

**CITY COUNCIL MEETING**  
**January 24, 2008, 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 January 24, 2008, 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 Danette Dunlap, and various members of the City staff.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Joe Rangel a 5<sup>th</sup> grader from Bowie Elementary School; Joe led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**CONSENT AGENDA**

Councilman Higgins made a motion to approve consent agenda items 3.1 through 3.6 as recommended by staff. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

**Ordinances:**

- 3.1     Z-2008-01** - Request to rezone property from O (Office) to LC (Limited Commercial) located at 2616 & 2626 S. Clack St.; and setting a public hearing for February 14, 2008.

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.

- 3.2     Z-2008-02** - Request to rezone property from PI (Park Industrial) to GC (General Commercial) located at 35 Windmill Circle; and setting a public hearing for February 14, 2008.

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.

- 3.3 Z-2008-03** Request to rezone property from AO (Agricultural Open Space) and RM-2 (Multi-Family Residential) to GC (General Commercial) located at the corner of Hartford St. and South Clack St.; and setting a public hearing for February 14, 2008.

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.

- 3.4 Z-2008-04** Request to rezone property from AO (Agricultural Open Space) to LI (Light Industrial), located at 3833 Pine St., North of Huckleberry and East of the Railroad right-of-way; and setting a public hearing for February 14, 2008.

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.

- 3.5** Ordinance approving a settlement agreement between Atmos Mid-Tex and the Atmos Cities Steering Committee of which Abilene is a member and calling a public hearing for February 14, 2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ("CITY") APPROVING A SETTLEMENT AGREEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "THE COMPANY") REGARDING THE COMPANY'S STATEMENT OF INTENT TO CHANGE GAS RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE SETTLEMENT AGREEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.

**Bid Awards:**

- 3.6 CB#8011** – Purchase of roll-off containers. Bid awarded to Roll-Off's USA, Inc. in the amount of \$64,747.00.

### **REGULAR AGENDA**

There were no items for the Regular Agenda.

### **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 appointment of Paul Canon to the Development Corporation of Abilene, Inc. Commission. Councilman Spano seconded the motion, and the motion carried.

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

**NAYS:** None

There being no further business the meeting was adjourned at 9:50 a.m.

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Danette Dunlap  
City Secretary

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Norm Archibald  
Mayor