



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, December 15, 2011 at 8:30 a.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** – Councilman Price
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 December 1, 2011, 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. **Ordinance:** *(First Reading)* Amending Chapter 28 Solicitation of the Abilene City Code; and setting a public hearing for January 12, 2012. *(Dunlap)*
 2. **Ordinance:** *(First Reading)* **Z-2011-32** - First reading on a request from Shawna Abernathy to rezone property from RS-6 (Single Family Residential) to O (Office) zoning, located at 2526 S. 32nd St; and setting a public hearing for January 12, 2012. *(James)*
 3. **Ordinance:** *(First Reading)* **Z-2011-33** - First reading on a request from Timothy Smith to rezone property from RS-12 (Single Family Residential) to GR (General Retail) zoning, located at 3518 S. 7th St; and setting a public hearing for January 12, 2012. *(James)*
 4. **Ordinance:** *(First Reading)* **Z-2011-34** - First reading on a request from SMR Acquisitions to rezone property from MD (Medium Density Residential) to NR (Neighborhood Retail) zoning, located at 1774 State St; and setting a public hearing for January 12, 2012. *(James)*
 5. **Ordinance:** *(First Reading)* **TC-2011-4** - First reading on a request from SMR Acquisitions to abandon a portion of the north to south alley right-of-way between N. 9th St. and State St. and between Grape St. and Merchant St.; and setting a public hearing for January 12, 2012. *(James)*
 6. **Ordinance:** *(First Reading)* **Z-2011-35** - First reading on a request from Harriet Bass to rezone property from RS-12 (Single Family Residential) to RS-12/H (Single Family Residential with Historic Overlay) zoning, located at 3435 S. 9th St; and setting a public hearing for January 12, 2012. *(James)*
 7. **Ordinance:** *(First Reading)* **Z-2011-36** - First reading on a request from Kelly Thompson to rezone property from RS-8 (Single Family Residential) to RS-8/H (Single Family Residential with Historic Overlay) zoning, located at 1710 Belmont Blvd.; and setting a public hearing for January 12, 2012. *(James)*
 8. **Ordinance:** *(First Reading)* Amending the Land Development Code related to Wind Energy Conversion Systems; and setting a public hearing for January 12, 2012. *(James)*
 9. **Resolution:** Sole Source contract with the National Development Council for Professional Services for FY 2011/2012 *(Burdine)*
 10. **Resolution:** Reappointing an Assistant Municipal Court Judge. *(Santee)*
7. **REGULAR AGENDA – ORDINANCES & PUBLIC HEARINGS – RESOLUTIONS**

1. **Ordinance & Public Hearing:** *(Final Reading)* Modifying the City's Code of Ordinances regarding increases in Retirement Annuities. *(Kidd)*
 2. **Ordinance & Public Hearing:** *(Final Reading)* Adopting an Ad Hoc (one time only) COLA for TMRS Annuitants based on 50% of CPI change as defined by TMRS. *(Kidd)*
 3. **Ordinance & Public Hearing:** *(Final Reading)* Adoption of an amendment to Section R302.1 of the 2009 Abilene Residential Building Code. *(James)*
 4. **Award of Bid: CB#1209** – Stop Loss Insurance *(Kidd)*
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:** Discussion and possible action related to annual performance evaluations of City Manager, City Attorney, City Secretary and Municipal Judge
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 December, 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 et al, Cause No. 47893-A, received July 7, 2011.
- 9) City of Abilene, Texas v. Aurora Bumgarner; 104th Judicial District Court, Taylor County, Texas; filed November 17, 2011
- 10) Clayton Woodyard; Marnie Woodyard, Individually and as Parent and Next Friend of A. W., a Minor, and C.W., a Minor; vs 1) The City of Abilene, 2) Roger Romero; and 3) Christopher Bryan Hall #880 and Chief of Police Stan Standridge.

- 11) Central Appraisal District of Taylor County v. Al-Yahnai Fountain Hawkins v. Third Party: The Corporation of the City of Abilene, Texas; Cause No. 09332-D; In The 350th Judicial District Court, Taylor County, Texas; filed November 16, 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