

## **CITY COUNCIL MEETING**

**June 12, 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 June 12, 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, Anthony Williams, Robert O. Briley and Councilwoman Laura Moore. Absent Councilman Joe Spano. Also present were City Manager Larry Gilley, Assistant City Attorney Theresa James, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Williams gave the invocation.

Mayor Archibald introduced Damon and Dillion Whisenhunt, boys of Mindy Patterson Interim Finance Director for the City, Damon and Dillion led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

### **EMPLOYEE SERVICE AWARD**

Mayor Archibald assisted by City Manager Larry Gilley recognized the following employee for his years of service:

**James Condry, Traffic Transportation Administrator, 30 Years**

### **PROCLAMATIONS**

Mayor Archibald presented the following proclamations:

**Colorectal Cancer Awareness and Prevention**

**Myasthenia Gravis Awareness Month**

### **SPECIAL RECOGNITION Certified Public Manager Graduates**

The program is a nationally accredited comprehensive management development program specifically for managers in federal, state and local government. The program's primary goal is to improve the performance of public sector managers and the organizational performance of state, local and federal government.

The following City Employees graduated on Monday, June 2<sup>nd</sup> in Austin:

Leslie Andrews  
Barry Camarillo  
Don Green (unable to attend today)  
Wayne Lisenbee  
Pam McComas

Jeff Mitchell  
Alan Plumlee  
Joe Tauer (unable to attend today)  
Van Watson  
James Winward (unable to attend today)

## DISPOSITION OF MINUTES

**5.0** Mayor Archibald stated Council has been given the minutes from the May 8th & May 15th , 2008 Regular Council Meetings, There being no deletions, one correction “Page 4 of the May 15<sup>th</sup> minutes” middle of the page change **CO’s to GO’s**, no further additions to the minutes Councilman Chase made a motion to approve the minutes with the correction. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Williams, Briley, Councilwoman Moore, and Mayor Archibald.

NAYS: None

## CONSENT AGENDA

Councilwoman Moore made a motion to approve consent agenda items 6 (a) through 6 (r) as recommended by staff with the exception of Item 6(q) that was pulled prior to the meeting and 6 (c) (h) (m) (n) & (r) pulled by Councilman Chase, and recommended by staff. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Williams, Briley, Councilwoman Moore, and Mayor Archibald.

NAYS: None

## Oral Resolutions:

- (a) Oral Resolution authorizing the City Manager to execute URS Corp Task Order 13, to design Runway 17R/35L Lighting Rehabilitation.
- (b) Oral Resolution authorizing the City Manager to execute URS Corp Task Order 14, to design Air Carrier Ramp Reconstruction Area D.
- (c) Oral Resolution authorizing the City Manager to enter into a contract with Freese and Nichols, Inc. for the Dam Upgrade Program for Fort Phantom Hill Dam, Lake Abilene Dam and Kirby Lake Dam. *Item pulled by Councilman Chase.*
- (d) Oral Resolution approving the purchase of a replacement Chlorine Dioxide Generator which produces the primary disinfectant used in the water treatment process.

## Resolution:

- (e) Resolution – Designation of Name for Access Way on Private Property for Addressing Purpose.

The Resolution is numbered **#22-2008** and captioned as follows:

A RESOLUTION DESIGNATING THE NAME OF AN INTERNAL ACCESS WAY FOR 911 AND OTHER ADDRESSING PURPOSES ON THE HENDRICK HOME FOR CHILDREN CAMPUS.

**Ordinances:**

- (f) Ordinance – Amending Chapter 18, “Motor Vehicles and Traffic”. **First Reading**
- (g) Ordinance - Z-2008-20 **First Reading** on a request to rezone property from AO (Agricultural Open Space) to PDD (Planned Development District) zoning, located at the northeast corner of Musgrave Blvd. and Scottish Rd; and setting a public hearing for June 26, 2008.
- (h) Ordinance – Amending Chapter 29, “Streets and Sidewalks,” Article III, “Sidewalk, Driveway, Curb and Gutter Construction and Repair,” Division 1, “Generally,” Section 29-38, “Duty of Abutting Property Owner to Repair, Maintain, Etc., Sidewalks Etc.” of the Abilene City Code as set out below; providing a Severability Clause; and setting a public hearing for June 26, 2008. ***Item pulled by Councilman Chase.***

**Bid Awards:**

- (i) Bid Award CB# 8028 – Solid Waste Trucks. Bids were awarded as follows: Item 1 was awarded to Chastang’s Bayou City, Item 2 was to Industrial Power Truck and Equipment, and Item 3 awarded to Corley Wetsel Freightliner totaling \$2,704,396.00.
- (j) Bid Award CB# 8033 – AG Tractor with Boom Mower attachment for Storm Water Division. Bid was awarded to Abilene New Holland in the amount of \$138,305.00.
- (k) Bid Award CB# 8034 – AG Tractors for Storm Water Division. Bid was awarded to Warren Cat, in the amount of \$209,960.00.
- (l) Bid Award CB# 8038 – Miscellaneous Street Improvements: Citywide Sidewalks – Phase I. Bid was awarded to Bontke Bros Construction Co., Abilene, Texas, in the amount of \$593,889.93.
- (m) Bid Award CB# 8040 – Air Carrier Ramp Reconstruction, Area C. Bid was awarded to Epic Construction not to exceed \$2,469,628.00 subject to the availability of federal funding. ***Item pulled by Councilman Chase.***
- (n) Bid Award CB# 8041 – T-Hangar Taxilane Reconstruction, Area A. Bid was awarded to Epic Construction not to exceed \$1,278,009.50 subject to the availability of federal funding. ***Item pulled by Councilman Chase.***
- (o) Bid Award CB# 8042 – South 27<sup>th</sup> Reconstruction Phase III – Catclaw Creek to Barrow Street. Bid was awarded to Contract Paving Co., Tye, Texas, in the amount of \$446,322.39.00.
- (p) Bid Award CB# 8043 – Microsurfacing Project 2008 – Rio Mesa Drive, Wagon Wheel Ave., Cedar Run Road. Bid was awarded to Viking Construction, Inc., Georgetown, Texas in the amount of \$243,988.79.
- (q) Bid Award CB# 8047 – Runway 17L/35R Threshold Repairs. Bid was awarded to Bontke Brothers Construction Company in the amount of \$246,786.22. ***Item pulled prior to the meeting by Don Green Airport Director.***
- (r) Bid Award CB# 8032 – Replace Roof on Zoo’s Elephant & Lion Barn, Zoo’s Commissary/Service Building, and Grimes Water Treatment Plant. Bid was awarded to Barr Roofing, in the amount of \$90,940.00. ***Item pulled by Councilman Chase.***

***Items Pulled from Consent Agenda***

- 6 (c) Oral Resolution authorizing the City Manager to enter into a contract with Freese and Nichols, Inc. for the Dam Upgrade Program for Fort Phantom Hill Dam, Lake Abilene Dam and Kirby Lake Dam. ***Item pulled by Councilman Chase.***

Rodney Taylor, Assistant Water Director, answered questions concerning this item. Discussion included: 1) has this project been discussed with council before today. This has not been to the council; and 2) this contract has reference to the TCEQ report in 2006.

**6 (h)** Ordinance – Amending Chapter 29, “Streets and Sidewalks,” Article III, “Sidewalk, Driveway, Curb and Gutter Construction and Repair,” Division 1, “Generally,” Section 29-38, “Duty of Abutting Property Owner to Repair, Maintain, Etc., Sidewalks Etc.” of the Abilene City Code as set out below; providing a Severability Clause; and setting a public hearing for June 26, 2008. *Item pulled by Councilman Chase.*

Jon James, Director of Planning and Development Services, answered questions concerning this item. Discussion included: 1) whether or not this ordinance should have gone to Planning & Zoning Commission for approval before coming to city council; and 2) this Ordinance cleaned up the language and the language has not changed from what the Planning & Zoning Commission has already seen.

**6 (m) & (n)** Bid Award CB# 8040 – Air Carrier Ramp Reconstruction, Area C. Bid was awarded to Epic Construction not to exceed \$2,469,628.00 subject to the availability of federal funding. *Item pulled by Councilman Chase.*

Bid Award CB# 8041 – T-Hangar Taxilane Reconstruction, Area A. Bid was awarded to Epic Construction not to exceed \$1,278,009.50 subject to the availability of federal funding. *Item pulled by Councilman Chase.*

Chris Taylor, Assistant Director of Aviation and Larry Gilley City Manager, answered questions concerning this item. Discussion included: 1) it is not unusual to receive only one bid on this type of construction; 2) Epic Construction has done construction for the City in the past at the Airport and they are familiar with the area; and 3) staff is comfortable with the bid that was received for both of these items.

**6 (r)** Bid Award CB# 8032 – Replace roofs on Zoo’s Elephant & Lion Barn, Zoo’s Commissary/Service Building, and Grimes Water Treatment Plant. *Item pulled by Councilman Chase.*

Mindy Patterson Interim Finance Director answered questions concerning this item. Discussion included: 1) the bid package was bundled in order to receive a better bid price; and 2) construction companies like to bid on larger projects.

Councilman Williams made the motion to approve items 6 (c) (h) (m) (n) & (r) as presented. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Williams, Briley, Councilwoman Moore, and Mayor Archibald.

NAYS: None

## REGULAR AGENDA

**7 (a)** Jon James, Director of Planning and Development Services, briefed the city council on the appealed item, for Case No. **Z-2208-17** a request from Terry & Connie Bawcom to rezone property from AO (Agricultural Open Space) to HC (Heavy Commercial) zoning, located at 3774 W Overland Trail.

Currently the property is zoned AO (Agricultural Open Space). The surrounding uses are all compatible with the current zoning. The proposed HC (Heavy Commercial) zoning would be compatible with the surrounding zoning. Given the properties location along HWY 83-277 commercial activities would be appropriate. There is also some HC (Heavy Commercial) zoned property across the highway as well as to the north and south. Most of the property lies within the floodway, which would limit extensiveness of development.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial use. The requested zoning is comparable to other areas of the City of Abilene for properties that have frontage along highways. This property is not designated as a gateway into the city, but it is south of an area along the same highway that is designated as a gateway on the Future Land Use Map.

The recommendation for approval was denied by vote of two (2) in favor (Bixby, Rosenbaum) to four (4) opposed (Famble, Long, Todd, McClarty). The commission felt there needed to be more information provided about the development plans, and there was opposition from the adjacent land owner.

Staff recommends approval of HC (Heavy Commercial) for the front 300 feet of the property.

Mayor Archibald opened the public hearing and the city council heard from the following:

Terry Bawcom, land owner. Mr. Bawcom stated that his original request for a rezone of the entire piece of property was because that was the simple way and on advice from the Planning & Zoning staff. Mr. Bawcom is o.k. with the rezone of the front 300 feet and leaving the rest in AO (Agricultural Open Space). The first time he knew of the opposition to his request was during the Planning & Zoning Commission meeting. Mr. Bawcom believes this compromise is suitable to the landowner that was in opposition to the change.

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

Councilwoman Moore made the motion to approve and accept the Staff alternate recommendation and over turn the P&Z's denial on Case No. **Z-2008-17** a request from Terry & Connie Bawcom to rezone property from AO (Agricultural Open Space) to HC ( Heavy Commercial) zoning, located at 3774 W. Overland Trail. Councilman Williams seconded the motion and the motion carried.

AYES: Councilmen Chase, Higgins, Williams, Briley, Councilwoman Moore, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **#25-2008** 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.

**7 (b)** Jon James, Director of Planning and Development Services, briefed the Council on the Ordinance Case No. **SNC-2008-01** a request from Johnny Johnson to change the name of Glen Cove to Rhonni Court.

The applicant is currently the only developed property fronting on Glen Cove; the remaining four (4) properties are undeveloped and are currently under the ownership of a single developer. The applicant has contacted the developer, and the developer has no objection to changing the name of the street.

Staff recommends approval and Planning & Zoning Commission recommends approval.

Mayor Archibald opened the public hearing and the city council heard from the following:

Johnny Johnson, land owner and applicant. Mr. Johnson wanted to do something that would honor his wife.

Bill Brabbin, Brabbin Construction Co. Mr. Brabbin was in favor of the name change. Mr. Brabbin also wanted the Mayor and Council to know that they are doing a great job.

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

Councilman Williams made the motion to approve the Ordinance for Case No. **SNC-2008-01** a request from Johnny Johnson to change the name of Glen Cove to Rhonni Court. Councilman Higgins seconded the motion and the motion carried.

AYES: Councilmen Chase, Higgins, Williams, Briley, Councilwoman Moore, and Mayor Archibald.

NAYS: None

An Ordinance numbered **#26-2008** 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.

**7 (c)** Jon James, Director of Planning & Development Services briefed the council on the Ordinance of the City of Abilene, imposing a temporary suspension on the processing of Special Exception Requests for a Social Service Organization Facility in a residential zoning district.

The City's Zoning Ordinance was recently amended to permit a Social Service Organization Facility within a Residential Zoning District with the approval of a Special Exception by the Board of Adjustment. At the adoption of this amendment, the City Council directed staff to bring back this temporary suspension on these Special Exceptions to allow time for a committee to review the location requirements and development standards for these facilities. The attached ordinance accomplishes this by temporarily suspending the processing of these requests for a period of 180 days, to allow such a

committee to be created and to accomplish this task. It is not uncommon for cities to implement a temporary suspension such as this while reviewing and potentially revising development standards.

Staff recommends approval.

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the public hearing was closed:

Councilman Chase made a motion to approve the Ordinance imposing a Temporary Suspension on the processing of Special Exception Requests for a Social Service Organization Facility in a Residential Zoning District. Councilman Higgins seconded the motion and the motion carried.

AYES: Councilmen Chase, Higgins, Williams, Briley, and Mayor Archibald.

NAYS: None

ABSTAINED: Councilwoman Moore (out of council chambers during discussion)

An Ordinance numbered #27-2008 and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS IMPOSING A TEMPORARY SUSPENSION ON THE PROCESSING OF REQUESTS FOR SPECIAL EXCEPTIONS FOR A SOCIAL SERVICE ORGANIZATION FACILITY IN A RESIDENTIAL ZONING DISTRICT.

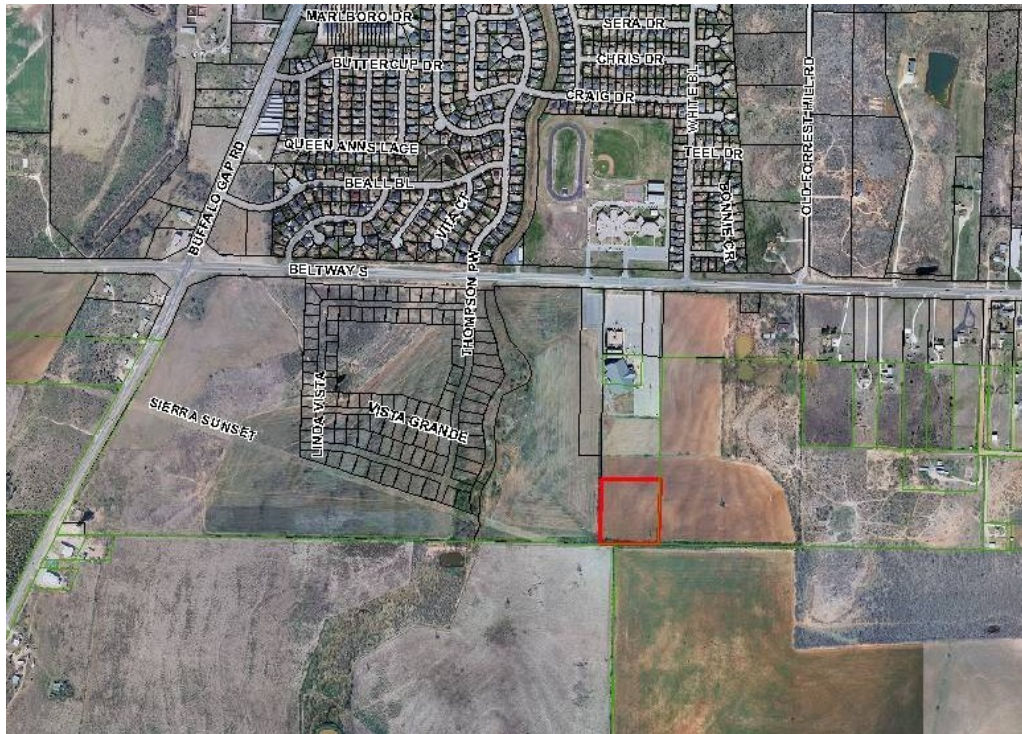
**7 (d)** Jon James, Director of Planning & Development Services, briefed the council on the ordinance to annex and establish zoning on approximately 5.0 acres of land located south of the existing Beltway Park Baptist Church located at 4009 Beltway South and east of the Bella Vista Estates subdivision.

This item originated as a request from Ray Templeton, Associate Pastor at Beltway Park Baptist Church, to have approximately 5 acres of land annexed south of their existing facility. The proposed area will be adjacent to the proposed extension of Sierra Sunset.

The proposed area is currently undeveloped with no utilities (water and sewer) and no public facilities to be maintained (streets, drainage facilities, etc.). Police and Fire services will be available. The proposed annexation would present no adverse service impacts to any of the services or facilities offered by the Community Services Department.

Section 23-304.3 of the Zoning Ordinance states, "All territory hereafter annexed to the City of Abilene shall be classified in the AO, Agricultural Open-space district..." Therefore, zoning of any property that is annexed should be AO until such time that a property owner requests some other classification through the normal rezoning process.

Staff recommends approval of the request.



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

Councilman Briley made the motion to approve the Ordinance to annex and establish zoning on approximately 5.0 acres of land located south of the existing Beltway Park Baptist Church located at 4009 Beltway South and east of the Bella Vista Estates subdivision. Councilwoman Moore seconded the motion and the motion carried.

AYES: Councilmen Chase, Higgins, Williams, Briley, Councilwoman Moore, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **# 28-2008** and captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF ABILENE; TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY LYING ADJACENT AND CONTIGUOUS TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF ABILENE.

**7 (e)** Jon James, Director of Planning and Development Services, briefed the Council on a study of the Planning and Building Inspection Fees. Mr. James introduced Bruce Cowans the Project Director with Maximus who gave a report on the fee study.

The City's 2004-2005 Budget included funding within the Finance Department for a pilot project to study various fees charged by the City. By late 2005, Staff opted to focus on fees within the Planning and Building Inspections Division of the Planning and Development Services (P&DS) Department. Building Division staff provides building and construction permits, and Planning Division



staff provide land use and subdivision permits. The project remained dormant for some time thereafter primarily due to personnel constraints and competing department priorities. The City has not revised or evaluated its Planning and Development fees in several years.

Since May of 2007, P&DS staff has been working closely with a consultant (Maximus), to complete this assignment. City Staff and the project consultant have customized a general financial model developed by the consultant, gathered relevant data, and created a benchmark permit methodology to compare Abilene fees to other municipalities. The primary purpose of this Nexus Study was answer two questions 1) What are the real costs to the City to provide the services involved in Planning and Building activities? 2) How do the current fees charged by the City, compare to those costs? Staff anticipated that the next most likely question would be: 3) How do Abilene's current fees compare to those of other similar cities?

The financial model was sub-divided to show the annual cost, hourly rate and staffing requirements for each division as well as for the P&DS Department as a whole. The model only includes those costs related to the relevant permitting processes; it does not attempt to account for the costs of other tasks performed by these divisions that are unrelated to these permitting processes.

Council and Staff discussion included: 1) Discussion of comparison cities; 2) other possible studies of other city fees; 3) infill strategies with a possible different fee structure; 4) time table for further discussion – this will come back concurrently with the budget process; and 5) a discussion on whether or not to recover or subsidize.

### Financial Reconciliation

Permit Revenue Surplus/Subsidy				
Building Fee Category	Current Revenue from Fees & Volume	Actual Cost from Full Fees & Volume	Current Public (Subsidy)/ Surplus	% of Cost Currently Recovered
Building New Construction	\$ 564,920	\$ 928,012	\$ (363,092)	60.9%
Building MPE's	\$ 71,815	\$ 251,792	\$ (179,977)	28.5%
Building Miscellaneous	\$ 41,070	\$ 65,823	\$ (24,753)	62.4%
Planning Permits	\$ 35,070	\$ 350,453	\$ (315,383)	10.0%
Non-Fee Activities (not included in total)		\$ 347,649	\$ (347,649)	
<b>Total Revenues</b>	<b>\$ 712,875</b>	<b>\$ 1,596,080</b>	<b>\$ (883,205)</b>	<b>44.7%</b>

The Department's total cost of providing fee services in FY 2006-07 was \$1,596,080. Revenue recovered from fees was \$712,875.

This means that the Department under-recovered \$883,205 of its total cost in that year.



## Staffing requirements

Adjusted Consumption of Productive Hours				
	Productive Hours Available	Consumed Hours	Difference	FTE % Reconciliation
TOTAL Department	31,233	31,700	-467	-1.5%
Building Division	22,609	23,903	-1,294	-5.7%
Planning Division	8,624	7,797	827	9.6%

- Workload depends on permit volume, which fluctuates from year to year, so we expect a range of +/- 10% difference.
- The Department shows a -1.5% difference of hours available vs. hours consumed.
- This suggests that at the time of this study, the Department and both of its Divisions were adequately staffed to serve at current permit and service levels.

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## Word of Caution – Comparisons to other cities can be misleading

- Comparing City of Abilene costs to other local government prices is not comparing apples to apples. Costs are facts; prices are policy decisions.
- Many government agencies set prices arbitrarily, not knowing the cost of the services whose prices they set.
- Cities differ in pay rates, benefits, use of automation, development patterns, and service expectations. These all drive cost differences.
- Even if another city conducted a cost study, that study may not have been recent, or may not have considered all costs, or all the same costs.
- Cities differ greatly in how they define service categories and do their work.

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### Abilene peer city fee comparisons

PERMIT TYPE	ABILENE CURRENT FEE	PEER CITY AVERAGE FEE	DENTON	LUBBOCK	MIDLAND	WICHITA FALLS	SAN ANGELO
<b>PLANNING</b>							
Zone Change	\$ 510	\$ 616	\$ 1,250	\$ 547	\$ 400	\$ 450	\$ 431
Zone Change to PDD	\$ 500	\$ 667	\$ 1,250	\$ 502	\$ 550	\$ 600	\$ 431
Plat	\$ 100	\$ 199	\$ 260	\$ 350	\$ 250	\$ 60	\$ 75
<b>BUILDING</b>							
Roofing	\$ 30	\$ 63	\$ 95	\$ 30	Based on valuation	\$0.005/ sq. ft. + \$20	
Single Family 1,500 SF	\$ 190	\$ 349	\$ 650	\$ 150	\$ 362	\$ 365	\$ 218

Abilene is charging, on average, 38% less than the peer city average on these particular permits.

Note: Abilene's current fee *prices* are not based on current actual *costs*, which study results show to be greater.



### What Next?

- The City must determine how to set prices. Generally, we recommend pricing at or near cost, but there may be some services that the City wishes to subsidize with tax dollars. If the City wishes, it may set different recovery targets by permit category.
- Stakeholders may want input. Fee increases are never popular, but community reaction may be hard to gauge. In some cases, people may prefer a fee increase to a reduction in service.



This item was for discussion only, no action required.

## 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. Councilman Williams left at the end of the Executive Session.

**10 (a)** Councilman Chase made a motion to approve by Oral Resolution the Public Disclosure of Conflict of Interest by HUD Regulations. Councilman Higgins seconded the motion

and the motion carried. Mayor Archibald read into the record the following two statements:

### **Conflict Disclosure One**

An Office of Neighborhood Services (ONS) Housing Inspector, Charla Hammond, has applied to Habitat for Humanity to become a homeowner. Ms. Hammond is income qualified as both HOME-funded programs require. Nothing in the City Charter or ONS policies prohibits a qualified employee's participation in these programs. HOME program conflict of interest regulations require the City, as the participating jurisdiction, to prepare a written request for an exception to allow an employee of ONS to participate in the program. Part of the exception process requires public disclosure of the conflict by the participating jurisdiction. The City hereby publicly discloses said conflict pursuant to HUD regulations.

### **Conflict Disclosure Two**

ONS Housing Counselor, Abigail Combs, has entered into a Contract for Sale of her residence and the Buyers are recipients of HOME-funded First Time Homebuyer Program funds. Nothing in the City Charter or ONS policies prohibits such a transaction. ONS has taken all of the appropriate measures to prevent the employee from being involved with the Buyer's further qualification and receipt of the First Time Homebuyer Program funds. The Buyers qualified for and were awarded the funds prior to any negotiations with the employee for the sale of her home. The employee and the Buyers were unaware of the conflict until after the Contract for Sale was negotiated and executed.

AYES: Councilmen Chase, Higgins, Briley, Councilwoman Moore, and Mayor Archibald.

NAYS: None

**10 (b)** Councilman Briley made the motion to approve by Oral Resolution the appointment/reappointment of the following boards and commissions. Councilman Higgins seconded the motion and the motion carried.

AYES: Councilmen Chase, Higgins, Briley, Councilwoman Moore, and Mayor Archibald.

NAYS: None

- (1) Abilene Higher Education Facilities, Inc.

**Re-appoint:**

L. D. "Bill" Hilton (ACU)

Royce Money (ACU)

Gerald Schwalb

- (2) CityLink ADA Advisory Board

**Re-appoint:**

David Barnhill

Donna Reiff

Brigitt Lett, Chair

Patsy Daniel

- (3) Civic Abilene, Inc.

**Re-appoint:**

Tom Boecking

Neomia M. Banks

Robert Pollan  
Ted Starnes  
John Thomas

(4) Community Access Task Force

Re-appoint:

Karen Talbert  
Janet Ardoyno  
Kathy Aldridge  
James Duffy  
Joanne Roberts

Appoint:

Dusky Wells

(5) Frontier Texas!

Re-appoint:

Col. James Hammes  
Peter Lauve  
Homer Hillis  
Brandon Polk  
Jimmy Parker  
Jerry Harris  
Margaret Hoogstra

Appoint:

Kim Synder

(6) MPE/Swimming Pool Board of Appeals

Re-appoint:

Robert J. Lewis,  
Alternate Swimming Pool Contractor  
James H. Wheeler,  
Alternate Architect

Appoint:

Rick Kelley, Regular, Master  
Plumber  
Terry Williams, Regular  
Engineer  
Pat Watkins, Alternate  
Mechanical Contractor  
Kenneth Rich, Alternate  
Mechanical Contractor  
Rocky Ferguson, Alternate  
Plumbing  
Kevin Hargis, Alternate  
Engineering

(7) Parks and Recreation Board

Re-appoint:

Amber Cree  
Terry Johnson

Appoint:

James Smith

(8) Senior Citizens Advisory Board

Re-appoint:

Harriet Connor  
Eddie Hodges  
Linda Rutledge Smith  
Leroy King  
Emory Walton

(9) Visual Arts Jury

**Re-appoint:**

Lawrence Bertsch At-Large

Marilyn Cluck, At-Large

Chris Proctor-Cleveland, At-Large

Guinn Smith, At-Large

There being no further business the meeting was adjourned at 12:04 p.m.

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Danette Dunlap  
City Secretary

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Norm Archibald  
Mayor