corporation, its officers, employees, agents subcontractors, licensees, invitees, or trespassers or based in whole or in part upon the negligent acts or omissions of the City of Abilene, its officers, employees, agents, licensees, or invitees. The Corporation agrees to waive any and all claims it may have against the City of Abilene, connected with, resulting from, or arising out of, claims and suits covered by this indemnification provision and agrees that any insurance carrier involved shall not be entitled to subrogation under any circumstances against the City of Abilene, its officers, agents, and employees.

## ARTICLE NINE

### MISCELLANEOUS

#### 9.01 Miscellaneous

The Board of Directors shall provide a Corporate Seal which shall be in the form of a circle and shall have inscribed thereon the name of the Corporation, substantially as follows: Frontier Texas!, Inc.

#### 9.02 Table of Contents and Headings

The Table of Contents and Headings used in these By-Laws have been inserted for convenience only and do not constitute matter to be used in construing or interpreting them.

#### 9.03 Construction

Whenever the context so requires, the use of a masculine pronoun shall include the feminine, and singular shall include plural and conversely.

If any portion of these By-Laws shall be invalid or inoperative, then, so far as is reasonable and possible:

- a. The remainder of these By-Laws shall be considered valid and operative, and
- b. Effect shall be given to the intent manifested by the portion held invalid or inoperative, insofar as not prohibited by law.

#### 9.04 Relation to Articles of Incorporation

These By-Laws are subject to and are governed by the Articles of Incorporation of Frontier Texas!, Inc.

**City Council  
Agenda Memo**



**City Council  
Meeting Date: January 24, 2013**

**TO: Larry D. Gilley, City Manager**

**FROM: T. Daniel Santee, City Attorney**

**SUBJECT: Oral Resolution authorizing the execution of a corrective deed from the City of Abilene to the Abilene Independent School District**

**GENERAL INFORMATION**

The transaction in question involves the property located at 1101 South 9<sup>th</sup> in Abilene, which was the location of the Travis school. In August of 2012, AISD agreed to sell the Travis School property to Randy Blanton. According to the records of the Central Appraisal District, that property included Lots 1, 2, 3, 10, 11 and 12 in Block B, and all of Block A, George W. Jalonick's Second Addition to the City of Abilene, Taylor County, Texas, as shown by the plat recorded in Plat Cabinet 2, Slide 137-A, Plat Records, Taylor County, Texas. The six lots in Block B are contiguous to and lie immediately south of block A.

In researching the title to the property prior to the closing, Andy McCall, a local title attorney, found that the six lots in Block B were in fact titled in AISD, but that all of block A is titled in the City of Abilene. However, there was no survey obtained as a part of the closing, and at closing the buyer only closed upon the 6 lots in Block B. Accordingly, Block A continues to be titled in the City of Abilene.

After closing, the buyer realized that he was not conveyed the Block A portion of the property (which happens to be the portion of the property where the school building was actually located). AISD has agreed that Block A was intended to be included in the sale, and they did not realize that the title to that portion of the property remained in the City of Abilene.

AISD has requested that the City of Abilene convey all of Block A to AISD, so that it may complete the sale to Randy Blanton. It appears to both Mr. McCall and me that there was simply an error in the 1959 deed from the City of Abilene to AISD in that it described the wrong property for Tract One of the Travis School property. We are recommending the approval of a new deed to correct the error and reflect the ownership that both parties have acted upon since 1959.

**SPECIAL CONSIDERATIONS**

AISD and Mr. Blanton are waiting to complete the real estate transaction begun last August.

**FUNDING/FISCAL IMPACT**

None

**STAFF RECOMMENDATION**

Staff recommends approval

**ATTACHMENTS**

Deed

Prepared by:

Name: T. Daniel Santee

Title: City Attorney

Item No. 6.3

Disposition by City Council

- Approved      Ord/Res# \_\_\_\_\_
- Denied      \_\_\_\_\_
- Other      \_\_\_\_\_

\_\_\_\_\_  
City Secretary

**DEED WITHOUT WARRANTY**

**Date:** \_\_\_\_\_, 2013

**Grantor:** CITY OF ABILENE, TEXAS

**Grantee:** ABILENE INDEPENDENT SCHOOL DISTRICT

**Grantee's Mailing Address:** 241 Pine Street  
Abilene, Texas 79601

**Consideration:**  
TEN AND NO/100 DOLLARS (\$10.00) cash, and other good and valuable consideration.

**Property:**  
All of Block A of George W. Jalonick's Second Addition to the City of Abilene, Taylor County, Texas, as shown by plat recorded in Plat Cabinet 2, Slide 137-A, Plat Records, Taylor County, Texas.

**Reservations from Conveyance:**  
None.

**Exceptions to Conveyance and Warranty:**  
All presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, or mineral interests outstanding in persons other than Grantor; and any state of facts that an accurate survey of the Property would show.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever, without express or implied warranty. All warranties that might arise by common law as well as the warranties in section 5.023 of the Texas Property Code (or its successor) are excluded.

When the context requires, singular nouns and pronouns include the plural.

CITY OF ABILENE, TEXAS

BY: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

STATE OF TEXAS        }



COUNTY OF TAYLOR }

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013 by \_\_\_\_\_ (name), as \_\_\_\_\_ (title) on behalf of the City of Abilene, Texas.

\_\_\_\_\_  
Notary Public, State of Texas  
(Notary's printed name)

\_\_\_\_\_  
(Notary's commission expires)  
\_\_\_\_\_

**PREPARED IN THE LAW OFFICE OF:**  
Bradshaw, McCall & Westbrook, PLLC  
3417 Curry Lane  
Abilene, Texas 79606  
GF 12-1119M

**AFTER RECORDING RETURN TO:**  
Andrew K. McCall  
Bradshaw, McCall & Westbrook, PLLC  
3417 Curry Lane  
Abilene, Texas 79606

**City Council  
Agenda Memo**



**City Council  
Meeting Date: January 24, 2013**

**TO: Larry D. Gilley, City Manager**

**FROM: Tommy O'Brien, Director of Water Utilities**

**SUBJECT: Oral Resolution Authorizing the City Manager to Negotiate and Execute a Sanitary Sewer Overflow Initiative Agreement with the Texas Commission on Environmental Quality**

**GENERAL INFORMATION**

For the past several years the City of Abilene (City) has experienced overflows from its wastewater collection system, commonly called sanitary sewer overflows (SSOs). On February 3, 2011 the City requested an opportunity to participate in the TCEQ's outreach initiative to address sanitary sewer overflows (SSOI Program).

Participation in the SSOI Program will generally include developing an operations and maintenance program for the ongoing identification, evaluation and correction of collection system issues; developing a program to better control fats, oils and grease entering the collection system, including community education; updating the 2009 Wastewater Master Plan; and conducting routine sanitary sewer evaluations to identify areas of the collection system in need of rehabilitating and cleaning.

On December 18, 2012 the City was notified that the TCEQ recommended that the City be placed into the SSOI Program. To participate in the program, the City must enter into an agreement with the TCEQ to perform the work described in the SSOI Program. This work is intended to reduce overflows from the City's wastewater collection system and create a positive working relationship between the City and the TCEQ.

Staff is therefore requesting that the City Manager be authorized to negotiate and execute all documents necessary for the City to participate in this program.

**FUNDING/FISCAL IMPACT**

Funding for this program will come from the Water Department Water and Sewer Funds with capital projects funding being requested through the Capital Improvements Program.

**STAFF RECOMMENDATION**

It is recommended that the City Council, by oral resolution, authorize the City Manager or his designee to negotiate and execute all necessary documents related to the TCEQ Agreement, including future amendments.

**ATTACHMENTS**

None

Prepared by:  Name <u>Tommy O'Brien</u>  Title <u>Director of Water Utilities</u>	Item No. <u>6.4</u>	Disposition by City Council <input type="checkbox"/> Approved      Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other  _____ City Secretary
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**City Council  
Agenda Memo**



**City Council  
Meeting Date: 01-24-13**

**TO: Larry D. Gilley, City Manager**

**FROM: Danette Dunlap, City Secretary**

**SUBJECT: Oral Resolution – Calling the Election and Posting Notice of Election,  
for May 11 2013. *AVISO DE LA ELECCIÓN***

**GENERAL INFORMATION**

The Texas Election Code, Sec. 4.001. NOTICE REQUIRED. Notice of each general and special election shall be given as provided by this chapter.

Sec. 4.002. AUTHORITY RESPONSIBLE FOR GIVING NOTICE.

2) the presiding officer of the governing body of a political subdivision, for an election ordered by the presiding officer or the governing body

City Charter – The City Secretary shall give notice of such election by causing said notice to be published at least 30 days prior to the day of such election.

**STAFF RECOMMENDATION**

Staff recommends that Council approve by Oral Resolution Authorizing the Mayor to sign the Notice of Election.

**ATTACHMENTS**

Notice of Election in English  
Notice of Election in Spanish

Prepared by:  Name: <u>Danette Dunlap</u> Title: <u>City Secretary</u>	Item # <u>6.5</u>	Disposition by City Council <input type="checkbox"/> Approved      Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other  _____ City Secretary
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## ***NOTICE OF ELECTION***

### **To the Registered Voters of the City of Abilene, Texas:**

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m. on May 11, 2013, for voting in a general (regular) election to elect a one Councilmember from Place 5 and one Councilmember from Place 6, for the City of Abilene.

### **LOCATIONS OF POLLING PLACES**

County Voting Precinct No.	Polling Place	
101, 107A, 205	Elmcrest Baptist Church	517 N. Pioneer Dr.
102-103	Church of Christ – S 11 <sup>th</sup> & Willis	3333 South 11 <sup>th</sup>
104-105-106	Westminster Presbyterian	4515 South 14 <sup>th</sup> Street
201-202	Cobb Park Recreation Ctr.	2300 State Street
203-204-401	Sears Park Recreation Ctr.	2250 Ambler Ave
301-302	Southern Hills Church of Christ	3666 Buffalo Gap Rd.
304-305	New Beginnings United Pentecostal Church	5535 Buffalo Gap Rd
306-108-307	Zion Lutheran Church	2801 Antilley Road
402-403	Hillcrest Church of Christ (Jones Co., Pct. 302 and 401)	650 East Ambler
404-405	Highland Church of Christ	425 Highland
406-407-408	Thomas Elementary School (Precinct #408 WISD) & (Lytle Water District)	1240 Lakeside Drive

Early voting by personal appearance will be conducted by the Taylor County Elections Office each weekday in the Taylor County Plaza, 400 Oak Street, Abilene, Texas, from 8:00 am until 5:00 pm, April 29, 2013, through May 3, 2013, and from 7:00 am until 7:00 pm on May 6-7, 2013.

Early branch voting each weekday in K-Mart, 4565 South 1<sup>st</sup> Street and Mall of Abilene, 4310 Buffalo Gap Road, from 10:00 am until 6:00 pm beginning April 29 and ending May 7, 2013.

Applications for mail ballots must be received by 5:00 pm, May 3, 2013, addressed to Kristi Allyn, Taylor County Election Administrator, P. O. Box 3318, Abilene, Texas 79604.

Issued this 24th day of January, 2013

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Norm Archibald, Mayor

## **AVISO DE LA ELECCIÓN**

***A los votantes registrados de la ciudad de Abilene, Texas:***

Se da aviso oficial que los lugares de votacion mencionados abajo estaran abiertos de 7:00 a.m. hasta 7:00 p.m. el dia 11 de Mayo, 2013, para una votacion en general (regular) para elegir, al Miembro del Consejo para el Sitio 5, Miembro del Consejo para el Sitio 6, de la Ciudad de Abilene.

### **LUGARES DE LAS CASILLAS ELECTORALES**

County Voting Precinct No.	Polling Place	
101, 107A, 205	Elmcrest Baptist Church	517 N. Pioneer Dr.
102-103	Church of Christ – S 11 <sup>th</sup> & Willis	3333 South 11 <sup>th</sup>
104-105-106	Westminster Presbyterian	4515 South 14 <sup>th</sup> Street
201-202	Cobb Park Recreation Ctr.	2300 State Street
203-204-401	Sears Park Recreation Ctr.	2250 Ambler Ave
301-302	Southern Hills Church of Christ	3666 Buffalo Gap Rd.
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402-403	Hillcrest Church of Christ (Jones Co., Pct. 302 & 401)	650 East Ambler
404-405	Highland Church of Christ	425 Highland
406-407-408	Thomas Elementary School (Precinct #408 WISD) & (Lytle Water District)	1240 Lakeside Drive

La votacion temprana en persona, sera conducida por Taylor County Elections Office de Lunes a Viernes en Taylor County Plaza, 400 Oak St., Abilene, Texas, desde las 8:00 a.m. hasta las 5:00 p.m., del 29 de Abril hasta el 3 de Mayo, 2013, y de 7 a.m. hasta 7:00 p.m. los dias 6-7 de Mayo.

La votacion temprana de Lunes a Viernes sera en K-Mart, 4565 S. 1<sup>st</sup> St., y el Mall of Abilene, 4310 Buffalo Gap Rd. de 10:00 a.m. hasta 6:00 p.m. empezando el 29 de Abril y terminando 7 de Mayo, 2013.

Solicitudes de balotas por correo deberan ser recibidas a mas tardar el 3 de Mayo, 2013, dirigidas a Kristi Allyn, Taylor County Election Administrator, P.O. Box 3318, Abilene, TX 79604

Omitido este dia 24<sup>th</sup> de Enero, 2013

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Norm Archibald, Alcalde



City Council  
Agenda Memo

**TO:** Larry D. Gilley, City Manager                      **City Council Meeting Date:** 01/24/2013  
**FROM:** Mindy Patterson, Director of Finance  
**SUBJECT:** Award of Bid – Mini-Bus For Senior Citizens Services

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**GENERAL INFORMATION**

Fleet Management seeks approval to purchase 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).

**BID TABULATION**

<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
Alliance Bus Group	Eldorado National Aerotech 220 HGAC contract # BT01-11	\$64,768.00

**FUNDING/FISCAL IMPACT**

Funds for this purchase are to be provided by the Fleet Replacement Fund.

**STAFF RECOMMENDATION**

It is recommended that the unit be purchased through HGAC.

<b>Prepared By:</b> Name <u>Cheri Carter</u> Title <u>Fleet Analyst</u>	Item No. <u>6.6</u>	<b>Disposition by City Council</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Other Ord/Res # _____  _____ <p style="text-align: center;"><b>City Secretary</b></p>
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