

**CITY COUNCIL MEETING  
November 20, 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 November 20, 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.

Councilman Spano gave the invocation.

Mayor Archibald introduced Ariel Maddox; she is 11 years old and a 5<sup>th</sup> grader at Bassetti Elementary School. Ariel led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**PROCLAMATION**

Mayor Archibald presented the following Proclamation:

- November is National Adoption Month, was presented to Bit Whitaker the Regional Director Children's Protective Services.

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the Special Called Meeting October 28, 2008 and the Regular Meeting held November 6, 2008. There being no deletions, no addition, and no corrections Councilman Chase made a motion to approve the minutes as presented. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

**CONSENT AGENDA**

Councilman Briley made a motion to approve consent agenda items 6.1 through 6.10 as presented. Councilman Spano seconded the motion, the motion carried.

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

NAYS: None

ABSTAINED: Councilman Higgins for item 6.2

**Oral Resolutions:**

- 6.1** Approved a new ground lease with Zee Jet. The new lease is for a 15 year primary term with one 5-year extension option. The ground lease rate starts at \$.177 per square foot per year and will adjust with the CPI-U every fifth year.
- 6.2** Surveying Services for Lake Fort Phantom Section one platting. Authorizing the City Manager to enter into an agreement with Williams Surveying Company for plat preparation of lots along Comanche Trail and Choctaw Point, for an amount not to exceed \$84,400.00.
- 6.3** Approved a new lease Agreement with Texas Candy Company for the Baggage Express building located at 1201 N. First Street. Authorized the City Manager to execute a lease with Texas Candy Company, LLC in conformance with the terms, to be effective December 1, 2008.
- 6.4** Ordinance **Z-2008-35**. *Final Reading* on a request from the Development Corporation of Abilene to amend PDD-73 located at the Five Points Industrial Park.

The Ordinance numbered **#58-2008** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE; AND ORDINANCE NO. **30-2000** CONCERNING THE PDD #73 PLANNED DEVELOPMENT DISTRICT; DECLARING A PENALTY AND CALLING A PUBLIC HEARING; AND AN EFFECTIVE DATE.

- 6.5** Ordinance **TC-2008-09** *First Reading* on a request from Royce G. Peterson to abandon an alley right-of-way of Oil Belt Lane from S. Danville Drive to Industrial Blvd.; and setting a public hearing for December 4, 2008.

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.

- 6.6** Ordinance **TC-2008-10** *First Reading* on a request from Southern Hills church of Christ to abandon Broadway Street west of Buffalo Gap Rd; and setting a public hearing for December 4, 2008.

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.

- 6.7** Ordinance **TC-2008-11** *First Reading* on a request from Southern Hills Church of Christ to abandon Central Avenue north of Broadway Street; and setting a public hearing for December 4, 2008.

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.

- 6.8** Ordinance **TC-2008-12** *First Reading* on a request from Southern Hills Church of Christ to abandon Perry Street north of Broadway Street; and setting a public hearing for December 4, 2008.

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.

- 6.9** Ordinance *First Reading* Amendments to the 2003 International Plumbing Code establishing design installation and operation requirements for landscape irrigation systems; and setting a public hearing for December 4, 2008.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING APPENDIX A, CITY OF ABILENE PLUMBING PERMIT FEES AND ADDING APPENDIX I, LANDSCAPE IRRIGATION, IN ITS ENTIRETY AS SET OUT BELOW TO THE PLUMBING CODE PAMPHLET, AS REFERENCED IN CHAPTER 8, ARTICLE VI, DIVISION 4, SECTION 8-511 OF THE CITY OF ABILENE CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

- 6.10** Ordinance – *First Reading* Rescinding the Annually Repeating 70% of CPI Increase to Annuitants and Adopting an Ad Hoc (One Time Only) Basis 70% of CPI Increase to Annuitants.

AN ORDINANCE TERMINATING THE AUTOMATICALLY REPEATING ALLOWANCE OF INCREASED PRIOR AND CURRENT SERVICE ANNUITIES AND PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES ON AN AD HOC BASIS UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM (SYSTEM) FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY OF ABILENE BY AMENDING CHAPTER 2, ARTICLE III, SECTION 2 OF THE ABILENE CITY CODE, AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

## **REGULAR AGENDA**

Mayor Archibald announced that there were no regular agenda items today.

## EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 8:47 a.m. 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 at 10:26 a.m. and reported no votes or action was taken in Executive Session. Mayor Archibald left during Executive Session. Mayor Pro-tem Chase conducted the rest of the meeting.

**10.0** Oral Resolution approving the appointment of Assistant City Attorney Andrea Jackson. Councilman Williams made the motion to approve the Appointment of Assistant City Attorney Andrea Jackson. Councilman Higgins seconded the motion, motion carried.

AYES: Councilman Chase, Spano, Higgins, Briley, Williams Councilwoman Moore.

NAYS: None

ABSENT: Mayor Archibald

There being no further business the meeting was adjourned at 10:26 a.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor