



City of Abilene City Council Agenda

Shane Price, Council Member
Joe Spano, Mayor Pro-Tem
Stormy Higgins, Council Member
Larry Gilley, City Manager

Norm Archibald, Mayor

Anthony Williams, Council Member
Robert O. Briley, Council Member
Kellie Miller, Council Member
T. Daniel Santee, City Attorney
Danette Dunlap, City Secretary

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on Thursday, August 11, 2011 at 5:30 p.m. at City Hall – Council Chambers, Second Floor, 555 Walnut Street, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG**
4. **PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS**
5. **MINUTES** – Approval of the minutes from the July 27th Workshop and July 28th Regular Meeting.
6. **CONSENT AGENDA** - All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or Citizen so requests, in which event the item will be removed from the Consent Agenda and considered separately.
 1. **Oral Resolution** – Authorizing the City Manager to sign a Charitable Solicitation Agreement Between the Muscular Dystrophy Association and the City of Abilene for “Fill the Boot” Campaign. *(Dozier)*
 2. **Oral Resolution** – Acknowledging receipt of Abilene-Taylor County Events Venue District Budget for Revised FY 2011 and Approved FY 2012. *(Patterson)*
 3. **Ordinance** – *(First Reading)* Case # **Z-2011-16** a request from Hendrick Medical Center to rezone property from MU/COR (Medical Use with Corridor Overlay) to CU/COR (College University with Corridor Overlay) zoning located at 1718 Pine St. and a portion of 1117 N. 18th St.; and setting a public hearing for August 25, 2011. *(James)*
 4. **Ordinance** - *(First Reading)* Case # **Z-2011-17** - a request from Chick-fil-A to rezone property from LI (Light Industrial) to GR (General Retail) zoning located at 1750 HWY 351; and setting a public hearing for August 25, 2011. *(James)*
 5. **Ordinance** - *(First Reading)* Case # **TC-2011-02**- a request from Abilene Independent School District to abandon Clinton St. and the north to south alley rights-of-way, between N. 8th St. and State St.; and setting a public hearing for August 25, 2011. *(James)*
 6. **Ordinance** – *(First reading)* on an Ordinance Amendment to Section 2.4.2.1 (Land Use Matrix) concerning Antenna Tower-Commercial; and setting a public hearing for August 25, 2011. *(James)*
 7. **Ordinance** – *(First Reading)* approving a Negotiated Resolution between the Atmos cities steering committee (“ACSC” or “Steering Committee”) and Atmos Energy Corp., MID-TEX Division (“atmos MID-TEX” or “company”) regarding the company’s Fourth Annual rate review mechanism (“RRM”) filing in all cities exercising original jurisdiction; declaring Existing rates to be unreasonable and setting a public hearing for August 25th, 2011. *(Patterson)*
7. **REGULAR AGENDA – ORDINANCES & PUBLIC HEARINGS – RESOLUTIONS**
 1. **Resolution** – Authorizing the filing and prosecution of the necessary State and Federal Permit Applications for the Cedar Ridge Reservoir Project *(O’Brien)*

2. **Oral Resolution – (Tabled Item)** Authorizing the City Manager to enter into a marketing agreement with Utility Service Partners Private Label, Inc., d/b/a Service Line Warranty America (SLWA). (*Gilley*)
3. **Ordinance & Public Hearing – (Final Reading) Z-2011-15** - on a request from Minda Street Church of Christ to rezone property from RS-6 (Single Family Residential) to NR (Neighborhood Retail) zoning located at 855 Minda St. (*James*)
4. **Resolution & Public Hearing** – Approval of the FY 2011/2012 One-Year Plan for the Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) programs. (*James*)
5. **Public Hearing** - Ordinance setting the tax levy; and set a public hearing for August 25, 2011 at 8:30 a.m. (*Patterson*)
8. **EXECUTIVE SESSION**
The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney) see list below, 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters) see list below, 551.087 (Business Prospect/Economic Development), and 551.076 (Deliberations about Security Devices)
9. **RECONVENE**
Any action if needed from Executive Session.
10. **Oral Resolution** – Approving appointments to the Abilene Public Library Advisory Board.
11. **ADJOURNMENT**

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Danette Dunlap, City Secretary, at 325-676-6202.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the _____ day of August, 2011, at _____.

Danette Dunlap, City Secretary

EXECUTIVE SESSION

(Litigation/Consultation with Attorney) Section 551.071

The following pending litigation subjects which may be discussed are:

- 1) Art Castro v. Abilene Police Department; No. 1:08-CV-152-BI; US District Court, Northern District, Abilene Division; received October 27, 2008
- 2) Victoria Carter v. City of Abilene; County Court at Law No. 1, Taylor County, Texas, filed September 25, 2009.
- 3) Celia Arguijo v. City of Abilene; filed February 1, 2010; received February 2, 2010; 104th Judicial District Court, Abilene, Taylor County, Texas. Cause No. 24,781-B
- 4) Diane Longenecker v. City of Abilene; Civil Case No. 1-10-CV-152; United States District Court, Northern District of Texas, Abilene Division, Filed July 9, 2010
- 5) Irene M. Grant, Jimmy Wilsher, Jimmy D. Asbill, Jerry “Gerardo” Garcia, Craig Mayhall and John M. Wegner v. City of Abilene, Texas, Cause No. 09010-D, 350th District Court, Taylor County, filed July 6, 2010
- 6) Patrick P. McGinnis v. City of Abilene, Texas; filed March 2, 2011; U.S. District Court, Northern District of Texas, Abilene Division
- 7) Tanjylon Tate v. City of Abilene; Satguru Hospitality, LLC d/b/a Knights Inn Civic Plaza Hotel a/k/a The Knights Inn Civic Center; Satguru Hospitality, LLC d/b/a Rodeway Inn Downtown Convention Center and a/k/a Rodeway Inn Downtown Convention Center; Wyndham Worldwide, Inc.; Wyndham Worldwide Operations, Inc.; Choice Hotels International, Inc.; Choice Hotels International Services, Corp.; Cause No. 25252-B; In the 104th Judicial District Court, Taylor County, Texas.
- 8) Byron LaRue Barefield v. City of Abilene; J. Peters Abilene Police Impound etal, Cause No. 47893-A, received July 7, 2011

(Personnel) Section 551.074

City Council may consider appointment, employment, reassignment, duties, discipline, or dismissal of public officers or employees, City Manager, City Attorney, Municipal Court Judge, City Secretary, and City Board and Commission Members. The following Boards and Commissions may be discussed:

Abilene Economic Development Company, Inc.
Abilene Higher Education Facilities Corporation
Abilene-Taylor County Events Venue District
Board of Building Standards
Civil Service Commission
Friends of Safety City Board
Abilene Housing Authority
Library Board
Mechanical/Plumbing/Electrical & Swimming Pool Board of Appeals
Mental Health-Mental Retardation Board of Trustees
9-1-1 Emergency Communications District Board of Managers
Planning and Zoning Commission
West Central Texas Municipal Water District

Abilene Health Facilities Development Corp.
Abilene Public Health Corporation
Board of Adjustments
Civic Abilene, Inc.
Development Corporation of Abilene, Inc.
Frontier *Texas!* Board of Directors
Landmarks Commission
Local Redevelopment Authority

Parks & Recreation Board
Taylor County Appraisal District
Municipal Golf Course Advisory Board

(Real Property) Section 551.072

(Business Prospect/Economic Development) Section 551.087

(Deliberations about Gifts and Donations) Section 551.073

(Deliberations about Security Devices) Section 551.076