

CITY COUNCIL MEETING
August 9, 2007, 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 August 9, 2007, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase, Stormy Higgins, Joe Spano, Anthony Williams, Councilwomen Laura Moore and Celia Davis. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Jo Moore, and various members of the City staff.

Councilwoman Davis gave the invocation.

Mayor Archibald introduced Damon Whisenhunt who led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas. Damon is eight years old and is a 3rd grader at Thomas Elementary and he is the son of Mindy Whisenhunt, Deputy Finance Director for the City. Damon's mother, father and brothers were also present.

Mayor Archibald recognized City Secretary Jo Moore and noted that Ms. Moore will be retiring on August 20, 2007 with nearly nineteen (19) years of service with the City.

EMPLOYEE SERVICE AWARDS

Mayor Archibald, assisted by City Secretary Jo Moore, presented Employee Service Awards to the following individuals for their years of service:

25 Years	Robert Coy	Concrete Finisher II Street Services
20 Years	Russell Pope	Fire Captain
20 Years	Weldon Wilkerson	Fire Captain
20 Years	Larry Lambert	Fire Lieutenant
20 Years	Grady Sheppard	Fire Lieutenant
20 Years	Walter Clemmer	Fire Lieutenant
20 Years	Brian Scalf	Firefighter
20 Years	Thomas Willis	Firefighter
20 Years	Dale Hall	Firefighter
25 Years	Mary Ann Ross	Executive Secretary Fire Administration

Mayor Archibald stated, as posted and required by State law, at approximately 11: 00 a.m. Council would move to agenda Item 4.5 to consider the Award of Bids on the General Obligation Bonds and the Certificates of Obligation.

DISPOSITION OF MINUTES

2.0 Mayor Archibald stated Council has been given the minutes from the July 12, 2007 Regular Council Meeting, July 18 and 19, 2007 Budget Workshop and July 24 Regular Council Meeting. There being no deletions, corrections or additions to the minutes Councilman Chase made a motion to approve the minutes as presented. Councilman Chase stated, for the record, that the incredible detail be noted that's contained in the minutes before Council today and all the minutes prepared by City Secretary Jo Moore over the years that has allowed the City of Abilene to have an archival record and a historical memory, second to none. Councilwoman Davis seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Spano, Williams, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

CONSENT AGENDA

Councilman Higgins made a motion to approve consent agenda items 3.1 through 3.6, item 3.9 and final reading of items 3.7 and 3.8, as recommended by staff. Councilwoman Moore seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Williams, Spano, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

Bid Awards/Ordinances:

- 3.1 South 7th Street Reconstruction Phase III – South Pioneer Drive to South Barrow Street, **Bid # CB-7045**. The bid was awarded to Contract Paving Co., Tye, Texas in the amount of \$662,744.44, contingent on the sale of the bonds on August 9, 2007.
- 3.2 Sayles Boulevard Rehabilitation Phase IV - South 20th to South 14th Streets, **Bid # CB-7054**. The bid was awarded to Contract Paving Co., Tye, Texas in the amount of \$726,889.31, contingent on the sale of bonds on August 9, 2007.
- 3.3 North 10th Street Reconstruction Phase IV - North Willis to Grape Streets, **Bid # CB-7055**. The bid was awarded to Stephens Martin Paving, LP, Abilene, Texas, in the amount of \$737,434.36, contingent on the sale of bonds on August 9, 2007.
- 3.4 Auditorium Stage Drapes and Fire Safety Curtain replacement for the Civic Center Auditorium. The bid was awarded to Texas Scenic Company, Inc. San Antonio, Texas in the amount of \$87,450.00.

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- 3.5 Automated BioChemical Oxygen Demand Analysis System for the Abilene Environmental Laboratory, **Bid # CB-7051**. The bid was awarded to MAN SCI Inc., in the amount of \$40,921.05 and the City Manager and/or his designee was authorized to execute all necessary documents related to the purchase.
- 3.6 Construction of the Cedar Creek Sewer Line replacement, **Bid # CB-7048**. The bid was awarded to Starks Construction Company, in the amount of \$1,120,950.00 and the City Manager and/or his designee was authorized to execute all necessary documents related to the purchase.
- 3.7 Ordinance to amend Chapter 18, "Motor Vehicles and Traffic" of the Abilene Municipal Code.

The Ordinance is numbered **31-2007** and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC" OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- 3.8 Ordinance establishing the classification of positions in the City of Abilene Fire Department.

The Ordinance is numbered **32-2007** and captioned as follows:

ORDINANCE ESTABLISHING THE CLASSIFICATION OF POSITIONS IN THE CITY OF ABILENE FIRE DEPARTMENT.

- 3.9 Police Records – Megastar Carousel Filing System Model 115-1411. The purchase of the system through the TXMAS (Texas Multiple Award Schedule) Contract Vendor, at a total cost of \$45,997.40, for both units, was approved.

REGULAR AGENDA

- 4.1 Mike Hall, Community Services Director briefed the Council on the Resolution authorizing the City of Abilene to accept improvements named the Abilene Zoo Adventure Center.

In April 2002, the City of Abilene entered into a Zoo Operating Agreement with the Abilene Zoological Society, Inc. Under the terms of that agreement, any permanent improvements to the Abilene Zoological Gardens made by the Society would become property of the City.

In February 2006, the City and the Society entered into an agreement with the Grover Nelson Park Zoological Foundation for the construction of the Wonders of Life Exploration Complex on the grounds of the Abilene Zoological Gardens. Under the agreement the Foundation would finance the construction of the Complex and abide by the terms and conditions of the Zoo Operating Agreement, including transferring ownership of the Complex to the City. During the course of the project, the scope of the Complex was reduced and the project was renamed the Abilene Zoo Adventure Center.

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The Abilene Zoo Adventure Center has been completed and the Certificate of Occupancy has been issued. The Resolution before Council authorizes the City Manager to execute any documents necessary to transfer the ownership of the Center from the Foundation to the City as is required by the Zoo Operating Agreement. The City will be responsible for the ongoing maintenance and utility costs of the facility. Staff recommends approval of the resolution authorizing the City to accept the improvements named the Abilene Zoo Adventure Center.

Mr. Hall introduced Mr. Tom Martin, president of the Abilene Zoological Society, Inc. Mr. Martin recognized current and past members of the Society and Foundation and then briefed the Council on the design of the Center and noted a grand opening for the Center would be held soon. Mr. Martin then introduced Ms. Amber Cree of the Grover Nelson Park Zoological Foundation. Ms. Cree stated that 25 years ago the Foundation was formed for the benefit of the Zoo and that today's presentation of the Center to the City supports the Foundation's purpose. Ms. Cree then presented Mayor Archibald with a symbolic "Key to the Abilene Zoo Adventure Center". The Mayor stated appreciation to Ms. Cree for the work of the Society and Foundation and noted the benefits the Center will provide to the City and to those that visit the City.

Councilman Williams made a motion to approve the Resolution authorizing the City of Abilene to accept improvements named the Abilene Zoo Adventure Center. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Spano, Williams, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

The Resolution is numbered **26-2007** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY OF ABILENE TO ACCEPT IMPROVEMENTS NAMED
THE ABILENE ZOO ADVENTURE CENTER AND LOCATED WITHIN GROVER
NELSON PARK.

4.2 Jon James, Director of Planning and Development Services briefed the Council on the Ordinance amending Section 23-306.4 of the Zoning Ordinance regarding Driving Schools as a permitted use.

Mr. James stated the request is to locate a driving school on property zoned LI (Light Industrial). The City's Zoning Ordinance currently allows driving schools within the following districts: CU (College-University), CB (Central Business), GC (General Commercial), HC (Heavy Commercial), and as a Conditional Use in the O (Office District). Staff and the Planning and Zoning Commission recommend approval of an amendment to the Permitted Use Chart of the Zoning Ordinance that would additionally allow a driving school within the LI (Light Industrial District).

Staff clarified that the restriction prohibiting Truck Driving schools does not apply in Light Industrial Districts.

Mayor Archibald opened a public hearing on the item and there being no one present and desiring to be heard Mayor Archibald closed the public hearing.

Councilman Spano made a motion to approve the ordinance considered on second and final reading to amend Section 23-306.4 of the Zoning Ordinance to add Driving Schools as a permitted use in the LI, Light Industrial District. Councilwoman Moore seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Spano, Williams, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **33-2007** and captioned as follows

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," 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.

4.3 Jon James, Director of Planning and Development Services briefed the Council on **Z-2007-16**, a request for approval of an ordinance to rezone property from RS8/COR (Residential Single-Family with Corridor Overlay) to GC/COR (General Commercial with Corridor Overlay), property located at 6502 Buffalo Gap Rd.

The parcel is currently used as a salon and is intended to be used as a salon or other commercial use in the future. The surrounding area is developed with Shopping Center District to the east along Buffalo Gap Rd., General Commercial to the north and vacant Agricultural Open Space to the west and south. Mr. James stated staff and the Planning and Zoning Commission recommends approval of Limited Commercial with Corridor Overlay instead of General Commercial with Corridor Overlay. Mr. James further stated that although the original request was for General Commercial with Corridor Overlay zoning the applicant is now in agreement with the Limited Commercial with Corridor Overlay zoning.

Mayor Archibald opened a public hearing on the item and there being no one present and desiring to be heard Mayor Archibald closed the public hearing.

Councilwoman Davis made a motion to approve **Z-2007-16**, an ordinance considered on second and final reading to rezone property from RS8/COR (Residential Single-Family with Corridor Overlay) to LC/COR (Limited Commercial with Corridor Overlay) zoning, located at 6502 Buffalo Gap Rd. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Spano, Williams, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

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The Ordinance is numbered **34-2007** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," 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.

4.4 David Wright, Director of Finance briefed the Council on the proposed Ordinance setting the 2007-2008 tax rate. Mr. Wright stated the FY 2008 budget approved by the Council on July 19, 2007 set the tax rate at 66.78 cents per \$100.00 valuation. State law requires that two (2) public hearings must be held prior to the final public hearing and vote. Another public hearing will be held on August 23, 2007, with the final public hearing and vote to be held on September 6, 2007. Staff recommends that the City Council hold the public hearing in accordance with state law. No action is required by Council.

Mayor Archibald opened a public hearing on the item and there being no one present and desiring to be heard Mayor Archibald closed the public hearing.

No Council action was required.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 2007, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 2007; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE.

4.5 9:30 a.m.: Mayor Archibald stated Agenda Item 4.5 the Award of Bids on the General Obligation Bonds and the Certificates of Obligation cannot be considered until approximately 11:00 a.m. and Council would now consider Agenda Item 4.6.

4.6 Ed McRoy, Assistant Director of Planning and Development Services, briefed the Council on the Resolution adopting the FY 2007/08 One-Year Action Plan for the Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) programs.

Mr. McRoy stated the City of Abilene, as an entitlement city receiving funds from the U.S. Department of Housing and Urban Development (HUD), is required to submit a One-Year Action Plan outlining specific uses of Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds planned for the coming fiscal year. The One-Year Action Plan must be submitted to HUD by August 11, 2007. The One-Year Action Plan FY 2006/2007 Summary is as follows:

- Planning and Development Services Administration - \$206,250 CDBG
- Planning HOME Administration - \$14,430 HOME
- First Time Home Buyers - \$60,000 HOME
- Tenant-Based Rental Assistance/Self-Sufficiency (TBRASS) - \$60,000 HOME

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- Single-Family Rehabilitation - \$338,600 HOME
- Housing Reconstruction - \$232,750 HOME
- Community Housing Development Organization (CHDO) - \$85,970 HOME
- Critical/Limited Rehab - \$110,000 CDBG
- CDBG Housing Rehab Administration - \$126,000 CDBG
- Housing Rehab Administration - \$43,310 HOME
- Adult Protective Services Partners, Inc. - \$14,000 CDBG
- Abilene Volunteer Weatherization Program - \$4,000 CDBG
- Medical/Dental Program - \$15,970 CDBG
- Senior Nutrition and Activities - \$46,360 CDBG
- Access to Jobs - \$20,000 CDBG
- FaithWorks of Abilene, Inc. - \$12,460 CDBG
- Section 108 Debt Repayment - \$664,050 CDBG

A public hearing was held in March of 2007 at City Hall to discuss and determine services, needs and gaps in the following areas of concentration which included housing, homelessness/special needs, economic development, and community development/neighborhood development. At this session, representatives of nonprofit agencies and members of the general public made various comments on community development needs that they hoped could be addressed with CDBG/HOME funds or alternative funds. A summary of the One-Year Action Plan outlining the proposed FY 2007/2008 budget was published in the Abilene Reporter-News on July 1 (which began the HUD-required 30-day comment period). As of this date, no comments were received. Today's public hearing, and Council's consideration and approval of the Resolution, is required.

There will be no impact on local taxes. Projects are to be funded using 2007 entitlement of \$1,120,611 CDBG, \$53,504 CDBG reprogrammed funds, entitlement of \$573,121 HOME and \$257,584 HOME reprogrammed funds. In addition, the City anticipates that it will receive at least \$45,000 in program income for the CDBG program during FY 2007/08. Staff recommends approval of the resolution approving the 2007/08 One-Year Action Plan for use of CDBG and HOME funds.

Council and staff discussion included: 1) significant changes this year are that Code Enforcement and the Teen Court will not be funded through CDBG funds; 2) criteria that must be met to qualify for the program; 3) the feasibility of rehabilitating a home versus reconstructing, the application and selection process; 4) funding Code Enforcement officers through the General Fund and not CDBG allows them to spend less time on federal required paperwork and more time in the field; 5) the number of homes that may qualify for the program being almost impossible to determine, and; 6) the future trends of the CDBG funding indicating larger funding amounts but funding is being sought by more (federal formulas determine allocations).

Mayor Archibald opened a public hearing on the item and the following individuals addressed Council:

- Jenny Goode, Chief Executive Officer for the Betty Hardwick Center and president of Adult Protective Services Partners, Inc. (APSP). Ms. Goode noted the purpose and

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primary responsibility of APSP. Ms. Goode stated appreciation to Council for the funding APSP has received and noted a variety of uses the funds are utilized for (i.e. the building of wheelchair ramps). Ms. Goode stated that although APSP could always use additional funds she recognizes the limitations and restrictions that are placed on the CDBG funds.

- Jimmy Swain, Abilene Volunteer Weatherization Program. The Program uses the CDBG funds to purchase building materials to weatherize homes and replace entrance doors, which fail to provide proper security or weather-tightness. Weatherization is made available to low-income, persons with disabilities and the elderly to meet urgent needs. Mr. Swain noted approximately 40 houses per year are weatherized and all work is performed by volunteers. Mr. Swain stated appreciation to Council for the CDBG funding.

There being no one else present and desiring to be heard Mayor Archibald closed the public hearing.

Council commented on the many great things accomplished through these programs and stated appreciation to the many volunteers that work in the programs.

Councilman Chase made a motion to approve the Resolution approving the FY 2007/08 Action Plan for the 2005-2009 Consolidated Plan and Projected Use of Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds, as recommended by staff. Councilman Spano seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Davis and Moore, and Mayor Archibald.

NAYS: None

The Resolution is numbered 27-2007 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE FY 2007-2008 ACTION PLAN FOR THE 2005-2009 CONSOLIDATED PLAN AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS.

Council recessed for a break at 10:05 a.m. and reconvened at 10:15 a.m.

4.7 Tommy O'Brien, Director of Water Utilities, briefed the council on the Resolution revising the schedule of rates and charges for water and sewer utility service.

Mr. O'Brien presented a power point which included: 1) Fund Balance Designations; 2) Multi-Year Rate Strategy; 3) Contract Customer Rates; Unrestricted Fund Balance Goal; 4) Unrestricted Fund Balance Goal Multi-Year Rate Strategy; 5) Unrestricted Fund Balance Goal Revised FY 06/07; 6) Unrestricted Fund Balance Goal Projected FY 07/08 w/Rate Adjustment; 7) Last Year's Rate Adjustment; 8) Proposed Rate Adjustment; 8) Ten City Comparison for residential water & sewer bill 5, 000 and 10,000 gallons; 9) Ten City Comparison for Commercial

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water & sewer bills 50,000 and 200,000 gallons; 10) Future Rate Considerations, and; 11) the proposed Rate Resolution.

Mr. O'Brien noted that during the October 19, 2006 Council Meeting the City's current water and sewer rates were adopted. At that time it was decided to have incremental rate adjustment over the next four years to allow the Water Department to: 1) build up its Unrestricted Fund Balance to the amount recommended in the City's Financial Policy, which calls for an Unrestricted Fund Balance equal to 3 months of operating expenses; and 2) transfer \$2 million per year into the Restricted Fund for future Capital Improvement Projects. Staff was directed to consider setting rates for FY 2007/2008 to allow the Water Department to "break even" and transfer \$2 million into the Restricted Fund. Then in subsequent fiscal years, rates will be adjusted annually to allow the Water Department to progress toward the 3 month fund balance, and transfer \$2 million annually into the Restricted Fund.

During the July 2007 Budget Workshops, staff informed the Council that the current water and sewer rates are inadequate to provide sufficient revenues to support the proposed Water Department by nearly \$1 million. Also, current rates do not allow funds to be placed in the Water Department's Restricted Fund for future Capital Improvements Projects. Options are available for adjusting current rates to allow the Water Department to "break even" during FY 2007/2008, and generate sufficient revenues to transfer funds to the Water Department's Restricted Fund Balance. Staff recommends that the Council approve the resolution revising the schedule of rates and charges for water and sewer utility service.

Council and staff discussion included: 1) staff addressed the differences between the original estimated rate increase, what is being proposed and what was not anticipated; 2) commercial users not having been notified of proposed increases and Council's concerns that notification should be made; 3) basis for the number of variances between last year and this year; 4) Abilene having lower rates in comparison to ten comparable cities, and possible need for larger rate increases; 5) basis for no reuse rate increase; 6) 6.5 billion gallons of water expected to be sold, may sell 6.7 billion; 7) sewer bills being based on consumption of water; 8) Council requested the spreadsheet, that addresses what actual rates are, be updated to include what the numbers for 07/08 will be and information be provided on what the Carter and Burgess potential proposal to keep Ft. Phantom at a higher level, on a consistent basis, will cost and the long term impact of that proposal to the rates; 9) Mr. Gilley noted in order to give the community some sense of what rates might look like over the course of the next several years Council could develop some assumptions on which those rate decisions would be made, not necessarily what the rates will look like, but look at goals (i.e. acquiring a 3 month fund balance target, to have a 2 million dollar restricted capital reserve, and implementing some lake area development projects that are recommended by the city consultants). Once assumptions are defined then rate projections to support those goals could be developed, and; 10) Council noted the importance of informing users of potential rate increases and of the plans/goals the City has set and are moving toward.

Approximately: 11:00 a.m. Mayor Archibald stated Council would move to Agenda Item 4.5. and following consideration of that item Council would resume consideration of Agenda Item 4.7.

4.5 Award of Bids

- 1) General Obligation Bonds, Series 2007, in the amount of \$6,610,000.

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- 2) General Obligation Airport Improvement Bonds, Series 2007, in the amount of \$1,070,000.
- 3) Combination Tax and Revenue Certificates of Obligation, Series 2007, in the amount of \$4,000,000.
- 4) Combination Tax and Airport Revenue Certificates of Obligation, Series 2007, in the amount of \$4,895,000.

David Wright, Director of Finance, introduced the item, distributed the bid information and recognized financial advisor Mr. George Williford of First Southwest Company and bond counsel representative Mr. Peter Tart of McCall, Parkhurst & Horton. Mr. Williford stated the double A and double A3 ratings on the City were affirmed and are very good rating levels. Mr. Williford then briefed the Council on the bids received for various construction and improvement projects and on the Ordinances authorizing the issuance of City of Abilene, Texas, General Obligation Bonds, Series 2007, in the amount of \$6,610,000; General Obligation Bonds, Series 2007, in the amount of \$1,070,000; General Obligation Airport Improvement Bonds, Series 2007, in the amount of \$4,000,000; Combination Tax and Revenue Certificates of Obligation, Series 2007 and Combination Tax and Airport Revenue Certificates of Obligation, Series 2007, in the amount of \$4,895,000.

4.5 (1) Mr. Williford noted the low bid on the General Obligation Bonds, Series 2007, in the amount of \$6,610,000 was received from SAMCO Capital Markets at a true interest cost of 4.599320%.

Councilwoman Moore made a motion to approve the bid from SAMCO Capital Markets at a true interest cost of 4.599320%; and to approve the Ordinance authorizing the issuance of City of Abilene, Texas, General Obligation Bonds, Series 2007, in the amount of \$6,610,000, as recommended by staff. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Davis and Moore, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **35-2007** and captioned as follows:

AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS GENERAL OBLIGATION BONDS, SERIES 2007, IN THE PRINCIPAL AMOUNT OF \$6,610,000 AND ORDAINING OTHER MATTERS RELATING THERETO.

4.5 (2) Mr. Williford noted the low bid on the General Obligation Airport Improvement Bonds, Series 2007, in the amount of \$1,070,000 was received from Wachovia Securities LLC at a true interest cost of 5.046655%.

Councilman Higgins made a motion to approve the bid from Wachovia Securities LLC at a true interest cost of 5.046655%; and to approve the Ordinance authorizing the issuance of City of Abilene, Texas, Airport Improvement Bonds, Series 2007, in the amount of \$1,070,000, as recommended by staff. Councilwoman Davis seconded the motion, and the motion carried.

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AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Davis and Moore, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **36-2007** and captioned as follows:

AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS GENERAL OBLIGATION AIRPORT IMPROVEMENT BONDS, SERIES 2007, IN THE PRINCIPAL AMOUNT OF \$1,070,000 AND ORDAINING OTHER MATTERS RELATING THERETO.

4.5 (3) Mr. Williford noted the low bid on the Combination Tax and Revenue Certificates of Obligation, Series 2007, in the amount of \$4,000,000 was received from First Southwest Company at a true interest cost of 4.453327%.

Councilman Chase made a motion to approve the bid from First Southwest Company at a true interest cost of 4.453327%; and to approve the Ordinance authorizing the issuance of City of Abilene, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007, in the amount of \$4,000,000 as recommended by staff. Councilwoman Moore seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Davis and Moore, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **37-2007** and captioned as follows:

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2007, IN THE PRINCIPAL AMOUNT OF \$4,000,000 AND OTHER MATTERS RELATED THERETO.

4.5 (4) Mr. Williford noted the low bid on the Combination Tax and Airport Revenue Certificates of Obligation, Series 2007, in the amount of \$4,895,000 was received from Wachovia Securities LLC at a true interest cost of 4.799260%. Mr. Williford referenced the Bond Buyer's Index over time information in the Council's handout and stated it is still a good time to undertake tax exempt financing rates.

Councilman Williams made a motion to approve the bid from Wachovia Securities LLC at a true interest cost of 4.799260%; and to approve the Ordinance authorizing the issuance of City of Abilene, Texas, Combination Tax and Airport Revenue Certificates of Obligation, Series 2007, in the amount of \$4,895,000, as recommended by staff. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Davis and Moore, and Mayor Archibald.

NAYS: None

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The Ordinance is numbered **38-2007** and captioned as follows:

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS COMBINATION TAX AND AIRPORT REVENUE CERTIFICATES OF OBLIGATION, SERIES 2007, IN THE PRINCIPAL AMOUNT OF \$4,895,000 AND OTHER MATTERS RELATED THERETO.

Council resumed discussion on Agenda Item 4.7. Mayor Archibald noted the possibility of tabling this item in light of last years discussions where the rates that were approved at the beginning of the summer so negatively impacted customers (especially commercial and industrial customers), in the interest of sharing the current proposed rates with the customers, through today's media reports, and to be able to notify the commercial and industrial customers in writing of what is being considered. Staff noted the item, if tabled, could be brought back to Council at the August 23rd Regular Council meeting and/or at the September 6th Council Workshop session.

Councilwoman Moore made a motion to table the Resolution revising the schedule of rates and charges for water and sewer utility service until the commercial and industrial customers that will be affected by these proposed revisions can be notified. Councilman Spano seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Davis and Moore, and Mayor Archibald.

NAYS: None

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REVISING THE SCHEDULE OF RATES AND CHARGES FOR WATER AND SEWER UTILITY SERVICE.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 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 and reported no votes or action was taken in Executive Session.

5.5 Councilman Williams made a motion to approve Mayor Archibald's appointments and reappointments to the Frontier Texas! Board of Directors. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Davis and Moore, and Mayor Archibald.

NAYS: None

Frontier Texas! Board of Directors

Re-appointments:

Billye Proctor Shaw, term expires February 2009
Charlie Black, term expires February 2010
David Vela, term expires February 2010
Debbie McClure, term expires February 2008
Ron Butler, term expires February 2009
Ross Jones, term expires February 2009

New appointments:

Mike Alexander, term expires February 2010
Bill Neal, term expires February 2010
Sue Ball, term expires February 2010
Dr. Marc Orner, term expires February 2009
Brandon Polk, term expires February 2008
Chuck Statler, term expires February 2010
Jerry Harris, term expires February 2008

5.6 No action was taken on an appointment to the Housing Authority Board of the City of Abilene.

5.7 Councilwoman Davis made a motion to approve the appointment of Danette Dunlap as Interim City Secretary, effective August 21, 2007. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Higgins, Williams, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

5.8 No action was taken on the annual performance evaluations of the City Manager, City Attorney, and Municipal Judge.

There being no further business the meeting was adjourned at 12:15 p.m.

Danette Dunlap
Interim City Secretary

Norm Archibald
Mayor