

CITY COUNCIL MEETING
September 11, 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 September 11, 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, Robert O. Briley, Anthony Williams, and Councilwoman Laura Moore. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Mayor Archibald asked that all First Responders present in today's meeting if they would come forward, the Mayor then recognized today as proclaimed by President George W Bush as Patriot Day, 2008.

A Proclamation by the President of the United States of America

September 11, 2001, was etched into America's memory when 19 terrorists attacked us with barbarity unequalled in our history. On Patriot Day, we cherish the memory of the thousands of innocent victims lost, extend our thoughts and prayers to their families, and honor the heroic men and women who risked and sacrificed their lives so others might survive.

Since 9/11, we have recognized the threat posed by terrorists to the safety of the American people and worked to protect our homeland by fighting terrorists abroad. We are confronting terrorism by advancing freedom, liberty, and prosperity as an alternative to the ideologies of hatred and repression. Our Nation pays tribute to our courageous men and women in uniform serving around the world and the devoted members of our law enforcement, public safety, and intelligence communities at home who work night and day to protect us from harm and preserve the freedom of this great Nation.

Seven years ago, ordinary citizens rose to the challenge, united in prayer, and responded with extraordinary acts of courage, with some giving their lives for the country they loved. On Patriot Day, we remember all those who were taken from us in an instant and seek their lasting memorial in a safer and more hopeful world. We must not allow our resolve to be weakened by the passage of time. We will meet the test that history has given us and continue to fight to rid the world of terrorism and promote liberty around the globe.

By a joint resolution approved December 18, 2001 (Public Law 107-89), the Congress has designated September 11 of each year as "Patriot Day."

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim September 11, 2008, as Patriot Day. I call upon the Governors of the United States and the Commonwealth of Puerto Rico, as well as appropriate officials of all units of government, to direct that the flag be flown at half-staff on Patriot Day. I also call upon the people of the United States to observe Patriot Day with appropriate ceremonies, activities, and remembrance services, to display the flag at half-staff from their homes on that day, and to observe a moment of silence beginning at 8:46 a.m. eastern daylight time to honor the innocent Americans and people from around the world who lost their lives as a result of the terrorist attacks of September 11, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of September, in the year of our Lord two thousand eight, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH

The City Council paused for a moment of silence and then Councilman Higgins gave the invocation.

Mayor Archibald introduced Mati Bonneau; she is 11 years old and a 5th grader at Taylor Elementary. Mati led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARDS

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

Mike Hall Director of Community Services 30 Years

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting held August 28, 2008. There being no deletions, no addition, and no corrections Councilwoman Moore made a motion to approve the minutes as presented. Councilman Higgins seconded the motion and the motion carried.

AYES: Councilman Chase, Spano, Higgins, Briley, Williams Councilwoman Moore and Mayor Archibald

NAYS: None

CONSENT AGENDA

Councilman Williams made a motion to approve consent agenda items 6.2 through 6.6 with the exception of 6.1 pulled by Councilman Chase. Councilman Spano seconded the motion, the motion carried.

AYES: Councilman Chase, Spano, Higgins, Briley, Williams Councilwoman Moore and Mayor Archibald

NAYS: None

Oral Resolutions:

6.1 Oral Resolution – Consideration of Addendum to City of Abilene/Maxwell Municipal Golf Course Lease Agreement. *(Pulled by Councilman Chase)*

- 6.2** Approving the 9-1-1 Emergency Communication District Revised FY08 and Proposed FY09 Budget.

Bid Awards:

- 6.3 CB# 8067** – Miscellaneous Residential Streets Rehabilitation (Northside). Bid was awarded to J.H. Strain & Sons, Inc., Tye, Texas, in the amount of \$766,252.47.
- 6.4 CB# 8068** – South 11th Street Reconstruction – Elmwood Drive to South Treadaway. Bid was awarded to Stephens Martin Paving, Abilene, Texas, in the amount of \$679,604.68.
- 6.5 Purchase** – Approval for two Replacement 6,000 gallons Asphalt Emulsion Storage Tanks. To be purchased thru the Local Government Purchasing Cooperative (Buy Board), in the total amount not to exceed \$85,464.00.

Ordinance:

- 6.6 Ordinance** – First reading – approving a negotiated Resolution between Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division (Atmos Mid-Tex) Regarding the Company's Rate Review Mechanism filing in all Cities exercising Original Jurisdiction; and calling a public hearing for September 25, 2008.

Items Pulled from Consent Agenda

- 6.1 Oral Resolution** – Consideration of Addendum to City of Abilene/Maxwell Municipal Golf Course Lease Agreement. *(Pulled by Councilman Chase)*

Councilman Chase had several questions in regards to options and alternative ways of handling this lease agreement. This item was postponed so that council could meet in Executive Session in regards to the specific contractual issues of the Contract. Council will retake up this item after Executive Session.

REGULAR AGENDA

- 7.1** Mayor Archibald announced that this item had been pulled prior to the start of today's meeting. NO ACTION NEEDED.

- 7.2** Ronnie Kidd Managing Director for Administration briefed the City Council on the Oral Resolution ratifying the Meet and Confer Agreement between the City of Abilene and the Abilene Police Officers' Association.

The Meet and Confer Agreement currently in effect between the City of Abilene (the City) and the Abilene Police Officers' Association (APOA) are for the period October 1, 2006 through September 30, 2008. Accordingly, a team representing the City and a team representing the APOA have been in the negotiation cycle for the last several months to reach an agreement to be effective October 1, 2008.

The agreement provides for overrides to Chapter 143 Civil Service requirements that both parties believe will enhance our recruiting and retention of police officers. The agreement memorializes both parties' commitment to the mission and values of the City and the mission of the APOA. The agreement also establishes a joint management and association committee to support strategic planning for the Police Department.

The proposed fiscal year 2009 budget currently under consideration by Council does reflect the compensation items set forth in the agreement. Adjustments to compensation for police officers will be accomplished in phases, totaling 18% over the two year term.

Staff recommends that the City Council ratify the Meet and Confer agreement between the City and APOA for the period October 1, 2008 through September 30, 2010.

Summary – Police

Pay:

- 8% Across the Board (ATB) increase, effective October 14, 2008 for Cadet rank
- 4% ATB increase, effective October 14, 2008, except Cadet
- 4% ATB increase effective, March 31, 2009, except Cadet
- 4% ATB increase effective, October 13, 2009 – all ranks
- 6% ATB increase effective, March 30, 2010 – all ranks
- Assistant Chiefs and Chief are outside the classified plan, excluded from increases
- Added bilingual pay, \$50 per month, qualifications to be determined by administration
- PTO assignment pay stays the same as 2006-2008 agreement
- Authorized recruitment incentive pay at the discretion of the Chief

Hiring:

- Elimination of written civil service entrance examination
- Age 21 by date of commission
- If over 45, must not reach 46th birthday by date of hire and must have either 5 years cumulative active military service or 5 years continuous qualified law enforcement service
- Reappointment after resignation or retirement at Chief's discretion
- Preference afforded to reappointment and lateral entry over entry level hires
- Reappointment and lateral entry probationary period not to exceed 12 months
- Entry level probationary period of 18 months
- Temporary officers are not civil service and are not covered by agreement (max of 1,000 hours per year and not given secondary employment assignments)

Historical Review and Analysis:

- New article establishing joint association and management committee for review and analysis
- Strategic planning orientation
- Trends analysis, policing strategies, staffing, deployment, study, improvement

No significant changes to promotional or disciplinary processes

Council and Staff discussion included: 1) in regards to Article 11, reference to a joint management commission which is made up of 3 representatives of each; 2) could this committee have private citizens on the commission? Intent is Police/Administration and the Association. Chief of Police Melvin Martin advised that it would depend on the issue at the time and if it was an internal issue it would need to stay internal.

Councilman Spano made the motion to ratify the Meet and Confer Agreement between the City of Abilene and the Abilene Police Officers' Association. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

7.3 Ronnie Kidd Managing Director for Administration briefed the council on the Oral Resolution to ratify the Meet and Confer Agreement between the City of Abilene and the Abilene Professional Fire Fighters Association.

The Meet and Confer Agreement currently in effect between the City of Abilene (the City) and the Abilene Professional Fire Fighters Association (APFFA) are for the period October 1, 2006 through September 30, 2008. Accordingly, a team representing the City and a team representing the APFFA have been in the negotiation cycle for the last several months to reach an agreement to be effective October 1, 2008.

The agreement provides for overrides to Chapter 143 Civil Service requirements that both parties believe will enhance our recruiting and retention of fire fighters. Additionally, the agreement supports the wellness initiatives of the department and establishes Association Business Leave, as explained in the attachment. The agreement also provides for a restructuring of the pay plan that includes incentives for attaining education and emergency medical technician certification to promote department initiatives.

The proposed fiscal year 2009 budget currently under consideration by Council does reflect the compensation items set forth in the agreement. Adjustments to fire fighters' compensation will be accomplished in phases and through the restructuring of the pay plan. The overall increase for the two year term is approximately 14.7%.

Staff recommends that the City Council ratify the Meet and Confer agreement between the City and APFFA for the period October 1, 2008 through September 30, 2010.

Summary – Fire

Pay:

- Restructure pay plan, using peer city survey as beginning point
 - Target being mid range of the survey (average of 10 cities)
 - 6% spread between steps/ranks (each Firefighter step, Lt., Capt., and BC)

- 3 steps in Lieutenant, Captain, and Battalion Chief
 - 3% between steps tied to years in rank and certification/education
- EMT-1 or EMT-P certification adds 2% to step base salary
- Implement 50% of adjustment October 14, 2008
- Other 50% of adjustment effective April 14, 2009
- 4% Across the Board, all ranks effective October 27, 2009 (except Asst. Chief and Chief)

Hiring:

- Elimination of written civil service entrance examination
- Must be at least age 18 years of age at date of hire with minimum eligibility requirements as outlined in local rules
- Entry level probationary period of 12 months

Promotions:

- Written exam score weighted at 50% for all ranks
- Assessment Center score weighted at 50% for all ranks
- Seniority points (up to 10) added to combined exam and assessment center score to get total score
- If a candidate for promotion, who is deployed on an active military assignment, achieves a passing score on a written promotional exam, then the assessment center is bypassed

Wellness Article – institutes IAFF/NFCA four-tiered fitness program

Association Business Leave (ABL) – At the Association's request, the agreement establishes an Association Business Leave (ABL) whereby authorized association representatives are permitted to have paid time off to conduct association business as specified in the agreement. At the City's request, the ABL is cost neutral to the budget as it is funded through deferred wages by delaying the March 31, 2009 salary increase until April 14, 2009 and the October 13, 2009 increase until October 27, 2009.

EMS Reopener – if the Fire Department takes over EMS operations from third party, the agreement is reopened for further negotiation with 90 days to reach agreement

No significant changes to disciplinary processes

Councilman Briley made the motion to ratify the Meet and Confer Agreement between the City of Abilene and the Abilene Professional Fire Fighters Association. Councilwoman Moore seconded the motion and the motion carried.

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

NAYS: None

7.4 Jon James Director of Planning and Development Services briefed the council on Case No. **Z-2008-28** a request from Paul Johnson to rezone property from O (Office) to PDD (Planned Development District) zoning, located at 501, 601, 609, 617, 625, 633, and 641 S. Judge Ely Blvd.

Currently the properties are zoned office and are undeveloped. The surrounding area is developed with a mix of single-family and multi-family dwellings to the east and west with LC and LI to the north. Craig Middle school is located to the southwest of the subject properties.

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

- Erik Johnson with Paul Johnson Association – asked the council to consider changes to the PDD to include allowing for 4 curb cuts along Judge Ely Blvd. and to allow 2 curb cuts on the two side streets (Friars & Yeoman). Mr. Johnson also discussed the monument signs.

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

Councilman Briley made the motion to approve Case No. **Z-2008-28** a request from Paul Johnson to rezone property from O (Office) to PDD (Planned Development District) zoning, located at 501, 601, 609, 617, 625, 633, and 641 S. Judge Ely Blvd and to amend the PDD to add the following: allow for 4 curb cuts instead of 3 along Judge Ely and 2 curb cuts on Yeoman's and Friar Streets and to allow for the adjustment in spacing to accommodate the 2 curb cuts on the sides. Also to where it is appropriate by the City Engineer to have one of the curb cuts across from either Luzon or Prof Bynum Streets. Councilwoman Moore seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered **#45-2008** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS AMENDING CHAPTER 23, SUBPART E, "ZONING" OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-125 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

7.5 Jon James Director of Planning and Development briefed the council on the Case No. **Z-2008-29** a request from Kenneth Musgrave to rezone property from AO (Agricultural Open Space) to RM-3 (Multi-Family Residential) zoning, located on the north side of Independence Blvd

Currently the properties are zoned AO and are undeveloped. The surrounding area is developed with a mix of single-family and multi-family dwellings to the south & west with undeveloped property to the north and east. There is also some PH (Patio Home Overlay) to the south of the subject property.

The Future Land Use section of the Comprehensive Plan designates this general area Low Density Residential. The surrounding area is completely developed for residential uses, incorporating multi-family, single-family, and patio home uses. The requested RM-3 zoning is compatible with the surrounding zoning and land uses.

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

- Tal Fillingim agent for Kenneth Musgrave explained that this addition will continue the duplexes and asked for council approval.

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

Councilman Chase made the motion to approve the Ordinance Case No. **Z-2008-29** a request from Kenneth Musgrave to rezone property from AO (Agricultural Open Space) to RM-3 (Multi-Family Residential) zoning, located on the north side of Independence Blvd. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered **#46-2008** 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.

7.6 Jon James Director of Planning and Development briefed the council on Case No. **Z-2008-30** a request from Miller Talbot and the City of Abilene to rezone property from LI (Light Industrial) to RM-3 (Multi-Family Residential) zoning, located south of N.19th Street, north of N. 14th Street, east of Cottonwood Street and west of the Railroad Right-of-Way.

Originally the request was for the rezoning of 1549 and 1609 Cottonwood St. and City Staff has initiated the rezoning of a larger area. Currently the properties are zoned LI and are mostly developed for residential uses except a few properties that remain undeveloped. The surrounding area is developed with industrial and heavy commercial uses both across Cottonwood St. on the properties along N. Treadaway Blvd. to the west and the properties to the east across the Rail Road Right-of-Way.

The Future Land Use section of the Comprehensive Plan designates this general area as Low-Density Residential and adjacent to an Enhancement Corridor. Given the subject parcels location and proximity to a railroad ROW the property was zoned for industrial uses. Since then the properties have been developed for residential uses. The properties directly to the south have also been zoned for residential uses. The depth of the lots as well as the larger railroad ROW provides a nice buffer to the residential uses. Given these circumstances, RM-3 (Multi-Family Residential) would be compatible with the surrounding area.

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

- Miller Talbot requesting party, Mr. Talbot advised he was here if the council had any questions.

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

Councilwoman Moore made the motion to approve Ordinance Case No. **Z-2008-30** a request from Miller Talbot and the City of Abilene to rezone property from LI (Light Industrial) to RM-3 (Multi-Family Residential) zoning, located south of N 19th Street, north of N. 14th Street, east of Cottonwood Street and west of the Railroad Right-of-Way. Councilman Spano seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered **#47-2008** 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.

7.7 Jon James Director of Planning and Development briefed the council on Case No. **Z-2008-31** a request from David Taylor, Horne Properties to rezone property from AO (Agricultural Open Space) and HC (Heavy Commercial) to PDD-113 (Planned Development District) zoning, located at the north side of Musgrave Blvd. across from Scottish Rd.

Currently the property is zoned AO and HC and is undeveloped. The surrounding area has seen a lot of development in recent years. The surrounding PDD-113 was adopted in 2006 while PDD-120 that is to the east across Musgrave Blvd. was passed in 2007.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a Major Commercial and Business center. Commercial activity along Musgrave Blvd. is compatible with the surrounding area.

When PDD-113 was written it was written in a way to allow for future expansion of property along Musgrave Blvd. and E. Lake Road to be incorporated into the PDD, including language to address signage, access, landscaping, and other issues pertaining to the future development of these properties. A PDD is appropriate to ensure that the objectives of the Comprehensive Plan are addressed for this major commercial center.

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

- Tal Fillingim agent for Horne Properties, the site is for a proposed Wendy's. They are asking for approval from council and they feel this is appropriate zoning for this case. As the properties in the area are developed the sign issues would be addressed as they came up.

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

Councilman Higgins made the motion to approve Ordinance Case No. **Z-2008-31** a request from David Taylor, Horne Properties to rezone property from AO (Agricultural Open Space) and HC (Heavy Commercial) to PDD-113 (Planned Development District) zoning, located at the north side of Musgrave Blvd. across from Scottish Rd. Councilman Briley seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered **#48-2008** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS AMENDING CHAPTER 23, SUBPART E, "ZONING" OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-113 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

7.8 Jon James Director of Planning and Development Services, briefed the council on the Case No. **TC-2008-07** a request from Stripes, LLC. to abandon Inwood Lane, per the CB Allen Subdivision.

The zoning for the surrounding area is PDD (Planned Development District) and AO (Agricultural Open Space). Dyess Air Force Base is located to the west across Dub Wright Blvd. There are no plans for future dedication on the proposed Thoroughfare Plan. There are currently no utilities located in the ROW and per the Plat Review Committee no future plans to run any utilities down the ROW.

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

- Jennifer Ward representing the owner of the property. They believe they should start construction in November of this year for a convenience store.

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 Case No. **TC-2008-07** a request from Stripes, LLC to abandon Inwood Lane, per the CB Allen Subdivision. Councilman Spano seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered **#49-2008** and captioned as follows:

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

7.9 Mindy Patterson, Interim Director of Finance briefed the council on the Revised 2007-08 Budget of \$69,406,930 and a Proposed 2008-09 Budget of \$69,360,850. The proposed budget can be funded at the tax rate of 68.54cents.

Solid Waste Services proposes the following adjusted rates and fees: 1) increase residential collection rates by \$0.75 from \$13.60 to \$14.35; 2) increase roll-off haul fees \$20 per haul and set fees by \$10; 3) increase commercial basic flat rate by \$0.50 per account from \$1.00 to \$1.50; and 4) increase environmental fees by \$1.00 per residential and commercial accounts from \$.75 to \$1.75.

The Water Utility Department proposes a rate adjustment that is projected to raise \$4.4 million in additional water revenues and \$1.2 million in additional sewer revenues. The average residential customer in Abilene uses approximately 7,000 gallons of water per month. The current water and sewer bill for this customer is \$37.40 per month. If the proposed rates are adopted, this average bill will be \$43.02 per month. This is an increase of \$5.62 per month for water and sewer service.

Staff recommends that the City Council hold the public hearing in accordance with State law.

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

- Dennis Reiling with the View/Caps Water Supply, Mr. Reiling had questions in regards to how the increase will affect the wholesale customers. Tommy O'Brien Director of Water Utilities explained that the wholesale rates are the commercial rates in the Resolution.
- Thad Carey – retired Abilene Police Officer, encouraged the council to be vigilant each year on behalf of retirees in the annual Cost of Living adjustment to their TMRS retirement.

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

Council and Staff discussion included: 1) the city is committed to looking at each year the Cost of Living Adjustment for the retirees; 2) the need to put pressure on TMRS and the Legislatures to allow cities to have options when dealing with Cost of Living Adjustments for retirees; 3) making fiscally sound decisions in the way the City handles the retirement system for its employees; 4) TMRS is very sound; 5) some of the drastic changes that TMRS is putting in place, how do cities handle the changes; and 6) a workshop topic – TMRS.

Councilwoman Moore made the motion to approve the Ordinance for the Revised 2007-08 Budget and Proposed 2008-09 Budget, Resolutions Adopting Solid Waste Services Schedule of Fees and Charges and Water utility Schedule of Fees and Charges. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered #50-2008 and captioned as follows

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2007-2008; APPROVING AND ADOPTING BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2008, THROUGH SEPTEMBER 30, 2009, FOR THE CITY OF ABILENE APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CALLING A PUBLIC HEARING.

The Resolution is numbered #30-2008 and captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, REVISING RESOLUTION NO. 8-2007, THE SCHEDULE OF RATES AND CHARGES FOR THE SOLID WASTE SERVICES DIVISION, ADOPTED March 8, 2007.

The Resolution is numbered #31-2008 and captioned as follows:

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.

7.10 Mindy Patterson, Interim Finance Director briefed the council on the proposed 2008-2009 tax rate. The FY 2009 Budget approved by Council on July 23, 2008 set the tax rate at 68.54 cents. State law requires that two public hearings must be held prior to the final public hearing and vote. The first public hearing was held on August 14, 2008, and the second public hearing was held on August 28, 2008. This is the final public hearing and vote.

Staff recommends that the City Council hold the public hearing in accordance with State law.

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

Councilman Higgins made the motion to approve the Ordinance setting the Tax Rate by stating "I move that property taxes be increased by the adoption of a tax rate of 68.54 cents per \$100 valuation." Councilman Spano seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered #51-2008 and captioned as follows

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS APPROVING THE ASSESSMENT ROLL FOR 2008, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 2008; 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.

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.

Council took up Consent Item 6.1 an Oral Resolution to consider the Addendum to the City of Abilene/Maxwell Municipal Golf Course Lease Agreement.

Councilman Chase made the motion to approve the Oral Resolution approving the Fifth Addendum to the City of Abilene/Maxwell Golf Course Lease Agreement. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

10.0.1 & 2 Councilman Williams made a motion to approve Mayor Archibald's appointment of Julie Napier to the Parks and Recreation Board and the reappointment of Jim Bryan and Jeff Wyatt to the Abilene/Taylor Co. 911 District Board. Councilman Higgins seconded the motion, and the motion carried.

Parks and Recreation Board

Julie Napier Term Expires: 5/2009

Abilene/Taylor County 911 District Board

Jim Bryan Term Expires:

Jeff Wyatt Term Expires:

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

NAYS: None

There being no further business the meeting was adjourned at 11:59 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor