

**CITY COUNCIL MEETING**  
**January 8, 2009, 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 8, 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 Briley gave the invocation.

Mayor Archibald introduced Troy Robinson; he is 11 years old and a 5<sup>th</sup> grader at Bonham Elementary School. Troy was joined today with his Big Brother Ray King. Troy and Mr. King are a part of the Big Brothers Big Sisters program. Troy led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**EMPLOYEE SERVICE AWARDS AND RECOGNITIONS**

Mayor Archibald and City Manager Larry Gilley presented the following Service Awards:

Johnny Clinton	Supervisor I, Streets Services	20 Years
Janice Peters	Storage Facility Coordinator, Police Traffic	20 Years
Lee Fuqua	Public Safety Dispatcher II, Police	25 Years
Cathy Tipler	Accounting Technician II, Accounting	25 Years
Bernerd Kastner	Police Officer, Police Youth Division	30 Years
Larry Tatum	Police Officer, CID Division	30 Years
Tony Neitzler	Assistant Director of Community Service	35 Years

**PROCLAMATION**

Mayor Archibald presented the following Proclamation:

- National Mentoring Month  
Tim Yandell, Executive Director Big Brothers/Big Sisters – received the Proclamation.

Mayor Archibald introduced Katherine Trotter, with the Center for Contemporary Arts. Ms. Trotter explained the function of the Art Reach program that serves students in the City's recreation program during the summer and encouraged those in attendance to view the students' art work that is on display in City Hall.

Mayor Archibald recessed Council and invited those in attendance to attend a reception in honor of the Art Reach Program students and their families.

Mayor Archibald reconvened the Council Meeting.

### **DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the Regular Meeting December 18, 2008. There being no deletions, no addition, and no corrections Councilman Higgins made a motion to approve the minutes as presented. Councilwoman Moore seconded the motion and the motion carried.

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

NAYS: None

ABSENT: Councilman Chase and Briley

### **CONSENT AGENDA**

Councilman Spano made a motion to approve consent agenda items 6.1 through 6.2 as presented. Councilman Williams seconded the motion, the motion carried.

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

NAYS: None

### **Oral Resolution:**

**6.1** Approve a contract with Richard J. Leidl, P.C. a Washington D.C. area legislative and regulatory consultant, to cover the period January 1 through December 31, 2009, and authorize the City Manager to execute the contract. Estimated annual cost will not exceed \$72,000 and will be funded from various sources.

### **Ordinance:**

**6.2** *First Reading* to amend the City of Abilene Zoning Ordinance, Sections 23-312 regarding building restrictions in AO zoning; and setting a public hearing for January 22, 2009.

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.

### **CITIZEN COMMENT**

**6.3** Pete S. Acosta Jr. appeared before the City Council to discuss House Bill 176 the "Janie Lynn Delapaz Act". Mr. Acosta explained the circumstances and violence that took Janie's life at

the hands of a drive by shooter. Mr. Acosta is working through Representative Susan King to get legislation passed to strengthen the laws for a tougher penalty on those that commit this type of crime. Mr. Acosta also wanted to bring attention to the violence that is occurring in cities and asked that the city support this type of legislation.

## REGULAR AGENDA

**7.1** Jon James Director of Planning and Development briefed the council on Ordinance **Z-2008-36**, a request from Adams and Starks Funeral Home to rezone property from RS-6 (Single-Family Residential) to LC (Limited Commercial) zoning, located at 725 N. 12<sup>th</sup> Street.

Currently the property is zoned RS-6 and has been developed with a single building of around 2000sf. The property was most recently occupied by a church and they used the building for their church meeting facility. The property is surrounded on all sides by RS-6 zoning. The properties to the north and east are developed with single-family homes, while the properties to the south and west are undeveloped. There is commercially zoned property in the area along Pine St., Walnut St, and Treadaway Blvd., but these properties are on collector or arterial streets, whereas the subject property is located at the corner of two local streets.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential, which is a general designation. However, there is also an adopted Carver Neighborhood Plan for this area that makes more specific recommendations for future land uses in the neighborhood which shows this property as single-family residential. A Church on this property is both compatible with the existing single-family residential zoning and consistent with the Neighborhood Plan recommendations. However, a change to allowed commercial uses on this property is not consistent with the recommendations of the adopted Neighborhood Plan.

Staff recommends denial based on the recommendations of the adopted Carver Neighborhood Plan. The Planning and Zoning Commission recommended approval of LC by a vote of four (4) in favor (Bixby, Rosenbaum, Famble, and Campos) to two (2) in opposition (Long and McClarty). There was discussion of wanting to encourage development to help revitalize the neighborhood.

Council and staff discussion included; 1) LC ( Limited Commercial is the least restrictive of the zones that would allow for a funeral home to be placed there; 2) a funeral home is seen much like a church, churches are allowed in Residential zoning; 3) use of PDD (Planned Development District) so that the zone change could be customized to fit this area and for these concerns; 4) concern that if zoned LC what if something happened to the Funeral home what other businesses might come in at this location that would not be compatible with the neighborhood; and 5) discussion of tabling this item so that a PDD might be worked with the applicant and bring back to the council on the 22<sup>nd</sup> of January.

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

- Dr. Fredd Adams, with Adams and Starks Funeral Home – Applicant for the zone change. Mr. Adams discussion included 1) uncomfortable with the idea of a PDD; 2) contractors are ready to start the reconstruction process; 3) would like a positive resolution today; 4) supports the community and he intends to be a good neighbor.
- Petty Hunter - Abilene Neighborhood Association – Mr. Hunter discussion included: 1) support the funeral home locating in this location; 2) also supports the need for a PDD instead of LC zoning; and 3) The use of the PDD would protect the residential community.
- Rev. Iziar Lankford – Plum Street United Methodist Church. I-Can representative stated that they do not oppose the funeral home but they would like to see a PDD.
- Eric Johnson - Realtor for the seller. Mr. Johnson discussion included: 1) feels that LC Zone is a good change; 2) there are no other improvements on this property; 3) Heavy Commercial is ½ block away from this proposed LC; and 4) asked that the council vote for LC and move forward.
- Mrs. Charlesetta Moye – wife of the seller. Mrs. Moye stated that the addition of the funeral home will make an improvement to the neighborhood.
- Rev Eddie Jordan – Rev. Jordan stated that he knew Dr. Adams and feels that the community needs him. He will be a service to our people.
- Rev. Mack Moye – property owner/Emmanuel Church. Discussion included; 1) they have been at this location for 12 years and during that time only 1 resident has moved in; and 2) He asked that the council approve this item.

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

Council and Staff discussion included: 1) Dr. Adams does oppose the intrusion of Heavy Commercial into the area and he had no knowledge of the ability to use a PDD; 2) Dr. Adams has concern that if a PDD is used then there would be more requirements placed on him with sidewalks and landscape; 3) If the property is zoned LC there could not be a limit set on the property but a PDD would allow restrictions to zoning; and 4) discussion of Tabling this item and allowing for the applicant to get with staff to discuss the PDD and come back to the council during this meeting.

Councilwoman Moore made the motion to TABLE *Item 7.1* so that staff can discuss a PDD with the applicant. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Council came back to Item 7.1 after tabling Item 7.3

Councilman Higgins made the motion to remove from the TABLE **Item 7.1**. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

ABSENT: Councilman Chase

Jon James stated that the wording for a PDD Zone change had been worked out with both the City and Dr. Adams. Dr. Adams concurred that he was happy with the PDD.

Councilman Higgins made the motion to approve the Ordinance **Z-2008-36**, a request from Adams and Starks Funeral Home to rezone property from RS-6 (Single-Family Residential) to PDD with the permitted uses shall comply with the RS-6 (Single Family Residential) district to include "funeral home" as a permitted use per the LC (Limited Commercial) district zoning, located at 725 N. 12<sup>th</sup> Street. Councilwoman Moore seconded the motion, motion carried.

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

NAYS: None

The Ordinance is numbered **#1-2009** 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-127 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

**7.2** Jon James Director of Planning and Development briefed the council on Ordinance **Z-2008-37**, a request from Hardin-Simmons University to rezone property from RS-6 (Single-Family Residential) to CU (College University) zoning, located at 2602 Hickory Street.

Currently the property is zoned RS-6 and has been developed with a single-family dwelling. Hardin-Simmons University is located directly south of the subject property and the university also owns most of the property surrounding the subject property. There are also single-family residences across Hickory St. and to the north of the subject property.

The Future Land Use section of the Comprehensive Plan designates this general area as a low density residential as well as College University. The plan also designates this area as a Special Activities Center. Hardin-Simmons owns a lot of property in this general area and has plans to extend their existing facilities to the surrounding area. This expansion of the campus is compatible with the Comprehensive Plan.

Mayor Archibald opened the public hearing 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 **Z-2008-37**, a request from Hardin-Simmons University to rezone property from RS-6 (Single-Family Residential) to CU (College University) zoning, located at 2602 Hickory Street. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

The Ordinance is numbered **#2-2009** 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.

**7.3** Jon James Director of Planning and Development briefed the council on an Ordinance to amend the City of Abilene Zoning, Section 23-346, regarding Pine Street Corridor Overlay.

The Planning & Development Services Department has been directed to study and create an overlay district for the Pine Street corridor. The primary purpose of this overlay district is to encourage high-quality redevelopment within the district that meets the goals of the Pine Street Corridor Plan. In general, this district covers the areas approximately 1 block on either side of Pine Street from North 6th Street to Interstate 20.

In general, development and redevelopment within this district should serve as a connection between the downtown to the south, the hospital/medical uses and university along the corridor, and on the Interstate Corridor on the north. Uses are intended to include retail, restaurants, services, medical, office, research, educational, and related uses. Development in the area should be of high-quality with well-designed buildings and attractive landscaping in a pedestrian-friendly setting. This overlay district envisions two distinct development styles, urban and suburban, both intermingling together in a way that will create a coherent and attractive corridor while allowing development flexibility.

#### **Summary of Corridor Overlay**

- Purpose:
  - Encourage high-quality redevelopment that matches the emerging character of the corridor.
- Land Uses:
  - Encourages medical, office, retail, educational, research, and related uses
  - Limits auto-oriented uses by requiring a Special Exception
- Architectural Standards
  - Requires masonry or decorative materials, not metal siding or concrete block.
  - Requires building articulation for large buildings...
- Setbacks

- Relaxes setbacks to allow zero-lot-line “urban” style development.
- Allows zero-lot-line development in the rear with conditions.
- Landscaping:
  - Allows for standard landscaping, per City’s ordinance,
  - OR Urban style streetscaping with wide sidewalk and tree wells or planters.
  - Staff recommends: parking lot screening requirement for larger parking lots along Pine Street (Section 5.b.)
- Signs:
  - One monument sign per street frontage (8’ height, 100 sf area)
  - Prohibits portable signs
- Driveways
  - Establishes driveway spacing standards to reduce traffic conflicts

### **Driveway Standards**

- Minimum driveway separation = 50’ for driveways on same property.
- Minimum distance from property line = 25’, except for shared driveways.
- Minimum separation of driveways from a street intersection:
  - 75’ for arterials, collectors, or freeway frontage road
  - 50’ for local streets
- City Engineer may grant exceptions if site limitations preclude compliance.
- Does not apply to single-family or two-family residential.

Council and Staff discussion included: 1) This ordinance doesn’t set the boundaries around Pine Street, this will occur later; 2) conditional use permit – not yet apart of our zoning process. Conditional use permit would go through Planning and Zoning and then to council; 3) internal lot landscaping – staff is recommending adding back part of the landscaping of parking lots. Planning had removed this section out of the ordinance; 4) current auto sales and repair would be grandfathered; and 5) not requiring but allowing flexibility.

Staff recommends approval with the addition of section 5 b. through (2). The P&Z Commission recommended approval of the ordinance amendment by a vote of 6 in favor (Bixby, Campos, Famble, Long, McClarty, and Rosenbaum) and none opposed with the following stipulations:

- Deleting the 2 setback options and not requiring a front building setback;
- Removing the parking lot landscaping regulations.

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

- Diane Dotson – grew up at the corner of Pine Street and Vogel. Ms. Dotson’s discussion included: 1) history of the area; 2) area used to be a thriving neighborhood; 3) like all that staff has put together; and 4) asked that the council not place undo hardship on those that are still there – respect the people.
- Suzanne Pehl – owner of the property at 1402 – 1424 Pine Street. Ms. Pehl’s discussion included: 1) concern over the drainage problems down Pine Street; 2) owner of the Pawn Shop at Pine Street; 3) the absence of a turn lane from N 8th

to N 18<sup>th</sup>; 4) concern over the materials that are listed for use; and 5) concern over the center median that might be proposed.

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

City Council returned to *Item 7.1* after being informed that Dr. Adams needed to leave.

Councilman Higgins made a motion to TABLE *Item 7.3*. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

ABSENT: Councilman Chase

City Council returned to *Item 7.3* after completion of *Item 7.1*.

Councilman Higgins made the motion to take *Item 7.3* off of the TABLE. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Council and Staff discussion included: 1) street reconstruction for Pine Street – is part of the 2006 Bond; 2) recognized that there is a problem with drainage along Pine Street; 3) Building and Architectural Standards apply to new construction or reconstruction that covers over 50%. The new portion would have to meet the new standards; 4) there will be suggestions for certain types of trees that don't push up sidewalks; and 5) discussion of the landscaping of parking lots and how the discussion went with the Planning and Zoning Commission.

Councilman Chase made a motion to approve the Ordinance amending the City of Abilene Zoning Ordinance, Section 23-346, regarding the Pine Street Corridor Overlay as recommended by the Planning and Zoning Commission and the presented redline changes to the Ordinance.

Councilman Williams seconded the motion, motion carried.

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

NAYS: None

The Ordinance is numbered #3-2009 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.**

**7.4** Jon James, Director of Planning and Development Services briefed the council on the amendment of the City of Abilene Zoning Ordinance, Sections 23-306 and 23-363.

An ordinance amendment was recently approved to allow the Social Service Organization Facility use within the RM (Multi-Family Residential) zoning district classification with approval of a Special Exception by the Board of Adjustment. As part of the approval of this zoning amendment, both the Planning & Zoning Commission (P&Z) and City Council asked staff to set up a committee to discuss the issue further and to develop recommendations that can be used to further define these facilities and where they should be located.

Currently, the Zoning Ordinance is vague and does not adequately identify the different types of homeless shelter and related facilities. The proposed changes will greater define where homeless shelters and other similar uses would be allowed within the City of Abilene.

The committee is recommending adding 8 new definitions (Accessory Shelter, Disaster Shelter, Halfway House, Homeless Shelter, Protective Shelter, Social Service Organization Facility, Special Education and Rehabilitation Center, and Transitional Housing Shelter), adding conditions for 4 new uses (Transitional Housing Shelter, Accessory Shelter, Disaster Shelter, and Protective Shelter), and modifying conditions for 2 existing uses (Social Service Organization Facility, and Special Education and Rehabilitation Center).

**Definitions**

Accessory Shelter

A housing shelter in an accessory building 1) located on the same site as a principal building, or 2) located on a site owned and operated by religious, civic, fraternal, social, institutional or governmental agency providing free accessory lodging for indigent individuals and/or families with no regular home or residential address. An accessory shelter may house no more than 15 individuals at any one time and operates up to a maximum of two (2) days/nights per week.

Disaster Shelter

A shelter or facility that provides temporary housing to people and/or families during times of severe life-threatening weather conditions (including, but not limited to hurricanes, natural disasters, extreme temperatures) or other emergency conditions.

Halfway House

A facility owned or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for individuals on supervised release from the criminal justice system and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a supervised group setting.

### Homeless Shelter

A facility that provides free lodging and one or more of the following supportive services for indigent individuals and/or families with no regular home or residential address, on a non-profit basis. Supportive services include, but are not limited to: provision of meals; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of, or refraining from, the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care.

### Protective Shelter

A shelter or facility that provides temporary housing, protection, counseling, and pre-placement to people and/or families during times of abuse.

### Social Service Organization Facility

A facility operated by an organization which provides services such as training, counseling, health, or the distribution of food or clothing. This term includes but is not limited to a facility offering life skills training, substance abuse counseling, housing services, or a neighborhood recovery center. This term does not include any use which provides for housing.

### Special Education and Rehabilitation Center

See “halfway house”. Examples include the West Texas Rehabilitation Center, halfway houses, and counseling centers.

### Transitional Housing Shelter

A housing shelter that provides free lodging and limited supportive services for indigent individuals and/or families with no regular home or residential address, on a non-profit basis. The shelter provides services for an extended period, often as long as 18 months, and is generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing. A transitional housing shelter serves as a transition from a homeless shelter to permanent housing and does not provide a full range of services and programs.

Staff recommends approval. The P&Z Commission recommended approval of the ordinance amendment by a vote of 5 in favor (Bixby, Campos, Famble, McClarty, and Rosenbaum) and 1 opposed (Long) with the following stipulations:

- The use shall be allowed in churches during times of disaster in all districts for a maximum of 90 days;
- The use be permitted by right in the AO, CU, & SC zoning districts.

Council and Staff discussion included: 1) Transitional Housing Shelter; 2) conditional/special exceptions are approved by the Board of Adjustment; 3) a majority of the groups were fairly represented on the committee that reviewed the ordinance; 4) the committee met several times – the general consensus was unanimous with the changes from the committee members.

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

- Richard Kennedy – Director of the 180 house. Mr. Kennedy’s discussion included: 1) he believes the vast majority of the organizations don’t know what is happening today; 2) that the city is rushing into this and don’t fully understand what this entails; 3) asked that the council TABLE this item until further review; and 4) asked that council get further input.

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

Further discussion included: 1) this revision is not more restrictive then what was already on the books; 2) if you can do it today per the old ordinance you can still do it with the new ordinance; 3) on the Ordinance the X – represents those areas where they are allowed; 4) C – Conditional – no special exceptions 5) SE – are rare Special Exceptions; 6) Transitional housing shelters are a sub of homeless shelters; and 7) City Attorney Dan Santee advised council that the Fair Housing Standards had been reviewed and the Attorney’s office is comfortable with what has been presented as it relates to the Fair Housing Standards.

Councilwoman Moore made the motion to approve the Ordinance amendment to the City of Abilene Zoning Ordinance, Sections 23-306 and 23-363. Councilman Chase seconded the motion, motion carried.

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

NAYS: None

The Ordinance is numbered #4-2009 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.

**7.5** Mayor Archibald discussed with the city council the appointment of a citizen’s committee to evaluate the potential purchase of Diamondback Golf Course.

Council and Staff discussion included: 1) what documents will the committee be given – all committee members would be held under the confidentiality clause between the parties. They would receive all documents; 2) ask committee to review all sides of the picture, the good the bad and the ugly so that the community is comfortable with the decision; 3) if a review of the rate structure – what would be a reasonable rate structure for Maxwell; 4) how would the purchase price be funded; 5) concern over the concept of break even or make money the city already subsidizes a number of programs, including — for example - \$703,000 a year for its four senior

citizen centers and \$2.3 million a year at the city cemetery; and 6) opportunity to blend two businesses together and have a nice facility to play golf on.

Council submitted their names for the committee:  
Councilwoman Moore – Scott Jones and Linda Carleton  
Councilman Higgins – Byron Vaughan and Kris Southward  
Councilman Briley – Mark Powell and David Gage  
Councilman Spano – Joe Crowder and Kyle Grigsby  
Councilman Williams – Petty Hunter and Cole Bennett  
Councilman Chase – Dr. Merlin Morrow and Lawrence Bertsch  
Mayor Archibald – Chairman Frank Johnson and Debi Schultz

No action taken.

### **EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session at 12:02 p.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 1:00 p.m. and reported no votes or action was taken in Executive Session in regards to possible Litigation with City Attorney under Section 551.071, consideration of various appointments to City Boards and Commissions as allowed under Personnel Section 551.074, and Real Property discussion of Golf Course Section 551.072.

**10.0** Oral Resolution approving the appointment and reappointments to the following Boards and Commissions:

#### **Development Corporation of Abilene, Inc, (3 year terms)**

##### **Appointed:**

Scott Senter – Term expires 2011

#### **Planning & Zoning Commission, (3 year terms)**

##### **Re-appoint:**

Fred Famble – Term expires 2011

##### **Appointed:**

Gary Glenn – Term expires 2011

Councilman Briley made the motion to approve the Board Appointments and Reappointments. Councilman Spano seconded the motion, motion carried.

AYES: Councilman Chase, Spano, Higgins, Briley, Williams, (with the exception of the DCOA Board) Councilwoman Moore and Mayor Archibald.

NAYS: Councilman Williams (DCOA)

There being no further business the meeting was adjourned at 1:00 p.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor